

**MISCELLANEOUS NATIONAL PARKS LEGISLATION**

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

ON

<b>S. 1369</b>	<b>H.R. 1121</b>
<b>S. 1405</b>	<b>H.R. 1287</b>
<b>S. 1413</b>	<b>H.R. 2802</b>
<b>S. 1767</b>	<b>H.R. 3113</b>
<b>S. Res. 275</b>	

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NOVEMBER 4, 2009



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## MISCELLANEOUS NATIONAL PARKS LEGISLATION

WEDNESDAY, NOVEMBER 4, 2009

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

The subcommittee met, pursuant to notice, at 2:30 p.m. in room SD-366, Dirksen Senate Office Building, Hon. Mark Udall presiding.

### **OPENING STATEMENT OF HON. MARK UDALL, U.S. SENATOR FROM COLORADO**

Senator UDALL. The Parks subcommittee will come to order.

This afternoon the Subcommittee on National Parks will consider several bills and one Senate Resolution pending before this subcommittee.

It appears that most of these bills are noncontroversial, although one or two may require more attention.

The bills today include S. 1369, to designate segments of the Molalla River in the State of Oregon as components of the National Wild and Scenic River System;

S. 1405, to rename the Longfellow National Historic Site in Massachusetts as the Longfellow House-Washington's Headquarters National Historic Site;

S. 1413, to expand the boundary of the Adams National Historical Park in Quincy, Massachusetts to include the Quincy Homestead Property;

S. 1767 and H.R. 1121, to authorize a land exchange between the Blue Ridge Parkway and the town of Blowing Rock, North Carolina;

S. Res. 275, to honor the Minute Man National Historical Park on the occasion of its 50th anniversary;

H.R. 2802, to extend the authority of the Adams Memorial Foundation to establish a commemorative work in the honor of former President John Adams and his legacy;

H.R. 1287, to authorize the Secretary of the Interior to enter into a partnership regarding the use of a visitor center for the Indiana Dunes National Lakeshore; and

H.R. 3113, to study a segment of the Elk River in the State of West Virginia for potential addition to the National Wild and Scenic River System.

The two Massachusetts park bills were either sponsored or co-sponsored by Senator Kennedy, and I look forward to working with

Senator Kerry, Senator Kirk, our ranking member, Senator Burr, and other members of the committee, to address any outstanding issues so that we can advance these bills through the Senate.

At this time, I'd like to recognize the ranking member of the subcommittee, Senator Burr, for his opening statement.

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

Senator BURR. Mr. Chairman, thank you. Thank you for convening this hearing before the National Parks Subcommittee.

As you've stated, we've got 8 bills on the agenda today. I want to thank you for not going with 60 bills, which is the historical nature of the subcommittee. I think we can handle these more expeditiously, in smaller tranches.

One of the bills on the agenda is important to my home State of North Carolina, the Blue Ridge Land Exchange—Parkway Land Exchange, which I introduced along with Senator Hagan. Mr. Chairman, I would ask unanimous consent to enter into the record a statement from Senator Hagan, as well as unanimous consent to enter into the record letters from the mayors of Blowing Rock.

Senator UDALL. Without objection.

[The prepared statement of Senator Hagan follows:]

PREPARED STATEMENT OF HON. KAY R. HAGAN, U.S. SENATOR FROM  
NORTH CAROLINA

S.1767

Mr. Chairman and Members of the Subcommittee,

Thank you for the opportunity to submit testimony regarding S.1767—the Blue Ridge Parkway and Town of Blowing Rock Land Exchange Act of 2009. Senator Burr and I introduced this legislation on October 8, 2009, following the passage of identical legislation (H.R. 1121) by the House of Representatives on July 27, 2009. Introduced by Congresswoman Virginia Foxx, and co-sponsored by the entire North Carolina delegation, H.R. 1121 was approved in the House by a vote of 377-0.

As introduced, S. 1767 will authorize the Secretary of the Interior to engage in a land exchange with the Town of Blowing Rock ("Town") in western North Carolina. In particular, the bill will allow the Secretary to trade approximately 20 acres of land within the boundaries of the Blue Ridge Parkway for approximately 192 acres of land owned by the Town. The purpose of this exchange is to simplify a long-standing agreement between the National Park Service (NPS) and the Town with regard to a small reservoir within the Blue Ridge Parkway boundary. The House Committee on Natural Resources reports:

This land exchange is supported by both the Town of Blowing Rock (the Town) and the National Park Service (NPS). The land containing the reservoir was willed to the federal government in 1908 upon the death of prominent local resident Moses Cone, but was held in trust until its actual donation in 1949. In the intervening years, Mr. Cone's widow allowed the Town to remove water from a stream on the property and pipe it to the Town's water system. The NPS issued the Town a Special Use Permit to construct a dam on the stream in 1955, creating a small reservoir.

Both parties agree that the best long-term resolution of the current situation would be to transfer the reservoir and its management to the Town, in exchange for other lands which support the mission and purposes of the Parkway.

The approximately 192 acre parcel to be acquired by the NPS is undeveloped land owned by the Town. It is desirable to the National Park Service because it will provide a buffer between the Blue Ridge Parkway and adjacent developed areas. It will also protect scenic views and enhance recreational opportunities on the Parkway.

To ensure equity and transparency, S. 1767 will require that any agreement between the NPS and the Town comply with all laws, regulations, and policies regard-

ing NPS land exchanges. This will require the NPS to conduct an appraisal of all relevant land, while providing the authority to the Secretary to adjust acreage totals to guarantee a fair exchange. The bill also requires the Secretary to make available a map of the exchanged lands for review by local stakeholders.

Land acquired by the NPS through this legislation will be administered as part of the Blue Ridge Parkway, with the boundary of the Parkway automatically adjusted to reflect any new acquisitions. As the most visited unit of the National Park System, the Parkway welcomes more than 20 million visitors annually to North Carolina and Virginia. The Parkway's more than 450 miles of scenic views support an estimated \$2.3 billion in local economic activity every year.

As we look forward to celebrating the 75th anniversary of this national treasure, this land exchange is an excellent opportunity to enhance the Blue Ridge Parkway visitor experience at no cost to the federal government. Just the same, S. 1767 will ensure that the Town is able to continue to provide safe and reliable drinking water throughout the Blowing Rock community, protecting public health and helping to stimulate and sustain local economic development.

For these reasons, I urge the Committee to review and approve S.1767 as quickly as possible, and look forward to working with Chairman Bingaman and Ranking Member Murkowski to expedite its consideration by the full Senate.

Thank you once more for your efforts to consider the Blue Ridge Parkway and Town of Blowing Rock Land Exchange Act of 2009.

Senator BURR. The bill enjoys unanimous support from the North Carolina Congressional Delegation and is vital to the town of Blowing Rock. This bill would allow Blowing Rock to gain ownership and control of their water source in exchange for land surrounding the Blue Ridge Parkway. This would provide the Parkway with additional recreational opportunities and protect scenic viewpoints. It's important to note that nothing included in the language of this bill will change hunting rights within any of the exchanged land.

This bill is a win-win situation, for all involved. I look forward to taking another step toward its completion today. The mayor of Blowing Rock has written letters of support, which I've already put in the record, as well as the town manager, Scott Hildebrand.

Mr. Chairman, once again I thank you and would remind you and my colleagues that the Blue Ridge Parkway is a unique treasure of this country. As it was constructed, there was very little thought put toward whether adjacent to the Parkway was private lands or public lands. Over the years, we have tried to work within the framework of the restrictions on the Blue Ridge Parkway to try to settle the distribution of land needed for surrounding communities. We have successfully done that through these land swaps. I think, in most cases, if not in all cases, actually, the beneficiary is the Parkway and the protection of that national treasure, because it gives us much more of a buffer to the Parkway and provides the communities as really willing partners with the Parkway's intent.

I thank the chair.

Senator UDALL. I thank the ranking member for his comments.

I would note for the record that the slowness with which I responded to his unanimous consent request is no indication of my deep and fervent support for this important measure. We have similar opportunities, I would point out, in the West, where land exchanges can be truly a win-win for everybody involved. I look forward to working with the ranking member to bring this bill to the full floor and get it to the President's desk as soon as we can.

We now want to turn to Senator Kirk for any testimony he might have on these important Massachusetts bills. As a huge fan of John Adams and his extended family, I look forward to Senator Kirk's

testimony, and look forward to working with him to move these bills to the floor of the Senate and on to the President's desk.

Senator Kirk.

**STATEMENT OF HON. PAUL KIRK, U.S. SENATOR  
FROM MASSACHUSETTS**

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

I want to commend you, Chairman Udall and Senator Burr, for holding these hearings this afternoon, and commend also the National Parks Service for its extraordinary work in preserving so many important sites for history throughout our country.

I'm here in appreciation, and I want to express my strong support, for four of the bills on today's agenda before the committee: S. 1405, S. 1413, S. Res. 275, and H.R. 2802. Each of these bills is important to my home State of Massachusetts, they highlight the prominent role of our State in the Revolutionary War, and each will make that history more vivid for visitors for centuries to come.

The first of those is S. 1405, as you referred to, as the Longfellow House-Washington Headquarters National Historic Site Designation Act. S. 1405 will make a long overdue correction to the name of the, quote, "Henry Wadsworth Longfellow House," close quote, in Cambridge. This bill will redesignate the site as the, quote, "Longfellow House-Washington Headquarters National Historic Site," close quote, to recognize the 9 months of the father of our Nation, during which he resided there, in 1775 and 1776, during the siege of Boston, the beginning of our war for independence.

It was at the Longfellow House that General Washington created the Continental Army and successfully led the effort to force the British to evacuate the city.

The property was designated a National Historic Site in 1972. However, Washington's history at the site was not acknowledged at the time, and this bill will correct that oversight.

As historian David McCullough has said, the Longfellow house, and I quote, "is haunted by a cast of characters that is almost unrivaled by any structure in the country, with the possible exception of the White House and Independence Hall," close quote.

Senators Kennedy and Kerry introduced S. 1405 in July, and I'm please to be a cosponsor now, and I urge the committee to approve it.

The second bill I urge the committee to approve is S. 1413, Adams National Historical Park Boundary Addition Act of 2009. S. 1413 will expand the boundary of the Adams National Historic Park in Quincy, Massachusetts, to include the Quincy Homestead, a property closely associated with the family of our second and sixth Presidents, John Adams and John Quincy Adams.

The current boundary of the park includes the Adams family home, but not the nearby Quincy homestead. Edmund Quincy II had the homestead built in 1686. Leading up to the American Revolution, it served as a meetingplace for John Adams, John Hancock, and other patriots. Five generations of Quincys, a family that also includes Oliver Wendell Holmes, lived in the homestead.

The property was designated a National Historic Landmark in 2005, and it is owned today by the National Society of the Colonial Dames of American, who have put great effort into restoring the

property to make it fit for visitors. The Colonial Dames Society strongly supports this bill, because it will ensure that this remarkable property is preserved for generations to come.

Senators Kerry and Kennedy sponsored this legislation, which I am pleased to cosponsor, as well. I urge the committee to approve it.

Third, S. Res. 275, a resolution honoring the Minute Man National Historical Park on the occasion of its 50th anniversary. I'm pleased that the committee is also considering S. Res. 275, which commemorates the 50th anniversary of Minute Man National Historical Park, located in Lexington, Concord, and Lincoln, Massachusetts.

Senator Kerry introduced the resolution on September 21, the date of the anniversary, and I'm proud to be a cosponsor.

Minute Man Park is America's sacred ground. It is the place where Americans first stood up arms against the British, and put the Colonies on the path to independence. The park contains sites along Battle Row, where Minute Men and British soldiers fought during the first battle of the Revolution, including the Old North Bridge in Concord, where the "shot heard round the world" was fired.

Congress recently approved legislation adding the farm of Colonel Jones Barrett, in Concord, to the Park. Barrett was a leader of the colonial militia at the time, and munitions of the militia were hidden on his farm. Finding those munitions was a key objective of the British March on Concord and Lexington.

This resolution is an important recognition of the Park's special significance in the Nation's history, and I urge the committee to approve it.

Finally, Mr. Chairman, I urge the committee's approval of H.R. 2802, to provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a memorial to President John Adams in Washington, DC. H.R. 2802 will grant a 7-year extension to the Adams Memorial Foundation to continue its work to identify an appropriate site near the National Mall for a monument to our second president. Without this extension, the current authorization, enacted in 2001, will expire later this year. The board of the Foundation includes the man who literally wrote the book on John Adams, David McCullough. The Foundation is proceeding with a review of possible memorial site locations. The brief extension sought in H.R. 2802 will enable this important work to continue so that an appropriate location can be selected and the design and construction work can begin.

Congressman Bill Delahunt is the sponsor of this bill, which passed the House in September. I urge the committee to approve it, as well.

I'm grateful, Mr. Chairman, to you and to your committee, for the opportunity to express my views, and I look forward to working with each of you to enact these important bills for the State of Massachusetts and for the Nation.

Thank you very much, Mr. Chairman.

Senator UDALL. Thank you, Senator Kirk.

We know how busy your schedule is, and I personally take it as a statement of how important this is to you, that you took time to come today and testify.

I don't have any questions.

I want to turn to Senator Burr to see if he has any questions. He does not.

If you have any further statements for the record, we'd be happy to receive those.

But, again, thank you for taking the time to testify.

Senator KIRK. Thank you for your courtesies, Mr. Chairman.

Senator Burr, I thank you very much.

Senator UDALL. Thank you.

We will take a short break, while we're joined by the Administration witness, Katherine Stevenson, who is the assistant director of business services at the National Parks Service.

So, Ms. Stevenson, if you'd join us.

[Pause.]

Senator UDALL. Ms. Stevenson, the floor is yours. We look forward to your testimony.

**STATEMENT OF KATHERINE H. STEVENSON, ASSISTANT DIRECTOR, BUSINESS SERVICES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR**

Ms. STEVENSON. Thank you very much, Mr. Chairman. Thank you for the opportunity to appear before you to offer the views of the Department of the Interior on the bills before you today.

I'll summarize my remarks, although I'm sure you'd like me to read the full testimony of each of them. But, I will ask that the full text be entered into the record.

The Department supports—thank you—S. 1369 \*\*\*AGENDA HAS S. 1369\*\*\*, which would designate 15.1 miles of the Molalla River and 6.2 miles of the Table Rock fork of the Molalla, as components of the Wild and Scenic Rivers System.

Ed Robertson, BLM assistant director for renewable resources and planning, is accompanying me today, and he'll be happy to answer any questions you might have on this bill.

The Department supports redesignation of the Longfellow National Historic Site as the Longfellow House-Washington Headquarters National Historic Site, as authorized by S. 1405.

On the other hand, the Department opposes S. 1413. We believe that inclusion of the Quincy House is inconsistent with the purposes for which the Adams National Historical Park was designated.

The Department supports S. 1767, which would authorize a land exchange between the Blue Ridge Parkway and the town of Blowing Rock, North Carolina.

We also support H.R. 2802, which would extend the authority of the Adams Memorial Foundation until December 2, 2013.

The Forest Service supports H.R. 3113 that would authorize a study of a segment of the Elk River in Pocahontas County, West Virginia, for its eligibility as an addition to the National Wild and Scenic Rivers System.

Finally, the Department supports H.R. 1287 that would authorize the Secretary to enter into an agreement with the Porter Coun-

ty Convention Recreation and Visitor Commission to develop a partnership plan including cooperative management of a newly constructed visitor facility and the sharing of operational activities.

Mr. Chairman, this concludes my prepared remarks. I'd be happy to answer any questions you might have.

[The prepared statements of Ms. Stevenson follow:]

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

Thank you for inviting the Department of the Interior to testify on S. 1369, the Molalla River Wild and Scenic Rivers Act. The Bureau of Land Management (BLM) supports S. 1369.

BACKGROUND

The Molalla River begins its journey to the sea on the western slopes of the Cascade Mountains of Oregon. At an elevation of 4,800 feet, the Molalla flows undammed for 49 miles west and north until it joins the Willamette River. For years, the Molalla suffered from too much negative attention from its visitors, including vandalism. To address these problems, local residents joined together several years ago and formed the Molalla River Alliance (MRA). The MRA, a nonprofit all volunteer organization, has over 45 public and private partners, including Federal, State, and local government agencies, user groups, and conservationists. Working cooperatively with BLM's local field office, the MRA has provided the Molalla the care it needed. Today, we are pleased that this subcommittee is considering designating approximately 21 miles of the river as a component of the National Wild and Scenic Rivers System.

The Molalla River is home to important natural and cultural resources. Protection of this watershed is crucial as the source of drinking water for local communities and the important spawning habitat it provides for several fish species, including salmon and steelhead. Within an hour's drive of the metropolitan areas of Portland and Salem, Oregon, the Molalla watershed provides significant recreational opportunities for fishing, canoeing, mountain biking, horseback riding, hiking, hunting, camping, and swimming. A 20-mile hiking, mountain biking, and equestrian trail system draws over 65,000 visitors annually.

S. 1369

S. 1369 proposes to designate 15.1 miles of the Molalla River and 6.2 miles of the Table Rock Fork of the Molalla as components of the National Wild and Scenic Rivers System. In earlier planning analyses, the BLM evaluated the Molalla River and the Table Rock Fork of the Molalla River and determined that most of these two rivers should be considered for designation as wild and scenic rivers. As a result, the designation called for in S. 1369 would be largely consistent with management currently in place, and would cause few changes to BLM's current administration of most of this area. The 5,500-acre Table Rock Wilderness, designated by Congress in 1984, is embraced by the Molalla and Table Rock Fork, and designation of these river segments would reinforce the protections in place for the wilderness area.

Wild and scenic rivers are designated by Congress in one of three categories: wild, scenic, or recreational. Differing management proscriptions apply for each of these designations. S. 1369 specifies that these river segments be classified as recreational. This classification is consistent with the strong recreational values of this area, as well as the presence of roads along the course of the river segments and numerous dispersed campsites along its shorelines.

CONCLUSION

Thank you for the opportunity to testify in support of these important Oregon designations. The Department of the Interior looks forward to welcoming these units into the BLM's National Landscape Conservation System.

S. 1405

Mr. Chairman, thank you for the opportunity to provide the Department of the Interior's views on S. 1405 to redesignate the Longfellow National Historic Site in Massachusetts as the Longfellow House-Washington Headquarters National Historic Site.

The Department supports enactment of this legislation.

On June 16, 1775, George Washington accepted the appointment of the Continental Congress as commander of the yet-to-be-formed Continental Army. He immediately journeyed north to take command of New England militia troops on July 3, 1775, and conduct a siege of British-held Boston, Massachusetts. A house, abandoned by Loyalist John Vassall, on Brattle Street in Cambridge became his headquarters for nine months during the conflict. Vassall had been forced to flee the house shortly after the Battles of Lexington and Concord. Washington's wife Martha, along with other family members and servants from Virginia, joined him there for four of those months.

From a ground floor office in the house, Washington struggled with the numerous problems of his new command. Among these were defending the region against the well-trained British troops occupying Boston, bringing discipline to the untrained militia, and supplying his army with arms and the accoutrements of war. It was here, too, that he gave command to Benedict Arnold of a small force to attack Quebec over the mountains of Maine and confronted Dr. Benjamin Church, a patriot leader, with evidence that he was a British spy. From Cambridge, Washington provided for the development of a network of spies in Boston to report on British plans and movements. He also approved the arming and use of vessels to confront British supply ships.

The siege proved to be successful and the British withdrew from Boston without the destruction of lives and property that a major battle would have caused. For his efforts, Washington received a medal from Congress and an honorary degree from Harvard.

Henry Wadsworth Longfellow and his wife Fanny received the house on Brattle Street as a wedding gift from his wife's father in 1843. Both expressed pride in owning the house that had been Washington's headquarters. Fanny Longfellow wrote:

. . . we are full of plans and projects with no desire, however, to change a feature of the old countenance which Washington has rendered sacred.

Longfellow relished conducting tours of the house when tourists would inquire about the period when it was Washington's headquarters. The Longfellows also collected Washington memorabilia, which are prominent among the furnishings they left and which are preserved today at the national historic site.

Public Law 92-475, which authorized the establishment of the national historic site in 1972, recognized the role that the house played as the headquarters of General George Washington during the siege of Boston between 1775 and 1776. Redesignation of the national historic site will better enable visitors to identify the importance of the full history of the resource and appreciate Longfellow's veneration of George Washington.

The appropriateness of redesignating the name of the national historic site was perhaps best expressed by Henry Wadsworth Longfellow, himself, from the same ground floor office used by Washington. In 1845, in his poem entitled "To a Child", he wrote this passage:

*Once, ah, once, within these walls, One whom memory oft recalls, The Father of his Country, dwelt. And yonder meadows broad and damp The fires of the besieging camp Encircled with a burning belt. Up and down these echoing stairs, Heavy with the weight of cares, Sounded his majestic tread; Yes, within this very room Sat he in those hours of gloom, Weary both in heart and head.*

Mr. Chairman, that concludes my testimony. I would be pleased to answer any questions you or members of the committee may have regarding the proposed redesignation.

S. 1413

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on S. 1413, a bill to include the Quincy Homestead in Quincy, Massachusetts, within the boundary of Adams National Historical Park.

The Department opposes S. 1413, consistent with a 1994 National Park Service Special Resource Study that did not recommend adding this property to the Adams National Historical Park.

The Quincy Homestead was designated a National Historic Landmark in 2005 based on its architectural significance; its association with four generations of Edmund Quincys during the 17th and 18th centuries; its long association with people of learning and mercantile achievement; its use as a progressive farm in the 18th century; its path-breaking early restoration by Joseph Everett Chandler in 1904;

and its association with the Society of Colonial Dames of America. The Homestead is also known as the "Dorothy Quincy House." Dorothy Quincy, a daughter of Edmund Quincy IV, the last Quincy to occupy the Homestead, grew up in the dwelling and married John Hancock. The Homestead is owned by the Commonwealth of Massachusetts and operated through agreement by the Society of Colonial Dames of America as a house museum.

The Quincy families were among the significant families of Massachusetts during their tenures of ownership of the property. All four generations associated with the site and the house played important roles in local and colonial military and political activities. Edmund I (1602-1635), who immigrated to Boston from England, was a Boston representative in the General Court of the Province. Edmund II (1628-1696) was the first major and lieutenant colonel in Braintree, Massachusetts, and representative to the Massachusetts General Assembly. Edmund III (1681-1738) was Judge of the Superior Court of Judicature and a member of the Board of Overseers of Harvard University. Edmund IV (1703-1788) was successful in partnership with others in mercantile trade.

The Homestead, during the period of occupancy by the Quincy families, went through a series of phases of construction, with the first being undertaken by Edmund Quincy II in 1686. Additions and alterations proceeded in the period 1706-1708 and again in 1737 by Edmund Quincy III. Circa 1750, Edmund Quincy IV carried out extensive remodeling of the interior of the structure. The property was sold by the family in 1763.

In 1994, pursuant to Public Law 101-512, the National Park Service completed a Special Resource Study of a number of historic resources in Quincy, Massachusetts. The Quincy Homestead was among the resources analyzed during the course of the study. The study did not recommend that any resources investigated become units of the National Park System or that the Quincy Homestead be added to the Adams National Historical Park. No information has come to the Department's attention that would alter the conclusions of the Special Resource Study.

The purpose of Adams National Historical Park is to preserve and protect the grounds, homes and personal property of four generations of the Adams family and to use these resources to interpret the history they represent and to educate and inspire current and future generations. We do not believe that the Quincy Homestead is related to the purposes for which the park was established, nor does it appear to have any direct relationship with the Adams family, other than the fact that John Adams was once a suitor to Dorothy Quincy and a visitor to the Homestead. While Abigail Adams had Quincy family ancestry on her mother's side, she never lived at the Homestead. There does not appear to be any direct connection between John, Abigail, John Quincy, or Louisa Adams and the Homestead that would categorize the structure as a closely related resource to those now within the boundary of the park. Since the Homestead is currently owned by the Commonwealth of Massachusetts and operated as a house museum by the Society of Colonial Dames of America, we do not see a need for management of the resource by the National Park Service.

Although there is support at the county and local levels for inclusion of the Quincy Homestead into the National Park System as part of Adams National Historical Park, we cannot support the action without a finding that the resource meets congressionally required criteria for designation. Mr. Chairman, this concludes my testimony. I am prepared to answer any questions from members of the Committee.

S. 1767 AND H.R. 1121

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on S. 1767 and H.R. 1121, bills to authorize a land exchange to acquire lands for the Blue Ridge Parkway from the Town of Blowing Rock, North Carolina, and for other purposes.

The Department supports this legislation. S. 1767 and H.R. 1121, which are identical in substance, would authorize the Secretary of the Interior to exchange approximately 20 acres of land at the Moses H. Cone Memorial Park, a popular recreational area located within the boundary of the Blue Ridge Parkway, for approximately 192 acres of land owned by the Town of Blowing Rock (Town). This proposed exchange would be mutually beneficial to the National Park Service (NPS) and the Town.

In 1949, the Moses Cone Hospital Trust deeded the 3,500-acre Moses H. Cone Memorial Park to the Blue Ridge Parkway. This property had been held in trust by the hospital from 1911 until 1949 under a deed from Bertha Cone, the property's owner. During that period, Mrs. Cone gave permission to the Town of Blowing Rock to install a pipeline from the Town to a creek on the property. In 1955, the NPS

issued a permit to the Town allowing them to dam the creek to form a reservoir, which continues to be used by the Town as its primary source of drinking water.

The Town and NPS officials at the Blue Ridge Parkway have long been in agreement that it would be better for the Town to own and manage their municipal water supply, rather than accessing it through the NPS permitting process. Several years ago, NPS and the Town sought to initiate an administrative land exchange. In November 2003, the Town purchased a 192-acre tract of land adjacent to the Cone Memorial Park in anticipation of exchanging this land for approximately 20 acres of land within the Cone Memorial Park that would include the reservoir and a small amount of land that the Town could flood in order to increase the size of the reservoir. The proposed exchange would give the Town an unencumbered water supply and the potential for some expansion of capacity, while the NPS would receive a 192-acre buffer tract that would provide recreational opportunities and preservation and protection of resources at the Blue Ridge Parkway.

We believe that this exchange, which has been underway for several years, would be facilitated and hastened through passage of S. 1767 or H.R. 1121, authorizing bills that establish clear expectations for both the Town and the NPS regarding the exchange process.

When the House Resources Committee considered H.R. 1121 on July 9, 2009, the committee adopted amendments recommended by the Department to allow the acreage amounts in the bill to be adjusted to equalize land values and to provide a three-year time frame for the exchange. H.R. 1121, as amended, passed the House on July 27, 2009. The changes made to the H.R. 1121 are reflected in S. 1767.

Mr. Chairman, this concludes my statement. I would be happy to answer any questions that you may have.

#### H.R. 2802

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on H.R. 2802, a bill to provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy.

The Department supports H.R. 2802 as passed by the House.

H.R. 2802 would amend Public Law 107-62 to extend to December 2, 2013 the authorization for establishing a memorial in the District of Columbia or its environs to honor President John Adams and his legacy. In addition to providing an extension of authority, H.R. 2802 also contains technical amendments to the original authorizing legislation, Public Law 107-62, enacted in 2001, which contains outdated references to the Commemorative Works Act (CWA). The references currently cited in Public Law 107-315 refer to the CWA as codified under 40 U.S.C. 1001 et seq. The CWA, however, was recodified under 40 U.S.C. 8901 et seq. on August 21, 2002 (Public Law 107-217). The proposed amendments in H.R. 2802 would update and correct the references to the CWA.

The authority to establish the John Adams memorial was originally approved by Congress on November 5, 2001. The Adams Memorial Foundation (Foundation) requested that the subject of the commemoration be determined to be of preeminent and lasting significance to the Nation so that the proposed memorial might be placed in Area I, a request that was considered favorably by the National Capital Memorial Advisory Commission in 2002 and recommended to Congress. P.L. 107-315, enacted on December 2, 2002, granted the Foundation that additional authority to seek a site for their memorial within Area I. Authorizations under the CWA have a seven-year sunset period which extends from the date on which the Area I authority was granted to allow for time to obtain a building permit and begin construction of a memorial. As the Foundation has not yet been able to select a site, design the memorial, receive the requisite approvals, or raise sufficient funds for the construction of the memorial, a permit could not be granted. Therefore, the authority to establish the memorial would expire on December 2, 2009. However, Section 130 of the Conference Report to Accompany H.R. 2996—the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010, extends the authority until September 30, 2010. H.R. 2802 would extend to December 2, 2013, the authority to establish a commemorative work to honor former President John Adams, his wife Abigail Adams, and former President John Quincy Adams and their legacy of public service.

With an additional four years of legislative authority, the Foundation should be in a viable position to achieve site and design approvals as well as to raise the minimum 75 percent of the funds sufficient to build the memorial. Should they meet these thresholds, the Secretary of the Interior may exercise his authority under the

CWA to grant an additional three-year administrative extension to allow the Foundation to finalize construction documents and raise the balance of necessary funding.

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

## H.R. 3113

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide the Administration's views on H.R. 3113.

This bill amends section 5(a) of the Wild and Scenic Rivers Act, Public Law 90-542 (16 U.S.C. 1271—1287) to designate a segment of Elk River in Pocahontas County, West Virginia, for study as a potential addition to the National Wild and Scenic Rivers System. The segment that would be authorized for study lies entirely within the Monongahela National Forest, and is an approximate five-mile segment of the Elk River from the confluence of the Old Field Fork and the Big Spring Fork in Pocahontas County to the Pocahontas and Randolph County line.

The bill provides that the study determine if the river is qualified for designation and, if so determined, evaluate the potential benefits and consequences of its designation, including an assessment of whether its addition to the National Wild and Scenic Rivers System is the best method to protect river values.

This section of the Elk River flows through a small canyon with a parallel, non-operational railroad the only sign of human activity. The overall appearance of the river corridor from the stream is one of hardwood forests and large boulders with occasional views of the railroad. The river is dominated by many pools, separated by stretches of riffles. The stream is popular with anglers and supports populations of wild brown and rainbow trout; populations of native brook trout occur in the tributaries within one-quarter mile of the main channel. Karst limestone outcrops along the river bed create the conditions that cause the river to "sink", or go underground, during low flows.

Of the land contained within a quarter mile of each side of the river segment, two-thirds is in federal ownership all under the jurisdiction of the U.S. Forest Service, an agency of the Department of Agriculture, with the remaining acreage in private ownership for a total of approximately 1500 acres. The bill provides that the study address both Federal and non-Federal lands.

The Administration supports this legislation as it provides an opportunity to work with interested parties including state and local governments and landowners to identify river values and thoughtfully evaluate whether and, if desirable, how these values should be protected.

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

## H.R. 1287

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on H.R. 1287, a bill to authorize the Secretary of the Interior to enter into a partnership with the Porter County Convention, Recreation and Visitor Commission regarding the use of the Dorothy Buell Memorial Visitor Center as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes.

The Department supports H.R. 1287 as passed by the House with technical amendments.

Indiana Dunes National Lakeshore was established as a unit of the National Park System in 1966. It lies on the southern tip of Lake Michigan and covers some 15,000 acres with 15 miles of shoreline. In 1998, the national lakeshore and the Porter County Convention, Recreation and Visitor Commission (PCCRVC) began to explore the concept of a joint visitor center to be shared by the PCCRVC, the national lakeshore, and the Indiana Dunes State Park. At that time, both the national lakeshore and the PCCRVC suffered from low visitation at their respective visitor centers due to their poor locations away from the primary thoroughfares. Because of their location, size, and layout, the national lakeshore's 1997 General Management Plan recommended relocating the visitor center to the more heavily traveled IN 49 corridor.

A partnership to acquire land for a new site was initiated. A more prominent location outside the national lakeshore but within the primary travel corridor to the dunes was selected. Using a series of Transportation Enhancement grants, the PCCRVC purchased the land, which is located approximately three quarters of a mile south of the national lakeshore boundary on IN 49, the principal north/south

artery into the national lakeshore and secured a contract for construction. The new Dorothy Buell Memorial Visitor Center was completed in October 2006.

The NPS currently has an interim lease of the space in the new visitor facility and is in the process of securing a General Service Administration lease agreement for offices, storage, exhibits, bookstore, and a theatre. The payments for this lease come from funds in the park's authorized annual operating budget.

H.R. 1287 would authorize the Secretary of the Interior to enter into an agreement with the PCCRVC that would outline the terms of the partnership, including cooperative management of the new visitor facility and sharing of operational activities. The two parties will jointly plan and staff the new visitor center and offer "one-stop shopping," with exhibits and theater space to educate visitors about the resources found in the park, aspects of threatened and endangered species management, habitat preservation, and wetlands restoration.

H.R. 1287 would also authorize \$1,500,000 to plan, design, construct, and install exhibits to be placed in the new facility for visitor information and education. The space leased by the National Park Service (NPS) includes room for exhibits, offices, a theatre, and a bookstore. All funds are subject to NPS priorities and the availability of appropriations.

H.R. 1287 also would amend Section 19 of Public Law 89-761 to authorize the Secretary of the Interior to accept donated lands that are considered contiguous to Indiana Dunes National Lakeshore but physically separated from the boundary by a public or private right-of-way, such as a road, railroad, or utility corridors.

The park is segmented with numerous isolated parcels. The northern portion of Indiana is crisscrossed with numerous interstate highways, oil and gas pipeline corridors, and electrical lines. A number of these rights of way exist within the national lakeshore. Several landowners have offered to donate land adjacent to the park (separated by utility, roadways, and rail corridors), but the park's ability to accept such lands is ambiguous. It is unclear whether the NPS can accept these lands under the minor boundary revision authority of the Land and Water Conservation Fund Act of 1965. The bill would clarify this terminology as it relates to the Indiana Dunes National Lakeshore and allow the park to accept donated lands to further the purposes of the park unit when they adjoin the park's boundary.

Mr. Chairman, thank you for the opportunity to comment. We look forward to working with the Committee to provide technical amendments to the bill. This concludes my prepared remarks and I will be happy to answer any questions you or other committee members might have.

Senator UDALL. Thank you, Ms. Stevenson. Thank you for your very succinct remarks. I know Senator Burr and I both appreciate the additional testimony you've provided to us, and we will pore over it as we move forward.

I'm going to recognize myself for 5 minutes and then turn to Senator Burr for questions he might have.

You've testified that the Department of Interior opposes S. 1413, which would add the Quincy Homestead property to Adams National Historical Park. I'd like to get a better understanding of your specific concerns.

The Homestead's been designated as a National Historic Landmark. Presumably that designation means the property is considered to be nationally significant. Does that mean the property is also considered nationally significant for park purposes?

Ms. STEVENSON. The answer to that is yes. "National significance" is a universal term and is part of the criteria for consideration for addition as a unit of the system.

Our concern with the Quincy House is that the identification of the Adams National Historical Park is focused on the significance of the Adams family, exclusively, and doesn't include other members of the community. So, that's what our objection is.

Senator UDALL. Let me follow on. My understanding is that the 1994 Special Resource Study noted that the Quincy property possessed an unusual number of historic sites that deserved to be pro-

tected, preserved, and interpreted for the public. Does the Park Service still agree with that assessment?

Ms. STEVENSON. Yes. Quincy is a very important historic town, and I don't think anybody in the Park Service would disagree that it's something that should be interpreted.

Senator UDALL. So, to return to my first question and the point you made, you believe that the Quincy homestead doesn't have a direct tie to the Adams family and, therefore, the Adams National Historic Park, and that's the—

Ms. STEVENSON. It's for Park purposes.

Senator UDALL [continuing]. On which you rest your opposition.

Ms. STEVENSON. Yes, sir.

Senator UDALL. I wanted to make sure you had a chance to clarify that, for the record.

Let me move to the Adams Memorial Legislative Authority that's proposed in H.R. 2802. Your statement indicates the Parks Service believes that, with an additional 4 years of authority, that the Foundation would be able to raise the necessary funds for the memorial. Do you have an estimate of what the total costs would be for the memorial and what progress the Foundation has had in raising the funds, to date?

Ms. STEVENSON. The Foundation has just been reinvigorated. Although they haven't chosen a site, as yet, they have let a contract for site selection. We were waiting for the results of that, and for their preliminary scoping for the design itself and for the site, in order to be able to get an estimate of what the final cost would be.

Senator UDALL. Do you know why the Foundation has not been able to reach any of its legislative milestones? For example, why there's not a site approval after 7 years since the memorial was authorized?

Ms. STEVENSON. It's my understanding that they got a slow start, but that recently it's been, as I said, reinvigorated. I'm sure that the addition of David McCullough will make a huge difference to them.

Senator UDALL. Final question on H.R. 2802. In 2003, Congress amended the Commemorative Works Act and incorporated a recommendation made by the Department of Interior. The amendment authorized the Secretary to extend the 7-year legislative authority for a memorial for an additional 3 years if the organization building the memorial had achieved certain objectives, namely final design approvals in place, and having raised 75 percent of the necessary funding. In this case, it appears the Foundation has not met either standard and the Department's now supporting an authorization timeline of 11 years. Is this an acknowledgment that the requirements in the Commemorative Works Act are still unworkable?

Ms. STEVENSON. No, sir. There's been a variation, in the amount of time necessary for people to raise the money and to be able to construct the memorial. The smaller the memorial—for example, the memorial to the victims of communism was able to be done within the 7-year period. We've had other examples—the Martin Luther King Memorial, for example—that haven't been able to get enough momentum during the first period. We believe that the 7-year period is a very reasonable period, and there will be excep-

tions to that period, and we thought we'll deal with them on a one-by-one basis.

Senator UDALL. OK. I appreciate clarification of the Department's point of view, and I will continue to consider whether this is, on a case-by-case basis, the way we should proceed, or whether that 7-year timeline does, in fact, make sense. Thank you for your testimony. Thank you, for answering my questions.

Senator Burr.

Senator BURR. Thank you, Mr. Chairman.

Welcome, Ms. Stevenson.

Three very specific questions. First one deals with the Adams National Historic Park addition. I understand what the evaluation has been by the Park Service, that the addition would be inconsistent with the original intent of the Park Service preservation of the Adams property.

Let me ask you a bigger question, if I could. I don't believe this is the last expansion of a park request that Senator Udall and I will see. Do you believe it's time for the Park Service to focus their efforts on reducing the overall maintenance backlog before we look at the expansion of sites and, quite simply, the addition of shifting something from the maintenance obligations of the State, in this case, over to the Federal Government?

Ms. STEVENSON. There's no doubt that the maintenance backlog is a very important aspect and that we have to spend time and effort on it. However, there are aspects of American history and aspects of natural history in America that need to be preserved at the same time that we're making sure that we preserve the property we already have. To ignore that would be a big mistake, because we could lose substantial portions of things that the American public could never regain. So, it's a very difficult balance, one that we work with the Congress on, on a continuing basis. But, it would be ill-advised not to at least consider additions to the system.

Senator BURR. I appreciate your answer. The reason that I asked you a question like that was to, for the record, prove that there's been a great deal of thought and process that's gone into the decision as to whether this should be included. In this particular case, it wasn't driven by anything other than the assessment that this really didn't fit. That's important.

On the legislative authority, the bill's 7 years; the Park Service is comfortable with 4 years. Again, a little bit bigger question. If we extended this by 4 years, and we came back to the table, 4 years from now, asking for another extension because what was reinvigorated was no longer reinvigorated, and we were—at what point do we cut this off?

Ms. STEVENSON. I think we—

Senator BURR. I dare say, this is not the first one of these we've done, either.

Ms. STEVENSON. No. Some have expired, and we've had to say goodbye. But, I think we have great hopes that this will not be one of those and that, with the leadership of the Foundation, that it will get off the ground. If we have to come back for an extension—and I'm not saying that that's impossible—that we'll see great advancement in the planning and in the fundraising so that we can say, with even more surety, that this memorial will be built.

Senator BURR. I'm certainly not opposed to the 4-year extension, and I hope you will convey to those reinvigorated folks that the Park Service will watch for the progress, and measure that progress, between now and the end of this period.

As it relates to H.R. 1287, the Indian Dunes National Lakeshore Visitor Center, I'm sure this is probably a—one, a beneficial partnership for us to join into. I'm sure that the \$1.5 million for design, construction, and to install the exhibits for the visitor center is an appropriate amount. Let me focus, if I can, on the \$70,000 per year needed to rent the space. No. 1, can you assure us that that is an appropriate rental amount for the amount of space that we're going to take from the visitor center? No. 2, can you assure us that that \$70,000 obligation is going to come from the annual operating budget designated for that region, versus new appropriations?

Ms. STEVENSON. I have been assured by the superintendent that the payment of the \$70,000 will come from the operating budget of the park unless GSA—General Services Administration—steps in to take over the lease. The people who negotiate lease prices in the Park Service are very experienced in negotiating these, and I hesitate to say “cutthroat,” but I would say that they are aggressive in protecting the taxpayers' dollar.

Senator BURR. Let me ask for a little further detail, if I can. If you don't know this, would you supply it to the subcommittee? The square footage of the overall visitor center.

Ms. STEVENSON. I'm sorry, I don't know that.

Senator BURR. Then, of that overall square footage, how much square footage would be devoted to the Park Service, for the purposes of Park Service use?

Ms. STEVENSON. I don't know that, either. I'll be happy to provide it.

[The information referred to follows:]

The new Indiana Dunes National Lakeshore visitor center is 12,000 square feet. The National Park Service presently has an approved lease agreement authorized by the General Services Administration to occupy half of the square foot facility, or 6,000 square feet for exhibits, offices, a bookstore, and a theater.

Senator BURR. I appreciate it.

I thank the chair.

Senator UDALL. I thank the ranking member.

Ms. Stevenson, if you don't have any other comments, I'm going to adjourn the hearing. I want to thank you for your testimony.

There may be additional questions submitted for the record. If so, we will forward them on to you.

The hearing record will remain open for 2 weeks, for any additional comments.

The hearing is adjourned.

[Whereupon, at 2:58 p.m., the hearing was adjourned.]



## APPENDIX

### ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

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STATEMENT OF MICHAEL MOODY, PRESIDENT, MOLALLA RIVER ALLIANCE, ON S. 1369

The Molalla River is an Oregon natural treasure. It is vital to local communities in Oregon's Willamette Valley. Among other attributes, the Molalla River is the primary drinking water source for the 20,000 citizens of the cities of Molalla and Canby.

However, for far too many years the Molalla River corridor has been wracked with destructive and inappropriate human behavior including

- Extensive dumping
- Littering
- Vandalism
- Violence
- Drug use and underage drinking parties
- Illegal camping
- Human waste
- Degradation of the health of the fishery

#### THE MOLALLA RIVER ALLIANCE

These unacceptable activities prompted creation of an unprecedented and broad-based local collaboration. Established in early 2008, the Molalla River Alliance ("Alliance") is an all-volunteer coalition of more than 45 non-profit civic and conservation groups, regional, local, state and federal agencies, numerous user groups and a rapidly growing list of individual conservationists and property owners.

Over the past year, the Alliance has evolved into an important community forum for improving the safety and quality of the Molalla River Recreation Corridor. The Alliance initiated and leads efforts to secure Wild and Scenic Rivers legislation. The Alliance also was the impetus for a much-needed increase in law enforcement in the Corridor, resulting in a dramatic and sustained decline in lawless and inappropriate behaviors.

The key goals of the Molalla River Alliance are to preserve water quality of the river, sustain the wildlife, fish and plants that inhabit its watershed, while promoting a safe and healthy environment that encourages diverse enjoyment of the recreation area, including tourism and family-friendly activities.

The Alliance has taken a leading role in galvanizing numerous stakeholders, scientists and policy makers whose commitment first is to the health of the river and its ecosystems, for consequential enjoyment by all people.

The Alliance has successfully forged a productive partnership of diverse, divergent, and frequently opposing groups such as wild fish advocates sitting next to hatchery fish advocates; anti-logging advocates sitting next to timber growers; hunters sitting next to horse riders and hikers; and, fly fishermen sitting next to bait fishermen.

This group of non-traditional allies works because all have found a common bond, which is the shared passion for this storied river.

For these efforts to be successful Alliance members endorse an "ecosystem-based management" approach which simply means it places benefits to the river above those of any single species, activity, or group, including humans. No goal or priority of the Molalla River Alliance favors the interests of any single group or individual.

The Alliance is confident its efforts represent a rare opportunity to safeguard and preserve in perpetuity an ecological, geological and historical treasure, offering myriad recreational opportunities conveniently accessible to an area population approaching 2 million people.

## THE MOLALLA RIVER

The Molalla River supports bountiful ecosystems and offers year-round recreational opportunities within an hour's drive of a major metropolitan area. It provides extensive native fish habitat including critical cold tributary spawning streams. It is home to wild winter steelhead and salmon runs, an abundance of wildlife, and geological and cultural wonders.

From its headwaters beyond the Table Rock Wilderness in the Cascade Mountain Range, the crystal-clear and biologically diverse Molalla River originates in coniferous forests and tumbles through private and public forests and agricultural lands to its confluence with the Willamette River approximately 53 miles away.

The Molalla River cuts through basalts and lava, forming deep canyons and beautiful rock out-crops including columnar rosettes and basalt columns which can be seen on the canyon walls. Carbon dating fossil leaves has placed the Molalla formation in the upper Miocene period, or 15 million years ago.

The Molalla River and its watershed support vital fish habitats, including native winter steelhead and salmon runs, resident rainbow and cutthroat trout, and a naturalized population of Coho salmon. The upper river and its major tributaries provide critical spawning and rearing habitat.

Distinct populations of Molalla River steelhead and salmon are listed as 'threatened' under the Endangered Species Act.

This area also serves as an important wildlife corridor containing breeding and rearing habitat for northern spotted owl, pileated woodpecker, red tree vole, red-legged frog and pacific giant salamander. It provides habitat for bears, elk, cougars, bobcat, deer, beaver, otter, hawks, osprey and both golden and bald eagles.

## RECREATIONAL AND CULTURAL USES

The Molalla River Recreation Corridor is also of significant cultural, historic and recreational significance. Formerly the site of working steam donkeys, railroads and logging camps, today it offers year-round recreational opportunities.

Annually, thousands of recreationalists visit the Corridor for hiking, kayaking and white water rafting, touring and mountain biking, camping, horseback riding, hunting, fishing, swimming, picnicking, nature watching, or to simply enjoy nature. There are more than 30 miles of non-motorized trails.

Historically, an extensive system of trails existed along the Molalla River. These trails were principal trade routes across the Cascades between indigenous peoples of the northern Willamette Valley and Eastern Oregon. The Molalla Indians used one such trail in the early 1800's which is now called the Table Rock Historic Trail. During the 1920's this same trail was utilized by Native Americans from the Warm Springs Reservation to reach traditional berry picking areas near the Molalla River and Table Rock. Searching for gold and land to homestead, Euro-Americans began moving into the area during the late 1800's.

The Molalla River is less than 50 miles from downtown Portland, Oregon's largest city. This proximity likely means more and more people will visit as the population of the metropolitan area grows. In 2008 the Corridor saw a 33% increase in use compared to the previous year—a record number of visitors.

The Molalla River Alliance, including its members American Rivers, Oregon Wild, Native Fish Society and Molalla RiverWatch, are working together to secure Wild and Scenic designation for nearly 22 miles of the upper Molalla River. Designation would protect a quarter mile buffer on both sides of the river, and would therefore protect approximately 7,000 acres of riparian land essential for viable fish and wildlife habitat. These protections include a segment of the main Molalla River (15.1 miles) and also the Table Rock Fork (6.2 miles).

The upper river is also benefiting from river restoration efforts by numerous Molalla River Alliance members that will enhance native fish migration and overall river health. These current actions provide an opportunity for decision-makers to ensure that the Molalla River and its values are protected and managed for the benefit and enjoyment of the local ecology and communities. Wild and Scenic River Protection

Sustainable management of forest lands and river restoration efforts are both necessary and essential to achieving a healthy river and watershed. A vital expedient to safeguarding the Molalla River and its values is to successfully legislate it a Wild and Scenic River. This designation will provide the Molalla one of our nation's strongest conservation tools for rivers.

Rivers listed under the Wild and Scenic Rivers Act are afforded a specific set of protections, including

- Preservation of the river's "outstandingly remarkable values" (ORVs) and its free-flowing character;
- Protection of the existing uses of the river;
- Ban on dams and any federally licensed water project that would have a "direct and adverse" effect on the river's free-flowing character, water quality or outstanding values;
- Creation of a 1/4-mile protected riparian buffer corridor on both sides of the river;
- Protection of the river's water quality (The Molalla River is the source of drinking water for the 20,000 citizens of the cities of Molalla and Canby);
- Preservation of the river's unique historic, cultural, scenic, ecological, and recreational values.

Because the Wild and Scenic Rivers Act confers no federal authority over private land use or local zoning, there is no practical impact on private property. Riverside landowners will not be told what to do with their property or have their land confiscated by the federal government.

To the point, not a single property owner has voiced opposition to Wild and Scenic designation for the Molalla River.

The river was studied and found suitable for Wild and Scenic Rivers designation by the Bureau of Land Management. The Outstandingly Remarkable Values attributed to the Molalla River are recreation, scenic and geology. The federal agency's implicit support is an impetus to ensure designation is achieved.

Even more so, widespread support of the local community through the broad-based Molalla River Alliance confirms Wild and Scenic protection is a priority for area stakeholders, policy makers and river users. Designation by the Senate would mean the river's values will be protected in perpetuity. Wild and Scenic River protections will benefit the local community and economy because the designation serves as a stimulus to visitors and tourists.

#### BENEFITS OF A WILD & SCENIC MOLALLA RIVER TO LOCAL COMMUNITIES

The City of Molalla's and Clackamas County's interest in the Molalla River, and in obtaining Wild and Scenic River status, is very practical. First, it's the source of drinking water for the 20,000 citizens of Molalla and Canby. So it's very much in our community's interests to ensure that the Molalla River continues to run pure and clean. The city believes Wild and Scenic River status will help protect this critical resource from any future degradation.

The second reason Molalla and Clackamas County support Senator Wyden and Senator Merkley's bill is that Wild and Scenic River status brings with it a certain cachet that will attract more visitors to Molalla. City leaders see Molalla becoming a destination point for tourism. Visitors drawn by the appeal of a Wild and Scenic River may discover Molalla's numerous other tourist-based activities. Restoring and enhancing wild salmon and steelhead runs in the river means more visits to Molalla by anglers and campers, more stops at restaurants and motels, more business for outfitters and guides.

One of the city's challenges has been to ensure that this recreation corridor is safe for families to come and play. That has not always been so, but we have made unprecedented strides in the right direction.

Until the last year or two, the Molalla River Recreation Corridor had a reputation that didn't really lend itself to being a family destination. There was unregulated squatting and camping, underage alcohol and pot parties, illegal dumping, vandalism, poaching, no communications, and little if any law enforcement.

In the summer of 2008 that began to change. Prompted by the Molalla River Alliance, the City of Molalla applied for and was designated a "Weed and Seed" site by the U.S. Justice Department, and it began receiving federal funds to carry out measures aimed at weeding out crime and seeding the community with projects and activities to strengthen community connections and opportunities. One of the most effective outcomes so far has been enhanced and interagency law enforcement patrols in the Molalla River Recreation Corridor.

These patrols were supplemented by patrols by Clackamas County Sheriff's office, the Oregon State Police, Oregon Fish and Wildlife Department, and the Bureau of Land Management. A magnetized door logo was created to stick on patrol vehicles to give visitors reassurance that this was a coordinated effort. This also put others on notice that it wasn't going to be business as usual.

All of this has resulted in a dramatic and, more important, a sustained reduction in lawless behavior, vandalism and dumping. Families are now the primary demographic visiting and camping in the Molalla River Recreation Corridor.

The city is confident that Wild and Scenic River status will help establish a positive, inviting image for this remarkable stretch of river and attract even more conservation-minded individuals and organizations to work with us in protecting this great resource for future generations.

#### ADDITIONAL BENEFITS OF WILD AND SCENIC RIVER DESIGNATION

Beyond the direct ban on dams and other federally-assisted water projects that could have a harmful effect on the designated river, numerous identifiable examples exist of ways in which Wild and Scenic Rivers designation has effected positive changes for rivers and nearby communities.

Clearly, designation generates an increase in public awareness and appreciation of a river. Knowledge and education about the importance of the health of the river can foster goodwill in the community and be a positive force for river restoration efforts. Public interest and support can also bring together stakeholders with diverse interests that might not otherwise cooperate, for the sake of the river. Coordination among multiple agencies facilitates the river being managed in a holistic manner.

For numerous Northwest rivers (including the Deschutes, North Fork of the John Day, Salmon, Cascade, Big Marsh Creek, Metolius, Skagit and White Salmon), Wild and Scenic Rivers designation has provided instrumental leverage and garnered additional resources for protection, river-related restoration and management of the rivers. In many cases, Wild and Scenic Rivers designation prioritizes a particular project in the eyes of government agencies and other funding organizations.

Because a Wild and Scenic River has been vetted through the designation process, a river stands out and is elevated among funding agencies who know their money is more likely to be used effectively. Increased public awareness can be a powerful and effective force to obtain funding to better manage, protect and restore a river.

In an era of tight funding, Wild and Scenic Rivers designation garners attention when agencies are developing resources. Designation can be instrumental in attracting funding for acquisitions and conservation easements of key parcels in the river corridor. Parcels may need to be acquired in the river corridor to ensure their protection or to provide additional public access, among other reasons.

Wild and Scenic designation provides a point of focus that attracts interest and naturally lends itself to the formation of partnerships. Through Wild and Scenic designation local, state and federal agencies, landowners, recreation users, non-profit organizations and others have a framework to come together and work to protect, restore and ensure public access to the river. Designation elevates the public's perception of the river as an important national resource.

#### CLOSING

On behalf of the Molalla River Alliance and the community of Molalla, I urge the Committee to support Wild and Scenic Rivers designation for the many benefits it will provide to natural and human communities along the Molalla River.

Thank you.

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ADAMS MEMORIAL FOUNDATION, INC.,  
November 5, 2009.

Hon. JEFF BINGAMAN,  
*Chairman, Senate Energy and Natural Resources Committee, 304 Dirksen Senate Office Building, Washington, DC.*

Hon. LISA MURKOWSKI,  
*Ranking Member, Senate Energy and Natural Resources Committee, 304 Dirksen Senate Office Building, Washington, DC.*

DEAR CHAIRMAN BINGAMAN AND RANKING MEMBER MURKOWSKI: I am writing on behalf of the Adams Memorial Foundation to express our strong support for H.R. 2802, the Adams Memorial Reauthorization Act. As you may know, the Adams Memorial Foundation is a 501(c)(3) non-profit that was authorized by Congress in Public Law 107-62 to establish a commemorative work in Washington, DC to honor Presidents John Adams and John Quincy Adams and the Adams family legacy. The Adams Memorial Foundation is dedicated to designing and constructing an Adams Memorial which will be a site to learn about and reflect on our nation's founding for generations to come.

Since 2001, the Foundation has made significant progress towards this goal and has, among other activities, (i) established a board of trustees and supporting committees consisting of notable historians, business leaders and fine arts professionals;

(ii) developed an initial design concept for the memorial; (iii) researched and conducted a preliminary review of more than 20 potential site locations; (iv) engaged a leading provider of commemorative planning and design services to complete both an alternate site study and environmental assessment study of potential sites; and (v) coordinated with the U.S. Congress, National Park Service and other important stakeholders.

However, under the terms of the Commemorative Works Act, the authority of the Adams Memorial Foundation is scheduled to expire on December 2, 2009. H.R. 2802 would create a four-year reauthorization of the Adams Memorial Foundation. This extension would provide the Foundation with necessary time to engage in formal alternative site study and environmental assessment of potential sites, hold a design competition to select a final design for the memorial, fundraise and begin construction of a historic memorial.

On behalf of the Adams Memorial Foundation, I formally request your support for H.R. 2802 to extend the Foundation's legislative authority to establish a well deserved memorial to honor the Adams legacy. Much of the groundwork has been completed, and now is the time to start making strides to bring Adams memorial to fruition.

Thank you for your consideration of this important piece of legislation and the opportunity to express our support for H.R. 2802.

Sincerely,

BENJAMIN C. ADAMS,  
*President.*

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AMERICAN RIVERS,  
*Washington, DC, November 4, 2009.*

Hon. MARK UDALL,  
*Chairman, Subcommittee on National Parks, U.S. Senate, 304 Dirksen Senate Building, Washington, DC.*

Hon. RICHARD BURR,  
*Ranking Member, Subcommittee on National Parks, U.S. Senate, 304 Dirksen Senate Building, Washington, DC.*

DEAR CHAIRMAN UDALL AND RANKING MEMBER BURR: On behalf of American Rivers' 65,000 members and supporters thank you for holding a hearing on S. 1369, the Molalla River Wild and Scenic Rivers Act, and on H.R. 3113, the Upper Elk River Wild and Scenic Study Act.

#### MOLALLA RIVER

American Rivers strongly supports S. 1369, the proposed Wild and Scenic River designation for 15.1 miles of the Molalla River and 6.2 miles of the Table Rock Fork of the Molalla River. The Molalla River is an Oregon natural treasure and a true remnant of the historical Oregon landscape. From its headwaters near the Cascade Mountains, this river winds its way through cedar, hemlock, old-growth Douglas-fir forests and basalt rock canyons, then travels through fertile agricultural lands and the cities of Molalla and Canby before entering the Willamette River. The Molalla River has a rich history: thousands of years ago an extensive system of trails existed along the Molalla River which were principal trade routes across the Cascades between indigenous peoples of the northern Willamette Valley and Eastern Oregon.

Today, the Molalla River is a vital resource for many human and natural communities and is especially worthy of Wild and Scenic protection. As required by the Wild and Scenic Rivers Act, the Molalla River is 'free-flowing' with no dams or impoundments, and has several 'outstandingly remarkable values' (ORVs), including recreational, fishery, scenic, cultural, historical, and geological. Wild and Scenic designation is necessary to both 'protect and enhance' these ORVs for current and future generations.

Protecting the river's attributes was a major impetus behind the creation of the local Molalla River Alliance (Alliance), a unique all-volunteer coalition of more than 45 civic and conservation groups (including American Rivers), federal, state and local agencies, numerous user groups, individual conservationists and local property owners. The Alliance's mission is to preserve water quality and to sustain the wildlife, fish and plants that inhabit the Molalla River watershed, while promoting a safe and healthy environment that encourages diverse enjoyment of the river's recreation corridor, including tourism and family-friendly activities. The Alliance sees Wild and Scenic designation as a significant step forward in achieving these goals and is committed to ensuring such designation is successful.

One of the most important attributes of the Molalla River is its role as the primary drinking water source for the cities of Canby and Molalla. Protecting the water quality of the river for the future is vital to the health and well-being of 20,000 local residents. This important water source is at risk from a warming global and regional climate as rising air temperatures lead to warmer water temperatures, increased concentrations of pollutants in rivers and waterways, and less overall water quantity<sup>1 2</sup>. The cold, clean, and reliable water supply from the Molalla River therefore has a better chance of being protected for current and future residents through Wild and Scenic designation. Designation would safeguard the river's clean water quality by protecting not only the water, but also a quarter mile buffer of land on each side of the river. This buffer corridor equates to 7,000 acres of riparian land which will be managed to 'protect and enhance' the ORVs of the river, including water quality. Due to hydrologic pathways and processes that connect the river to its surrounding lands (such as stream runoff, sub-surface flows, groundwater storage, vegetation canopy, soils, and nutrient and waste cycling), the health and condition of the Molalla's riparian lands is equally as important to drinking water quality as the river itself.<sup>3</sup>

The Molalla River offers numerous year-round recreational activities for both locals and visitors. Annually, thousands of recreationalists visit the river corridor for hiking, fishing, rafting, kayaking, wildlife viewing, swimming, mountain biking, camping, hunting, picnicking, horseback riding, and even quiet recreation. Located only 50 miles from Portland, Oregon, this river is poised to see even more visitors and use in the near future as the Portland metropolitan area grows. In 2008 the river corridor saw a 33 percent increase in use compared to the previous year—a record number of visitors. Wild and Scenic designation would offer the multiple benefits of managing the river's recreational attributes for long-term sustainable use, while at the same time attracting more visitors to enjoy the river's recreation. Designation often puts a river on the 'map', making it a destination for tourists and recreation enthusiasts.

The local community of Molalla will greatly benefit from Wild and Scenic designation as the river will become even more attractive to tourists and visitors who will travel through Molalla to access the river. A recent 2009 economic study by ECONorthwest<sup>4</sup> found that recreational related activities and expenditures along the Wild and Scenic Rogue River in southern Oregon generated \$30 million and 445 jobs to the state of Oregon in 2007, demonstrating the economic benefits of Wild and Scenic status.

No less vital and worthy is also the enhanced sense of community pride that is often associated with increased public awareness and care for a local river and place. In previous years, the Molalla River has been subject to illegal and unsafe activities, including unregulated squatting, illegal dumping, vandalism, and very little law enforcement. Working with the Alliance in the past year, the City of Molalla and local police have been able to improve law enforcement in the river corridor, and the Alliance has created community projects that connect the community to the river corridor. This has resulted in a dramatic reduction in lawless behavior, and has made the river corridor more attractive to families and visitors. The City is confident that Wild and Scenic River status will help secure a more positive, inviting image for this remarkable stretch of river.

The Molalla River is also an important resource for native fish and other aquatic species. It provides critical habitat for several native fish species, including a stronghold population of native winter steelhead, a threatened population of spring Chinook salmon, a naturalized population of Coho salmon, and resident rainbow and cutthroat trout. The Endangered Species Act (ESA) 'threatened' spring Chinook runs in the Molalla River especially warrant and even demand imminent action to protect and recover these fish stocks. The Upper Willamette Draft Recovery Plan<sup>5</sup> currently being developed by the Oregon Department of Fish and Wildlife and the National Marine Fisheries Service focuses on the recovery of spring Chinook in the

<sup>1</sup>U.S. Global Change Research Program. Global Climate Change Impacts in the United States. 2009. Thomas R. Karl, Jerry M. Melillo, and Thomas C. Peterson, (eds.). Cambridge University Press, 2009.

<sup>2</sup>Hewes, W., and Pitts, K. September 2009. Natural Security: How Sustainable Water Strategies Prepare Communities for a Changing Climate. American Rivers. <http://www.americanrivers.org/our-work/global-warming-and-rivers/infrastructure/natural-security.html>

<sup>3</sup>National Research Council. 2008. Hydrologic Effects of a Changing Forest Landscape.

<sup>4</sup>ECONorthwest. January 2009. Regional Impacts of Recreation on the Wild and Scenic Rogue River. [http://www.americanrivers.org/assets/pdfs/RogueEconImpact\\_FinalReport1485.pdf](http://www.americanrivers.org/assets/pdfs/RogueEconImpact_FinalReport1485.pdf)

<sup>5</sup>Upper Willamette Domain Recovery Plan. Draft 2008. Oregon Department of Fish and Wildlife and National Marine Fisheries Service.

Molalla, among other fish populations. Wild and Scenic designation is a valuable tool that will help strengthen and increase the viability of spring Chinook by ensuring management actions and land use activities do not further degrade water quality or riparian habitat, but instead restore the river and its lands to a natural and healthy condition which are supportive of healthy fish populations.

Furthermore, the upper river and its surrounding forested riparian lands offer important cold-water native fish spawning and rearing habitat which is becoming more and more valuable in the face of climate change. Scientific research suggests it is vital to the long term viability of fish to safeguard critical cold water habits<sup>6 7</sup>. For the Molalla, this means an even more urgent need to protect the river's water quality and stream temperature to ensure fish populations, especially ESA threatened populations, are able to survive in a warming climate. Wild and Scenic designation will ensure the water quality and health of the Molalla River will be protected in the long-term, enabling fish populations to survive.

The river corridor also serves as an important wildlife corridor containing breeding and rearing habitat for northern spotted owl, pileated woodpecker, red tree vole, red-legged frog and pacific giant salamander. It provides habitat for bears, cougars, bobcat, deer, elk, beaver, otter, hawks, osprey and both golden and bald eagles. Maintaining an intact, healthy river corridor through Wild and Scenic designation will secure precious habitat for all these species, and will also encourage tourists and locals to visit the river corridor for both its scenery and wildlife.

The many attributes of the Molalla River summarized above clearly emphasize the need for Wild and Scenic protection. The Wild and Scenic eligibility and suitability of the river has been recommended by the Bureau of Land Management (BLM). As part of its planning process, the BLM found the river eligible and suitable for inclusion as a 'recreational' Wild and Scenic River in the National Wild and Scenic Rivers System for the ORVs of fishery, recreational, scenic, and geological.<sup>8</sup> The local Cascade Resource Area of the Salem District of the BLM has a close working relationship with the Molalla River Alliance, and the Alliance is actively involved in contributing to the planning process for the recreational use of the Molalla River which is currently underway.

#### UPPER ELK RIVER WILD AND SCENIC STUDY ACT

American Rivers also supports H.R. 3113, the Upper Elk River Wild and Scenic Study Act. This legislation will authorize a study of the "Slatyfork" section of the Upper Elk River, a five mile stretch of cold headwaters in the heart of West Virginia, important for clean water and other economic and community benefits. The Upper Elk River is a unique river, flowing across karst, or limestone bedrock, and forming unique caves and waterfalls. The coldwater headwaters of the Upper Elk are home to some of the last naturally reproducing brook, brown, and rainbow trout fisheries in the east. A study of this section will identify the "outstandingly remarkable values" required for Wild and Scenic River designation.

West Virginia is home to some of the nation's most remarkable rivers, however, only the Bluestone River is part of the National Wild and Scenic River System. Studying the Upper Elk River for potential Wild and Scenic River designation is the necessary first step towards protecting this outstanding river for future generations and increasing West Virginia's protected rivers.

For all of the reasons described above, American Rivers supports Wild and Scenic designation for the Molalla River and the Table Rock Fork of the Molalla, and a Wild and Scenic study of the Upper Elk River. We look forward to working with the committee to advance this legislation. Thank you for consideration of our testimony.

Sincerely,

KAVITA HEYN,  
*Associate Director of Conservation.*

<sup>6</sup>Eaton, J.G. and Scheller, R.M. 1996. Effects of Climate Warming on Fish Thermal Habitat in Streams of the United States. *Limnology and Oceanography* 41(5), 1109-1115.

<sup>7</sup>Heyn, K. and Bassett, R. June 2009. White Paper on the Ecological and Recreational Benefits of the Molalla River. American Rivers and the Native Fish Society. <http://www.americanrivers.org/library/reports-publications/the-ecological-and.html>.

<sup>8</sup>BLM. May 1995. Salem District Resource Management Plan. U.S. Department of the Interior, Bureau of Land Management. Salem District Office.

TOWN OF BLOWING ROCK,  
Blowing Rock, NC, November 2, 2009.

Hon. MARK UDALL,  
Chairman, Subcommittee on National Parks, U.S. Senate, Committee on Energy &  
Natural Resources, 304 Dirksen Senate Building, Washington, DC.

RE: S. 1767 Blue Ridge Parkway and Town of Blowing Rock Land Exchange Act  
of 2009

DEAR CHAIRMAN UDALL: I am writing to respectfully request your support of S. 1767—Blue Ridge Parkway and Town of Blowing Rock Land Exchange Act of 2009 (companion to H.R. 1121) that is under consideration before the Senate Subcommittee on National Parks.

Since 1938, the Town of Blowing Rock has used an impoundment that is located on the Moses H. Cone Estate, for a public water supply. In 1949, the Cone Estate, via the Moses H. Cone Memorial Hospital Trustees, was conveyed to the United States of America.

The Town desires acquisition of the water reservoir to have better control and management of its water supply. As proposed, the Town would convey a 192-acre tract of undeveloped land (Thunderhole/China Creek) that adjoins the Cone Estate and borders the Pisgah National Forest to the Blue Ridge Parkway in exchange for ownership of the 20-acre water supply tract. The 192-acre Thunderhole/China Creek tract was identified by the Parkway as a parcel that would be beneficial for both the preservation of the natural resources present and for potential enhancement of the Moses H. Cone Estate. Thus, the proposed land exchange provides enumerable benefits to both parties.

A complete summary of the history of the potential, land exchange is attached for your information.

In addition, please find enclosed letters of support for this legislation from various local and state officials. I would like to note that H.R. 1121 received co-sponsorship from the entire N.C. delegation and passed the U.S. House 377 to 0.

Thank you for your consideration. Should you have questions or need additional information, please feel free to contact me or Town Manager Scott Hildebran.

Sincerely,

J.B. LAWRENCE,  
Mayor.

ATTACHMENT I.—SUMMARY: TOWN OF BLOWING ROCK WATER RESERVOIR—LAND  
EXCHANGE

HISTORY

In 1938, Mrs. Bertha Cone granted the Town of Blowing Rock, by right-of-way deed, the permission to divert water from the Moses Cone Estate. Since that time to the present, the Town has used this authorization to provide a water supply source to the citizens of Blowing Rock. The Town has occupied/maintained up to 14.08 acres (8.7 acre water reservoir) of the Cone Estate over the years and constructed various improvements, including a coffer dam, reservoir and dam on the property. In 1949, after the death of Mrs. Cone, the Cone Estate via the Moses H. Cone Memorial Hospital Trustees was conveyed to the United States of America.

US PARK SERVICE/BLUE RIDGE PARKWAY—LAND EXCHANGE

Due to various historical circumstances, Blowing Rock's water supply reservoir is located on property owned by the Blue Ridge Parkway. Blowing Rock has for years used their reservoir site with a "gentlemen's agreement". In the late 1990's, the Parkway proposed issuing a Special Use Permit for the site granting a right-of-way for the reservoir, to be reviewed annually. In addition, the Parkway advised that federal policy would require a water rights fee for the value of the water taken off the National Park Service land. This situation was deemed unacceptable since the Town would, in effect, be "renting" its water source one year at a time and paying for water the Town has previously been granted access. Being located on the Blue Ridge escarpment, Blowing Rock has few other water source options if its current major source becomes unavailable. Therefore, the Town has worked diligently to acquire full ownership of the property because of the ambiguity concerning access, use, and future status.

Since 1999, the Town and the NPS have discussed how to resolve the reservoir issue once and for all. Due to the fact the U.S. Department of Interior very rarely sells government land and to avoid annual permitting and the water rights fee, the most viable option entertained has been the possibility of a land exchange between

the Town and the NPS. In accordance with federal regulation, the NPS would grant the Town ownership of or a permanent easement for the public reservoir including a water right in return for a parcel of property of equal or greater value.

To this end, the NPS identified an adjacent tract of property, the 192-acre China Creek Property, to make such a transaction a possibility. The China Creek tract borders two large federal holdings—the Blue Ridge Parkway and the Pisgah National Forest.

The Blue Ridge Parkway has over the years, formally and informally, recognized the need to acquire the China Creek tract in order to properly manage existing Parkway lands. The need became apparent when a previous owner of the tract claimed a right of access to the subject property through an existing park holding. A small farm was located on the less rugged portion of the property approximately 60 years ago. Also, the narrow peninsula shape of Parkway land in China Creek gorge makes management difficult. Acquisition of the China Creek tract would broaden the Parkway's existing Moses Cone Estate tract. More importantly, ownership of the property would eliminate the threat of development and/or timbering adjacent to the Parkway and the Forest.

This proposed transaction, which provides the Town with the opportunity to gain full control and ownership of its water supply, would also include adequate land for the Town to enlarge the reservoir to double its current 45,000,000 gallon capacity. The total Parkway land needed (including expansion) is estimated to be 20.474 acres based on a survey of the property.

With the assistance of the High Country Council of Governments and in consultation with the Parkway, the Town sought a grant from the NC Clean Water Management Trust Fund to assist in the purchase of China Creek property to effect an exchange. In November 2001, the Town was awarded a grant from the NC Clean Water Management Trust Fund of \$201,000. Due to the State of North Carolina FY 2002 Budget revenue shortfall, the grant award was delayed to 2003.

In October of 2003, the Town of Blowing Rock completed the purchase of the 192-acre tract, at the headwaters of China Creek in Watauga County in the Catawba River Basin, from the Conservation Trust of NC. The purchase price for the property was \$440,000, with \$201,000 coming from the NCCWMTF grant and the remainder from the Town.

Since this time, the Town and the Blue Ridge Parkway (with the assistance of our western NC Congressional delegation) has continued to work toward completion of the land exchange—conducting legal research and trying to acquire the funding to prepare the environmental documentation necessary to comply with NEPA requirements. Based on Parkway estimates, the environmental documentation could cost up to \$100,000.

The Blue Ridge Parkway Foundation has also encouraged and lent its support to the land exchange finding the exchange beneficial to the Blue Ridge Parkway while assuring the drinking water supply for Blowing Rock and guests to the area.

#### WATER SUPPLY ISSUES/SOLUTIONS

The Town of Blowing Rock is presently under restrictions from the NC Department of Environment & Natural Resources, which prohibits the Town from making ANY extensions to the present water distribution system. The reason for the extension restriction is an inadequate raw water supply.

The present plant capacity is 1.0 MGD; the present consumption during peak season is approximately .650 MGD and the state has set safe yield at approximately 0.40 MGD.

The Town of Blowing Rock has been working toward a long-term solution to water shortage due to drought since 1991.

Discussions started with the National Park Service (NPS) concerning a possible emergency connection to Bass Lake and in 1992 a permanent line was laid along Bass Lake Drive to facilitate an emergency withdrawal from Bass Lake. This was outside Cone Park and was set up to run a temporary line to Bass Lake when needed. This line would have operated as a siphon.

The Town tried to obtain permission from the NPS to draw from Bass Lake from 1991 through most of 2000. In 2000, the NC Department of Environment and Natural Resources (NCDENR) gave the Town parameters for "safe yield" which showed that even if the NPS were to eventually grant permission to withdraw from Bass Lake the safe yield would not be adequate, therefore the pursuit of permission from NPS to withdraw from Bass Lake was stopped.

In 1998, there was a serious drought and the Town obtained permission from Chetola Resorts, Shoppes on the Parkway and NCDENR to pump water from

Chetola Lake to the reservoir on an emergency basis. The Town used this line in 1998, 2000, 2001, 2002, as well as in the latest drought—2007 and 2008.

The method of operation for this line was to “skim” during any rain event in order not to draw Chetola Lake down below the spillway. This worked very well and by closely monitoring the reservoir the Town was able to keep the reservoir very close to “full pond”. This was even true in 2007 when the state experienced the most severe drought conditions.

Even before efforts to draw from Bass Lake were abandoned, the Town started to work on obtaining a permit to add a new water intake into the Middle Fork of the South Fork of the New River. In late 1999, the Town requested NCDENR to reclassify, if necessary, any part of the Middle Fork required in order to withdraw water on a pump back system. Water will be pumped back to the reservoir where it can then be drawn out, and treated for use by the Town.

Various locations were looked at as possibilities for the location of an intake and a meeting was held between various sections of NCDENR, N.C. Wildlife, US Army Corps of Engineers and the Blue Ridge Parkway. As discussions progressed, it was determined that an “In Stream Flow Study” would be required and the Town hired Fish and Wildlife Associates, Inc. in January 2001. This study was completed and data was submitted to NCDENR in 2002.

The proposed location for this new intake is below the confluence of Payne Branch with Middle Fork, near Boone. This location is over 6 miles downstream of the Town Reservoir. The reason for going downstream so far is two fold; (1) the stream flow increases as you go downstream and Blowing Rock needs the flow from Payne Branch; and (2) the intake must be 5 miles below the Town WWTP discharge.

On July 24, 2003, NCDENR sent the Town a letter outlining a proposed withdrawal below Payne Branch. The proposed withdrawal rates are:

- January 1 to June 30—2.5 MGD
- July 1 to September 30—1.8 MGD
- October 1 to December 31—1.0 MGD

The above rates are permitted so long as the 7Q10 of 4CFS (Cubic Feet per Second) are maintained. The 7Q10 streamflow is the yearly 7-day average low streamflow with a 10-year return period. In addition, skimming will be permitted anytime the flow exceeds 35 CFS with no restriction on withdrawal rate so long as the 35 CFS is maintained.

However, the withdrawal limitations are greatly impacted by drought. As such, the benefit of a new intake is diminished when it is needed most. At the same time due to the proximity of the proposed intake to Boone, NCDENR strongly suggested that the Town install a parallel line to interconnect with the Boone water system. As such, the Town began to focus on a Boone-Blowing Rock water system interconnection and meetings between the two entities began in 2004. After which, the Town of Boone initiated a thorough review of their water system and future raw water demands.

In addition, Blowing Rock has had discussions with Caldwell County concerning possible water and their proposed raw water supply and plant on the Yadkin River. This project is 10+ years from becoming a reality and once it is completed would require some 12-15 miles of pipe up US 321 from NC Hwy 268. Due to major elevation changes and the necessary pumping required, this option was deemed cost prohibitive.

In the course of the 2007-2008 drought, NCDENR experts identified a Blowing Rock and Boone water interconnection as a priority. Boone has access to a larger water source and recently signed an agreement with Appalachian State University to be able to draw on its water system, so this would create a regional system that all three entities can use during times of crisis.

After ongoing discussions, in early 2008, the Town of Blowing Rock and the Town of Boone formally executed an emergency water interconnection agreement.

A contract was executed in June 2008 with McGill Associates to design a Boone-Blowing Rock water interconnection project, with an estimated cost of \$4.0 million for the project. Also, the following funding actions have been approved:

1. Watauga County was awarded a \$500,000 grant from the N.C. Rural Center, with Blowing Rock committed to funding the 100% grant match as enumerated in a joint Indemnification and Hold Harmless Agreement.
2. Boone was awarded a \$1,000,000 grant from the N.C. Rural Center, with Blowing Rock committed to funding the 100% grant match.
3. Blowing Rock was awarded a \$300,000 grant from the Appalachian Regional Commission and is completing all the necessary requirements.

4. Blowing Rock was awarded a \$2,200,000 20-year loan from the NCDENR-Public Water Supply Section—Loans and Grants and is completing all the necessary requirements.

5. The Town of Blowing Rock increased water rates by \$5.00 per month per customer effective July 1, 2008 to cover expected debt service requirements of the NCDENR loan.

Plans/specifications have been completed and the project was bid in late October 2009. The Blowing Rock Town Council will consider bid award on November 10, 2009. Construction on the interconnection should begin by January 1, 2010.

ATTACHMENT II.—LETTERS OF SUPPORT

COUNTY OF WATAUGA,  
WATAUGA COUNTY BOARD OF COMMISSIONERS,  
*Boone, NC, April 14, 2009.*

Hon. RAUL M. GRIJALVA,  
*Chairman, Subcommittee on National Parks, Forests, and Public Lands, U.S. House  
Committee on Natural Resources, 1333 Longworth House Office Building, Wash-  
ington, DC.*

RE: H.R. 1121 Blue Ridge Parkway and Town of Blowing Rock Land Exchange Act of 2009

DEAR CHAIRMAN GRIJALVA: I am writing to request your support of H.R. 1121—Blue Ridge Parkway and Town of Blowing Rock Land Exchange Act of 2009 that is under consideration before the House Subcommittee on National Parks, Forests, and Public Lands.

Since 1938, the Town of Blowing Rock has used an impoundment that is located on the Moses H. Cone Estate, for a public water supply. In 1949, the Cone Estate, via the Moses H. Cone Memorial Hospital Trustees, was conveyed to the United States of America. To have better control and management of its water supply, the Town is interested in acquiring this property. The Town owns a 192-acre tract of undeveloped land (Thunderhole/China Creek) that adjoins the Cone Estate and borders the Pisgah National Forest. The Town is considering conveying that land to the Blue Ridge Parkway in exchange for the ownership of the 20-acre water supply area. Parkway ownership of the 192-acre tract would be beneficial for both the preservation of the natural resources present and for potential enhancement of the Moses H. Cone Estate.

The Parkway has no authority to sell, cede, or convey lands under its management except through an equal value land exchange as long as the proposed exchange can be shown to be of a “demonstrable benefit” to the park.

The Blue Ridge Parkway and the Town of Blowing Rock have had a long and successful relationship as they both have worked to serve their constituencies. And, the proposed land exchange will continue that tradition and provide demonstrable benefits to both entities. Therefore, on behalf of the citizens of Watauga County, I urge your support of H.R. 1121.

Thanks for your consideration. Should you have questions or need additional information, please feel free to give me a call.

Sincerely,

JAMES M. DEAL, JR.,  
*Chairman.*

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NORTH CAROLINA GENERAL ASSEMBLY,  
HOUSE OF REPRESENTATIVES,  
*Raleigh, NC, April 15, 2009.*

Hon. RAUL M. GRIJALVA,  
*Chairman, Subcommittee on National Parks, Forests, and Public Lands, U.S. House  
Committee on Natural Resources, 1333 Longworth House Office Building, Wash-  
ington, DC.*

DEAR CHAIRMAN GRIJALVA: I am writing to request your support of HR 1121 Blue Ridge Parkway and Town of Blowing Rock Land Exchange Act of 2009 that is under consideration before the House Subcommittee on National Parks, Forests, and Public Lands.

As a member of the North Carolina General Assembly and Chairman of the Water Resources and Infrastructure Committee, I am aware of the need for dependable sources of water for municipalities. The North Carolina mountain region has experienced dramatic population growth and increased tourism. In addition, this area has

experienced extreme drought conditions requiring towns like Blowing Rock to make more permanent provisions for a reliable water supply.

The land exchange Blowing Rock is proposing with the Blue Ridge Parkway would be beneficial to both organizations. The town would convey a 192-acre tract of undeveloped land (Thunderhole/China Creek) that adjoins the Cone Estate and borders the Pisgah National Forest to the Blue Ridge Parkway in exchange for ownership of the 20-acre water supply tract. The Blue Ridge Parkway has already recognized the need to acquire the China Creek tract as it would eliminate the threat of development and/or timbering adjacent to the Parkway and the Forest. Also, this transaction would formally provide Blowing Rock with a reservoir that it has occupied, maintained and improved since 1938 with additional land for reservoir expansion.

I hope that you will consider this landxchange that is a winning compromise for both the Blue Ridge Parkway and the Town of Blowing Rock. I am available to answer any questions or concerns you may have about this proposal.

Sincerely,

CULLIE M. TARLETON.

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NORTH CAROLINA GENERAL ASSEMBLY,  
SENATE,  
Raleigh, NC, April 21, 2009.

Hon. RAUL M. GRIJALVA,  
*Chairman, Subcommittee on National Parks, Forests, and Public Lands, U.S. House  
Committee on Natural Resources, 1333 Longworth House Office Building, Wash-  
ington, DC.*

DEAR CHAIRMAN GRIJALVA: I write to request your support of HR 1121 Blue Ridge Parkway and Town of Blowing Rock Land Exchange Act of 2009, which is being considered by the House Subcommittee on National Parks, Forests and Public Lands.

The Town of Blowing Rock, along with other western North Carolina communities, is experiencing dramatic population growth and has been recently challenged by severe drought. It is obvious that their water problems will require a permanent solution which must be found soon.

The land exchange which Blowing Rock proposes with the Blue Ridge Parkway would benefit both organizations. The Town would convey a 192-acre tract of undeveloped land, which adjoins the Cone estate and borders the Pisgah National Forest, to the Blue Ridge Parkway in exchange for ownership of the 20-acre water supply tract. The Parkway has already recognized the need to acquire the China Creek tract, to eliminate the threat of development and/or timbering adjacent to the Parkway and Forest. This transition would benefit Blowing Rock by formally providing a reservoir which it has occupied, maintained and improved since 1938, with additional land for reservoir expansion.

I will personally appreciate your consideration of this land exchange as a positive step for the future of both the Blue Ridge Parkway and the Town of Blowing Rock. Please call on me if I may be of help.

Sincerely,

STEVE GOSS.

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BLOWING ROCK TOURISM DEVELOPMENT AUTHORITY,  
Blowing Rock, NC, May 7, 2009.

Hon. VIRGINIA FOXX,  
*U.S. House of Representatives, 1230 Longworth House Office Building, Washington,  
DC.*

DEAR REPRESENTATIVE FOXX: On behalf of the Blowing Rock Tourism Development Authority, I am writing this letter to thank you for your introduction and support of H.R. 1121—Blue Ridge Parkway and Town of Blowing Rock Land Exchange Act of 2009 which authorizes a land exchange to acquire lands for the Blue Ridge Parkway and permanently secures the Blowing Rock water supply.

As you know, our need for a long-term water solution has been at a critical stage for the past decade. The need is also vital to our tourism-based economy. From hoteliers and restaurants, to fishing guides and rafting outfitters, as well as our retailers, we all rely on water.

As the “Crown of the Blue Ridge”, Blowing Rock has enjoyed a long and successful relationship with the Blue Ridge Parkway and the National Parks Service. The people of Blowing Rock and the visitors that frequent this area, have always had a strong commitment to conservation and sustainability and through this land ex-

change, we will all benefit and continue the successful relationship that we have enjoyed for so many years.

Thank you again for your support. Please call me anytime should you have any questions and know that we always look forward to your visits back home.

Warmest regards,

KENT TARBUTTON,  
*Chairman.*

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BLOWING ROCK CHAMBER OF COMMERCE,  
*Blowing Rock, NC, May 10, 2009.*

Hon. RAUL M. GRIJALVA,  
*Chairman, Subcommittee on National Parks, Forests, and Public Lands, U.S. House Committee on Natural Resources, 1333 Longworth House Office Building, Washington, DC.*

RE: H.R. 1121 Blue Ridge Parkway and Town of Blowing Rock Land Exchange Act of 2009

DEAR CHAIRMAN GRIJALVA: I am writing to respectfully request your support of H. R. 1121 Blue Ridge Rock Parkway and Town of Blowing Rock Land Exchange Act of 2009 currently under consideration before the National Parks, Forests, and Public Lands.

Since 1938, the Town of Blowing Rock has used an impoundment located its public water supply. In 1949, the Cone Estate via the Moses H. Cone Memorial Hospital Trustees was conveyed to the United States of America.

As the Blowing Rock Chamber of Commerce, we recognize the limitations to future economic development in our town resulting from our inability to adequately provide water for our current residents, existing businesses and visitors. Our primary industry, accounting for 95% of our economic base, is tourism. With the drought we have been experiencing since 2004, our town must make provisions for a reliable water supply to serve our present and future water needs.

The land exchange being proposed by our town with the Blue Ridge Parkway would be mutually beneficial to both entities. The Town would convey 192 acres of undeveloped land that adjoins the Cone Estate and borders the Blue Ridge Parkway and Pisgah National Forest to the Blue Ridge Parkway in exchange for ownership of the 20 acre water supply tract on the Cone Estate. The Blue Ridge Parkway has already recognized the need to acquire this tract to prevent future development and potential timbering adjacent to the Parkway and the Forest. Additionally, this transaction would provide Blowing Rock a reservoir that it has maintained and improved since 1938 with sufficient land for reservoir expansion.

I hope you will consider this land exchange as it is a win for both the Blue Ridge Parkway and the Town of Blowing Rock. Please call on me if you need any further assistance.

Sincerely,

CHARLES HARDIN,  
*Executive Director.*

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BLUE RIDGE PARKWAY FOUNDATION,  
*Winston-Salem, NC, January 4, 2005.*

Hon. CHARLES TAYLOR,  
*22 South Pack Square, Suite 330, Asheville, NC.*

DEAR CHARLES, As the organization charged with the responsibility for keeping the Parkway's congressional delegation informed of Parkway matters, I am writing to you to ask your support in helping to secure funds to satisfy NEPA requirements for a land exchange transaction between the Town of Blowing Rock and the National Park Service.

Our view and position on this matter is that overcoming this hurdle will greatly benefit the Blue Ridge Parkway while at the same time assuring the drinking water supply for this community and its guests.

The NPS regional director has supplied a letter of testimony in support of this project and has assured the parties concerned that the acquisition process is in full compliance with National Park Service authorities and guidelines.

Sincerely,

DR. HOUCK M. MEDFORD,  
*Executive Director.*

TOWN OF BLOWING ROCK,  
Blowing Rock, NC, November 2, 2009.

Hon. MARK UDALL,  
Chairman, Subcommittee on National Parks, U.S. Senate, Committee on Energy &  
Natural Resources, 304 Dirksen Senate Building, Washington, DC.

DEAR CHAIRMAN UDALL AND COMMITTEE MEMBERS: Thank you for allowing me the opportunity to provide a statement to the Subcommittee on National Parks. On behalf of the Mayor, Town Council and citizens of Blowing Rock, I respectfully request your support of S. 1767—Blue Ridge Parkway and Town of Blowing Rock Land Exchange Act of 2009 that is under consideration before this committee.

Since 1938, the Town has continuously used an impoundment that is located on the Moses H. Cone Estate for a public water supply. Over the years, the Town has occupied, maintained and constructed various improvements on over 14 acres of the Cone Estate in providing water for its citizens and visitors.

In 1949, after the death of Mrs. Cone, the Cone Estate, via the Moses H. Cone Memorial Hospital Trustees, was conveyed to the United States of America.

Due to various historical circumstances, Blowing Rock's water supply reservoir is located on property now owned by the Blue Ridge Parkway. Blowing Rock has for years used the reservoir site with an informal agreement. In the late 1990's, the Parkway proposed issuing a Special Use Permit for the site granting a right-of-way for the reservoir to be reviewed annually. In addition, the Parkway advised that federal policy would require a water rights fee for the value of the water taken off the National Park Service land. This situation was deemed unacceptable since the Town would, in effect, be "renting" its water source one year at a time and paying for water the Town had previously been granted access. Being located on the Blue Ridge escarpment and at the crest of three watersheds, Blowing Rock has few other water source options if its current major source becomes unavailable. Therefore, the Town has worked diligently to acquire full ownership of the property because of the ambiguity concerning access, use, and future status.

Since 1999, the Town and the Parkway have worked jointly to resolve the reservoir issue. Due to the fact the Parkway has no authority to sell government land and to avoid annual permitting and a water rights fee, the most viable option has been the possibility of a land exchange between the Town and the Parkway. In accordance with federal regulation, the Parkway would grant the Town ownership of the public reservoir in return for a parcel of property of equal or greater value.

To this end, the Parkway in the late 1990's identified an adjacent tract of property, the 192-acre Thunderhole/China Creek Property, to make such a transaction possible. The tract borders two large federal holdings—the Blue Ridge Parkway and the Pisgah National Forest.

The Blue Ridge Parkway has over the years, formally and informally, recognized the need to acquire the Thunderhole/China Creek tract in order to properly manage existing Parkway lands. The need became apparent when a previous owner of the tract claimed a right of access to the subject property through an existing park holding. A small farm was located on the less rugged portion of the property approximately 60 years ago. Also, the narrow peninsula shape of Parkway land in the China Creek gorge makes management difficult. Acquisition of the Thunderhole/China Creek tract would broaden the Parkway's existing Moses Cone Estate tract. More importantly, ownership of the property would eliminate the threat of development and/or timbering adjacent to the Parkway and the Forest.

In November 2001, with the assistance of the High Country Council of Governments and in consultation with the Parkway, the Town applied for and was awarded a grant from the State of NC Clean Water Management Trust Fund to assist in the purchase of the Thunderhole/China Creek property to execute the proposed land exchange. The grant funds, of \$201,000, were received in 2003.

In October of 2003, the Town of Blowing Rock completed the purchase of the 192-acre tract from the Conservation Trust of NC. The purchase price for the property was \$440,000, with \$201,000 coming from the grant and the balance from the Town.

Since that time, the Town and the Blue Ridge Parkway (with the assistance of our western NC Congressional delegation) have continued to work toward completion of the land exchange.

This proposed transaction, which provides the Town with the opportunity to gain full control and ownership of its water supply, would also include adequate land for the Town to enlarge the reservoir to double its current 45,000,000 gallon capacity. The total Parkway land needed (including expansion) is 20.474 acres based on a survey of the property.

In summary, the Town desires acquisition of the water reservoir to have better control and management of its water supply. The proposed legislation authorizes the

Town to convey a 192-acre tract of undeveloped land that adjoins the Cone Estate and borders the Pisgah National Forest, to the Blue Ridge Parkway in exchange for ownership of the 20-acre water supply tract. The Thunderhole/China Creek tract was identified by the Parkway as a parcel that would be beneficial for both the preservation of the natural resources present and for potential enhancement of the Moses H. Cone Estate. Thus, the proposed land exchange provides obvious benefits to both the Town of Blowing Rock and the Blue Ridge Parkway.

I would like to mention that the entire NC Congressional delegation co-sponsored H.R. 1121 and the legislation passed the U.S. House 377 to 0. The legislation has received the following letters of support—Blowing Rock Mayor JB Lawrence, Watauga County Board of Commissioners Chair James Deal, NC State Representative Cullie Tarleton, NC State Senator Steve Goss, the Blowing Rock Chamber of Commerce and the Blowing Rock Tourism Development Authority. Also, the Blue Ridge Parkway Foundation has encouraged and lent its support of the land exchange finding the exchange beneficial to the Blue Ridge Parkway while assuring the drinking water supply for Blowing Rock and guests to the area.

I would like to thank committee member Senator Richard Burr and Senator Kay Hagan for their sponsorship of this legislation and respectfully request your support.

Thank you for your time and consideration.

Sincerely,

SCOTT E. HILDEBRAN,  
*Town Manager.*

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POCAHONTAS COUNTY COMMISSION,  
*Marlinton, WV, February 4, 2009.*

Hon. NICK J. RAHALL,  
*2307 Rayburn Office Building, Independence Avenue & S. Capitol Street, S.W.,  
Washington, DC.*

DEAR CONGRESSMAN RAHALL: The Pocahontas County Commission received a request from area landowners and other interested parties to support a request to include federal funding for an eligibility study for a portion of the Elk Headwaters in Pocahontas County. I write to inform you of today's unanimous vote by the Pocahontas County Commission in support of that request and would ask that your office help provide funding to the appropriate agency to conduct an eligibility study for a section of the Upper Elk River extending up-river approximately 4 1/2 miles from the Pocahontas County line so that it may be considered for designation as a Wild and Scenic River under the federal Wild and Scenic Rivers, Act.

Please find, enclosed, copies of letters of support from numerous landowners and homeowners associations located on and near the proposed River Area of study. The Commission has also organized a Pocahontas County Water Task Force to prepare a county plan for water resources that will complement the State Water Resource Plan when it is completed. This request for federal support of a water study on the Elk River will be a wonderful start toward being proactive in water resource planning for Pocahontas County.

Thank you for your consideration of this request. Please feel free to contact our office at 304-799-6063 if you need any additional information.

Sincerely,

MARTIN V. SAFFER,  
*President.*

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POCAHONTAS COUNTY COMMISSION,  
*Marlinton, WV, September 23, 2009.*

Hon. NICK J. RAHALL,  
*2307 Rayburn Office Building, Independence Avenue & South Capitol Street, S.W.,  
Washington, DC.*

DEAR CONGRESSMAN RAHALL: The Pocahontas County Commission is happy to learn that H.B. 3113 has just been passed by the House of Representatives, and we would like to take this opportunity to express our gratitude for your strong leadership and continued support for federal funding for an eligibility study of a portion of the upper Elk River in Pocahontas County for study for potential addition to the National Wild and Scenic Rivers System.

Pocahontas County must be ever vigilant in preserving its natural resources which serve as the foundation for much of our economy and which irreplaceable assets add immeasurably to the quality of life of all our citizens. We are very fortunate

nate to have you as our Congressman, helping us in this important task of stewardship.

Sincerely,

MARTIN V. SAFFER,  
*President.*

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HAMMER, FERRETTI & SCHIAVONI,  
*Martinsburg, WV, February 9, 2009.*

Hon. NICK RAHALL,  
*2307 Rayburn House Office Building, Washington, DC.*

DEAR REPRESENTATIVE RAHALL, I support a study of the Upper Elk River so that it may be considered for designation as a Wild and Scenic River under the federal Wild and Scenic Rivers Act. I bought property and built a home in Pocahontas County due in large part to the access I would have to the Elk River. Its pathway through underground limestone caves in the Slaty Fork area makes it a unique fishery enjoyed by many travelers and nonresidents. It is supportive of the local economy and this State's reputation for outdoor recreational opportunities. The river deserves study and preservation. The river has been featured many times in national publications and is recognized as the best trout stream in West Virginia.

Please consider this letter as representative of the many fishermen, local business owners and a vast majority of Pocahontas County residents who recognize this wonderful resource in their midst.

Sincerely,

JOSEPH R. FERRETTI,  
*Esquire.*

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STATEMENT OF JOHN C. SHARP, PH.D., DO, MARLINTON, WV, ON H.R. 3113

I am a 4th generation native of Pocahontas County. My grandfather was Calvin Price and my mother is Jane Price Sharp of the Pocahontas Times. We are all strong believers in and support conservation of the forests, streams and rivers (waters) in Pocahontas County and the Monongahela National Forest.

I am in favor of the National Wild and Scenic River status of the upper section of the Elk River. I do own 20 acres along this section of the Elk River and am willing to exchange this piece of property to/with the US Forest Service.

I do not want to hinder or interfere with the designation of the upper Elk River as a national wild and scenic river.

If I can be of any assistance in this project please let me know.

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STATEMENT OF THOMAS A. SHIPLEY, SLATYFORK, WV, ON H.R. 3113

This letter is to advise the Pocahontas County Commission of my support for the proposed study of the Upper Elk River for consideration in the Wild and Scenic Rivers program. Knowledge is power and the information gleaned from this process will allow our community to make appropriate decisions based on the strength of scientific fact.

The Upper Elk River and her headwaters have been a source of sustenance for the Sharp family, pioneer settlers in the area, for close to two centuries. I am the eighth generation in what is now Pocahontas County. My forefathers owned much of the land on and around the proposed area of study.

William Sharp, III built a log house right along the river beside Laurel Run (comes into the Elk just down from the confluence of Old Field Fork and Big Spring Fork.) in the early 1800's. Some foundation stones are still present on the original site. The Sharp family history is intertwined with that of the Upper Elk. Civil war skirmishes took the lives of 3 of my great uncles. My great, great grandfather, Silas, was taken as a prisoner of war right in the log cabin that still stands behind our country store.

My great grandfather started Sharp's Country Store in 1884. It has been in continuous operation for over 125 years. The store and farm grounds (with covered bridge) are a source of pleasure for many tourists from all over the United States.

History abounds around, near and on the banks of the Elk River. She is, in a literal sense, very much as she was back in the early 1800's.....one of the last rivers on the East Coast that has three naturally reproducing species of wild trout.....Brook, Brown and Rainbow. As Big Spring Fork and Old Field merge, they

form an impressive gateway to the Upper Elk...a gift from God to Pocahontas County.

My family's holdings, over time, have been reduced to somewhere around 1800 acres...all in the proximity of the Upper Elk and her spring-fed rapids. I personally own 360 acres, some directly in the proposed area of study. I encourage you to support this important effort.

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EIGHT RIVERS SAFE DEVELOPMENT, INC.,  
Cass, WV, February 2, 2009.

This letter is to document Eight Rivers Safe Development, Inc. support for the proposal to place the Upper Elk River under study for classification under the Wild and Scenic Rivers Act.

The Upper Elk River is truly a unique resource in West Virginia—and the United States. The upper reaches of the headwaters streams flow across karst (limestone)—in fact, the bed of Old Field Fork, Big Spring Fork and the Upper Elk River is bed-rock limestone. This results in unique hydrology, geology and biology as the head-water streams sink into the limestone and flow underground in caves and reemerge as large springs which feed the world class fishery of the Upper Elk which includes reproducing wild populations of brook, rainbow and brown trout—the only place in West Virginia where this exists.

The Upper Elk River itself sinks and flows underground for over 5 miles—of which only 2500 ft has been seen in the many caves of the area. The underground Elk River has been and remains a mystery and attracts recreational and scientific cavers from all over the United States and the world.

Eight Rivers Safe Development has participated—on two occasions—on trips to Washington, DC to lobby for consideration of the Upper Elk River for study as a Wild and Scenic River. Our presentation to our Washington representatives included a photo tour of the caves and springs of the area. The senators and congressmen were duly impressed with the rare beauty of the underground Elk. Pictures of the caves and underground streams/waterfalls of the Upper Elk can be viewed at our website—[8riverssafedevelopment.com](http://8riverssafedevelopment.com).

The Elk River deserves and needs to be protected from uninformed development. Not exclusive to development but rather development that acknowledges and protects this tremendous resource for future generations—both as a recreational / scenic resource but also as a water resource. There is truly nothing like the Upper Elk River anywhere else in the U.S. We sometimes take it for granted that places such as this exist elsewhere—they do not.

Sincerely,

GEORGE R. PHILLIPS,  
*President.*

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STATEMENT OF GENE GIBSON, SLATYFORK, WV, ON H.R. 3113

I am writing in support of a study of the Upper Elk River for consideration of including it in the Wild and Scenic Rivers system.

I own 100 acres just South of the Upper Elk River at the confluence of Old Field Fork and Big Spring Fork. I rely on this river and her many springs for clean water and appreciate the natural beauty along her riverbanks.

I believe the study will let us make the proper decisions in keeping the Elk River healthy for future generations.

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STATEMENT OF FAIRLEY WORKMAN, SLATYFORK FARM, MARLINTON, WV,  
ON H.R. 3113

This letter is written to provide my opinion of the PSD; especially relevant to the proposed sewage treatment plant which I have been involved with since 2005. Many other people in this county share the same negative opinion of the PSD.

While I have no hard evidence, in all appearances, the PSD represents the special interests such as Snowshoe, developers, realtors, and other people working behind the scenes. For instance, we are told the sewage plant must be a regional plant, when in fact, this is only a link to Snowshoe's DEP fine of \$2.7 mm which will be reduced to \$0.2 mm if a regional plant is built which will involve 5 miles of raw sewage being piped over karst limestone (site 5.) or 3 miles (modified site 7.). Even a regional plant does not have to be a central pipe line; instead, cluster units would qualify for same.

Obviously, developers and realtors would benefit greatly by the extended pipe line.

Who represents the folks who live, work, play in the valley and the other citizens of this county; certainly not the PSD who seems destined to make a catastrophic decision to pipe raw sewage over unstable karst limestone. It could take only one major leak to ruin Big Springs Fork and the ground water used as drinking water for people in the valley.

As you and David Fleming should be acutely aware, the people of this county spoke with their votes against the past County Commission presidents mainly due to their support of the sewage treatment plant locations as specified by the PSD. Unfortunately, their will is being undermined by the PSD.

Also, I am led to believe that the newest member of the PSD is a developer and/or realtor; if so, this is certainly a blatant conflict of interest.

In conclusion, I am not sure that the County Commission has any power to change this situation, but I just wanted you to know that the PSD, in present form, is dictatorial and does not represent the common people of this county.

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STATEMENT OF AMON L. TRACEY, PRESIDENT, WEST VIRGINIA OUTDOOR SPORTSMAN CLUB, ON H.R. 3113

I, Amon Tracey, would like to see a study done on the Upper Elk River to find if it can be considered to become a Wild and Scenic River.

President of West Virginia Outdoor Sportsman Club with 13,000 registered members.

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STATEMENT OF RAMONA SHARP SHIPLEY, HILTON HEAD ISLAND, SC, ON H.R. 3113

I was born near the banks of the Big Spring of Elk where our Sharp ancestors chose to settle some eight generations ago.

The cool springs popping out of the ground nearby and feeding the flow of water to the Big Spring of Elk are a spawning place for our native brown trout and other species.

The Upper Elk River is important to me, my family and our community.

I own fifteen acres northeast of the confluence of Big Spring Fork and Old Field Fork.

I fully support a study of the Upper Elk River for consideration in the Wild and Scenic River system.

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STATEMENT OF BARBARA SHARP SMITH, THE WOODLANDS, TEXAS, ON H.R. 3113

Please consider this a request that application be made for a study of the Upper Elk River to qualify it for the federal designation as "Wild and Scenic."

My family owns property on Highway 219 including the meadow next to the bridge nearest Beckwith Lumber Company. It has been in the family since George Washington surveyed this area.

"Stewardship" was not an idle word for my father, Paul L. Sharp. He stressed the need for responsibility, and that included caring for our land and family. Protecting the headwaters certainly qualifies as responsible stewardship.

## STATEMENT OF TOLLY PEULECHE, MONTERVILLE, WV, ON H.R. 3113

As a landowner in the upper Elk River watershed, I strongly support the idea of requesting the Federal Government to initiate a study of this special river for possible inclusion in the Wild and Scenic River program. My property includes approximately a mile of river frontage and I would have no trouble with such a study or possible ultimate designation, especially since there is no comparable WV state program. The public needs to see as much factual and comprehensive data about the resources in the river corridor as possible in order to help define a common vision for the future. The program is well designed, thorough, impartial, and will take into account opinions of all adjacent landowners while not limiting any existing uses.

Please request as soon as possible that this unique and wonderful West Virginia river be studied for possible designation as a Wild and Scenic River.

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