

**H.R. 1171 AND S. 363: AND OVERSIGHT ON
HARRIS NECK NATIONAL WILDLIFE
REFUGE AND HOW THE FEDERAL
GOVERNMENT OBTAINED TITLE TO THIS
LAND AND PROMISES MADE TO THE
ORIGINAL LANDOWNERS**

**LEGISLATIVE AND
OVERSIGHT HEARING**

BEFORE THE

SUBCOMMITTEE ON FISHERIES, WILDLIFE,
OCEANS AND INSULAR AFFAIRS

OF THE

COMMITTEE ON NATURAL RESOURCES

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

Wednesday, December 15, 2011

Serial No. 112-89

Printed for the use of the Committee on Natural Resources



Available via the World Wide Web: <http://www.fdsys.gov>

or

Committee address: <http://naturalresources.house.gov>

U.S. GOVERNMENT PRINTING OFFICE

72-101 PDF

WASHINGTON : 2012

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2104 Mail: Stop IDCC, Washington, DC 20402-0001

COMMITTEE ON NATURAL RESOURCES

DOC HASTINGS, WA, *Chairman*
EDWARD J. MARKEY, MA, *Ranking Democrat Member*

Don Young, AK	Dale E. Kildee, MI
John J. Duncan, Jr., TN	Peter A. DeFazio, OR
Louie Gohmert, TX	Eni F.H. Faleomavaega, AS
Rob Bishop, UT	Frank Pallone, Jr., NJ
Doug Lamborn, CO	Grace F. Napolitano, CA
Robert J. Wittman, VA	Rush D. Holt, NJ
Paul C. Broun, GA	Raúl M. Grijalva, AZ
John Fleming, LA	Madeleine Z. Bordallo, GU
Mike Coffman, CO	Jim Costa, CA
Tom McClintock, CA	Dan Boren, OK
Glenn Thompson, PA	Gregorio Kilili Camacho Sablan, CNMI
Jeff Denham, CA	Martin Heinrich, NM
Dan Benishek, MI	Ben Ray Lujan, NM
David Rivera, FL	John P. Sarbanes, MD
Jeff Duncan, SC	Betty Sutton, OH
Scott R. Tipton, CO	Niki Tsongas, MA
Paul A. Gosar, AZ	Pedro R. Pierluisi, PR
Raúl R. Labrador, ID	John Garamendi, CA
Kristi L. Noem, SD	Colleen W. Hanabusa, HI
Steve Southerland II, FL	<i>Vacancy</i>
Bill Flores, TX	
Andy Harris, MD	
Jeffrey M. Landry, LA	
Jon Runyan, NJ	
Bill Johnson, OH	
Mark Amodei, NV	

Todd Young, *Chief of Staff*
Lisa Pittman, *Chief Counsel*
Jeffrey Duncan, *Democrat Staff Director*
David Watkins, *Democrat Chief Counsel*

SUBCOMMITTEE ON FISHERIES, WILDLIFE, OCEANS
AND INSULAR AFFAIRS

JOHN FLEMING, LA, *Chairman*
GREGORIO KILILI CAMACHO SABLAN, CNMI, *Ranking Democrat Member*

Don Young, AK	Eni F.H. Faleomavaega, AS
Robert J. Wittman, VA	Frank Pallone, Jr., NJ
Jeff Duncan, SC	Madeleine Z. Bordallo, GU
Steve Southerland, II, FL	Pedro R. Pierluisi, PR
Bill Flores, TX	Colleen W. Hanabusa, HI
Andy Harris, MD	<i>Vacancy</i>
Jeffrey M. Landry, LA	Edward J. Markey, MA, <i>ex officio</i>
Jon Runyan, NJ	
Doc Hastings, WA, <i>ex officio</i>	

CONTENTS

	Page
Hearing held on Wednesday, December 15, 2011	1
Statement of Members:	
Fleming, Hon. John, a Representative in Congress from the State of Louisiana	6
Prepared statement of	7
Background submitted for the record on the Harris Neck National Wildlife Refuge	62
Sablan, Hon. Gregorio, a Delegate in Congress from the Commonwealth of the Northern Mariana Islands	8
Prepared statement of	9
Statement of Witnesses:	
Bambach, Dorothy, Conservation Chair, Friends of the Savannah Coastal Wildlife Refuges, Inc.	15
Prepared statement on the Harris Neck National Wildlife Refuge	16
Bamford, Dr. Holly, Deputy Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce	46
Prepared statement on H.R. 1171 and S. 363	48
Dohner, Cynthia, Southeast Regional Director, U.S. Fish and Wildlife Service, U.S. Department of the Interior	11
Prepared statement on the Harris Neck National Wildlife Refuge	12
Farr, Hon. Sam, a Representative in Congress from the State of California	2
Prepared statement on H.R. 1171	3
Gilman, Paul, Ph.D., Senior Vice President and Chief Sustainability Officer, Covanta Energy Corporation	53
Prepared statement on H.R. 1171 and S. 363	54
Greer, Evelyn, Board Member, Harris Neck Land Trust	28
Prepared statement on the Harris Neck National Wildlife Refuge	28
Kelly, David M., Project Coordinator, Harris Neck Land Trust	19
Prepared statement on the Harris Neck National Wildlife Refuge	20
Kingston, Hon. Jack, a Representative in Congress from the State of Georgia, Oral statement of	10
Moran, Wilson W., Direct Descendent of Robert Delegal, Board Member, Harris Neck Land Trust LLC	24
Prepared statement on the Harris Neck National Wildlife Refuge	25
Relaford, Winston, Board Member, Harris Neck Land Trust	28
Prepared statement on the Harris Neck National Wildlife Refuge	29
Thorpe, Rev. Robert H., Pastor, Peaceful Zion Church, and Former Board Chairman, Harris Neck Land Trust	26
Prepared statement on the Harris Neck National Wildlife Refuge	27

LEGISLATIVE HEARING ON H.R. 1171, TO REAUTHORIZE AND AMEND THE MARINE DEBRIS RESEARCH, PREVENTION, AND REDUCTION ACT. "MARINE DEBRIS ACT REAUTHORIZATION AMENDMENTS OF 2011"; AND S. 363, A BILL TO AUTHORIZE THE SECRETARY OF COMMERCE TO CONVEY PROPERTY OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TO THE CITY OF PASCAGOULA, MISSISSIPPI, AND FOR OTHER PURPOSES; AND OVERSIGHT HEARING ON HARRIS NECK NATIONAL WILDLIFE REFUGE AND HOW THE FEDERAL GOVERNMENT OBTAINED TITLE TO THIS LAND AND PROMISES MADE TO THE ORIGINAL LANDOWNERS.

**Wednesday, December 15, 2011
U.S. House of Representatives
Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs
Committee on Natural Resources
Washington, D.C.**

The Subcommittee met, pursuant to call, at 10:05 a.m., in Room 1324, Longworth House Office Building, Hon. John Fleming [Chairman of the Subcommittee] presiding.

Present: Representatives Fleming, Sablan, Bordallo, and Hanabusa.

Dr. FLEMING. The Subcommittee will come to order. The Chairman notes the presence of a quorum.

Good morning. Today, we are going to have both an oversight and a legislative hearing. The oversight portion of the hearing will be the second panel, which will discuss the "Harris Neck National Wildlife Refuge and How the Federal Government Obtained Title to This Land and Promises Made to the Original Landowners."

The third panel will be a legislative hearing on two bills, H.R. 1171, the Marine Debris Act Reauthorization Amendments of 2011, and S. 363, a bill to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi.

Dr. FLEMING. Since we are dealing with a few topics today, I would suggest that we go ahead with our first panel and then give our opening statements for the oversight and legislative issues preceding each of those panels.

On our first panel today, we will hear from the sponsor of H.R. 1171, our colleague, Congressman Sam Farr.

Welcome, sir. Like all witnesses, your written testimony will appear in full in the hearing record, so I ask that you keep your oral statements to 5 minutes, as outlined in our invitation letter to you and under Committee Rule 4(a). Our microphones are not automatic, and so please press the button when you are ready to begin.

I also want to explain how our timing lights work, and I think you are probably familiar with that. Four minutes under green, 1 minute under yellow, and then red. We would certainly ask that you wrap up your testimony at that point.

So I welcome our friend and colleague, Mr. Sam Farr from California. And, sir, your 5 minutes are ready to go.

**STATEMENT OF THE HON. SAM FARR, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. FARR. Well, thank you very much, Chairman Fleming and Ranking Member Sablan. I used to be a member of this Committee, and it is a pleasure to be back. I have always thought that this Committee has one of the most interesting jurisdictions in the world because, with the exclusive economic zones throughout all of the territories and atolls and everything that the United States owns, the United States has more jurisdiction of the ocean than any country in the world, and that is a big responsibility.

And I bring to you today a bill that is reauthorizing what is already in the law, a bill that was created by the Chairman in the Senate, Inouye, who obviously knows the issues from representing Hawaii, and the late Senator Ted Stevens, who was a big advocate for healthy oceans in Alaska. And that is why my principal cosponsor on this bill is Don Young. And I am very pleased to work with him on this.

This legislation is, as I said, a reauthorization. It has been referred to two Committees: the Transportation and Infrastructure Committee and this Committee. The Infrastructure Subcommittee on Coast Guard and Maritime Transportation held a hearing in July, and the Chairman, Frank LoBiondo, became a cosponsor with that hearing. And I hope that you will all join in this, too. I don't think there is much controversy here. It is bipartisan. I have 31 cosponsors, including 8 members of this Subcommittee.

What I just wanted to point out is that we have an incredible problem. Mr. Sablan certainly knows this, from the Northern Marianas. But this is the northern Hawaiian Islands, the sanctuary out there. There is absolutely nothing out there. I mean, there are no man-made facilities, there are no communities. This just washes up from the beach, just what is in the ocean. And our oceans have become, frankly, a dumping ground, and all that stuff that is dumping into the oceans—I mean, it is almost a landfill in the ocean—is creating all kinds of economic problems as well as health-risk problems to the environment.

So this bill, in reauthorizing, is supported by a large group, a diverse group, from the American Chemistry Council, the Chamber of Shipping of America, the Jersey Coast Anglers Association, all the way to, obviously, the Ocean Conservancy group.

What is happening is the dumping of literally 14 billion pounds of trash every year into the ocean is accumulating, and we have to find ways, one, to clean out what is out there that we can get a hold of, and, two—and where it is and where it is going—but we also have to monitor what is happening. And with the tragic tsunami in Japan, we have estimates of 20 million tons of debris that are floating our way as a result of that tsunami, which just went in and came out and everything that came out with it ended up in the ocean.

We also saw—I remember when I was on this Subcommittee, Congressman Saxton from New Jersey, at the time was just adamant about what happened in his State following the medical waste that washed ashore in the 1980s and essentially changed the whole environment for New Jersey because it cost them about \$3.6 billion in tourism revenue that was lost when nobody wanted to go to the beaches because of all the medical waste that was washed up. We found in the Northeast that the lobster industries lost about \$250 million from fishing gear that is there.

So this bill—and I have to wrap it up—is a reauthorization, and it updates the language. And I would hope that we would get strong support for it. I would be glad to answer any questions you might have.

I would like to also show you one other photograph here of the amount of fishing gear that was acquired. This is what they call ghost nets. We are locating them and dragging them out, because they just continue to catch fish and, you know, for nothing but to wipe them out. So fishermen hate these things because it is competitive with their catch, so that is why you have such strong support by the fishing community.

[The prepared statement of Mr. Farr follows:]

Statement of The Honorable Sam Farr, a Representative in Congress from the State of California

Thank you Chairman Fleming and Ranking Member Sablan for holding a hearing on the Marine Debris Act Reauthorization Amendments of 2011 (H.R. 1171), which I introduced in March. I sincerely appreciate the bill's bipartisan support from 31 cosponsors, including 8 Members of this Subcommittee on both sides of the aisle.

Mr. Chairman, our beaches and oceans have turned into landfills. Prime tourist destinations, which were once pristine coastal environments, are now littered with garbage. According to the National Academy of the Sciences, we dump more than 14 billion pounds of trash into the ocean every year. This trash, which is formally referred to as marine debris, spans everything from derelict fishing gear that has been lost at sea, to large kitchen appliances, to single-use bottles and plastic bags.

The issue of marine debris is critical now more than ever due to the tragic tsunami that occurred off of the coast of Japan in March 2011. According to recent estimates, between 5 and 20 million tons of debris resulting from the tsunami is floating across the Pacific Ocean. Models developed by the National Oceanic Atmospheric Administration (NOAA) to track and predict the movement of this debris suggest that it could wash up on the shores of the Northwest Hawaiian Islands by this winter and the west coast of the United States by 2013.

Marine debris is not just an eyesore. It has enormous economic impacts. For instance, in the summers of 1988 and 1989, New Jersey and New York experienced beach closures when medical marine debris washed ashore. Estimates suggest that the total loss in tourism revenues was as much as \$3.6 billion.

Another stark example of marine debris' economic impacts is derelict fishing gear. Studies show that over \$250 million in marketable U.S. lobster is lost each year in derelict fishing gear. Additionally, in the Puget Sound, a single derelict gillnet will catch and kill 4,368 crabs over its lifetime. In a time where our fishermen are already facing economic challenges, losses of this magnitude are simply unacceptable.

Marine debris also causes economic harm to boaters. Submerged debris poses significant navigational hazards and results in up to \$792 million per year in damages to vessels resulting from boating accidents.

The only way to protect these industries and ocean-users and their contributions to the national economy is to reduce the amount of marine debris in the environment and to prevent it from getting there in the first place. In 2006, Congress first recognized the significance of this issue and took decisive action to elevate marine debris as a national concern by passing the original Marine Debris Research, Prevention, and Reduction Act of 2006. This legislation was introduced in the Senate by Senators Daniel Inouye and Ted Stevens and later passed in the House by voice vote under Republican leadership. The law signed by President Bush strengthened federal efforts to address this serious problem by establishing the National Oceanic Atmospheric Administration (NOAA) Marine Debris Program.

Now it is time to reauthorize this law, which is the purpose of H.R. 1171, the Marine Debris Act Reauthorization Amendments of 2011. H.R. 1171 would ensure that the NOAA Marine Debris Program continues to address marine debris and its impacts on the economy, navigation safety, and the marine environment. This legislation continues the Interagency Marine Debris Coordinating Committee (IMDCC), an interagency partnership led by NOAA that is intended to avoid duplicative efforts. As the lead marine debris agency, NOAA sets research priorities, leads derelict gear removal activities, establishes public private partnerships, and develops non-regulatory outreach strategies to prevent marine debris. This work also requires that NOAA coordinate with and serve as a resource to regional, state, local, territorial, and tribal entities.

The reauthorization also amends the original law in order to allow NOAA to more comprehensively address the issue of marine debris. First, the reauthorization includes a formal definition of marine debris, formulated in consultation with NOAA and the U.S. Coast Guard (USCG), as mandated by the original law. As noted in NOAA's submitted testimony, the desired definition has been updated since the introduction of this Act, and I fully support amending the definition to be consistent with what NOAA and USCG have since agreed on. Reauthorization also requires NOAA to improve efforts to reduce and prevent land-based sources of marine debris, where 80% of debris in the ocean originates. Next, H.R. 1171 calls upon NOAA develop products and tools that will be available to the public, such as protocols for monitoring marine debris. Finally, the language suggests that NOAA cooperate with the international community, which has and will be critical in dealing with Japan's tsunami debris.

Since its inception in 2006, the NOAA Marine Debris Program has demonstrated its ability to successfully minimize the consequences of marine debris to our national economy through countless examples. The tourism industry, for instance, benefits from the annual International Coastal Cleanup, which leaves beaches trash free and more desirable as vacation destinations. This event, which is organized by the Ocean Conservancy and partially funded by the NOAA Marine Debris Program, is the world's largest single day marine debris cleanup event. In 2010, the United States had over 240,000 volunteers from every territory and all 50 states who cleaned up 4.5 million pounds of trash from our coastlines. In Louisiana alone, volunteers removed over 7,500 pounds of debris from the beaches, while in Florida's 2nd Congressional district, over 1,857 people participated.

Funding for the International Cleanup comes from a portion of the Program's budget that is dedicated to grants. From 2005–2009, the NOAA Marine Debris Program provided grant funding for 86 projects with only \$6.3 million. As a result of the minimum 50% matching requirement that was put in place by the original law, these funds have leveraged an additional \$7.9 million in non-Federal funds. H.R. 1171 maintains this matching requirement and ensures that projects like the International Coastal Cleanup continue in order to safeguard the coastal tourism economy.

The NOAA Marine Debris Program also promotes the fishing economy. Derelict fishing gear can have devastating effects on the value of fisheries. When traps, nets, pots, and other gear are lost at sea, they continue to catch and kill valuable, harvestable species in a process called ghost fishing. Although the Marine Debris Program has already made significant strides in working with the fishing community to address and recover derelict fishing gear, the Reauthorization specifies that NOAA must "develop effective non-regulatory measures and incentives to cooperatively reduce the volume of lost and discarded fishing gear and aid in its recovery." These efforts are becoming increasingly critical, as a recent economic study found that for each derelict net that is retrieved from the marine environment, the fishing industry saves \$6,285 due to reduced mortality of target species. This demonstrates that ignoring the problem will simply cost the fishing industry money.

In the Chesapeake Bay, research shows that there could be as many as 120,000 derelict traps that are actively ghost fishing. For this reason, the NOAA Marine Debris Program has undertaken an effort to partner with fishermen, academia, and the private sector to reduce the prevalence of derelict gear to ensure that valuable seafood isn't lost. Through a NOAA partnership with the Virginia Institute of Marine Sciences, fishermen in the Chesapeake Bay region are paid to find and retrieve derelict traps, and thus far, over 34,000 derelict pots have been removed. In sum, this project has reduced the economic impacts of derelict gear on the fishing industry, while creating jobs for watermen.

In a separate effort to address derelict fishing gear, NOAA has engaged in a public-private partnership with two companies, Covanta Energy, of New Jersey and who will be testifying at the hearing, and Schnitzer Steel Industries, of Hawaii. In this partnership called "Fishing for Energy," fishing gear recycling bins have been installed in 25 ports across the country. These bins provide a no-cost solution to fishermen for disposal of old fishing gear. This alternative to costly landfill disposal also provides fishermen with a voluntary incentive to retrieve any derelict gear they might come across while out on the water. Covanta Energy and Schnitzer Steel then take the gear and recycle it in order to produce electricity. This public-private partnership provides another example of how the existing law has allowed NOAA to find efficient and effective solutions to the problem of marine debris, and the reauthorization will allow for these partnerships to be strengthened.

Finally, NOAA is working to make boating a safer activity by reducing navigational hazards caused by marine debris. For example, following Hurricanes Katrina and Rita in the Gulf of Mexico, the increased abundance of submerged marine debris posed a significant navigational hazard to boaters and fishermen. To minimize this risk, NOAA partnered with USCG, the Louisiana Department of Natural Resources, and several private nautical mapping companies to survey over 1,500 square nautical miles along the Gulf Coast. Through this effort, over 7,000 submerged items were located and mapped in offshore fishing and shrimping grounds. The fishermen and boaters were then provided maps and information and outreach materials in order to help them reduce collisions, thus reducing the number of incidents that would require additional Federal response and resources.

Navigational safety may also become a major issue in the Pacific as a result of Japan's tsunami. To prepare for this, the NOAA Marine Debris Program has provided information to the U.S. Department of Transportation for a Maritime Advisory concerning Japan tsunami debris. The advisory urges U.S.-flagged ships and mariners to be vigilant while transiting the North Pacific between Japan and the West Coast of the United States. The advisory includes information on potential types of debris and provides instructions for reporting significant sightings of floating debris. In addition, NOAA convened a meeting with IMDCC representatives in June 2011 in order to determine the role of each federal agency in a potential tsunami debris response. Representatives of the IMDCC have agreed to help NOAA in pursuing methods for assessing and tracking tsunami debris and have established a Japan tsunami workgroup.

The examples provided here have resulted in strong support from the private sector and the fishing industry for the Reauthorization. Private sector and fishing industry entities including the American Chemistry Council, the Chamber of Shipping of America, and the New Jersey Coast Anglers Association have submitted support letters for H.R. 1171, which are attached to the end of this testimony.

As the tsunami debris approaches the United States, Congress must take action to prepare by passing H.R. 1171. Existing law has allowed for the formation of successful partnerships both within the Federal government and between the Federal government and the private sector. These partnerships have successfully leveraged the resources and capacity of NOAA, enabling the Marine Debris Program to make significant strides in tackling the pervasive challenge of marine debris, with very limited resources. In fact, the NOAA Marine Debris Program truly serves as a model for how successful and cost-effective federal programs should operate.

We must act now to ensure that this Program and its partnerships are not only maintained, but strengthened, and H.R. 1171 is the necessary vehicle to ensure our country can address the impacts of ocean trash on marine ecosystems, coastal economies, and navigation safety. Thank you again for this hearing, and I look forward to working with this subcommittee to move this legislation forward.

Dr. FLEMING. Well, I thank the gentleman.

Mr. Sablan, do you have any questions?

Mr. SABLAN. I have just one, Mr. Chairman. Thank you.

Dr. FLEMING. OK. Sure. Go ahead.

Mr. SABLAN. Thank you very much, Mr. Chairman.

And welcome, Congressman Farr. And thank you for your leadership in addressing marine debris.

As you mentioned in your written testimony, marine debris resulting from the tragic tsunami off the coast of Japan is approaching the United States territories, including the Northern Marianas and Guam. Can you explain how your bill could help address this problem, please?

Mr. FARR. Well, because of the authorization and because of the coordination among Federal agencies, what we do is we monitor it now. We monitor it by—we can tag it with satellite tags if it is big enough, if it is something on the surface. And that way, you know, you know where it is going.

And then what we have been able to do by, like, retrieving these nets is, if you can retrieve it—and the Coast Guard is on mission. They have been very effective in retrieving nets. I work out of—I represent Monterey, California, a big fishing community. Fishermen have lost their nets. Those are very expensive; they are thousands and thousands of dollars. They get caught on dredges. And we are now having the original fishing boat that lost its net, because it only has the gear to be able to pull it out, they are going out with the Coast Guard and with the National Marine Sanctuary to retrieve it.

So you have to know where it is, first. And, as you know, the oceans are vast and deep and mysterious. So it is finding it.

Mr. SABLAN. Thank you, Mr. Chairman.

Dr. FLEMING. I thank the gentleman, Mr. Farr, for your testimony today. A very important issue, and, certainly, we are going to be working on this going forward.

Mr. FARR. OK. Thank you very much, Mr. Chairman. I hope we can get a markup and get it to the Floor so that we can get it reauthorized. The last time the bill was passed, there wasn't a single negative vote in either the Senate or the House, so it is a popular issue.

Dr. FLEMING. All right. Very good. Thank you, sir.

Our next panel is another Member, Mr. Kingston. He has not arrived yet, so we will move forward with our opening statements, and hopefully we will see Mr. Kingston very soon. I will begin with mine.

STATEMENT OF THE HON. JOHN FLEMING, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA

Dr. FLEMING. Our story begins in 1865, when, at the end of the Civil War, Ms. Margaret Ann Harris leaves 2,688 acres of land to Mr. Robert Delegal, a former slave, and his heirs in her final will and testament. For the next 75 years, 75 African American families lived on Harris Neck, and they raised their families, their crops, and invested their future in this land.

In 1942, the Federal Government decided that they needed this exact land to build an Army airfield, and they used their condemnation authority to acquire it. The residents who lived on Harris Neck were given 2 weeks to move themselves and all of their belongings. They were allegedly told that they could reclaim their

property at the end of World War II and that they would be fairly compensated.

Sadly, it appears that neither of these promises were kept. It is now nearly 70 years since their property was condemned, and, since that time, the 2,688 acres have been used as a failed county airport for drug smuggling, illegal cattle grazing, gambling, and as a unit of the National Wildlife Refuge System.

While we are not going to solve this controversy today, I am holding this hearing at the request of Congressman Jack Kingston, who represents this area and who believes, as I do, that the descendants of those who owned the property in 1942 should have this opportunity to tell their story before the House Natural Resources Committee.

Let me close by asking unanimous consent to submit for the record the last will and testament of Margaret Ann Harris; a copy of the United States Court of Appeals case in 1982; the 1985 report of the United States General Accounting Office; a letter from the U.S. Fish and Wildlife Service to a Reverend Robert Thorpe; and a resolution unanimously adopted by the McIntosh County Board of Commissioners in 2007. The resolution concludes with the assertion that, "Commissioners hereby recognize the Harris Neck Land Trust and encourage and support the Trust with its efforts to regain these 2,688 acres of Harris Neck from the Federal Government."

[NOTE: The information submitted for the record by Dr. Fleming can be found beginning on page 62. The last will and testament of Margaret Ann Harris and copy of the U.S. Court of Appeals case have been retained in the Committee's official files.]

Dr. FLEMING. I am now pleased to recognize our Ranking Member. And before I do recognize him, I want to also recognize our good friend, Congressman Jack Kingston from Georgia, whose district includes the issue at hand.

And we thank you, sir, for joining us this morning. And we will give you an opportunity to testify in just a moment.

So, with that, I am now pleased to recognize our Ranking Member from Northern Marianas, Congressman Sablan, for any statement he wishes to make.

[The prepared statement of Dr. Fleming follows:]

**Statement of The Honorable John Fleming, Chairman,
Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs**

Good morning, today, we are going to have both an oversight and legislative hearing. The first panel of witnesses will address a painful experience in our nation's history and I will reserve my comments on the legislative proposals until we conclude this portion of the hearing.

Our story begins in 1865 when at the end of the Civil War, Ms. Margret Ann Harris leaves 2,688 acres of land to Mr. Robert Delegal, a former slave, and his heirs in her Final Will and Testament.

For the next 75 years, 75 African-American families lived on Harris Neck and they raised their families, their crops and invested their future in this land. In 1942, the federal government decided that they needed this exact land to build an Army Airfield and they use their condemnation authority to acquire it.

The residents who lived on Harris Neck were given two weeks to move themselves and all of their belongings. They were allegedly told that they could reclaim their property at the end of World War II and that they would be fairly compensated. Sadly, it appears that neither of these promises were ever kept.

It is now nearly 70 years since their property was condemned and since that time the 2,688 acres have been used as a failed county airport, for drug smuggling, illegal cattle grazing, gambling and as a unit of the National Wildlife Refuge System.

While we are not going to solve this controversy today, I am holding this hearing at the request of Congressman Jack Kingston who represents this area and who believes, as I do, that the descendants of those who owned this property in 1942 should have this opportunity to tell their story before the House Natural Resources Committee.

Let me close by asking unanimous consent to submit for the hearing Record, the Last Will and Testament of Margret Ann Harris, a copy of the United States Court of Appeals case in 1982, the 1985 Report of the United States General Accounting Office, a letter from the U. S. Fish and Wildlife Service to Reverend Robert Thorpe and a Resolution unanimously adopted by the McIntosh County Board of Commissioners in 2007. The Resolution concludes with the assertion that: "Commissioners hereby recognizes the Harris Neck Land Trust and encourages and supports the Trust with its efforts to regain these 2,688 acres of Harris Neck from the Federal Government".

I now recognize the Ranking Minority Member for any statement he would like to make at this time.

**STATEMENT OF THE HON. GREGORIO SABLAN, A DELEGATE
IN CONGRESS FROM THE NORTHERN MARIANA ISLANDS**

Mr. SABLAN. Thank you very much, Chairman Fleming. And I look forward to hearing the testimony about the issues and views with us today.

Today, we will hear testimony from witnesses regarding the history of Harris Neck National Wildlife Refuge. I look forward to learning more about this important issue.

We will also examine Senate Bill 363, introduced by Senator Wicker. This bill will simply authorize a land exchange between the City of Pascagoula and NOAA, which has been agreed upon by both parties.

Finally, I am very pleased that my colleague and good friend, the distinguished gentleman representing California's 17th Congressional District, Congressman Farr, testified earlier on his bill, on H.R. 1171, the Marine Debris Act Reauthorization Amendments of 2011. As someone who is passionate about the well-being of our oceans, I find marine debris to be a particularly concerning issue.

Marine debris and any discarded or abandoned manmade objects that enter the coastal or marine environment of the Great Lakes, the majority of this trash, from plastic bottles to derelict fishing gear, breaks down very slowly and can float thousands of miles on ocean currents. We now know that trash is not only accumulating on the world's beaches but is gathering in the most remote parts of the ocean. This litter is more than an eyesore. Marine debris poses a serious threat to fishery resources, wildlife and habitat, as well as human health and navigational safety.

The spiraling whirlpool of trash between California and Hawaii, which is popularly known as the "Pacific Garbage Patch," is one of several areas of highly concentrated marine debris in the Pacific Ocean. By skimming the water with fine nets, scientists have discovered that in some parts of this vast Pacific garbage patch the plastic outweighs tiny marine creatures six to one.

In March of this year, the tsunami in Japan created scattered patches of marine debris in the Pacific Ocean that are visible by satellite. This debris has the potential to litter our shores, from the islands to the West Coast, over the next 5 years. Last year, in just

1 day, over 1,000 volunteers cleared more than 6,000 pounds of marine debris from the beaches on the Commonwealth of the Northern Mariana Islands, my district. And in a similar effort this year, almost 5,000 pounds were collected.

The national and international efforts on the part of NOAA, working with the United States Coast Guard and other agencies, have been highly successful in identifying, removing, and preventing marine debris.

Marine debris is hazardous to humans and wildlife, clogs our beautiful oceans and beaches, and has devastating economic impacts. It is for these reasons and many, many more that I strongly support H.R. 1171. And I look forward to hearing from our witnesses today.

And thank you, Mr. Chairman.

[The prepared statement of Mr. Sablan follows:]

Statement of The Honorable Gregorio Kilili Camacho Sablan, Ranking Member, Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs

Thank you, Chairman Fleming. I look forward to hearing the testimony about the issues and bills before us today.

Today, we will hear testimony from witnesses regarding the history of Harris Neck National Wildlife Refuge. I look forward to learning more about this important issue.

We will also examine S.363, introduced by Senator Wicker. This bill will simply authorize a land exchange between the City of Pascagoula [PASS-KA-GOO-LA] and the National Oceanic and Atmospheric Administration, NOAA [No-ah], which has been agreed upon by both parties.

Finally, I want to also welcome my colleague and good friend, the distinguished gentleman representing California's 17th Congressional District, Congressman Farr, who will testify on his bill, H.R. 1171, the Marine Debris Act Reauthorization Amendments of 2011. As someone who is passionate about the well-being of our oceans, I find marine debris to be a particularly concerning issue.

Marine debris is any discarded or abandoned man-made object that enters the coastal or marine environment or the Great Lakes. The majority of this trash, from plastic bottles to derelict fishing gear, breaks down very slowly and can float thousands of miles on ocean currents. We now know that trash is not only accumulating on the world's beaches, but is also gathering in the most remote parts of the ocean. This litter is more than an eyesore—marine debris poses a serious threat to fishery resources, wildlife, and habitat, as well as human health and navigational safety.

The spiraling whirlpool of trash between California and Hawaii, which is popularly known as the Pacific Garbage Patch, is one of several areas of highly-concentrated marine debris in the Pacific Ocean. By skimming the water with fine nets, scientists have discovered that in some parts of this vast Pacific Garbage Patch, **the plastic outweighs tiny marine creatures six to one**. In March of this year, the tsunami in Japan created scattered patches of marine debris in the Pacific Ocean that are visible by satellite. This debris has the potential to litter our shores, from the islands to the West Coast, over the next 5 years.

Last year, in just one day, over one thousand volunteers cleared more than 6,000 pounds of marine debris from our beaches on the Commonwealth of the Northern Marianas Islands and in a similar effort this year, almost 5,000 pounds were collected. The national and international efforts on the part of NOAA, working with the United States Coast Guard and other agencies, have been highly successful at identifying, removing, and preventing marine debris.

Marine debris is hazardous to humans and wildlife, clogs our beautiful oceans and beaches, and has devastating economic impacts. It is for these reasons and many more that I strongly support H.R. 1171, and I look forward to hearing from our witnesses today.

Dr. FLEMING. I thank the Ranking Member, Mr. Sablan, for his statement.

Now I would like to recognize Mr. Kingston for his statement on this important topic.

STATEMENT OF THE HON. JACK KINGSTON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF GEORGIA

Mr. KINGSTON. Thank you, Mr. Chairman and Mr. Ranking Member and Committee members and staff. I know we have been working closely with you over the last couple of years on this. I greatly appreciate your having the hearing. Harry Burroughs has been especially helpful to us.

One of the things that I want to emphasize, this is the first hearing that the Harris Neck residents have ever been able to have, and yet this is a situation that has been going on really for decades. And it is a question to me of, what was the original intent of the U.S. Government, was there compensation that was fair to the residents, and was the original intent followed in terms of reverting the land back to the residents of it?

And you, Mr. Chairman, just outlined the situation, so I won't reiterate that. But I will say that, from my involvement with it, the parties have been very good. Fish and Wildlife has been very responsive in terms of answering questions. We have had a meeting or two in my office that I think have been productive. There has been a lot of good faith. And we all realize that we have somewhat inherited this from people who previously sat in our chairs, you might say.

So today we are going to hear from Winston Relaford, the Chairman of the Land Trust; Reverend Thorpe, a former Board Chairman and Harris Neck Elder; former residents Evelyn Greer and Wilson Moran, also on the Board; and Project Coordinator David Kelly. And I have met with them. We are also going to hear from Dot Bambach from Friends of the Savannah Coastal Wildlife Refuge and Cynthia Dohner from Fish and Wildlife Service.

And what I would rather do than—I would rather yield the balance of my time to the panel and give them an opportunity to be heard. So thank you very much, again, for having this first hearing on this. I think this is going to be very productive for all of us.

Dr. FLEMING. Very good. Well, I thank the gentleman, and I thank you for requesting this hearing.

And I will now invite the panel to come forward, and we will begin hearing from the witnesses.

OK. The panel members today, which Mr. Kingston has already introduced, but I will go back through and ask them to come forward. I welcome all the witnesses to the panel. We appreciate your time today.

We will hear testimony from the Region 4 Director of the U.S. Fish and Wildlife Service, Ms. Cindy Dohner; Ms. Dot Bambach, representing the Friends of the Savannah Coastal Wildlife Refuges; and Mr. David Kelly, Project Coordinator, Harris Neck Land Trust; Mr. Wilson Moran, who is a direct descendant of Mr. Robert Delegal; Reverend Robert Thorpe, Pastor, Peaceful Zion Church; Ms. Evelyn Greer and Mr. Winston Relaford, who are both Board Members of the Harris Neck Land Trust.

Thank you, panel, for joining us today. Hopefully everyone is sitting in the seat with their name in front of them. Sometimes that is a challenge.

Ms. Dohner, you are now recognized for 5 minutes. And you may have heard me explain the light scenario. You have probably testified before.

And I will go through that real quickly for panel members before I again recognize Ms. Dohner.

When you testify, the green light says you are within the first 4 minutes of your testimony. The yellow light says you are in the last minute of your testimony. When it turns red, if you haven't finished, we would ask that you go ahead and wrap up immediately.

So, with that, I will recognize Ms. Dohner.

**STATEMENT OF CYNTHIA DOHNER, SOUTHEAST REGIONAL
DIRECTOR, U.S. FISH AND WILDLIFE SERVICE**

Ms. DOHNER. Good morning, Chairman Fleming and members of the Subcommittee. I am Cynthia Dohner, the Southeast Regional Director for the U.S. Fish and Wildlife Service within the Department of the Interior. As the Regional Director, I oversee and coordinate the services and programs across the Southeast in 10 States and Puerto Rico and the Virgin Islands. Thank you for the opportunity to appear before you today to talk about the history of Harris Neck National Wildlife Refuge and its ecological value and importance to the American public.

Jurisdiction over these lands was transferred to the Service in 1962. What we know about the condemnation of these lands by the Department of Defense during World War II is limited to two Federal court cases, a General Accounting Office report, and other information provided by the Harris Neck Land Trust. The Service is not in possession of the original records pertaining to DOD's condemnation of these lands.

In my written statement, the historical background indicates that DOD condemned 2,687 acres of land for use as an airfield during World War II in the early 1940s. About 20 years later, the land was transferred to the Service to be managed as a national wildlife refuge. Since then, the Federal court rulings and the GAO report found that there was no evidence of improper procedure in DOD's condemnation of these lands.

These lands serve as an important link in the chain of refuges along the Atlantic coast that provides migratory birds with important areas for resting and feeding as they make their journeys north and south. Harris Neck Refuge has a variety of habitats, ranging from live oak forest to salt marshes and freshwater impoundments. It is home to numerous resident species: bobcat, whitetail deer, bald eagles, and more than 342 species of birds, including an endangered bird.

The refuge is one of 18 stops along the Georgia Colonial Birding Trail and has been designated as an Important Bird Area by the National Audubon Society. It is best known for its incredible viewing opportunities of the endangered wood stork during nesting season. The Woody Pond Colony is the largest breeding colony of wood storks, with nearly 500 nesting pairs. This is one of the most stable and productive colonies in the country and is key to recovering this species.

The staff station at Harris Neck Refuge has expertise to actively manage the refuge and its habitat for the benefit of these species. The Service's management of the Refuge ensures that visitors—about 90,000 a year—are able to enjoy wildlife-dependent recreational opportunities on the Refuge, including hunting, fishing, wildlife observation, photography, hiking and biking trails. There is an auto tour route, and there is an environmental education program.

These ecological and historical values of Harris Neck are increasingly important as the population in the Southeast region continues to grow. These natural habitats are key to sustaining fish and wildlife along the East Coast. It is the Service's responsibility and obligation to ensure the conservation of fish and wildlife and their habitats for the benefit and enjoyment of the public. We also have the responsibility to take care of more than a dozen historic properties on the Refuge, and consider it an important part of our work.

The Refuge is part of this community, and we strive to be a good neighbor and a good partner. As we pursue our mission, we have reached out to the community, including the Harris Neck Land Trust, to understand their concerns. We recognize the historical relationship that members of the Land Trust have to these lands. As such, the Refuge ensures the Land Trust members are provided access to the Gould Cemetery, which is within the Refuge, and some members of the land trust are afforded unlimited access to Crabber's Dock.

The Refuge belongs to the American people. The Service is charged by statute under the National Wildlife Refuge Administration Act with managing these lands for the benefit and enjoyment of the public now and in the future. Under our legal mandates, the Service does not have the administrative authority to dispose of the Refuge, given its significant ecological value.

I would like to conclude by saying the condemnation of private property sometimes presents difficult issues, especially in wartime. Some may see these situations and decisions as unfair. The Service is not aware of any unfair treatment or unlawful activity related to this condemnation.

We believe this Refuge plays an important role in the quality of life for all citizens in the nearby communities. Given the current economic climate, the significance and value of affordable recreational opportunities where families can connect with fish and wildlife in the outdoors as well as create memories that will last a lifetime can't be overemphasized.

Thank you again for the opportunity to appear before you today. I will be happy to answer any questions.

[The prepared statement of Ms. Dohner follows:]

**Statement of Cynthia Dohner, Southeast Regional Director,
U.S. Fish and Wildlife Service, U.S. Department of the Interior**

Good morning Chairman Fleming and Members of the Subcommittee. I am Cynthia Dohner, Southeast Regional Director for the U.S. Fish and Wildlife Service (Service) within the Department of the Interior. As Regional Director I oversee and coordinate management and policy for the Service's programs across the Southeast, which includes 10 states, Puerto Rico and the U.S. Virgin Islands.

I appreciate the opportunity to appear before you today to testify about Harris Neck National Wildlife Refuge in McIntosh County, Georgia, and its ownership his-

tory. Harris Neck NWR was established in 1962 and today includes 2,824 acres of saltwater marsh, grassland, forests, and managed wetlands. Because of this great variety in habitat, many different species of wildlife, especially birds, are attracted to the refuge throughout the year. In the summer, egrets, herons, and the endangered wood stork, nest in the swamps, while in the winter, concentrations of migratory birds use the refuge. Harris Neck NWR serves as an important link in the chain of refuges along the Atlantic seaboard.

Early Ownership of Harris Neck Lands

Since the lands for the Harris Neck National Wildlife Refuge were not transferred to the Service from the Federal Aviation Administration (FAA) until 1962, the Service is not in possession of the original records pertaining to the federal government's acquisition of these lands. We do know, however, that two federal court rulings have upheld the condemnation of these lands, and a U.S. General Accounting Office (GAO) report issued in 1985, opined that just compensation had been paid for these lands.

The historical background we do have on these lands indicates that between 1929 and 1932, the Civil Aeronautics Authority (CAA) established an emergency airfield at Harris Neck denoted as two airstrips on a 1935 U.S. Navy Aviation Chart. Based upon this existing airstrip, in 1943, the United States through the Department of Defense condemned 2,687 acres of Harris Neck land for use as a war-time airfield during World War II. At the conclusion of the war, the federal government conveyed the land to McIntosh County, Georgia, in June 1948 for use as a county airport under the Surplus Property Act of 1944. The Service understands the county held the land until February 1961, when it reverted to federal ownership under the FAA because the county was not operating it in accordance with the 1948 agreement. In September 1961, the FAA declared the property surplus and in May 1962, under the Federal Property and Administrative Services Act of 1949, transferred it to the Service to be managed as a unit of the National Wildlife Refuge System.

Based on the GAO report, the Service understands that once Declarations of Taking were filed, compensation was set aside in advance of a final judgment; and compensation was ultimately provided to landowners in 1948 when a U.S. District Court approved the judgments for condemnation. In addition, the Service is not aware of any assurances then or since that these lands could be restored to the former owners at the conclusion of World War II. Federal court rulings over time have upheld the action of the Department of Defense and the compensation paid for those lands. The GAO's report concluded the same in its report based on available records.

As the Service continues to pursue its wildlife conservation mission at Harris Neck, we also work with members of the Harris Neck Land Trust to ensure access to Crabber's Dock and a boat ramp built by the Service in 1985 and permitted to the Barbour River Watermen's Association to ensure access to a valuable fishery. In addition, the Service has held meetings with representatives of the Land Trust as recently as 2010 to pursue an ongoing dialogue and learn more about the early history of these lands. So far, those efforts have not led to the discovery of any new documentation that would shed additional light on the history of the Harris Neck lands relative to this action.

The Refuge and its Benefits

Harris Neck National Wildlife Refuge is an important component of the National Wildlife Refuge System. It supports a variety of habitats ranging from live oak forests to salt marshes and freshwater impoundments. The refuge is home to numerous species, including bobcats, white-tailed deer, bald eagles, and endangered gopher tortoises. In addition, more than 342 species of birds utilize the refuge, including roughly 83 species of nesting birds.

The mature maritime forest, best recognized by the stately live oaks draped with Spanish moss, is important to a number of migratory birds including the painted bunting—one of the highest priority songbirds in the southeastern United States for conservation. This species is experiencing precipitous population declines primarily from the loss of these forests and the associated shrub habitat that represents the younger, developing stages of the forest. The painted bunting is the signature songbird of Harris Neck NWR with the refuge hosting one of the greatest densities of nesting pairs on the mainland in the southeast. In addition, the painted bunting's brilliant and colorful plumage is one of the primary attractions for the vast majority of bird watchers that come to the refuge.

Harris Neck NWR is an important stop along the coast that form the Colonial Birding Trail and it has been designated as an Important Birding Area by the Audubon Society. The refuge is best known for its incredible viewing opportunities of the federally endangered wood stork colony during nesting season. The Woody Pond

stork colony is the largest breeding colony in Georgia with nearly 500 nesting pairs making it one of the most stable and productive colonies in the country. This site plays a key role in moving the wood stork toward full recovery.

The refuge's expanse of coastal wetlands and upland forests also plays an important role in the cooperative planning and habitat management efforts of the South Atlantic Migratory Bird Initiative. This initiative, developed as part of the Atlantic Coast Joint Venture, is a collaboration of federal, state, and non-governmental organizations to manage and protect habitats for high priority migratory birds within the coastal region of the southeast.

The Service is responsible for protecting historic properties on lands it owns or manages under laws such as the National Historic Preservation Act and the Archaeological Resources Protection Act. Several historic properties, including the Gullah-Geechee community of Harris Neck, have been identified through archaeological investigations on the refuge since the 1980s.

With a four-person staff and a budget of roughly \$449,000, Harris Neck NWR provides public use opportunities, including two annual deer hunts, fishing, wildlife observation, photography, more than five miles of hiking and biking trails, and interpretation/environmental education programs, to roughly 90,000 visitors this year. Two public boat ramps on the refuge provide access for saltwater anglers. Additionally, the public can enjoy wildlife viewing along a four-mile auto tour route known as Wildlife Drive. In 2010, McIntosh County received \$48,309 through the Service's refuge revenue sharing program and a similar amount is anticipated for 2011.

Conclusion

The ecological and historical values of Harris Neck NWR are numerous and increasingly important as the population of the coastal region of the southeastern U.S. continues to grow, especially along the coast of Georgia. The refuge is vital to ensuring the conservation of fish and wildlife resources along the Georgia coast for future generations to enjoy. In addition, these refuge lands serve an important conservation objective, particularly with regard to the endangered wood stork and other high priority migratory birds.

Harris Neck NWR is an important link in the network of National Wildlife Refuges along the east coast of the United States providing protected, high quality habitat for hundreds of species of migratory birds. Moreover, Harris Neck NWR is easily accessible by the public to enjoy the wildlife this refuge supports. It is the Service's responsibility and obligation to ensure the protection of these species and the habitats in which they reside.

The condemnation of private property sometimes presents difficult issues, especially in time of war. Some may see these situations and decisions as unfair. However, it does not mean that people were not fairly compensated, or that laws and regulations were not followed appropriately. The Fish and Wildlife Service is unaware of any unfair treatment or unlawful activity incident to the condemnation of this property.

It is important to understand that this issue has been reviewed over the years by both the U.S. District Court in Georgia and the U.S. Court of Appeals Eleventh Circuit, which both found that just compensation had been awarded in the condemnation of this property. Also, the GAO confirmed in its report that the actions of the federal government had been legal and appropriate under rules established for condemnation of property, fair compensation, and subsequent land conveyances. Moving forward, the Service is open to further discussions if any new information becomes available.

Mr. Chairman, Members of the Subcommittee, thank you again for the opportunity to appear before you today to discuss the history of Harris Neck National Wildlife Refuge. I'll be happy to answer any questions you may have as best I can.

Dr. FLEMING. I thank you, Ms. Dohner.

Before we go to our next witness, I want to ask unanimous consent that the gentleman from Georgia, Mr. Kingston, who just testified, be allowed to sit with the Subcommittee and participate in the hearing.

Hearing no objection, so ordered.

Ms. Bambach, you are up next for 5 minutes, and we are ready to hear from you.

**STATEMENT OF DOROTHY BAMBACH,
FRIENDS OF THE SAVANNAH COASTAL WILDLIFE REFUGES**

Ms. BAMBACH. Good morning. My name is Dorothy Bambach. I represent the Friends of the Savannah Coastal Wildlife Refuges. I also have the support of Georgia Ornithological Society, National Audubon, and the National Wildlife Refuge Association. Thank you very much for inviting me today.

Our Friends group is a nonprofit organization that supports and advocates for our seven local national wildlife refuges, including Harris Neck. We also promote public understanding of the need to protect and preserve wildlife and wildlife habitat. Our 281 dues-paying members come from all walks of life—professionals, blue-collar workers, sportsmen, retirees, and others. The one thing we all have in common is that we care passionately about our local refuges and are willing to invest our time, our money, and our sweat to maintain and protect them.

The 85,000-plus annual visitors to Harris Neck are also a diverse group. As Cindy has already mentioned, they are hunters and fishermen, crabbers, shrimpers, cyclists, paddlers, Scout troops, birders, garden clubs, butterfly clubs, photographers, nature watchers, wildlife watchers, hikers, joggers, and school groups. They come from all over the United States and several foreign countries, and they bring much-needed revenue to local businesses with each one of their visits.

Here are a few direct quotes that I received from some of the regular visitors:

“Try not to let your jaw hit the ground at the sight you will behold at Woody Pond, perhaps the most amazing wader rookery in the entire State.”

“I bike and fish at Harris Neck at least once a week because the peace, quiet, and wildlife are just unbelievable.”

“Harris Neck is a source of beauty, family recreation, and outdoor education for us, and has been for many years.”

And, finally, “A highlight of any visit to Harris Neck is meeting people from all over who have stopped in with their cameras, tripods, and binoculars.”

Personally, I have never met anyone who was unenthusiastic about their experience at the Refuge.

And I know Harris Neck well because I am a frequent volunteer there. In the past 11 years, I have accrued more than 3,300 volunteer hours, most of them at Harris Neck, and I have driven over 30,000 miles in service to the Refuge. My experience as a volunteer has allowed me to see firsthand what a valuable and enduring asset Harris Neck is to the local community and the Nation.

And I empathize greatly with the families of the Harris Neck Land Trust for the sacrifices they made during this country's World War II efforts. But I strongly support the Refuge, and I do not want to see it diminished by converting any part of it to residential or commercial use.

Although the Refuge System was not involved in the original 1943 acquisition of the property, the system has proven to be an excellent steward of the land for the past 30 years. The Refuge has identified and protects vestiges of a number of different communities that occupied the land over centuries, not just the Gullah-

Geechee families of the Harris Neck Land Trust, but also Native American settlements and burial grounds, antebellum plantations, a mansion from the pre-war estate era, and, of course, the World War II airfield.

I should notice that the plantations that are within the Refuge boundary historically were the Peru, Gould, and King Plantations. The plantation of Margaret Ann Harris was south and west of the Refuge. And that will—while she did will her property to Mr. Delegal, none of those properties are within the Refuge boundary.

Continued Federal ownership and control will assure that descendants of all traditions—Native American, local families, and war veterans alike—know that they and future generations will be able to experience the land and environment on which their ancestors once lived. Losing Harris Neck to development would be an economic, cultural, and environmental tragedy. We ask the Subcommittee to ensure that the Refuge remains intact, undisturbed, and under the ownership and control of U.S. Fish and Wildlife.

Thank you for allowing me to testify today. I invite each of you to come for a visit to Harris Neck. I will ensure you a private tour of the Refuge, and I guarantee you will be informed and absolutely amazed by what you see.

Thank you.

[The prepared statement of Ms. Bambach follows:]

**Statement of Dorothy Bambach, Conservation Chair,
Friends of the Savannah Coastal Wildlife Refuges, Inc.**

My name is Dorothy Bambach. I represent the Friends of the Savannah Coastal Wildlife Refuges, Inc. ("FSCWR") and also have the support of Georgia Ornithological Society, National Audubon and the National Wildlife Refuge Association. I appreciate this opportunity to submit testimony to the House Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs.

FSCWR is a non-profit organization whose mission is to support and advocate for the seven refuges within the Savannah Coastal Refuge Complex (which includes Harris Neck NWR) and to promote public understanding of the need to protect and preserve wildlife and wildlife habitat. We fund special projects, provide volunteer labor, and conduct public outreach programs. We are proud to boast 281 dues-paying members after only 4 years of existence. Our membership is diverse and includes educators, hunters and fishermen, medical and business professionals, blue-collar workers, scientists, and retirees, among others. The one thing that all of us have in common is that we care about our local national wildlife refuges with sufficient passion to be willing to invest our time, money and sweat to maintain and protect them.

Visitors come to Harris Neck with a wide variety of interests. The refuge is used by hunters and fishers, crabbers and shrimpers, cyclists, paddlers, scout troops, birders, butterfly and garden clubs, photographers, nature- and wildlife-watchers, hikers and joggers, and school groups.

- The refuge's man-made Woody Pond is a particular favorite with birders, photographers and wildlife watchers; *wingsoverga.com* comments: "try not to let your jaw hit the ground at the sight you will behold. . .perhaps the most amazing wader rookery in the state."
- Local resident *Janet Ritter Yeager*, told me, "We decided to move to the Harris Neck area because of the opportunity to hike and ride bikes in the refuge's unique natural environment."
- Fisherman *Jim McMahon* says he visits the Harris Neck fishing docks at least once a week, because "the peace, quiet and wildlife are just unbelievable."
- "The refuge has been a source of beauty, family recreation, and outdoor education for us over the years."—*Jessica Aldridge, St. Marys, Georgia*
- "A highlight of any visit to Harris Neck is meeting people from all over the East Coast who have stopped in with their cameras, tripods and binoculars."—*Hunter Hurst, Shellman Bluff, Georgia*

Harris Neck NWR is located in McIntosh County on the Georgia coast, about 20 miles south of the city of Savannah. A brief summary of how Harris Neck came to be a refuge is in order. Most of the land on which the Harris Neck refuge is situated was purchased by the military early in World War II for use as a pilot training facility by the Army Air Corps. I can understand why this particular location might have been attractive for an airbase. The site stood on a point of land that was surrounded on three sides by waterways and extensive, low-lying saltmarsh, thus giving unobstructed approach and take-off routes for pilot trainees. The property also contained a Civil Aeronautics Authority emergency airfield and a deep-water dock, which might have been considered helpful to transport men and supplies during construction of the base. And there was a 28-room mansion (the old Lorillard estate) on the property that could provide immediate shelter.

After the war ended, when the military decommissioned the base it was required, based on my understanding of federal surplus property disposal rules, to seek a viable public use for the site. The property was therefore conveyed in 1948 to McIntosh County for a municipal airport facility. When the county failed to fulfill its agreement to operate the airport, the property was taken back into federal custody in 1961 and once again designated as surplus property.

Federal rules for property disposal specify that surplus land be offered first for use by other federal executive agencies. The Department of the Interior expressed interest in acquiring the land as a wildlife refuge and the property was transferred for that purpose in 1962. It should also be noted that GSA Regulation § 102-75.25 requires that a federal agency "fulfill its needs for real property so far as practicable by utilization of real property determined to be excess by other agencies. . . before it purchases non-Federal real property." In other words, the refuge system should not purchase nearby privately held land for use as a refuge as long as surplus federal land is both available and suitable in the same general area, which it was in the case of Harris Neck.

Subsequent to 1962, The Nature Conservancy purchased and transferred several additional parcels of land to the refuge system, thus expanding the Harris Neck footprint to what it is today. Of course, the area looks very different today from its pre-war appearance: several docks have been added; six shallow ponds were constructed for use by waterfowl and wading birds; long-leaf pine and bald cypress have been planted; and areas once cleared have been allowed to re-forest.

I know Harris Neck well because I am a frequent volunteer there. After retiring from our work careers, my husband and I moved to Savannah, Georgia in 1999. I believe that everyone, especially those of us who have been fortunate in life, have an obligation to give back to their community in meaningful ways. That philosophy, combined with a lifelong interest in nature, led me to offer my services as a volunteer to our refuge complex. In the past eleven years I have accrued in excess of 3300 volunteer hours, most of them at Harris Neck, and have put over 30,000 miles on my car in service to the refuge. I have pruned shrubs, removed invasive plants, given presentations about the refuges to various groups, organized and conducted bird surveys, monitored nesting bird colonies, served as a docent in the visitor center, led field trips and tours, and interpreted the refuge for visiting groups of children and adults.

My experience as a volunteer has allowed me to see first-hand what a valuable and enduring asset Harris Neck is for the local community and the nation. While I empathize with the families of the Harris Neck Land Trust for the sacrifices they made during this country's World War II efforts, I strongly support the refuge and do not wish to see it diminished by converting any part of it to residential or commercial use.

Let me explain why Harris Neck NWR is a valuable asset worth retaining under the ownership and control of the federal refuge system.

- Harris Neck is a superb oasis for wildlife and natural habitat within a geographic area that has undergone a very high rate of development in the past decade. It offers a great variety of habitat types for a relatively small refuge: weedy fields, shrub/scrub, shallow freshwater ponds, mudflats, saltmarsh, bottomland woods, pinewoods, and maritime forest. As a result, it boasts an impressive list of mammals, birds, reptiles and insects that use the refuge, including such charismatic species as bobcat, white-tailed deer, bald eagle, wood stork, painted bunting, gopher tortoise and swallowtail butterfly. The refuge has been designated as an Important Bird Area by National Audubon and is one of only 18 sites on Georgia's Colonial Coast Birding Trail.
- The refuge has contributed a great deal of data and insights to the scientific community through the staff's work with nesting wood storks, painted buntings and loggerhead sea turtles. For example, Harris Neck pioneered the use of artificial platforms and water level management to provide nesting

habitat for wood storks. The refuge's wood stork colony is now the largest and most productive in Georgia and the most consistently and intensively monitored in the nation. The data gathered (entirely by volunteers and interns) from the wood stork colony is used to document the recovery of the species, which was once critically endangered and now appears to be on a stable path toward de-listing.

- Refuges are economic engines in local communities; when people visit Harris Neck, they buy gas, stay at local hotels, eat at local restaurants and frequent area tourism facilities. For every \$1 appropriated by Congress to run our national refuges, they return on average \$4 in economic activity to the local economy. The numbers are probably even more impressive in coastal Georgia refuges; for example, the not-too-distant Okefenokee NWR has been found to generate over \$34 for every \$1 appropriated.
- Although the U.S. Fish & Wildlife Service was not involved in the original condemnation of the land in 1943, it has demonstrated excellent stewardship of the property since taking possession in 1962. A staff of only four employees delivers a big bang for each tax buck by managing three national wildlife refuges comprising nearly 14,000 acres in three discrete locations: Harris Neck, Blackbeard Island, and Wolf Island. With the help of volunteers, staff maintain roads and trails, control invasive species, manage water levels, provide interpretation to the visiting public, conduct wildlife surveys and studies, operate bird banding programs, organize hunts, and research and document historical and archaeological artifacts.
- Harris Neck hosts between 85,000 and 90,000 visitors per year, demonstrating sustained usage by both local residents and a large number of out-of-state visitors (of the visitors who sign in at the refuge office, 60% are from out-of-state or a foreign country). The web site *Listasaur.com*, which publishes "top five" lists on a variety of topics, mentions Harris Neck as "a location worth stopping to enjoy for a few days."
- The refuge is noted for its ease of access. It is located only 7 miles from Interstate I-95 and has a paved 4-mile Wildlife Drive that winds through the refuge. Interpretive panels have been installed at key locations along the drive. Woody Pond and the remnants of the airfield runways are wheelchair accessible. And short walks off the main drive lead to other scenic and wildlife-rich observation areas.
- Harris Neck protects a number of historic and archaeological sites and traditions, including Native American villages and burial grounds, remnants of the Peru Plantation, vestiges of the Lorillard estate and the Gullah-Geechee culture and, of course, the World War II airfield. Descendants from all of those eras—Native Americans, local families, and military veterans—can be assured that future generations will be able to experience and gain understanding of the land and natural environment on which their ancestors once lived.

My greatest concern is that the introduction of private residences to Harris Neck will damage or destroy what has been accomplished there over the past 50 years. For example, the refuge is closed entirely at night to avoid disturbance to the many nocturnal species that flourish there. During spring and summer, the public is kept at a safe distance from the nesting colony so that birds are not startled into abandoning their nests. Pets are prohibited, as are livestock. Freshwater resources, which are limited, are carefully marshaled to where they are most needed. Wastewater generation is kept to a minimum. Trash and litter are removed daily. And prescribed fire is used every few years to maintain desirable habitats. Private residential use is completely incompatible with all of these protections.

In closing, I'd like to emphasize that losing Harris Neck NWR to development would be an economic, cultural and environmental tragedy. It would also establish a troubling precedent regarding the sanctity of federal lands held in trust for the millions of citizens who use and enjoy them. We ask this subcommittee to ensure that this trust is not violated and that Harris Neck remain intact, undisturbed, and under its current ownership and control by the U.S. Fish & Wildlife Service.

Thank you for allowing me to testify today. I invite each of you to come for a visit to Harris Neck to experience first-hand the rich natural environment that it offers. You will be most welcome and amazed by what you see.

Dr. FLEMING. Thank you, Ms. Bambach. And perfect timing on the ending of your statement there. You get a prize for the day for your accuracy and preciseness.

I will remind panel members, for those whose statements may go past the 5 minutes, that your written statement will be printed in the record. So if your statement is more than 5 minutes, please summarize or somehow abbreviate your statement.

Next, we have Mr. Kelly. Sir, you are recognized now for 5 minutes.

**STATEMENT OF DAVID M. KELLY, PROJECT COORDINATOR,
HARRIS NECK LAND TRUST**

Mr. KELLY. Chairman, I think your last comment was directed at my testimony.

Thank you all for the opportunity of being before you today. We also want to thank Mr. Kingston very much for his efforts and those of his staff, starting in our first meeting in late 2005.

I am sure we have all heard the expression, "Speak truth to power." We from Harris Neck wish to speak truth today to all the misinformation, misconception, rumor, inaccurate and disingenuous statements that have been made and continue being made about the Trust, our plans, and this movement for justice. We respectfully come before you today to help set the record straight.

We were asked to address five issues, at least, in your letter of invitation, and I will try to get to at least four of them.

The taking of Harris Neck in 1942 occurred because of a conspiracy among McIntosh County officials, who led representatives of the Federal Government directly to Harris Neck, right past more than 3,500 acres of virtually uninhabited land. This other available property had been owned by E.M. Thorpe, who had acquired much of his property in Harris Neck by underhanded and unethical practices and by 1942 was the largest land owner in Harris Neck, though he did not live there, white or black.

The original taking via eminent domain was highly illegal, with the people's Fifth Amendment rights to due process being violated in a number of ways through its hurried and carelessly executed implementation of eminent domain. A list of these violations has been provided by our attorney, who unfortunately can't be here because of the short notice, but you have that.

Number two, the key word in the law regarding compensation is that it be "just." The taking of Harris Neck was not just, not by a long measure, because, first, not everyone was paid; people still have their deeds.

Second, white families who owned property but did not live on Harris Neck and had no improvements to their property—with the exception of Lilly Livingston's house, and she had died without children before the war—were paid 40 percent more than all the African American families, who, over the decades since the end of the war, the Civil War, had created a thriving community with houses, barns, outbuildings, seafood processing plants, general stores, churches, and more.

Third, not a single African American family was paid for anything but their property. There were no payments for any improvements, the second most important word in eminent domain takings.

Fourth, payments from the Federal Government did not go directly to the African American families and not in time, as required

by statute. They went through E.M. Thorpe, who may or may not have distributed all moneys correctly or fairly. He was no friend of the community.

Number three, regarding the promise made to return the property after World War II, I would like to cite the 1934 decision of *Olson v. The United States*. In this case, it was rightly stated that the owner of condemned property should be placed, quote, "in at least as good a position as if his property had not been taken," unquote. The community was destroyed. An entire way of life was destroyed. People died, literally, heartbroken, months later. The people were greatly harmed and left in a much worse off position than they were before.

It was the government's responsibility by law, contrary to what has already been said, after the law to contact members of the former Harris Neck community, whether or not there was a promise to return the land—which, all the living elders and others, including the infamous Sheriff Poppell, who you have a letter from in 1975, will attest to the fact that there was, indeed, such a promise made.

Many families from Harris Neck were then living within two miles of their homeland. They stayed close by because of this promise. However, after the war, the government did not talk with the original owners, did not contact them, and the land went to the county. Then again in 1961, when the Department of the Interior took title, in both of these instances the people of Harris Neck knew absolutely nothing about official proceedings and conversations until the deals were well done.

It does not matter, also, how Fish and Wildlife came to control Harris Neck. What matters is that the original taking was illegal, and, therefore, each transfer of title since, according to our attorney, is invalid.

Number four, to speak briefly about the lawsuit that was filed on behalf of the people of Harris Neck and the decision rendered by Judge Edenfield in 1980, both are irrelevant today since there never was any legal remedy to Harris Neck. Justice, equity lies only with Congress. And as Congress showed just a few years ago during President Bush's Administration when it legislated the return of more than 15,000 acres to the Colorado River Indian Tribes—one of our partners, by the way—taken long before Harris Neck, there is no statute of limitations on justice.

Nothing much happened from——

Dr. FLEMING. Mr. Kelly?

Mr. KELLY. Yes?

Dr. FLEMING. Yeah, you are well past your time. I apologize, sir.

Mr. KELLY. All right. Thank you.

Dr. FLEMING. And, again, this will be entered in the record in its entirety. We want to be sure and hear from all of our witnesses today.

Mr. KELLY. Thank you, Chairman.

[The prepared statement of Mr. Kelly follows:]

Statement of David M. Kelly, Project Coordinator, Harris Neck Land Trust

Honorable members of this subcommittee and others who may be in attendance at this hearing, we thank you for your invitation to testify before you on December 15, 2011. We would also like to thank our Representative, Congressman

Jack Kingston, for all the support and advice he has provided us during the six years of the Harris Neck Justice Movement.

I will speak to the following issues that we were asked to address in your December 7, 2011 letter of invitation.

1. A brief history of how the Federal government obtained Harris Neck.
2. How were the owners compensated?
3. Whether assurances were given that the community could reclaim the property.
4. What steps have been taken by the Federal government and community to address this issue during the past 70 years?
5. Has the Federal government offered to compensate anyone represented by the Harris Neck Land Trust?

I am sure we have all heard the expression “Speak truth to power”. Well, we from Harris Neck, wish to speak truth to misinformation, misconception, inaccurate statements, rumor, and outright lies that have been, and continue being, spread about the Harris Neck Land Trust and our plans for a new Harris Neck community. We, respectfully, come before this subcommittee to set the record straight about Harris Neck. In that regard I will address five issues listed in your December 7th letter, one by one, and make some additional relevant comments.

1. The history of the taking of Harris Neck: The taking of Harris Neck—located in northeast McIntosh County, on the coast of Georgia some 40 miles south of Savannah—in 1942 occurred because of a conspiracy among McIntosh County officials who intentionally led representatives of the Federal government to Harris Neck, right past more than 3,500 acres of virtually uninhabited land, just a good stones throw from the southwest border of the community. This other available property had been owned by E. M. Thorpe, one of the largest landowners, at that time, in McIntosh County. According to many families in Harris Neck, E. M. Thorpe had acquired much of his property in Harris Neck by underhanded and unethical practices, and by the time of the taking in 1942, he was the largest landowner in Harris Neck—white or black.

The original taking via Eminent Domain was highly illegal, with the people’s Fifth Amendment rights to Due Process being violated in a number of ways through its hurried and carelessly executed implementation of Eminent Domain. A list of these violations is being submitted with this testimony.

2. Compensation: The key word in the law, regarding compensation, is that it be “just”. The taking of Harris Neck was not just, not by a long measure, because first, not everyone was paid. Second, white families, who owned property but did not live on Harris Neck and had not made any improvements to their property (with the exception of the two single white women who lived in the community), were paid 40 percent more than the African American families who, over the decades since the end of the Civil War, had created a thriving community with houses, barns, other out-buildings, seafood processing buildings, general store, churches and more. Third, not a single African American family was paid for anything but their property; there were no payments for any “improvements” as required under Eminent Domain. Fourth, payments from the Federal government did not go directly to the African American families; they went through E. M. Thorpe, who may or may not have disbursed monies correctly and fairly.

E.M. Thorpe may have been designated as an agent for these Harris Neck transactions by the government, but he was no friend of the people from Harris Neck. Rev. Thorpe and Wilson Moran will speak better and more personally to this.

3. Assurances to the community about reclaiming its property: Reverend Thorpe will speak more personally to this. However, regarding assurances or a promise made to return the property after World War II, I would like to cite the 1934 decision of *Olson v. United States*. In this case it was rightly stated that the owner of condemned property should be placed “in as good a position pecuniarily as if his property had not been taken. He must be made whole, but is not entitled to more. It is the property and not the cost of it that is safeguarded by state and federal constitutions.” The community was destroyed. Their entire way of life—their livelihood—was destroyed. People died heartbroken months later. The people were greatly harmed and left in a much-worse-off position than they were before the taking.

It was the Federal government’s responsibility after World War II to contact members of the former Harris Neck community, whether or not there was a promise to return the land, which all the living elders will swear to the fact that there was, indeed, such a promise made. Many families from Harris Neck were then (after the war) living within two miles of their homeland; they stayed close by because of what they had been told by the government: *Don’t go far; the land will be returned to you after the war*. However, after the war the government talked only with McIntosh County officials, and even though the county commission did some good

public talking, at that time, about reacquiring the land on behalf of the former community members, the county got the land for itself in 1947.

Over the next 14 years, county officials used Harris Neck for a number of illegal ventures—including prostitution, gambling and drug smuggling—while the contract with the War Assets Administration said the land was to be used only for a county airport. But this was how things went in the 1940s in McIntosh and neighboring counties. This section of Georgia was run by what was referred to as the “Big Four”, a small group of corrupt and very powerful men that included the infamous McIntosh County Sheriff Tom Poppell. To deny the reality of life for African Americans in this region in 1942 or not to consider it in this matter creates an opening for continuing injustice.

Because of all the county’s abuses of its contract, the Federal government took the land back in 1961. It then had another chance to bring justice to Harris Neck, but instead it once again did not contact anyone from Harris Neck and chose, instead, to transfer title to the Department of Interior. Since 1962, the United States Fish and Wildlife Service (FWS) has used Harris Neck as a National Wildlife Refuge.

In both instances (after the war and in 1961–62) no one from Harris Neck knew anything about official proceedings regarding their property until well after the deals were done and the property was in the hands of McIntosh County and FWS, respectively.

It does not matter how FWS came to be titleholder of Harris Neck or that, as personnel from FWS have told us, they are just carrying out their mission as mandated by law. What matters is that the original taking was wrong and it was illegal, and, therefore, we contend, each transfer of title since the original taking has been invalid and, therefore the property still belongs to the original families.

4. Steps taken over the past 70 years to address this issue: The government has not initiated any such steps. The community has made them, starting in the late 1970’s, and the government has responded. To speak briefly about the lawsuit that was filed on behalf of the people of Harris Neck and the decision rendered by Judge Avant Edenfield in 1980, both are irrelevant today, since there was never any legal remedy available to Harris Neck; justice (equity) lies only with Congress. And as Congress showed in 2005, when it legislated the return of more than 15,000 acres to the Colorado River Indian Tribes (CRIT), there is no statute of limitations on justice, thus speaking to Judge Edenfield’s main point in his decision—that, by 1980, too much time had passed on this issue. (CRIT’s land was taken before Harris Neck was taken—during Woodrow Wilson’s presidency.) And on the issue of equity, I would like to state that everyone from Judge Edenfield to Secretary of Interior James Watt has said that the equity with regard to Harris Neck belongs with the community, not the government. There was also legislation drafted in this time period, but due to lack of support, H.R. 4018 never made it out of committee.

Nothing much happened, regarding the property, from the early 1980s until 2006, when community representatives first met with Congressman Jack Kingston to speak about the issue of Eminent Domain and other concerns. Since then, representatives of the Harris Neck Land Trust, which was formed in 2006, have been working with Mr. Kingston and several other members of Congress. In December 2009 we met with Mr. Kingston, Congressman John Lewis, legislative staff of other congressmen, and high-ranking officials of FWS. At that meeting, everyone in Congressman Kingston’s office agreed to find what Mr. Kingston called for—an “equitable solution” to this issue. In March of 2010 we had a follow-up meeting, with most of the same parties in attendance, at the Savannah regional headquarters office of FWS. A few months later Board Chair, Rev. Robert Thorpe received a letter from FWS, offering us 1) a homecoming day and 2) a kiosk. This is FWS’s idea of an equitable solution.

We have dealt honestly and openly with everyone involved during the past six years of the Harris Neck Justice Movement, but we do not feel FWS has acted honestly or professionally. For example, at the March 2010 meeting a FWS archeologist said that another reason the land could not be returned to the people is that Harris Neck is “wall-to-wall” archeological/cultural sites. The scientific literature shows that there are only a handful of such sites. (Please see our map, being submitted, of these sites—north of Harris Neck Road.) We have met with one of the premier archeological/cultural resource management firms in the southeast, and we plan to have them conduct the first-ever, comprehensive, acre-by-acre site analysis. We will protect and preserve whatever is found, as well as the few presently identified sites, and we plan to sign these sites and make them part of one of our many educational programs in the new Harris Neck.

5. The government’s offer to compensate anyone represented by the Trust: Aside from the kiosk and homecoming day that FWS has offered (mentioned above), the

Federal government has not made any offer of compensation to any individual represented by the Harris Neck Land Trust. Regarding compensation, the Trust does not want any financial compensation; the Trust wants the land of Harris Neck (all 2,687 acres) to be returned to the rightful owners—the white and black families/individuals that owned property on Harris Neck in 1942.

Additionally, I wish to make the following comments:

The Harris Neck Land Trust is comprised solely of the previous rightful and legal owners, black and white, of property in Harris Neck. It represents all living members of the original community and their legal descendants. Each family has appointed a family representative to the Trust, and most of the original families have been located and are represented. This is a democratic, grassroots and bipartisan movement. Although perhaps the majority of those in the movement are Democrats, the Chair and Co-chair of the Trust's Board of Directors, as well as many other members of the Trust, are Republican. The members of the Board of Directors are all from Harris Neck. The Trust's membership has been meeting monthly for the past six years to think about, discuss, research, and vote on all the key issues involved in Harris Neck and our plans for a new community.

We have a scientifically based community development plan, put together after more than two years of thoughtful dialogue and careful planning. In developing this plan we had the assistance of a natural and cultural resources consulting firm and an architectural design company. We feel our plan is not only environmentally and culturally sensitive but that the new Harris Neck could very well become a model of sustainable community living for rural America. We have reached out to a large number of individuals, organizations, academic institutions, and government agencies, and we have formed partnerships with many of these. Our community plan includes the maximum possible use of wind and solar energy and other renewable energy sources as well as the comprehensive analysis of cultural/archeological sites on Harris Neck. Regarding this analysis and the issue of protecting the cultural sites and the wildlife, land and waters of Harris Neck, Harris Neck was a Gullah community where many people also had Native American ancestry. Therefore, the ethic of cultural and environmental preservation and stewardship could not be stronger, and the Trust has made the strongest possible commitment to have this ethic be the guiding force in the new Harris Neck.

Regarding the wood stork and the other migratory birds that come to Harris Neck seasonally, there are many successful rookeries close, and in some cases extremely close, to human settlements/activities in the southeast. The claim by FWS that the wood stork, ibis, herons and egrets cannot coexist with human beings is completely unfounded and disingenuous. FWS's claim contradicts the experience of former community members, who lived harmoniously with the wood stork and all the wildlife in Harris Neck, our research, and that of ornithologists who study these birds.

Our community plan will protect and preserve the wildlife, land and waters of Harris Neck. It sets aside, for permanent protection, all the ponds created by FWS and puts a buffer zone around Woody Pond, the main bird nesting pond, that is twice the setback distance recommended by the scientific studies. This pond is also surrounded by dense forest, providing even greater protection for the birds during their critical nesting season.

Our plan will also place more than half the total acreage in permanent conservation easements. People will be able to return to the organic farming that it once did in a community that was sustainable and ecologically sound long before such terms became a common part of our lexicon.

We feel that FWS's stated opposition to the return of Harris Neck to its rightful owners has little or nothing to do with the wood stork and other birds or the alligator or any of the other wildlife or their habitat or the cultural sites. This issue, in our experience, is about FWS's refusal to give up a single acre in its 150 million-acre national system, of which the Harris Neck National Wildlife Refuge represents less than .0001 percent of that total. We fully recognize the need for this refuge, but there is no substantiated reason and no scientific evidence to say that the birds and other wildlife in Harris Neck cannot coexist with people and the human activities we anticipate via our community plan.

Furthermore, it is our desire to have FWS continue its presence in Harris Neck and to have its staff continue doing the work they have been doing on the refuge. Our vision of the future in Harris Neck is one of a good working partnership with FWS. We have approached FWS about this, but to my knowledge they have not responded. Nor have they responded to our community development plan, except to say it lacks specificity. Also, we do not want any FWS personnel to lose their jobs, and with our plan there is no reason they should.

Regarding the idea or contention that by returning Harris Neck a precedent may be set that would result in efforts by communities around the country to reclaim

other property, now in one form of Federal or State protection or another, we think the Harris Neck case is unique—from the 1942 taking to the present. The return of Harris Neck to the Trust will not displace or adversely affect anything in the present wildlife refuge. In addition, the economic stimulus and job creation (from professional to semi- and low-skilled positions) that should result with the implementation of our community development plan will help a county, which is one of the poorest in Georgia. While fully protecting and preserving what is now in the refuge, the return of Harris Neck and the implementation of our plan will also put this valuable property back on the tax rolls for the first time in decades, and this may all be accomplished without any Federal funding. Also, public access to Harris Neck will not only be maintained, but our plan calls for creating many educational and other related programs that will greatly enhance the public's experience in Harris Neck.

We respectfully urge this subcommittee to do all in its power to begin, and move forward, the congressional process that, hopefully, will lead to justice being done for the people of Harris Neck.

Note: Our Eminent Domain attorney is unable to be with us at this hearing, due to the short notice we received. Perhaps this subcommittee would consider submitting questions to our attorney and he could respond to them.

Dr. FLEMING. Thank you, Mr. Kelly.
And now, Mr. Moran, you are up for 5 minutes, sir.

STATEMENT OF WILSON W. MORAN, BOARD MEMBER, HARRIS NECK LAND TRUST, DIRECT DESCENDENT OF MR. ROBERT DELEGAL

Mr. MORAN. Thank you, sir.

I guess what I will be talking about this morning is about the history of the Gullah-Geechee people.

A sidenote: My great grandfather, he refused to be called “Indian,” but I guess he was native or indigenous, because I can prove that I am very much part of the Cherokee Nation.

For us, the Gullah-Geechee people, it really started with us in 1863. That is when President Abraham Lincoln issued the Emancipation Proclamation. But for a person that has been enslaved for over 200 years, what is freedom? It has to be more than the Emancipation Proclamation.

So General William T. Sherman, his march from Atlanta to Savannah, after some difficult situation he encountered, issued Field Order 15. And I am quite sure all of you are familiar with Field Order 15. And Field Order 15 gave every outlying island from the southern tip of North Carolina to the northern tip of Florida and some places 30 miles inland on the mainland to these recently freed enslaved people.

So what is freedom? What is this tied to? Well, given a few mules and some plows and some seeds, these people began to realize what freedom meant. So they began to enjoy freedom closely tied to economics.

My great grandfather—whose father, Edward Delegal, a white man—his name was Mustapha Delegal. He changed his name to Shaw. You go to U Street and you look up the 33rd Infantry and you will find his name there, because he fought in the Civil War. He was injured in Savannah, mustered out in Beaufort, South Carolina. But he jumped at the chance for this Field Order 15, and so he went to Ossabaw Island and he began to understand what this was all about.

But the unfortunate thing that happened for us was President Abraham Lincoln got assassinated. President Johnson took over and was convinced by the powers that were at that time to rescind Field Order 15. So my great grandfather Mustapha, he was at zero again.

Even though he was a Civil War veteran—and I might add, he was never commended for it—he was forced off of Ossabaw Island because he refused to be a sharecropper, and he disappeared. He wound up near Harris Neck at his grandfather's old plantation.

But Margaret Ann Harris, being an heir of the older plantation owners, Peru and Muller and all these other places, she was given ownership of the land all over again. And because of her white overseers cheating her, she asked Robert Delegal, my grandmother's cousin, to oversee her property, with a promise that he would take care of her, because she was old, and her son, who was an invalid, and which he did.

So now we began to enjoy all this prosperity all over again. And by the late 1800s, we had everything—the school, the fire station, the factories. We bought, and we sold. We were having a great time.

But in 1942 we wound up at zero again because our Federal Government needed our land. We gave it, and it was never returned to us. It is wrong. And I pray that my government, who is of the people, by the people, for the people, will give us the opportunity to have those things that my ancestors had. And we lost our culture because there are certain people in the government that refuse to allow us the opportunity to do it again.

Thank you, sir.

[The prepared statement of Mr. Moran follows:]

**Statement of Wilson W. Moran, Board Member,
Harris Neck Land Trust LLC**

It really started for us in 1863. General William T. Sherman issued Field Order 15, giving us ownership of all the islands starting from the southern tip of North Carolina, through South Carolina, Georgia and to the northern tip of Florida. Including some land up to 30 miles inland on the mainland. My great grandfather Mustapha D. Shaw son of Edward Delegal, a white land owner, having been injured while fighting in the Union Army, jumped at the opportunity to own land. Owning land was a form of freedom. He went to live on Ossabaw Island, just southeast of Savannah, GA. He did well utilizing his skills as a farmer and fisherman but it was short lived as President Lincoln was assassinated during this period in Mustapha's life. President Johnson became the new President. The power people convinced President Johnson to rescind Field Order 15. Thus my people lost everything. My grandfather refused to become a sharecropper. A warrant was issued for his arrest. Armed with his army issued Revolver, Rifle and Bowie knife, he fought his way off Ossabaw Island, got into a boat and disappeared. He escaped to his grandfather's old plantation which was situated near Harris Neck. Once again he was back to zero. Then another strange thing happened. Margaret Harris, an heir, was given ownership of most of the old plantation homes. She was elderly and her son was mentally ill. Because her white overseers were cheating her, she employed a black man, Robert Delegal to be her overseer. She made a will and testament. In this Will, Robert would agree to take care of her and her son. In turn he could sell land to the black people already living on said property. Eventually, Robert sold most of the land to about 75 black families. Now we have to start again. By the late 1800's, we are doing extremely well. We have a church house, firehouse, school house, crab factory and oyster factory. We are buying and selling. We are quickly learning that freedom is closely tied to economics. After much blood, sweat and tears we are beginning to reap some of the benefits of our hard labor. After many years of hopelessness we now have hope. In 1942 it happened again. It's World War II and the German U-Boats are blowing up our merchant ships. The war department needed a

place in which to build an airbase. Our white county leaders steered them to the community of Harris Neck. Our government claimed Imminent Domain, giving us two weeks to move out. In a blink of an eye, we were wiped out. We lost everything, including our culture. Now we are back to zero again.

Dr. FLEMING. Thank you, Mr. Moran.

Next, Reverend Thorpe, Mrs. Greer, and Mr. Relaford, I believe you are dividing the 5-minute time period.

And so we will now recognize Reverend Thorpe.

**STATEMENT OF REVEREND ROBERT H. THORPE, PASTOR,
PEACEFUL ZION CHURCH, SAVANNAH, GEORGIA**

Rev. THORPE. To the honorable members of the Subcommittee on Fisheries, good morning. My name is Reverend Robert H. Thorpe, the Pastor of the Peaceful Zion Baptist Church, Savannah, Georgia.

I am here concerning the house that I was brought up in, raised by Robert and Amelia Dawley. Was born April 3rd, 1931. In the year of 1942, the government sent surveyors into Harris Neck—no representative, no notice, or no question. They sent them in surveying our property, knowing nothing about what is happening. But a week later, there is a gray 1942 brand-new station wagon, Pontiac station wagon, came up to our house. And my grandfather, Robert Dawley, went out to speak to him, and I went along with him.

He introduced himself as being Mr. Banks, a representative from Washington, D.C. And my father and grandfather asked him, "What's going on?" And he said, "The government needs this land for an Army airbase." And so my grandfather said, "Well, now, if y'all going to take it, when we gonna get it back? Are you gonna give it back?" They said, "Yes." "When," my father and grandfather said, "When are you going to give it back?" They said, "After the war is over. After we finish with it, we will return it to you."

So my grandfather asked him, said, "Well, now, where will we go? Where are we going?" He said, "I don't know. I don't know nothing about where you're going. All I know, you got to go. In a few days, you're going to have to leave here." And he said, "Well, are we going to get any help or anything?" He said, "That's not in my hands. I don't know nothing about that. And if you don't move, this place will be destroyed, pushed down, and burned." After the 2 weeks' notice that he gave us.

So, therefore, we found a man to move us, Mr. Irvin Davis, McIntosh County. He had some 32 acres of land just about 2 miles out from our home. And he shared those 32 acres among us, which we got about an acre and a half of land to all that we had in Harris Neck. Our farming, and you know what happened to that, it was over. We would plant a little garden and did the best that we could.

And it was in the season of maturity of our crops, July. All of our stuff that we had planted—our corn, potatoes, tomatoes, fruit trees, and everything that we would depend on for a living—because we made our living from the land to the rivers, which in we fish for crabs, shrimps, and we gathered oysters. This was our living. But we were pushed out. Not asked out, we were pushed out. "You've got to leave."

And another thing come to me, that all of this 35 acres of land adjusted to us had one house on it—one single house. And here go a community of people trying to live on that 35 acres right there. Why? They took our land.

It just was an injustice at that time, but now, after explaining this to you all, you know right from wrong. It is time for justice. That is all we want, justice. We want to go back to our home. Somebody say, "You an old man over 80 years old." I have children, grandchildren, great grandchildren to go back to that land. And we just asking for peace. We looking for mercy. We looking for justice. That is all.

[The prepared statement of Rev. Thorpe follows:]

Statement of The Reverend Robert H. Thorpe, Former Board Chairman of the Harris Neck Land Trust and Harris Neck Elder

I was born on Harris Neck April 3rd 1931 in this house, where I was raised by my grandparents, Robert and Amelia Dawley. In 1942 the Federal government sent surveyors in to Harris Neck to survey our land without any notice or questions, and about a week after they sent in a government representative from Washington, DC whose name was Mr. Banks. Mr. Banks came to our house, and my grandfather went out and spoke with him and I went along. Mr. Banks said he represented the Federal government and that the government needed our property for an army airbase, and that we would have to move out in a few days. Then my grandfather asked him, "If you take our property are we going to get it back?" And Mr. Banks said, "Yes, when the government is finished with it they will return it back to you. My grandfather asked him, "If we have to move where should we go?" He said: "I don't know anything about that. All I know is you have to move in a few days, and if you don't move your house and everything will be destroyed—pushed down or burned." So, my grandfather asked him if we were going to get any help for moving. He said, "No, you'll have to move on your own."

So, my grandfather took his crowbar and hammer and went to the front door first and started taking the facing off the door. And piece by piece he tried to save all the lumber on the house, because he had no money to buy materials to build another house at that time or to move. At that time our crops were just maturing, and we had to leave all that behind us. And that was part of our living. Corn, potatoes, beans, tomatoes, all our fruit and nut trees. All that was left behind and destroyed.

We were offered a piece of land a couple of miles away by Mr. Irvin Davis of McIntosh County. We had to purchase this land, which was in Eagle Neck, from Mr. Davis. It was an acre and a half, much less than what we had on Harris Neck. We planted a small garden, which again was nothing like what we had on Harris Neck. After the war ended, the same Irvin Davis came out to our church, First African Baptist—which we had taken down on Harris Neck and rebuilt on Eagle Neck—with his lawyer who spoke for him. He told us that the government is not using the land anymore now, but they're not going to return it back to us right yet. He asked us if we would agree to let Mr. Davis use the land as a cow pasture for his cows. We said, "Yes, Mr. Davis is welcome to use the land." It was years later that we found out that the Federal government had given the land to McIntosh County. We never knew anything about any proceedings that had taken place between the Federal government and the county about this.

Then again, years after that, we found out that the Federal government had taken the land back from the county and again, without our knowledge or any word from the government or anyone else, it gave the land, this time, to Fish and Wildlife.

Justice for us from Harris Neck can only come from the return of our land. However, we have offered Fish and Wildlife to be partners with us in the new Harris Neck community. We would like them to continue doing their job of monitoring the ponds and protecting wildlife, which we will be setting aside and protecting in our plans. But we feel it is only just that our land be returned to us.

Dr. FLEMING. I thank you, Reverend, for your testimony.

Now, you have used the entire 5 minutes of all three, but the Chair will indulge the other two Members another minute each if

you would like to offer a statement? Or if that is the—would you, Ms. Greer, like to have a minute to offer a statement?

**STATEMENT OF EVELYN GREER, BOARD MEMBER,
HARRIS NECK LAND TRUST**

Mrs. GREER. Good morning. My name is Evelyn Greer.

And I just want to say this afternoon to you all that I am 84 years old. I was 15 when the government took my home, and I told them—they told us as Reverend Thorpe said. I was there. We didn't get no kind of compensation, please believe it—none. My home burned, and everything I saw. There was no place to go.

You know, so I just—I was trying to get some time, but he got it. So, anyhow, I just want to say that it is time now, as he said, for justice. We are here today not as beggars. We are here to see and ask you all to let justice prevail. We need the property. God made arrangement for the birds and the bees, but he said the son of man has no place to lay his head.

And we thank you.

[The prepared statement of Mrs. Greer follows:]

Statement of Evelyn Greer, Harris Neck Land Trust, Resident of Harris Neck Community in 1942, Member of Harris Neck Land Trust, and Harris Neck Elder

Good morning. My name is Evelyn Greer. And I . . . I just want to say, this afternoon, to you all, that I'm 84 years old. I was 15 when the government took my home, and I told them. . . They told us, as Reverend Thorpe said, (unintelligible). I was there. We didn't get no kind of compensation. Please believe it. None. My home burned, and everything I saw. There was no place to go, you know. So I just. . . I was trying to get some time, but my, I got so. . . anyhow, I just want to say that it is time now, as he said, for justice. We are here today not as beggars. We are here to see and ask you all to let justice prevail. We need the property. God made arrangement for the birds and the bees, but he said the son of man has no place to lay his head. And we thank you.

Dr. FLEMING. I thank you, Ms. Greer.

And, Mr. Relaford, I will offer you a minute, as well.

**STATEMENT OF WINSTON B. RELAFORD, SR.,
BOARD MEMBER, HARRIS NECK LAND TRUST**

Mr. RELAFORD. Thank you, Mr. Chairman.

I am Winston Relaford, the son of Anna Shaw Overstreet, a descendant of the original Harris Neck community. My appearance before this august body today has one goal, and that is to urge this Committee to correct an obvious wrong. I appeal to you today to ensure that history correctly records and reflects the Congress that dared to do the right thing by upholding the constitutional rights of its citizens.

What was done to the Harris Neck community in 1942 was an injustice, a wrong that must be righted. And this Committee has within its power to move on behalf of a neglected portion of America's citizenry. Let history show that you stood up today and began the process of making right an awful wrong.

As you ponder the right and wrong, please remember the humanity of it all. You have heard the testimony of an impassioned and embattled people asking a government to honor them as they hon-

ored the government by giving in to the demands that the government asked.

In closing, I would simply like to say that those families that have been displaced for so long, return the land back to the rightful owners, and that is the descendants of the Harris Neck people.

God bless this Committee, and God bless the United States of America.

[The prepared statement of Mr. Relaford follows:]

**Statement of Winston B. Relaford, Sr.,
Current Vice Chairman of the Harris Neck Land Trust**

I am Winston Relaford the son of Anna Shaw Overstreet, a descendant of the original Harris Neck community. My appearance before this august body today has one goal; and that is to plea to this committee to correct an obvious wrong. I appeal to you today to ensure that history correctly record and reflect a Congress that dared to do the right thing by upholding the constitutional rights of all of its citizens.

What was done to the Harris Neck community in 1942 was an injustice or wrong that must be righted and this committee has within its power to move on behalf of a neglected portion of America's citizenry. Let history show that you stood up today and began the process of making right, an awful wrong. As you ponder the right and wrong, please remember the humanity of it all. You have heard the testimony of an impassioned and embattled people ask of a government to honor them as they honored the government by giving in to demands that turned out to be way too costly. Our forefathers trusted the government because they loved this country and wanted it to succeed against our foreign enemies, but little did they know that the enemy from within posed a far greater threat to their constitutional rights and freedoms than that of a government that betrayed their trust.

In closing, I simply ask on behalf of the families that were displaced so long ago that you return the land back to its rightful owners and they are the descendants of the Harris Neck people. To this committee, may God bless each of you and may God bless the United States of America.

Dr. FLEMING. Well, I thank you, Mr. Relaford.

And I, again, appreciate your indulgence on that. And, again, one of the reasons to try to keep our testimonies brief is we want to have the opportunity to ask questions and give you an opportunity to respond and enlighten us even further on these very important issues.

At this point, we will begin Member questions. To allow all Members to participate and to ensure we can hear from all of our witnesses today, Members are limited to 5 minutes—so, see, we are fair; we get 5 minutes, you get 5 minutes—for their questions. However, if Members have additional questions, we can have more than one round of questioning.

I now recognize myself for 5 minutes.

On December 7, 1979, Director Greenwalt of the Fish and Wildlife Service stated that, and I quote, "It is premature to make a judgment or talk in terms of support or nonsupport. We prefer to withhold our recommendation on the preferable remedy."

Ms. Dohner, that has been 32 years. Is the Service ready to share its opinion?

Ms. DOHNER. Sir, as I said in my oral testimony and my written testimony, that the information that we have to date—the Federal rulings and the GAO report—indicate that there is no evidence of improper procedures when the DOD condemned the lands. We do not have the information from the DOD condemnation.

I will tell you that the Service is open to future dialogue and working together if new information is brought forward. We have requested information from the different parties, including the Land Trust, as far as this issue, and we have done legal reviews of that information.

Dr. FLEMING. Thank you.

Does the Service believe a remedy is required?

Ms. DOHNER. Sir, we believe that the land and the DOD condemnations were done correctly and that there was compensation provided to the families. And, again, until there was additional information provided that would indicate otherwise, we would have to take that and work with not only Congress but do the reviews, liked I talked to you.

Dr. FLEMING. OK. So you feel—I understand from your answer that you do not feel any further remedy is necessary. Is that correct, yes or no?

Ms. DOHNER. Sir, at this time, the Service, I as the regional director, cannot administratively make a change in the—

Dr. FLEMING. But that is not my question. And I am not trying to be confrontational; I am just trying to make sure we have a clear answer. So, in your opinion, or in the opinion of your Service, you don't believe any further remedy is necessary at this point.

Ms. DOHNER. Over and above what I am allowed to do to work with the Land Trust, over and above allowing them to use the property, no, sir. I believe, as in our written testimony it said, the court rulings upheld the decision that was done in the 1940s, and the GAO report upheld that and found, again, no evidence—

Dr. FLEMING. But, also, did I not hear you say that you don't have all the information necessary?

Ms. DOHNER. Sir, we have as much information from the court rulings and the DOD. And, again, we have asked the Land Trust for everything. And the evaluation of all that information indicates there has been no—there is no evidence of improper process that was done.

Again, the Service is willing to go forward if new information is brought forth, and we will have that conversation.

Dr. FLEMING. So you feel that the information has been adequate to come to the conclusion that there is no further remedy.

Again, this is not a trick question. I just want to establish kind of a baseline here of where the Wildlife Service stands on this issue.

Ms. DOHNER. So the Fish and Wildlife Service administers these lands as part of the National Wildlife Refuge System. And the Refuge Administration Act that mandates how we manage these lands, I administratively cannot let these lands go. There are other ways that they can be done. Congress can do that. At this time, we believe—

Dr. FLEMING. Yeah, but, again, you are answering in terms of what you can and cannot do, the powers you have or don't have. That is not my question. My question is, assuming that you have all power and all resources, do you feel that there is any further remedy that is necessary in this case?

Ms. DOHNER. Again, sir, based on the law and the records and the court rulings and the GAO report, the further remedies that I can offer are things that I can do within the bounds of those laws.

Dr. FLEMING. Do you feel that—well, first of all, do you feel that the case being made here today is a compelling one? We hear reports of payments made to a person who didn't properly represent the landowners. We hear where people lost their land, they lost their livelihood. Do you find that a compelling case on a human level rather than on a legal level?

Ms. DOHNER. Sir, I would tell you that on a human level I believe that justice has to be served. And I would tell you that the Service believes that we have evaluated—and, again, the court rulings—that what was done in the 1940s followed the proper procedures.

I can't tell you what actually happened. I don't know the specifics of the things that they reference about McIntosh County and the other gentlemen. I don't have that information.

Dr. FLEMING. Well, do you feel the Service has any obligation, or any further obligation, in this matter?

Ms. DOHNER. I believe that the Service can offer additional things to the community, things that we could allow them to do things, things like a national heritage day. We can work with them for use of the refuge and use of the land. But the Service doesn't have the authority to administratively give these lands back.

Dr. FLEMING. Yeah, I just want to make a summarizing comment to that. It is interesting, we have had prior hearings with regard to the fact that the Service actually has the power to create refuges without consent of Congress, but it is very interesting and sometimes convenient that the Service cannot end a refuge and seems to argue and hide behind the argument, I think, that we have plenty of power to create refuges, but when time comes to discuss perhaps changing or ending them, that the Service doesn't have any power at all in that regard.

You don't need to answer that. My time is up. Thank you.

I now recognize the Ranking Member, Mr. Sablan.

Mr. SABLAN. Thank you very much, Mr. Chairman.

And I come from a place where, by accident of being lost at sea, Ferdinand Magellan claimed that they owned the islands I live on. But here we are 500 years later, and we are very happy to be part of the United States. We also only had access to legal services the past 30 years. Now I also think we have too many lawyers, actually. But I am not taking sides here. I do hear—and I am very curious in the conversation we are having.

But let me ask, also, Ms. Dot Bambach, because I am a supporter of wildlife refuge also. It is very important to the islands I live in. But would you please provide us some example of how volunteers—and I love volunteers—such as yourself, support Harris Neck National Wildlife Refuge, please?

Ms. BAMBACH. Certainly. I would be happy to.

Let me tell you, just from the people that I have worked with directly, we have pruned shrubs, we have cleared trails, we have removed invasive plants, we have given presentations about the Refuge to various school and civic groups, we have organized and conducted bird surveys, we have monitored nesting bird colonies, we

serve as docents at the visitor center, we lead field trips and tours, we interpret the Refuge for visiting groups of children and adults.

Personally, three times a week, all day long, three times a week, from March through most of August, I drive 110 miles roundtrip, I get out with my two artificial hip joints, I climb a straight-up, vertical 60-foot ladder into an observation blind, and I sit up there with the heat and the bugs for 4 to 5 hours at a time monitoring our wood stork colony. And I am typical of our volunteers. We support the Refuge, and we value it highly.

And I would like to add that I need to think because of its value, both to the community and to the wildlife that it is supposed to be protecting, that we need to set the bar pretty high before we second-guess the original transactions that went on and that have been upheld by both the courts and the GAO report. I don't think we should be looking at changing that based on anecdotal evidence.

And we have been trying to look at hard evidence, stuff that we can document, and there isn't much of it, but what does exist indicates that there was due compensation paid here and the transactions to condemn the property were properly made.

Mr. SABLAN. And I will leave that to other Members to ask.

But, Ms. Dohner, would you please describe how the Service—your efforts to support the tens of thousands of visitors who come to the Harris Neck National Wildlife Refuge every year?

Ms. DOHNER. Sir, the Fish and Wildlife staff, it is a small staff. There are only about four people at the Refuge. But what they do is they have, one, the technical expertise to ensure that they can manage not only the land to support the fish and wildlife, but they also work to make sure the trails are clear. There are opportunities for the public on the auto trail that people can go on. They provide educational opportunities to the public for the schools to come. So, between the fishing and the hunting—there are two annual hunts that the staff administer—there are many opportunities that the public can come. And as I said, there are about 90,000 visitors that go to the Refuge.

So we have the staff that are capable to not only manage the fish and wildlife aspect and what is needed on the lands to support those populations like the endangered wood storks, but we ensure that the public are safe when they do come and take these opportunities.

Mr. SABLAN. I yield back for now, Mr. Chairman.

Dr. FLEMING. The Ranking Member yields back.

I now recognize Mr. Kingston—oh, I am sorry. I apologize. Ms. Hanabusa, you have been somewhat quiet today, so we almost overlooked you. I apologize.

So I now recognize Ms. Hanabusa.

Ms. HANABUSA. Thank you, Mr. Chair. Thank you.

And I know Mr. Sablan didn't mean anything when he said we have too many lawyers, and he didn't mean me, right? Thank you. Thank you, Mr. Sablan.

Ms. Dohner, I am an attorney, so of course when you say that your two court cases that you rely on, plus the GAO report, my first request to the Chair would be that you provide this Committee with copies of the two cases as well as your GAO report.

And I would like to ask you, are any of those cases United States Supreme Court cases?

Ms. DOHNER. Ma'am, they are the 11th Circuit Court—

Ms. HANABUSA. The 11th Circuit Court.

Ms. DOHNER.—but they are not Supreme Court cases. And we will make sure that you get that information.

Ms. HANABUSA. Thank you very much.

And as you probably know, during the same timeframe, Japanese Americans were relocated. And there is a U.S. Supreme Court case that said that there was nothing wrong with that, as well. And it took congressional action to give them a form of compensation. So simply because the courts may say that there is nothing wrong with it, it doesn't necessarily then say that the injustice that was committed is somehow right. But that is why I would like to have that information from you.

It seems to me, from listening to your testimony, Ms. Dohner, that what you are saying is that, because of the two cases and because of the GAO report, the Service is not going to look any further, that that is your authority and that is what you are relying on. Am I hearing you correctly?

Ms. DOHNER. No, ma'am. We said that if there was additional information that would come forth that we would have that conversation, that discussion and that review. We have done legal reviews in the past. When we met with the fund in the past, they said they did have additional information. We asked and were provided information, and we have done legal reviews. We would, as we go forward, continue to do that type of analysis and discussion.

Ms. HANABUSA. Is there anything in writing of the results of these legal reviews that you have done?

Ms. DOHNER. We do have some of that information, yes.

Ms. HANABUSA. Can you also provide us with that?

Ms. DOHNER. Yes.

Ms. HANABUSA. Because what I don't want to see is another generation go by and you are still in review. We would like to have some kind of an understanding of what exactly the Service's position is. So I would appreciate that.

Ms. DOHNER. Yes, ma'am.

Ms. HANABUSA. Thank you.

Mr. Kelly, you are the Project Coordinator for the Harris Neck Land Trust, and you have been that for 6 years, or the movement has been in place for 6 years?

Mr. KELLY. Yes. The movement started in December of 2005.

Ms. HANABUSA. December of 2005.

Mr. KELLY. And the Trust was formed in 2006.

Ms. HANABUSA. In 2006?

Mr. KELLY. Yes, the Trust was actually formed. The movement began a few months before the Trust was formed.

Ms. HANABUSA. In listening to the testimony of the descendants, I would like to understand—and your testimony—there seems to be somewhat of a discrepancy as to the word “compensation.” Is the compensation that you are seeking monetary compensation, or is it the return of the lands?

Mr. KELLY. The compensation we are seeking and the community has been for a long time is the land, and that it is not financial.

And the whole issue of compensation, again, revolves around the word "just." This is not just.

Ms. HANABUSA. No, I don't take any exception to that. I am just trying to understand what it is.

So the lands—I assume that in the information that Ms. Dohner would provide to us we would have some kind of a list of the members of your Land Trust and the portions of the land which they are claiming. Would that be correct?

Mr. KELLY. Yes. And we have a—we have developed a community plan, with the help of a scientific, cultural, and natural resources consulting firm and many others. We spent 2 years on it. We invited the public. We considered every possible aspect. And our plan sets aside more than half of the total acres in permanent conservation, where the only thing that could be done is organic farming.

And the rest of the acreage is going to be protected in similar fashion. We are going to protect all the ponds, especially Woody Pond. We are putting a huge buffer zone around Woody Pond, which is already densely wooded. And the buffer zone we are going to have is twice what all the ornithological studies call for.

So we are going to protect what is there, and the development of the community is going to be environmentally sensitive to the nth degree.

Ms. HANABUSA. Do you have your plan in writing?

Mr. KELLY. Yes. It has been submitted to the Committee.

Ms. HANABUSA. Thank you very much.

Thank you, Mr. Chair. I yield back the remainder of my time.

Dr. FLEMING. I thank the gentlelady.

Next, I will recognize Mr. Kingston from Georgia.

Mr. KINGSTON. Thank you, Mr. Chairman.

And I wanted to continue along the lines of Mrs. Hanabusa's questions. And, Ms. Dohner, what I don't understand—I really, as I opened up today, said I felt that everybody has been bargaining in good faith. But I have to tell you how extremely disturbed I am that Fish and Wildlife today are really not hitting any of the compensations in the original intent issues, yet you have said that you have not seen—your conclusion is that there has not been any evidence that has changed your mind. But you haven't shared with us what your evidence is. And the Committee, I understand, has requested that.

And in our office, many years ago, it was my understanding that we would move beyond the emotional and the superficial dialogue into the weeds of, OK, here is who was compensated and here is how much they were compensated. And I have actually had friends of the Refuge present that to me in a very compelling way, but I am baffled, very baffled, why you are not showing that today.

No one would argue the beauty of Harris Neck. No one would argue the ecological importance. No one would say Woody Pond is a bad idea. That is not relevant right now. What we are talking about is, was the process followed, were the procedures as good as they should have been, and what was the compensation. And I have been asking you guys that for many years now. And so I don't understand why, today, under oath, in front of the U.S. Congress, that that information has not been presented by Fish and Wildlife.

I am not picking on you, because I know many years ago—I know that, you know, everything you respond to has to kind of be, you know, filtered and your lawyers have to sign off on it. So I understand that constraint. But I don't understand why you don't have a package of information saying, you know what, what they are saying is not true.

And so, that is my question to you. Because I think Mr. Kelly is here with some, you know, kind of—wants to go point for point, and that is what I was hoping was going to happen right now. But it seems like Fish and Wildlife is still on that, "There is no evidence," but not sharing with us how you came to that conclusion.

So what I want you to say is, "Here is the compensation answer." Here is what—you know, just—and do you know why Fish and Wildlife has not given that information to the Committee yet?

Ms. DOHNER. No, sir, I don't. But trust me, you will get it very soon.

The information that we have is based on the DOD. DOD condemned these lands. The Fish and Wildlife Service didn't. You have already heard that. You know that.

Mr. KINGSTON. Yeah.

Ms. DOHNER. We will ensure that you get that information, what we have, based on, again, those court records or that GAO investigation and then their follow-up report that does talk about what compensation was given, how much was given, and as they went forward what was done.

Mr. KINGSTON. It absolutely has to be there. And I have to say that I am very disappointed, again, just because I thought that is what we were going to be seeing and hearing today. And some in the room might not like the answer, but, you know, the truth is the truth, and we are trying to get to justice.

Now, let me ask you this, Mr. Kelly. The ongoing dialogues which we have had, I thought there was a little bit more discussion back and forth with your group and Fish and Wildlife. And Ms. Dohner says that the efforts have not led to any discovery of new documentation. Have you not shown them all of your documentation? Have you shown them what would be considered new documentation that would, you know, maybe reveal a new light on it, new angles?

Mr. KELLY. Well, we met in your office in December of 2009. Then we met with—and Fish and Wildlife was there. Then we met again with most of the same parties, and Cynthia Dohner was there, in March. And after that meeting, the offer by Fish and Wildlife to us for what you asked for in your office, which was an equitable solution to this, their offer was a kiosk and a homecoming day.

And Reverend Thorpe, as Board Chair then, answered the first letter that we got from Fish and Wildlife. But the Board and the community decided that that letter was so insulting that we chose not to answer it. And since then, the dialogue has broken down. Because that is not our idea of an equitable solution.

And I told Ms. Dohner twice, at two meetings, that there are, depending on which archives—the first archives that I went into was closed, and the new archives was opened. So, originally, I went through 13 cardboard boxes of documents, most of which, or maybe

all of which, hadn't been looked at since the 1940s. And I have in my office a couple of thousand pages of documents from all kinds of things, not only the archives.

But I shared with them what I thought was the most appropriate. We have also given them the community development plan. Their only response to that is it lacks specificity. And if it lacks specificity, it is only because, you know, we don't have the access to the land that we really need. But it was developed with a scientific background. We are also willing to work with Fish and Wildlife to, you know, refine that.

We have also—I want to make very clear that we have asked Fish and Wildlife to be partners with us when the land is returned. We don't want anyone to lose a job. We want them to stay and do the work that they are doing now, which is to protect and monitor the ponds and the other wildlife. And we want them to maintain the presence that they have right now, even to continue working on the other island.

So we see this as a win-win partnership. But the land needs to be returned. That is justice, in this case.

Dr. FLEMING. Thank you for that testimony.

We will have a second round, if our witnesses will indulge us in this. And I will lead off with a second set of questions.

I want to revisit—we have talked about this, and I want to maybe bring this into better focus. What I believe I am hearing from our witnesses today who are, for lack of a better term, the aggrieved party, those who are descendants of the owners of this land, the former owners—clarify for me this.

So, as I understand it, you are not looking for financial compensation; you are not looking to actually control the land, in the sense of building homes or developing or anything like that, although you do want the ownership back. So what you are saying today is that what you would like to see as a resolution of this is that the ownership is given back to you, I guess the deed or title or whatever, and that you would keep it in exactly the same form that it is today.

I would love to hear responses from all the members here.

Mr. KELLY. I am just going to say one quick thing and then pass it on to the others.

The plan does call for the construction of low-impact houses and some other development, which is all based on what the community used to do back in the day. And, again, the partnerships that we have created with wind specialists, solar specialists, the use of the latest in wastewater treatment, et cetera.

But Wilson and the others will speak to the rest.

Dr. FLEMING. OK.

Mr. MORAN. To continue with that, our great grandparents were—I guess you could call them ecologically inclined long before my country, this country, superimposed on it. Oysters, the crabs, the shrimp, the fish, the different species. They already had a plan in place for us, had we continued to live on this 2,687 acres of land. And the farming—all the farming they did was organic. So they built their own houses; they had the skills. They built their own small boats. They made their own nets, the cast nets. We were the

custodians of that region. We knew about pollution long before my country started doing this pollution thing.

If we had the opportunity—you have to recognize, even our cemetery, we don't own it. We are allowed to go bury people. Well, we only got about 20 spaces left. And the other cemetery that we did own was completely destroyed. And Sister Evelyn will tell you that the story about that is still yet to be told, of what happened to that cemetery.

But the point here is, those people were highly successful in the 1800s living a simple life. And we could duplicate the same thing using modern technology, like wind power, solar power, leaving less of an imprint on the environment.

And, plus, about the wood storks, I need to explain to you that the wood storks were always here. And more of them were here then than they are now, and we didn't have to lure them to stay here.

Now, my grandfather would laugh and smile about some things that was happening—

Dr. FLEMING. Excuse me just a moment. I didn't catch—the who?

Mr. MORAN. The wood storks.

Dr. FLEMING. What is that? The wood stork. OK, I am sorry.

Mr. MORAN. My Geechee comes out every once in a while.

They were always here. There were more of them here during my uncle's time than my time.

But my grandfather would laugh after the land was taken from us, and he says, "These people is going to destroy that land." And that was the part about Fish and Wildlife. He said, because once you lure a species to stay, you disturb their migration period. Like, if you were to keep a geese in one place, it would pollute the area, because a geese has to migrate. If you clip his wings and teach him to stay, then he will destroy another species. We knew this long before.

So, yes, we can go back there. Our imprint would be so small you wouldn't even know that we were there. And, plus, even though our culture were destroyed, we still remember the ways that they lived. The forest, the sassafras tree, the snakeroot bush—all these natural medicines, we knew what they were—

Dr. FLEMING. I am sorry—

Mr. MORAN.—and we used them.

Dr. FLEMING.—my 5 minutes is up. We have to be just as strict on the Chairman as we do everybody else here. So I thank you.

I now recognize Ms. Hanabusa.

Ms. HANABUSA. Thank you, Mr. Chair.

Something along those lines. Mr. Kelly, you seem to be very familiar with the plan. You were talking about maintaining—in your prior testimony, you were talking about maintaining it with different kinds of, I guess, particular parts of the Refuge that you are talking to.

Are you using conservation easements, or are you, you know, I guess, ready to consider conservation easements in that process?

Mr. KELLY. Yes. Long ago, we settled that issue. So more than half the acreage, total acreage, is going to be put into permanent conservation. We don't know what trust will manage that; that is

a small detail. But that is going to be put into permanent conservation.

And then the rest of it is going to be managed—and we are willing to work, again, as I said, in the future with Fish and Wildlife on the management of that.

Ms. HANABUSA. You know, the problem with situations like this—and, you know, being from Hawaii, we have the Hawaiian Homes Commission Act, for example, we have had things that have happened over the time. The problem is you can never really turn back the clock all the way. You can't undo—irrespective of the injustice. It is just a difficult thing to do.

So the question that I have is, you have formed a Harris Trust. So is it anticipated that that Trust will continue to manage, assuming a settlement is reached, into the future?

Because the concern would be that you can't do all of these things if there isn't some kind of an organization that oversees everything. Because once you get to the returning of a particular parcel to a particular person, then their rights to alienate the lands come into question, as well.

So how did you envision or how did the plan envision anticipating those kinds of situations?

Mr. KELLY. Yes. And, again, it is the Harris Neck Land Trust. And the request is that the land be returned to that trust, which will manage and protect the lands in perpetuity.

And then, under that umbrella, if you will, there will be strict covenants put in for resale, for example, a 10-year moratorium on no resale whatsoever; the property has to go under that umbrella to the original families.

And I would like to remind everyone that those are not just the black families but there are white landowners involved, some of whom were a part of this movement. We have approached them all. E.M. Thorpe's granddaughter—he was the largest landowner—she is part of the movement.

Ms. HANABUSA. Now, I would also like to point out to you that, for example, with the native Hawaiians—and 1921 was when the law passed. It is the Hawaiian Homes Commission Act of 1920. What that does is it prevents the alienation of lands. You have 99-year leases to a family, but they cannot ever alienate the land. In other words, it comes back to the Commission, to basically a form of a trust. And that is the idea, that those lands will always be there for native Hawaiians. And these are defined as people with 50-percent-plus blood quantum.

But you seem to be indicating that there is an anticipation that people would be able to sell. Now, would that be a sale back to the Trust first—

Mr. KELLY. Yes.

Ms. HANABUSA.—or a sale to anyone?

Mr. KELLY. Back to the Trust. And the Trust has to approve all future sales. So, for example, you know, this cannot go up to the highest bidder. There is not going to be the Hyatt Hotel.

And just to remind the Committee, the two premier cultures in America regarding stewardship are the Native American cultures, you know, the 500 nations that were here, and the Gullah. And

these two, this blood is in this community. And that is the guiding ethic within the Trust.

Ms. HANABUSA. I hear you very clearly. And I anticipate you will provide that all in the plan. So the anticipation is that this will be held in trust, in perpetuity, for the benefit of all who were the original people there—the descendants of the original people that were there.

Mr. KELLY. Yes. And we are going to—this is another rumor that has been spread, we are going to close down the community. That could not be farther from the truth. The experience the public will receive in the future will be greatly enhanced.

I spend hundreds of hours in Harris Neck. I have never talked to a single birder—and I am one of those—who knows anything about the history.

So, for example, one of the other objections that Fish and Wildlife has raised—and I am speaking word for word: “We cannot return this land to you because Harris Neck is wall-to-wall archeological/cultural sites.” Do you know how many there are? Six. Four of those are in the wetlands.

So we have hired the premier archeological consulting firm in Georgia to do the first ever comprehensive, acre-by-acre site analysis. And every piece of pottery, et cetera, that we find we are going to protect, preserve, sign, and turn into an educational component. So the public’s experience of Harris Neck will be greatly enhanced.

Ms. HANABUSA. Thank you, Mr. Kelly. Our time is up.

Thank you, Mr. Chair.

Dr. FLEMING. I thank the gentlelady.

And, Mr. Kingston, you have 5 minutes.

Mr. KINGSTON. Thank you, Mr. Chairman.

Reverend Thorpe, I wanted to ask you about your grandparents, Amelia and Robert Dawley. Were they college-educated? Were they educated people?

Rev. THORPE. No, sir.

Mr. KINGSTON. What was their educational level, to your knowledge?

Rev. THORPE. My grandfather, Robert Dawley, had a 5th-grade education.

Mr. KINGSTON. Is that typical of the Harris Neck residents in the 1940s?

Rev. THORPE. That is right.

Mr. KINGSTON. So you would say we could assume there were no lawyers.

Rev. THORPE. No lawyers.

Mr. KINGSTON. No college graduates.

Rev. THORPE. Right.

Mr. KINGSTON. Anybody who attended college?

Rev. THORPE. No.

Mr. KINGSTON. Anybody who graduated from high school?

Rev. THORPE. No.

Mr. KINGSTON. Not certain, maybe.

Rev. THORPE. Not certain.

Mr. KINGSTON. So Mr. Banks comes down from Washington, D.C., gives them 2 weeks to move out?

Rev. THORPE. Yes.

Mr. KINGSTON. And basically says they are gone.

Rev. THORPE. Gone, yes.

Mr. KINGSTON. Do you happen to know if the City of Clyde or Taylor's Creek—and, Mr. Chairman and Members, Clyde and Taylor's Creek were cities that were dismantled for the construction of Fort Stewart, leaving only their cemeteries.

Do you know if Clyde and Taylor's Creek had been dismantled by then?

Rev. THORPE. No, I don't know.

Mr. KINGSTON. I actually think that they had. And it would stand to reason that there would be a precedent for, you know, the folks at Harris Neck to say, "Well, we don't have any choice." But if they were against it, where would they turn to? Who was running the county at that time, for example?

Rev. THORPE. Tom Poppell.

Mr. KINGSTON. And if they had turned to him, would he have been sympathetic to them, in your opinion?

Rev. THORPE. Well, I guess yes and no.

Could I bring this in? Could I bring this in?

Mr. KINGSTON. Sure.

Rev. THORPE. You see, the same person who sold us that property, Irvin Davis, in 1947 he called for a meeting at the First AB Harris Neck Baptist Church. He brought along with him his lawyer. And we met at the church, 1947, and his lawyer was the spokesman. And his lawyer got up and said, "Now, Harris Neck, the government has not—are not going to release Harris Neck to you as of this time. But we are here to ask if you would allow Mr. Davis to have it for a cow pasture until that time." Everybody knowing Mr. Davis as a good man, we didn't know it was a trick. Everybody said, yes, let Mr. Davis have it. And that is what happened.

We didn't know the land had been ordered returned to the county to give to the—they promised to give it back to us.

Mr. KINGSTON. Ms. Bambach, I think it is important for you—well, maybe on a personal basis—you are not from that area, correct? You moved in 1999?

Ms. BAMBACH. That is correct.

Mr. KINGSTON. And so, just kind of as a scene setter, I wanted to make sure that you and the Friends sort of understood that this was a group of people who really weren't able to defend themselves. And when Washington comes down and says, "They need your land," it is taken from them.

And the reason why I want to address this to you is you have a little more flexibility in what you say than Ms. Dohner does. But I think it is very important for us to look at the cultural, historic perspective of African Americans not getting equal justice in the court system and the political infrastructure.

Switching back to Mr. Thorpe, do you know if they voted or not in the 1940s? Were they organized in terms of voting?

Rev. THORPE. No, we weren't really organized. And we didn't have a voice no way.

Mr. KINGSTON. Did they vote at all, do you know?

Rev. THORPE. No. And we didn't have no kind of voice, and we couldn't have had no question, we couldn't ask no question. It was just, yes, sir, no, sir.

Mr. KINGSTON. And, Ms. Bambach, the reason why this is an important issue to us in Congress—and I want also you and the Friends organization to know, this is the political equivalent of me walking in a gasoline factory smoking a cigarette. It is a lose-lose in terms of the politics of this stuff. I understand two highly energized groups are in conflict here.

But, as Americans, we can be united on the central question of fair compensation. And if the compensation was fair at that time, that is what we need to know. And people might not like that answer, one side or the other, but, to me, that is the empirical question.

And that is why, you know, I really want to get that information from Fish and Wildlife so that we know and we can proceed accordingly.

Ms. BAMBACH. I absolutely agree, Representative Kingston.

I would also like to see it parsed a little bit differently than the data was previously analyzed in the GAO report. Because what they used is, they went over all the individual properties and they gave us the average pay to whites and pay to the Harris Neck community.

By the way, white landowners owned more than 50 percent of that property. And I don't believe that they all had a 5th-grade education. So there were people there who, if they had wanted to protest it, could.

But the price—my understanding, and I have not seen the original data, but my understanding is that when you have what are called outliers in your data set, some that are way higher than most and some that are way lower, an average does not give you good statistical predictive power. What you should be using is median, mode, and range. And GAO did not do that. And I would love to see that done, because I think it is going to show—even the Olympic diving champions throw out the highest and lowest score before they do an average. That is an imperfect solution to the problem. But, statistically, we should be doing a better job in analyzing this.

Mr. KINGSTON. And I agree with you, because, also, the higher land probably got a better compensation rate than lower land. I am guessing. I don't know.

Ms. BAMBACH. That is correct. The Livingston-Lorillard estate was 225 acres. It occupied most of the high ground and had the deepwater access, abutted the emergency airfield that was already there. And it definitely did get more than anybody else. And, also, it had a 28-room mansion with an in-ground swimming pool that was utilized by the military during the war.

But, nonetheless, I absolutely agree that the members represented by the Land Trust suffered terrible misfortune during the war. The question for me is, were they unique? I think you will find many, many thousands of other families around the country that were asked to make similar sacrifices and half a million that made the ultimate sacrifice. We were at war, and things were sort of done in a hurry.

Dr. FLEMING. OK. I have a follow-up question, and I will invite the other panel members if they have a wrap-up question as well. Because this is an important follow-up to the line of questioning that Mr. Kingston had.

Is it your understanding that the—first of all, my understanding is that—and I think you alluded to this briefly—is that the compensation to the white landowners was significantly higher than that to the black owners, or there was some differential there.

Mr. Kelly? Either one.

Mr. KELLY. I am sorry. I thought you were directing it to her. What was the question?

Dr. FLEMING. Well, the question was—and, again, just a “yes” or “no” is fine. My understanding is the white owners—and this is going to lead up to another question that is even more important—the white owners, all things being equal, received a higher compensation than the black owners did.

Mr. KELLY. Yes. And to remind you also, they had only Lilly Livingston and Nellie Clapp, who died in the 1930s, had any improvements. The rest of the landowners—Ian Thorpe—and Ms. Bambach was right—he did turn out to be the largest landowner in the county, most of it acquired by hook or crook. But none of the other families even had a chicken coop on the land—no housing, nothing. They just had property. Every family had all that you can imagine to have a successful community. So, you know, that even further—

Dr. FLEMING. Right. Underscores.

Mr. KELLY. Yeah.

Dr. FLEMING. What I think you are saying is that, if anything, some, if not all, of the black owners had more improvements on their land, therefore a higher value on the land, than whites did, but yet it was a reversal in pay.

What I have here is the uniform appraisal standards for Federal land acquisitions. Quite thick, as you can see. And it calls for the fact that whenever there is compensation for condemnation that you had to go far beyond just the land itself—the improvements, business. We heard testimony that there were business enterprises that were functioning, having to do with farming as well as food processing and so forth.

Is it my understanding that none of that—and, again, I would like for Ms. Bambach, as well as Mr. Kelly, to respond to this. Is my understanding correct that there was no compensation for any of those factors?

Mr. KELLY. You are absolutely correct. Reverend Timmons, who is the pastor of the church now, his grandfather ran a seafood factory that employed Evelyn Greer’s mother and 49 other women. No compensation for that or for any other business.

Dr. FLEMING. Ms. Bambach, would you like to respond?

Ms. BAMBACH. I was just looking for my copy of the GAO report, which shows that some white landowners, Mrs. Livingston in particular, who owned the estate, received more than some black owners, but some black owners received more than some white owners.

So it is not like everything got appraised and then they said, “All right, now we will add on a 40 percent margin if you are white.”

That is not what happened, and the statistics will bear me out on that.

Also, the prices that were paid were set. And the reference here is the GAO report. They were set by the Circuit Court.

Ms. DOHNER. Right.

Ms. BAMBACH. And the Circuit Court said that it considered the improvements as well as the value of the land. Now, we don't have the data that those courts used, so all I have to go on is their statement.

Dr. FLEMING. Well, let me be clear on this. So you are saying that Mr. Kelly's assertion is incorrect and, in fact, that there was no differential based on race and that, in fact, improvements were considered and were compensated for.

Ms. BAMBACH. I am saying that the court that made the prices made that statement. I can't say what was on their mind. But they said that is what they did in 1948. And it was the Circuit Court that did that. And I am saying—

Dr. FLEMING. Mr. Kelly, can you clarify that?

Ms. BAMBACH. In terms of the differential, what I am saying is that there are other explanations.

Dr. FLEMING. OK.

Ms. BAMBACH. And, you know, I haven't done a regression analysis on this, but things like location and amenities, locational amenities, could have been a factor.

Dr. FLEMING. Right.

Do you have any rebuttal to that?

Mr. KELLY. I don't know about that Circuit Court decision, but, you know, we stand by what we have already said and that we know to be true.

Dr. FLEMING. Sure.

Oh, Ms. Dohner, do you have a comment?

Ms. DOHNER. Sir, I would just like to add one thing. That information is in the report. We will make sure everyone that has been at this hearing gets that information.

You also have to look at—Congressman Kingston talked about the Fort Stewart area. And they also looked at the differences between what was paid for those people, and there was also a difference in that. And, again, it is based on not only what is on the lands but the overall land, like Ms. Bambach said, about the deep-water docks and things like that, the coastal area.

Mr. KELLY. If you read after page 4 of the GAO report, page 4 has the average price paid per acre. If you read the rest of that report closely, you will see that it makes very little sense. When they compare what happened in Fort Stewart to what happened in Harris Neck, read it closely and you will see that they are comparing apples to oranges.

Dr. FLEMING. Yeah. I have this in my hand. It says that the average for black owners was \$29,653; white, \$57,153. Again, by itself, that doesn't prove anything, but certainly that is a disturbing number and a disturbing trend.

And, also—and this is one of the problems we have in this, is making judgments based on information—it also says, GAO report, page 4, "As a result of the absence of land and property tax assessment records, we were unable to evaluate: one, the acquisition pay-

ments to the former Harris Neck landowners for their land, including improvements; and, two, whether there was racial discrimination in determining this compensation.”

So the GAO still leaves it as a significant possibility that that did happen. So I don’t—and that was after the court case. So I don’t think the court case, certainly, is the end-all or the final answer.

And, with that, I am going to open to the panel. Do either one of our other Members have any follow-up questions?

OK, Ms. Hanabusa?

Ms. HANABUSA. Mr. Kelly, something that I have been curious about, when you gave me the two dates on when, basically, the Harris Neck Land Trust was created, 2005-2006. Now, why such a long period of time? Why 2005-2006 before the Trust is actually created?

Mr. KELLY. There was a strong movement starting in the mid to late 1970s. The reason that nothing happened after the war is you are talking about a different culture in Reverend Thorpe’s generation—the acceptance, the patriotism, the lack of a formal education. So when Wilson and Reverend Timmons and Chester Dunham’s generation came up, that is when the first movement started.

And it was basically a legal avenue that was approached. However, there was a bill that they tried to get at the time, through Representative Bo Ginn. And the effort then died in the very early 1980s even though the “60 Minutes” piece on Harris Neck came out in 1983.

So for, you know—if the Committee puts itself in a similar position, it is about people putting a lot of effort, blood, sweat, and tears into a movement after their land was taken already from their parents and having the result that occurred in 1979 and in 1980.

And then, fortunately, or unfortunately, I heard the story on National Public Radio when I was working in California in 2007, and that is when my involvement started. And Reverend Timmons, Wilson Moran, and myself had a meeting that led to many more meetings, that led to the formation of the Trust. So I guess it is an answer of a couple of evolutions through the time.

Ms. HANABUSA. I thought you said the Trust was formed in 2005-2006.

Mr. KELLY. The Trust was formed in 2006. The movement actually began in 2005, but the legal Trust was formed in 2006.

Ms. HANABUSA. But you said you heard about it in 2007?

Mr. KELLY. Yes. I am a slow learner. I heard about it in 2007 and came to Harris Neck to hang out with Wilson. And I ended up going back to California and giving my notice at work and moved there, got involved in the community, and one thing led to another. But I am a slow learner.

Ms. HANABUSA. So I guess the question is, what caused the movement before you got there, then? Does somebody want to answer that? I mean, you have this gap from 1980 to 2005-2006. So what happened that triggered 2005-2006?

Anyone?

Mr. MORAN. Well, I think we need to go back to 1979, Vietnam. We had just got out from Vietnam. And a lot of the men came home, and they saw that we were living on the side of Harris Neck Road on one acre of land per family, and they wanted to go and try to get this 2,687 acres of land.

And Reverend Timmons put it like this. He said, "Well, we fought for freedom for the Vietnamese. We need to fight for freedom for us." And that is how it started.

Ms. HANABUSA. I see.

Thank you. Thank you very much.

Thank you, Mr. Chair. I yield back.

Oh, I am sorry. Please.

Mrs. GREER. I would just like—I am Evelyn Greer.

Ms. HANABUSA. Right.

Mrs. GREER. I would like to clear up some things on the first movement. I was the Secretary of the first movement. And we were going very good, that first movement, but we ran into financial problems. And we had went to Washington, we went to Atlanta several times. Bo Ginn was in then. But we just couldn't get no financial help. And that is why, at that point, it kind of went away. You know, it didn't completely die, but we just didn't have the finances, you know, to do what we wanted and desired to do. So it died down for a while. And that is when Wilson and them came along and picked it back up. But there are so many catches in it.

Now, we was fighting, too, because we felt like it wasn't right for the government to take the money that they have written out to pay us and give it to individuals to give to us when we were corresponding back and forth with them. This is me; I am telling what I know.

Ms. HANABUSA. OK.

Mrs. GREER. And that is one reason we were fighting, too, because they didn't, you know, recognize us. They took it from us, but they gave the money to other individuals to pay us, and, matter of fact, called E.M. Thorpe.

Dr. FLEMING. OK.

Ms. HANABUSA. Thank you, Ms. Greer.

Dr. FLEMING. Your time is up.

And I will recognize Mr. Kingston, the gentleman from Georgia, if you have any further questions.

Mr. KINGSTON. No. Mr. Chairman, let me just thank you for having this hearing and for your commitment to try to sort through this.

And as you can tell, this is a class of two enormously important values: justice being number one, and then you have the Gullah-Geechee corridor. And we will teach you a little—I know we can swap some Cajun for Gullah-Geechee. But, you know, this is something that Mr. Clyburn and I actually did a bill on about 3 years ago, recognizing the Gullah-Geechee corridor and the historical importance of it. And, certainly, at the same time, we understand the environmental significance of this area. So we have a lot of our, you know, top values clashing.

And it is my hope that we can stay engaged and try to come up with, well, what really did happen in the 1940s and then where do we go from there. And so I appreciate the panelists and what they

have said today, and, again, the Committee. So let's stay engaged, and let's get to the bottom of this.

Thank you.

Dr. FLEMING. Yes. Well, I thank the gentleman.

And I thank the panel today. We learned a tremendous amount of information about what is really a very complex issue and one that is, as my good friend points out, it is a clash of values. We always want to do the right thing, but that is not always as easy as it may seem. And I think everyone here is very earnest and sincere in their feelings and beliefs and understandings.

So, with that, I am going to excuse the panel and then ask the last panel to come forward so we can finish up our hearing.

Well, I want to thank our third panel for the day for what has been a very interesting hearing on various subjects.

And so I want to welcome Dr. Holly Bamford, Deputy Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration; and Dr. Paul Gilman, Senior Vice President and Chief Sustainability Officer, Covanta Energy Corporation.

Like all witnesses, your written testimony will appear in full in the hearing record. So I ask that you keep your oral statements to 5 minutes, as outlined in the invitation letter and Committee Rule 4(a).

Our microphones are not automatic, so try to remember to punch the button. I forget half the time myself. Also, the timing lights, I think you have probably seen that by now. Four minutes green, 1 minute yellow, and then when it turns red, we want you to wrap up.

Dr. Bamford, I believe you are up first, and I will recognize you for 5 minutes.

STATEMENT OF HOLLY BAMFORD, PH.D., DEPUTY ASSISTANT ADMINISTRATOR FOR OCEAN SERVICES AND COASTAL ZONE MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Dr. BAMFORD. Thank you very much.

Chairman Fleming, members of the Subcommittee, thank you for the opportunity to testify on the Marine Debris Reauthorization Act and S. 363. I am the Deputy Assistant Administrator for the National Ocean Service, but previous to that position, I was the Director of the NOAA Marine Debris Program. So I am very happy to provide you some of my experiences as well as how this reauthorization can help NOAA do its job better.

The Reauthorization Amendment of 2011 provides a clear guidance to NOAA to comprehensively address the impacts of various types of debris on a national, regional, and international scale. The amendment gives NOAA the ability to improve and better coordinate our current efforts, as well as advance our ability to understand and address many of the impacts marine debris has on our environment.

Let me give you some examples from around the country. I would like to first start in the Pacific Northwest, where fishing and crabbing industries are the lifeblood of the region.

Fishermen in Washington and Oregon catch millions of pounds of Dungeness crab, salmon, and other commercial fisheries every year, boosting the local economy with jobs and commerce. But this robust industry does not come without costs. Lost fishing nets observed in coastal waters in Puget Sound indiscriminately tangle and kill countless marine mammals, seabirds, fish, and invertebrates. Crab pots can sometimes weigh more than 100 pounds, scouring some other sensitive fisheries habitat.

Dr. BAMFORD. These abandoned nets and pots must be removed in order to protect the resources.

NOAA's regional marine debris coordinators are instrumental in overseeing removal and assessment projects of derelict fishing gear and nets. Just recently, NOAA's West Coast coordinator oversaw a NOAA-supported project with the Oregon fishing industry which resulted in nearly 3,000 derelict pots removed from Oregon waters.

Similar efforts are taking place across the country, here in the Chesapeake Bay, where nearly 20 percent of the deployed pots are actually lost annually. There, NOAA and the Virginia Institute of Marine Science partnered to study the impacts of lost traps. Of the 28,000 derelict blue crab traps that were removed during the study, 27,000 contained targeted species, including blue crabs, that could have been harvested for profit.

The reauthorization amendment specifically calls out for NOAA to undertake national and regional coordination to assist States, tribes, and organizations in addressing marine debris issues that are important to these areas. This will allow the NOAA coordinators to serve as an expert resource in support of local efforts more efficiently and effectively to address marine debris issues on a national scale. In short, the reauthorization helps us do our job better in support of the States.

Now let's go to the Pacific Islands, which are home to some of the Nation's most prestigious natural resources. Hawaii has world-class beaches, incredibly unique ecosystems, and marine animals found nowhere else on Earth. Marine debris is also a consistent problem for Hawaii. Garbage of all shapes and sizes and materials wash up on Hawaii's beaches and reefs every day. This is due to the local high-concentration debris zone where Hawaii sits in the Pacific.

Marine mammals, including the endangered monk seal, often eat debris like plastic or get entangled in it, which can lead to death. Countless birds and marine mammals have been found with plastic in their stomachs or wrapped around their bodies. While it is not always conclusive that the plastic was the primary cause of death, it certainly didn't help them survive.

In addition to derelict fishing gear, the reauthorization allows NOAA to prioritize research on plastics and other types of debris, including storm-generated debris. This is most timely, as the debris that has swept into the ocean by the tsunami in Japan last March could reach the United States over the next few years. NOAA is currently working with our other agencies, as well as the States, to assess the probability and plan for the best- and worst-case scenarios due to this event. The amendment calls on NOAA to undertake these types of assessments, with a focus on marine debris that

poses a threat to marine environment, navigational safety, and the economy.

Next, let's head to the Gulf, a region that has been gravely impacted by natural disasters.

When Hurricane Katrina swept through in 2005, it destroyed marine infrastructure on a wide scale, depositing enormous amounts of debris in the water both on- and offshore. Following the storm, NOAA worked with the Coast Guard and the Army Corps of Engineers to survey and clear debris from major national waterways, as mandated by existing laws. But near-shore areas outside the navigational waterways were not mandated to be cleared, yet these areas contain large amounts of debris, which cause a threat to boaters and the fishing industry.

To help restore the area's fishing grounds and mitigate risks to public safety, Congress authorized supplemental funding to NOAA to address these areas and survey the near-shore waters along Alabama, Mississippi, and Louisiana. The reauthorization bill directs the Department to develop products, like the Katrina debris mapping tool we developed from those authorization funds, to help the public better use best practices and technology to address this impact.

The NOAA Marine Debris Program is working extensively on these marine debris issues in the Pacific Islands, Alaska, U.S. territories, Great Lakes, East/West Coast, and the Gulf Coast. Reauthorization will allow NOAA to comprehensively address the issues associated with marine debris on a local, regional, and national scale.

Before I end, I would like to also take a moment to discuss S. 363, a bill that will allow the Secretary to convey property of NOAA to the City of Pascagoula, Mississippi.

Many years ago, for security purposes NOAA fenced off three small sections of land adjacent to Pascagoula Laboratory. However, that land is owned by the City of Pascagoula. In recent years, the city has begun to develop the local waterfronts in their plan for a small park on a separate piece of land currently owned by NOAA. The city is willing to swap the parcels and other contiguous space around in use by NOAA for the adjacent piece of government land.

The proposed exchange would allow for the government to—

Dr. FLEMING. I am sorry, your 5 minutes is well up, and your testimony will appear in full in the record.

[The prepared statement of Dr. Bamford follows:]

Statement of Dr. Holly Bamford, Deputy Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce

Introduction

Mr. Chairman and members of the Subcommittee, thank you for this opportunity to testify on H.R. 1171, the Marine Debris Act Reauthorization Amendments of 2011. My name is Holly Bamford, Deputy Assistant Administrator for the National Ocean Service at the National Oceanic and Atmospheric Administration (NOAA) within the Department of Commerce. Previous to my current position, I served as the Division Chief and Director of the NOAA Marine Debris Program and was involved in its inception in 2005 and formal codification in 2006. I look forward to contributing my experience on the marine debris issue to today's hearing.

NOAA supports undertaking the activities detailed in the reauthorization language, which will codify efforts already underway within the NOAA Marine Debris Program and allow continued growth and progress in addressing the impacts of ma-

rine debris. Marine Debris is currently defined for the purpose of the Marine Debris Research, Prevention, and Reduction Act as, “any persistent solid material that is manufactured or processed and directly or indirectly, intentionally or unintentionally, disposed of or abandoned into the marine environment or the Great Lakes.” NOAA wrote this definition cooperatively with the U.S. Coast Guard (USCG) as directed by the original Marine Debris Research, Prevention, and Reduction Act.

As the lead federal agency addressing marine debris and Chair of the Interagency Marine Debris Coordinating Committee, NOAA continually works in partnership across federal agencies to ensure coordination in its national and international marine debris efforts, within existing bodies such as the Interagency Committee, and through the National Ocean Policy.

Marine Debris Impacts

Marine debris, which can be anything from lost or abandoned fishing gear and vessels, to plastics of any size, to glass, metal, and rubber, is an on-going international problem that impacts our natural resources. In addition to being an eyesore, it can threaten oceans, coasts, wildlife, human health, safety, and navigation. Every year, unknown numbers of marine animals are injured or die because of entanglement in or ingestion of marine debris. It can scour, break, smother, or otherwise damage important marine habitat, such as coral reefs. Many of these habitats serve as the basis of marine ecosystems and are critical to the survival of many important species. Derelict fishing gear can also cost fishermen untold economic losses. For example, crab pots and nets can continue to capture fish—something we refer to as “ghost fishing”—for years after they’re lost or abandoned, depleting fisheries and reducing abundance and reproductive capacity of the stock. In addition to the ecosystem impacts, coastal communities spend millions of dollars annually trying to prevent debris from washing up on their shorelines and trying to remove it once it does wash up. It not only degrades our coasts’ natural beauty, but it threatens the safety of those who work and play there.

Marine debris can also present a navigation hazard to vessels of any type. Ropes, plastics, derelict fishing gear, and other objects can get entangled in boat propellers and cause operational problems and large items such as lost containers can actually be collision dangers. Plastic bags can clog and block water intakes and are a common cause of burned-out water pumps in recreational crafts. Such incidents involve costly engine repairs and disablement. These dangerous and costly impacts are problems for both the recreational and commercial boating and shipping communities, and NOAA’s Marine Debris Program is actively seeking partnerships within these communities to expand our area of knowledge and begin to proactively address the dangers.

These impacts to navigation and the economy are being investigated in a study conducted by the Marine Debris Program and the Hawaii longline fishing community since 2007. The study, utilizing the NOAA National Marine Fisheries Service Observer Program in Hawaii to gain better understanding of the overall impacts of derelict fishing gear to the Hawaii-based longline fishing industry, has produced some interesting results. During 125 separate vessel trips, observer vessels encountered over 34,000 pounds of marine debris, with an average of 287 pounds per encounter.

Abandoned and derelict vessels are another type of marine debris posing a threat to marine resources and navigational safety in U.S. waters. Because older or inoperable vessels are expensive to remove and become even more costly the longer they are left in place, owners sometimes leave such vessels on the shoreline or sunk close to shore after removing identifying numbers. With the economic downturn, many states are finding abandoned vessels to be a serious marine debris problem.

In addition to improving navigation safety, removal of marine debris eliminates the risks of entanglement and trapping of marine species, reduces risks to human health, and promotes vital marine habitat recovery.

Marine Debris and Natural Disasters

Coastal storms and natural disasters are another source of marine debris creating hazards on our inland and coastal waters.

For example, there is a chance that debris swept into the ocean by the tragic tsunami that struck Japan last March could reach the United States over the next few years. In addition to the incredible human tragedy of the earthquake and tsunami, part of its aftermath has become a marine debris issue that could directly impact our coasts.

NOAA has been working with partners to coordinate efforts to understand the nature and amount of items that may reach the United States. Our activities have included working with vessels in the North Pacific to report significant debris

sightings, collecting scientific data, and predicting debris movement at sea with computer models. At this point there is not an accurate estimate of the number and type of items that will reach the United States given the uncertainty and unprecedented scale of this situation.

We have also been hard at work preparing an assessment and response framework that will facilitate holistic and cooperative action planning for potential threats posed by the debris. Moving forward, the activities outlined in the framework will be executed and coordinated by the Interagency Marine Debris Coordinating Committee, so that NOAA can leverage resources and expertise from across the federal government.

In another example, during the 2005 hurricane season, Hurricanes Katrina and Rita inflicted severe damage on the Gulf of Mexico coastal region, and deposited extensive amounts of debris over various areas of the Gulf coast. Immediately following the storms, NOAA's Navigation Response Teams worked with the USCG, the U.S. Army Corps of Engineers, and other state and private sector partners to quickly survey and clear marine debris from shipping channels vital to the response and recovery effort. In addition, the amount of storm-generated marine debris outside the navigation channels was huge, posing a threat to safe vessel movement throughout Gulf coastal waters. Recognizing this, Congress provided Fiscal Year 2006 and 2007 supplemental funds to NOAA and USCG to survey and remove debris that posed a hazard to safe navigation and commerce in the coastal areas of Alabama, Louisiana, and Mississippi.

NOAA responded by surveying and mapping over 1,570 square nautical miles along all state waters of Alabama, Mississippi, and Louisiana. Over 7,000 marine debris hazards were identified and plotted on marine debris maps. This information was provided to USCG, the Federal Emergency Management Agency, and the States in order to assist with cleanup and outreach efforts.

NOAA Marine Debris Program in 2011

I would like to also highlight some of the recent accomplishments of the NOAA Marine Debris Program and how these efforts relate to the new program components in the Marine Debris Act Reauthorization Amendments of 2011.

NOAA leads international collaboration

In March 2011, the NOAA Marine Debris Program hosted the Fifth International Marine Debris Conference in Hawaii, the first international marine debris conference held in over 10 years in Hawaii. Over 450 people from more than 30 countries attended, generating a new excitement to work together, combine knowledge and resources, and collaborate to comprehensively address marine debris. The major outcome of this conference was the Honolulu Strategy. This Strategy will be a major step forward for the international marine debris community, providing common terminology, outlining consistent ways of referring to goals and objectives, and establishing a mechanism for cooperative efforts. It also provides a comprehensive overview of the marine debris issue, sources, potential impacts, and prevention and reduction methods, so that any new efforts build on existing efforts to further evaluate the overall problem. This Strategy has been drafted under the guidance of NOAA and the United Nations Environment Programme, with input from the conference participants and other interested parties.

Partnerships to Address Marine Debris

Working with non-governmental organizations, academia, regional organizations, local, state and federal governments, and international organizations is a priority for the NOAA Marine Debris Program. NOAA's marine debris regional coordinators extensively cover marine debris issues in the Pacific Islands, West Coast, Alaska, Great Lakes, East Coast, and Gulf of Mexico. While these coordinators focus on the local, state, and regional issues as a part of the national program, they are also able to bring in lessons learned and make connections across the country and the world. NOAA has held lead roles in developing marine debris plans for Hawaii and the West Coast Governors Agreement, planned multiple workshops for New England, the Great Lakes, Alaska, and Hawaii, and worked on specific projects throughout all regions. NOAA continues to work with partners throughout the country to develop and test innovative and cost-effective methods of detection and removal of marine debris, and to engage the public and industry, including shippers and fishermen, and the recreational community on marine debris.

One shining example of such a strategic partnership is the Fishing for Energy program. Launched in 2008 through a partnership among Covanta Energy Corporation, the National Fish and Wildlife Foundation, NOAA, and Schnitzer Steel Industries, Inc., the partnership works closely with state and local agencies, community and fishing groups, and local ports to install bins at convenient and strategic loca-

tions into which fishermen can deposit fishing gear. When these bins fill up, the gear is collected and transported to a nearby Schnitzer Steel facility where the metal (e.g., crab pots, gear rigging) is pulled for recycling, and rope or nets are sheared for easier disposal. Then the waste is brought to the nearest Covanta Energy-from-Waste facility, where the gear is converted into clean, renewable electricity for local communities. This partnership is designed to give fishermen a place to dispose of derelict gear they come across while on the water, and ease the burden of high costs associated with disposing of old fishing gear into landfills. The program also began providing grant awards for community groups to proactively remove derelict fishing gear in 2009. These investments, which are estimated to remove over 92 tons in the first year, provide the fishing community with a means to become more actively involved in addressing marine debris issues. Since 2008, 500 tons of gear has been collected through the Fishing for Energy program at 24 ports across the country.

Another example of a highly successful partnership is the NOAA Marine Debris Program's ongoing work with the University of Georgia. Under this partnership, NOAA has partnered with the Southeast Marine Debris Initiative (SEA-MDI), a consortium of marine debris stakeholders and decision makers from across Georgia, North Carolina, and South Carolina, to develop tools for the public and share best practices and resources to address the impacts of marine debris off the Atlantic coast. The SEA-MDI partnership launched the first tool developed for a wide audience, the Marine Debris Tracker, in March 2011. This tool is a smartphone application that allows anyone to track marine debris worldwide and then post the locations to an online map and database.

In addition to new partners, NOAA continues to collaborate with long-time NOAA partners in new ways. For example, the Ocean Conservancy and NOAA are in the early phases of developing online resources to educate a larger audience on marine debris and its impacts. Additionally, NOAA has supported the Alice Ferguson Foundation's (AFF) annual Trash Summit, which brings together local components that are needed to prevent marine debris, including local lawmakers, enforcement officers, non-governmental organizations, and companies.

Regional marine debris efforts

Since its inception in 2005, the NOAA Marine Debris Program has been actively involved in marine debris abatement projects on the East and West Coasts, Hawaii, Alaska, and the Gulf Coast and Great Lakes regions.

For example, in the State of Alaska, the NOAA Marine Debris Program has been working to remove debris accumulations, research the impact of marine debris, and conduct outreach to prevent the introduction of new debris. The vast and diverse nature of the Alaskan shoreline, combined with the frequent high density of debris has led to the development and adaptation of innovative and specialized approaches to these goals in executing projects.

In Prince William Sound, NOAA has partnered with the Gulf of Alaska Keeper Foundation to remove debris from remote shorelines both inside the Sound and on the outer coast in order to prevent the re-mobilization of debris that can threaten marine species through entanglement and ingestion and help to restore valuable coastal habitat. In many areas, this removal has been paired with annual returns to the same beaches to monitor how much and how quickly debris accumulates. At Gore Point, an outer coast beach where currents and storms aggregate debris, over 20 tons of debris was cleaned from less than a mile of shoreline during an initial cleanup in 2007. Since then, high accumulation rates of debris have been observed, underscoring the need for continued vigilance.

In Washington State, the NOAA Marine Debris Program has supported the Northwest Straits Marine Conservation Initiative in its effort to survey for, assess the impact of, and remove derelict fishing gear in Puget Sound, resulting in the removal of thousands of derelict fishing nets and crab pots. Similarly, in 2007 NOAA supported the Stilaquamish Tribe of Indians in surveying for crab pots using side scan sonar, and removing derelict crab pots deeper than the reach of divers with a remotely operated vehicle.

The NOAA Marine Debris Program is also partnering with the University of Washington-Tacoma to investigate the sources, prevalence and impacts of microplastics, an emerging marine debris challenge. Two workshops held in Tacoma in 2008 and 2010 brought together leading international scientists in diverse fields ranging from physical oceanography and ecology to emergency response and chemistry in an unprecedented international and coordinated focus on the microplastics issue.

Derelict fishing gear

Derelict traps have the potential to move across the seafloor and cause abrasion and breakage of structural habitat. The NOAA Marine Debris Program is planning to publish research results from projects funded over the past five years to study the impacts of derelict fishing gear used for crab, lobster, and fish in different parts of the country. These research results will provide statistics for fishery managers to understand and address, if necessary, the impacts of lost pots and traps to their resources. One such example comes from a joint NOAA–Virginia Institute of Marine Science study to assess impacts on the Virginia portion of the Chesapeake Bay, where the Governor of Virginia created a marine debris removal program in the Virginia Blue Crab Fishery Resource Disaster Relief Plan. Out-of-work fishermen were hired to recover lost and abandoned crab pots. In the winters of 2008, 2009, and 2010, the fishermen removed over 28,000 derelict crab pots which contained more than 27,000 crabs, fish, and other animals. It is estimated that approximately 1.4 million market-sized crabs would have been lost to these derelict pots, negatively impacting this coastal economy.

Additional derelict fishing gear research across the U.S. includes investigation of habitat recovery time after nets and crab pots are removed (about a year), the time it takes for bird species caught in nets to decay and be consumed (about 10 days), and the cost-benefit analysis of removing derelict crab pots. The conclusion from this research is that it makes economic sense to remove derelict pots.

Tools to Aid the Marine Debris Community

To be responsive to the needs of marine debris practitioners, NOAA is developing tools to aid in the dissemination of information and best practices on marine debris identification and removal. One such effort is the development of standardized, scientifically rigorous monitoring protocols for marine debris, which will be available for worldwide use. With limited resources available in the international marine debris community, the NOAA Marine Debris Program wants to reduce duplication of effort to make sure that all resources can be used to move forward to arrest and reverse the impacts of marine debris.

Finally, a new tool that the marine debris community has requested is the NOAA Marine Debris Information Clearinghouse, as required by both the original Marine Debris Act and included in the Reauthorization Amendments Act of 2011. The Clearinghouse is the result of significant scoping to ensure the best product and resource prioritization to address current gaps in marine debris information as well as fill future needs. NOAA gathered input through workshops and interviews with stakeholders throughout the marine debris community, including federal and state government partners and the many non-governmental organizations active in the field. The Marine Debris Program then organized and translated these inputs into a set of specifications that synthesizes and prioritizes features in a cohesive design. To evaluate the accuracy and utility of the design, staff conducted follow-up interviews with representative users from each sector of the marine debris community. In parallel, NOAA staff worked to evaluate potential development partners, striving to balance the forward looking approach the design required with the cost-effectiveness and stability that spatial data projects demand. When unveiled, the Clearinghouse will be a one-stop shop for marine debris practitioners to learn about current and ongoing projects, tools, products, and related marine debris-related publications. This site, targeted specifically to marine debris practitioners, will augment the existing NOAA Marine Debris Program public website for general audiences, which currently receives approximately 300,000 visits annually.

H.R. 1171

NOAA supports undertaking the activities detailed in the Marine Debris Act Reauthorization Amendments of 2011. The bill will codify efforts already underway within the NOAA Marine Debris Program and allow continued growth and progress in addressing the impacts of marine debris. The reauthorization lists program components which closely parallel the primary effort areas of the Marine Debris Program, including investigation and assessment; prevention, reduction, and removal; interagency, regional, and national coordination; development of tools and products; and international cooperation.

H.R. 1171 emphasizes the importance of education and outreach, two critical components of the NOAA Marine Debris Program. Reducing marine debris requires that boaters, fishermen, industry, academia, non-governmental organizations, and the general public have the knowledge and training to change their behaviors.

H.R. 1171 will also support priority objectives under the National Ocean Policy, including, Water Quality and Sustainable Practices on Land, to address marine debris and its impacts.

One recommendation NOAA would make on H.R. 1171 is to revise the definition of marine debris to better align with the jointly developed NOAA-USCG definition now in regulation, per direction from the original Marine Debris Act.

S. 363

S. 363 would allow for the Secretary of Commerce to convey property of NOAA to the City of Pascagoula, Mississippi. Many years ago, for security purposes, and without objection from the County, which was the owner of the land at the time, NOAA fenced off two small parcels of land plus a portion of a street outside of the Pascagoula facility. Over the years, NOAA's use of this property has evolved into storage and parking. The City of Pascagoula now owns this land. In addition, the City is interested in developing the local waterfront, and that concept would include a park on a separate piece of land currently owned by NOAA. The City is willing to "swap" the two small parcels already in use by NOAA as well as other contiguous space in exchange for the Government transferring a section of its land where the City would like to build the park. The exchange would be mutually beneficial. NOAA needs expansion space at or near its waterside operations to construct a boat and research sampling gear storage facility and could release the space desired by the City without disruption to NOAA's operations.

Conclusion

Marine debris is a problem we can prevent. The NOAA Marine Debris Program will continue to pursue on-the-ground research, prevention, and reduction of marine debris nationwide. While the problem of marine debris has existed for decades, there is still much to learn as we work to address the impacts of marine debris to the environment and marine species. Additional research is needed to understand and assess the impacts of marine debris on diverse species and habitats as well as the economic impacts and the dangers to navigation posed by marine debris. NOAA is committed to the goal of eradicating marine debris from our oceans, and looks forward to working with the Committee to achieve this outcome.

Thank you again for inviting me to discuss H.R. 1171 and the benefits of reauthorizing this NOAA program. NOAA would welcome the chance to work further with you to advance this legislation.

Dr. FLEMING. So we now need to move on to Dr. Gilman. Sir, you have 5 minutes.

**STATEMENT OF PAUL GILMAN, PH.D., SENIOR VICE
PRESIDENT AND CHIEF SUSTAINABILITY OFFICER,
COVANTA ENERGY CORPORATION**

Dr. GILMAN. Thank you, Mr. Chairman and members of the Subcommittee.

I am an employee of Covanta Energy Corporation, a renewable energy company whose principal focus is converting municipal solid waste to renewable electricity and steam. We operate 44 plants around the world that take a community's waste after it has done its recycling and convert it to either electricity or steam or, in some cases, both.

For example, a community like Honolulu has the opportunity to either send its waste to a landfill or do recycling and energy recovery. The facility we operate for the City of Honolulu and its recycling program, combined, divert about 90 percent of the island's waste from that landfill.

We support the reauthorization bill of H.R. 1171. It provides a framework for a partnership that we are currently engaged in that I will describe in just a moment. But, more importantly, it is a non-regulatory approach for helping coastal communities, for improving

navigational safety, and protecting the environment that is effective and, certainly, timely.

Our partnership actually had its roots in a program we ran with NOAA in the Hawaiian islands called Nets to Energy, where fishermen and NOAA could dispose of those nets by recovering the energy from them and recycling the metals involved. Our partner in that effort was Schnitzer Steel. And when the program went national, in the form of Fishing for Energy, through a grant to the National Fish and Wildlife Foundation, our partnership with the Federal agency of NOAA, NFWF, Schnitzer, and ourselves, and many local communities was born. Since that time, we have expanded the partnership to 29 sites in 9 different States and collected over a million pounds, 1.3 million pounds, of marine debris.

Now, what does that do for coastal communities? Well, it does a number of important things. First of all, for many in the community, the fishermen, the option of disposing of these materials at landfills is too costly. They can't afford it. And especially the materials that they might recover in the act of fishing, they would have to pay for those disposal fees associated with that equipment. And we have to excuse them, but I think that equipment finds its way right back into the ocean under those circumstances. So we provide free disposal. Schnitzer and Covanta pay for the cost of transportation of those materials, we recycle the metals, we recover the energy from what is left over, all at no cost to the local fishermen.

Dr. Bamford has spoken about the increase in productivity for the fisheries; the fact that the ghost fishing, as its called, that takes place with nets and traps that are left in the environment, has ended; the fact that environmental damage from those nets and those lobster and fish traps is avoided by removing them from the waters. And, last, we have begun in the year 2009, both through our partnership and more broadly through NOAA, to fund members of the fishing community to actually be engaged in the removal of these materials from the waters.

And let me just say in closing, Mr. Chairman, we don't do this kind of program lightly. We are a publicly traded company. We have obligations to our shareholders. We believe that the program is well thought out, well run, and of significant benefit to communities that we support and operate within along the coasts of our country.

We hope that you will add your voice of support by passing favorably on this reauthorization bill.

Thank you.

[The prepared statement of Dr. Gilman follows:]

**Statement of Paul Gilman, Ph.D., Senior Vice President and
Chief Sustainability Officer, Covanta Energy**

Good morning Chairman Fleming, Ranking Member Sablan, and Members of the Subcommittee. Thank you for this opportunity to testify. My name is Paul Gilman, and I am the Senior Vice President and Chief Sustainability Officer of Covanta Energy, the world's largest producer of electrical energy using waste as a fuel. Covanta Energy operates and/or has ownership positions in 44 energy-from-waste facilities, primarily located in North America. We also have additional energy generation facilities in North America, including other renewable energy production facilities. Covanta's energy-from-waste facilities convert 20 million tons of trash annually into 9 million megawatt-hours of clean, renewable energy. I am here today to express

our support for H.R. 1171 and the important efforts carried out by the NOAA Marine Debris Program.

This process of recovering energy from wastes that would otherwise be disposed of in landfills is recognized by the U.S. Environmental Protection Agency and the European Union as a more sustainable use of waste than landfilling. In 2008, Covanta was the recipient of the Energy Innovator Award from the U.S. Department of Energy's Office of Energy Efficiency and Renewable Energy for providing communities with an environmentally sound solution to their solid waste disposal needs.

In 2008, Covanta Energy expanded its waste to energy efforts to address the growing problem of marine debris, and in particular, derelict fishing gear. Derelict fishing gear (gear that is lost in the marine environment) has been identified by the National Oceanic and Atmospheric Administration (NOAA) as a major source of debris impacting the marine environment. It can damage ecosystems as nets and heavy equipment settle upon the ocean floor or through 'ghost fishing,' when a net continues to catch fish after it is lost. Gear can also impact navigational safety, damage fishing equipment and boats that are in use, and have economic repercussions on fishing enterprises and coastal communities. Estimates suggest that derelict fishing gear results in over \$250 million in lost lobster catches and over 1 million lost crabs in the Chesapeake Bay region. Additionally, In the Florida Keys National Marine Sanctuary it was estimated that up to 25% of the reef damage at certain times was due to abandoned trap movement, resulting in decreased productivity of fishing grounds.

To help reduce the impact of derelict fishing gear in U.S. coastal waters, the Fishing for Energy Partnership was launched in 2008. This is a public-private partnership between Covanta Energy, the National Oceanic Atmospheric Administration's (NOAA) Marine Debris Program, the National Fish and Wildlife Foundation, and Schnitzer Steel. This partnership works closely with state and local agencies, community and fishermen groups, and local ports to install bins at convenient and strategic locations where fishermen can easily dispose of gear at no cost. When these bins fill up, Covanta Energy and Schnitzer Steel collect the gear and cover the costs of transporting it to a facility where the gear is converted into clean, renewable energy.

The "Fishing for Energy" partnership first originated in the Northwest Hawaiian Islands, where over 1.4 million pounds of derelict gear have been recovered and recycled, producing enough electricity to power 260 homes for an entire year. Since then, the Fishing for Energy partnership has expanded to 25 ports across the country, in states including New Jersey, Massachusetts, New York, Oregon, California, Rhode Island, Virginia, Maine, and Florida. From these 25 sites, we have recovered an additional 1.1 million pounds of old or derelict gear, and we hope to expand these bins into new regions in the future.

The public-private Fishing for Energy partnership has considerable tangible benefits. First, it reduces the financial burden imposed on commercial fishermen when disposing of old gear in landfills. It also encourages commercial and recreational fishermen to reel in any derelict fishing equipment they might find and deposit of it for free at designated drop-off sites near fishing ports. Next, the Fishing for Energy Partnership has the added benefit of reducing the impact of derelict gear on fishing habitat and target species, helping to reduce the economic impact of derelict gear. Lastly, grants from the program which we co-fund with our partners, have provided paychecks for fishermen who have been actively recovering debris from fishing grounds like Long Island Sound.

In 2010, the Fishing for Energy Partnership was awarded the prestigious Coastal America Partnership Award, which is the highest level award for partnership efforts from the President of the United States. The award recognizes outstanding collaborative, multi-agency and multi-stakeholder efforts that leverage and combine resources to accomplish coastal restoration, preservation, protection and education projects. This award demonstrates how successful our partnership has become.

The Marine Debris Research, Prevention, and Reduction Act of 2006 provided a framework for the Fishing for Energy Partnership. Through this partnership and the research the Act has driven, we have established a foundation of knowledge and practice that will, if continued, make a real difference for these communities. Because of our successes, my private and public sector colleagues in Europe now wish and plan to emulate our efforts. H.R. 1171 will call for the continuation of these public-private partnerships to address marine debris, and Covanta Energy is fully supportive of the ideas and language put forth in the Reauthorization.

The non-regulatory NOAA Marine Debris Program has and will continue to make significant progress to reduce the impacts of marine debris on coastal economies, navigation safety, and the environment. Another important aspect of the work they

carry out includes documenting the significant costs of marine debris. This is important as the private sector weighs the costs and benefits of engaging in efforts such as ours. We have funded our own activities and subsidized those of the National Fish and Wildlife Foundation, and as a publicly traded company, our obligation to our shareholders makes us think carefully about programs like this. However, because this Partnership is well organized, well run, and tangibly benefits many coastal communities where we operate, we can easily justify the expense.

Covanta Energy is prepared to continue our work to address marine debris and derelict fishing gear through the Fishing for Energy Partnership. We hope to expand our efforts to new ports, so fishing communities all over the country can participate. We hope that you will add your voices of support for H.R. 1171 and the worthwhile efforts carried out by the NOAA Marine Debris Program by moving this important legislation forward.

Dr. FLEMING. Thank you, Dr. Gilman.

We now are at a point when Members will have the opportunity to question the witnesses. And I will recognize—the Chair recognizes myself for 5 minutes.

I am intrigued by the concept of energy conversion, I think is what you are saying. You are taking trash and making energy out of it. But if I understand correctly, you select out items such as metal and so forth that you can recycle? You do that, as well?

Dr. GILMAN. That is correct. After a community does its own recycling program—and the communities where we operate typically have a higher recycling rate than the national U.S. average, some of those communities as high as 50 and 60 percent recycling rates—after that is done, we then recover energy from what is left over.

In the process of doing that, we further recover metals, both iron-based metals and aluminum and the like. We, as a company, recycle over 400,000 tons of metals a year in this way.

Dr. FLEMING. All right. And you do this by converting it to steam and then electricity, is what I gather.

Dr. GILMAN. That is correct.

Dr. FLEMING. It is interesting, we have a plant that is going to be opening in my home state, Louisiana, that is going to be using wood products—wood chips, whatever. And we have abundant natural gas, and the two together are going to actually generate a synthetic gasoline fuel for jet fuel and diesel.

So I really see—I have to tell you, I am a bit of a skeptic, in many ways, about some of the recycling ideas and some of the alternative energy things. But this, I think, has tremendous promise in terms of taking trash, taking things that we know if we break those chemical bonds we are going to release tremendous energy.

And as I understand it, the people who—no one really pays for this service except the end user that receives the energy. That is how you basically generate your revenues.

Dr. GILMAN. That is correct. The Energy Information Administration did a report looking at the various subsidies associated with all the different forms of producing electricity, from nuclear power to coal, et cetera. Energy from waste is the least subsidized of all the different sources of creating power. It really is supported by the revenues coming from the community.

Dr. FLEMING. And, really, I can see where it could be the most efficient. And in this case that I am referring to, if we can synthetically produce gasoline, which can literally be mixed with tradi-

tional gasoline, then that helps our energy independence, lowers the cost of energy in general. So I see that as very much a win-win. So I think we would—I really want to follow this concept more, and certainly the work of your company.

Dr. GILMAN. Thank you.

Dr. FLEMING. Dr. Bamford, in your testimony you reference efforts already under way within the agency that will codify what has already been in practice. If the agency is already doing these activities, why are all these changes necessary instead of just a straight reauthorization?

Dr. BAMFORD. The biggest thing—I think the three biggest changes—one, the previous bill, the bill that is currently in law, focuses mainly on fishing gear. And since 2005, 2006 to today, we have learned through research, assessment, and working in local communities that derelict fishing gear is not the biggest problem in certain areas. You know, we have this plastic problem, we have these microplastics. And so, continuing to do research, we are looking at more resilient communities caused by storms that generate debris.

So, as it stands now, when we are looking at limited resources that the agency has and other agencies have, we have to target our resources required based on our requirements and our mandates. We don't want to miss these other important problems that are causing our coast issues.

And so what the bill does is actually more clarify NOAA's role in marine debris in the ocean and on our coasts. It points out the research that needs to be done, the critical partnerships that need to be made, and looking at debris that really impacts the coastal communities—not necessarily the types, but the impacts of those types of debris.

Dr. FLEMING. All right. And I appreciate that, but one of the concerns we have in this is creating a whole other layer of bureaucracy. You know, one of the problems we have in the Federal Government today, that we hear complaints by commerce, by farmers, agriculture, is they have to go through and get permits from multiple agencies to do one thing.

And we are worried that that is exactly what this may lead to; that by enlarging the comprehensiveness and the involvement and pushing back, you know, into the land, into the waterways and so forth, that now we end up with, again, just another agency, somebody else to go to, somebody else to get permission, when we already have the EPA and others.

Dr. BAMFORD. That is a very good question. And, actually, the Marine Debris Program in NOAA used to sit in Fisheries, the regulatory arm of NOAA, back in the 1980s. Since the new bill came into authorization in 2006, that was moved to the Ocean Service, the nonregulatory arm of NOAA. And that has been a tremendous success over the years.

We had a lot of resistance from the fishing community to work with us. We would put out research traps in the Chesapeake. We would come back, half of them would be gone. And so, you know, people didn't want us to do research because they thought it was going to lead to regulation.

Two years ago, the dredge fisheries in the Chesapeake were put out of—stopped, they were required to stop, because the dredge fishery was no longer fishing for the winter. So there were 90 fishermen put out of work in the State of Virginia. We worked with them. Because of granting and programs that we gave to them, in terms of understanding what those trips were doing and surveying where they were, we put 90 fishermen back to work. And that was to remove those 28,000 traps in the Chesapeake.

And those fishermen, when they were pulling them up, seeing what was in them, female crabs, they were like—because they usually think, oh, this is not a problem, these traps aren't causing any problem, you know, debris is not an issue. When they actually saw for their own eyes, it was a big eye-opener and an education for the fishermen. And I think that relationship has gotten better.

Dr. FLEMING. All right. My time is running short, but I will give Dr. Gilman a brief opportunity to respond.

Dr. GILMAN. Mr. Chairman, I have been in these communities, I have seen the programs at work. They truly are partnerships with those local communities.

In the same town where there are not very complimentary bumper stickers relating to the Marine Fisheries Service, you will have fishermen coming to the collection sites, coming to the different efforts that this program is doing, and thanking Dr. Bamford and her people, as well as all the others who work on the program from companies like myself on through to nongovernmental organizations, for being there. I think they are doing it the right way.

Dr. FLEMING. OK. I thank you.

And I yield to Ms. Hanabusa.

Ms. HANABUSA. Thank you, Mr. Chair.

Mr. Chair, first I would like to request unanimous consent to enter into the record several statements in support of H.R. 1171, the Marine Debris Act Reauthorization Amendments of 2011.

Dr. FLEMING. Without objection, so ordered.

[NOTE: The information submitted for the record by Ms. Hanabusa has been retained in the Committee's official files.]

Ms. HANABUSA. Thank you very much.

My question for Dr. Bamford is this. In hearing your testimony, you seem to say that the marine debris was basically like two major categories. One is the abandoned fish gear and traps, and the second, of course, seems to be the natural disasters that we did not anticipate. Am I hearing you correctly?

Dr. BAMFORD. Probably the two base would be the fishing gear, which we call the ocean-based sources, and then you have the land-based sources, which is the bottles and caps and things you see coming.

I think the new category is the result of these storms. And this is something that we—I mean, the intensity we just didn't observe before, but now the program is really paying attention to this and trying to find ways to make the communities more resilient.

Ms. HANABUSA. And, as you can imagine, I represent Hawaii, so the storm issue—I mean, we have all the other issues, but the storm issue is something that we are kind of wondering how we are going to deal with.

The natural disasters that we are, of course, really concentrating on are the tsunami and earthquake that happened in Japan. And we have heard reports that it is making its way across the Pacific. Some is that it is going to bypass us and it is going to hit the West Coast. Some is that it is going to hit the West Coast and come back and hit us. And some is that it is going to hit us.

So can you tell me what NOAA is doing to monitor that? And is that monitoring effort part of this reauthorization act?

Dr. BAMFORD. The reauthorization would help us do that better because it does expand us beyond the gear.

We are doing a number of different things. One, we are the Chair of the Interagency Marine Debris Coordinating Committee, so we are working with the other Feds. We put out, with the Department of Transportation, a MARAD advisory to vessels in the area to report any debris coming in. We are working with our partners at the Fish and Wildlife Service at Midway to start monitoring and observing any debris coming in. We are working with our partners at the Papahānaumokuākea National Marine Monument to also do observations.

We are enhancing our models by using satellite and trying to get into overflights to update our models so we can project and figure out where the debris is going to end up. But it is in the water, and it is eventually going to go somewhere. So I think the biggest thing we are doing right now is working with the State of Hawaii, other partners, as well as the other Feds, in developing an action plan, a response action plan.

Ms. HANABUSA. Part of the testimony was that it is anticipated that it would hit this winter someplace in the northern Hawaiian islands. Are you talking there about the monument, the Papahānaumokuākea area? Or is it, like, Marianas? Where are you referring to that?

Dr. BAMFORD. It depends on what model you are talking about. There are a lot of different models that are out there. The accuracy of those models have not been very well proven. We have models that are showing it is going to be at the—that would be at the monument, basically, or Midway, they said in 2 months. But now you will see those are changing and saying it is going to get picked up into the gyre, just like what you were saying.

So I think what we want to do is, one, improve the accuracy of our models to help you understand what is happening, but, in the end, really have a plan to prepare, if this ends up on our shores, what do we do with that and how do we address it.

Ms. HANABUSA. Thank you.

Dr. Gilman, I am very familiar with Covanta on Hawaii, as you know. And we call it HPower, which is your, I guess the way you are calling it, waste-to-energy facility.

Dr. GILMAN. Yes.

Ms. HANABUSA. One of the interesting components of—I guess it is your Fishnets to Energy or whatever you want to call that program, when you recover that, how much of that material goes into, for example, HPower?

Dr. GILMAN. In that case—and it depends on the particular load that we get. If it appears to have lots of metals, it might go to our partner, Schnitzer Steel, first for them to recover as much of that

as they can. Oftentimes, they will then shear the nets up further so we can for the combustible portions of it make steam, make power with it, and then return what metal is left for recycling.

So it will depend on the particular load that we get in. If there is very little metal in it, it will come exclusively, really, to the energy recovery part of the system.

Ms. HANABUSA. And one of the issues that I have dealt with, with your Covanta as well as our county representatives, is whether the various kinds of—the regulations, whether it is called Boiler MACT or Utility MACT, is affecting your operation. Very quickly, do you anticipate that your operation is going to be affected by any of those regulations?

Dr. GILMAN. The Boiler MACT and the Utility MACT do not apply to that facility. There is a Municipal Waste Combustor MACT that is a little further down the queue that would affect that facility. And we are watching that very closely to see how the precedence, really, of the Boiler and Utility MACT will affect the HPower facility.

Ms. HANABUSA. Thank you very much.

Thank you, Mr. Chair.

Dr. FLEMING. I thank the Ranking Member.

And next I will recognize the gentlelady from Guam.

Ms. BORDALLO. Thank you. Thank you very much, Mr. Chairman.

And I would like to welcome our witnesses here.

I would also like to thank my friend and colleague, Sam Farr, for introducing H.R. 1171, which is very similar to legislation that I sponsored in the 111th Congress. Addressing marine debris is a very important issue to my constituents on Guam, and I appreciate his leadership on this issue.

Dr. Bamford, I have a few questions for you. In your prepared testimony, you stated today that NOAA has been working with partners to assess the unprecedented amount of marine debris created by the tragic tsunami and earthquake which hit Japan. And I will point out that Guam is a very close neighbor to Japan. And earlier this year, that the Interagency Marine Debris Coordinating Committee would be executing an assessment and response framework.

I want to just mention, Mr. Chairman, here that many years ago on Guam we found debris around our southern and—mainly our southern coast, which we have felt came from a medical ship that had passed by. And it left onshore syringes and soiled linen and that type of thing, which really alarmed Guam and my constituents. And it all washed ashore, and, of course, we had to send out a crew to look after all of that. So I certainly am very, very interested in this particular bill.

Now, what sort of cooperation have you received from the Department of Defense?

Dr. BAMFORD. We have received—in terms of this particular incident, they are one of the partners on the Interagency Marine Debris Coordinating Committee, so they are a member that sits at the table and works with us.

But the Department of Defense actually has been a partner in a number of removal programs—in particular, a vessel and tires

that have been thrown off the coast of Florida, as well as nets out of Puget Sound. And this is through this Innovative Readiness Training program. They have a program where they train the military to do unique activities, and one of them is using their divers. And we have used them for removal operations—

Ms. BORDALLO. Very good. So you are getting good cooperation then.

Dr. BAMFORD. Yes, ma'am.

Ms. BORDALLO. Also, Doctor, as evident by the tsunami debris which originated in Japan—it is expected to reach U.S. waters and beaches in the coming years—there must be an international aspect to effectively addressing marine debris.

So can you tell us what sort of international cooperation the Marine Debris Program currently receives? And is there anything that could be done legislatively that would improve international cooperation?

Dr. BAMFORD. Yes, ma'am.

It was timely. We had an International Marine Debris Conference in the State of Hawaii 2 weeks after the tsunami hit, and that was timely because it brought the international community together, particularly in the Pacific Rim, to address this particular issue, start talking about models, start talking about collaboration and how we are going to work together in terms of modeling the debris and working together and addressing it in terms of removal and impacts.

The reauthorization, this amendment actually has a clause in there that talks about continuing to have those types of organizations, that type of conference. We would probably do that with or without that piece in the bill, but it does strengthen our authorization to ensure that that conference happens.

That is probably there because the conference used to happen every 5 years. There was a 10-year timeframe between the previous one and the one that happened last year.

Ms. BORDALLO. Perhaps, then, we should amend the bill to include this.

Dr. BAMFORD. Yes, ma'am—in the amendment it does say that—

Ms. BORDALLO. It does say?

Dr. BAMFORD. Yes, ma'am.

Ms. BORDALLO. Very good.

Also, a very important question. And I know a lot of emphasis is on Hawaii, and they are a State. But can you describe any efforts to address marine debris in the U.S. territories?

Dr. BAMFORD. Yes, ma'am. We actually have a coordinator, and she represents the Pacific Islands. And we have been working with all the territories to address marine debris. When we have conferences, we bring people together from the territories. And we have funded projects in the territories, as well, that address things from derelict vessels to all types of debris, from plastic to fishing gear.

Ms. BORDALLO. Good. Because we are surrounded by water.

I want to thank you, Mr. Chairman. I would like to reinforce my strong support for H.R. 1171, and I urge the Committee to continue to move this legislation forward.

Thank you, and I yield back.

Dr. FLEMING. I thank the gentlelady.

That is all the questions I have on marine debris. Do any other Members have any follow-up questions?

I would close out with the other issue, of course, that we have not discussed much—it is certainly not as controversial or as difficult as some of these others—but the conveyance of Pascagoula.

I would give you the opportunity, Dr. Bamford, to let us know what the status is of that, where we are, and how close we are to a resolution.

Dr. BAMFORD. Yes, sir.

We are working with the city. This has been talked about many, many times. The reason why this is in front of you is NOAA doesn't have the authority to convey land. This will provide the city and the Federal Government, NOAA, to work together in terms of a mutual agreement that is beneficial to both parties.

Dr. FLEMING. OK. Thank you.

Well, that, then, concludes the hearing today. I want to thank Members and staff for their contributions to this hearing.

If there is no further business, without objection, the Subcommittee stands adjourned.

[Whereupon, at 12:29 p.m., the Subcommittee was adjourned.]

[Background submitted for the record by Chairman Fleming on the Harris Neck National Wildlife Refuge follows:]

Office of Sheriff of McIntosh County
Darien, Georgia

June 23, 1975

Hon. Herman Talmadge
Washington, D.C.

Dear Herman:

I am writing you in reference to Harris Neck which the Interior Department is now in charge of.

After the war this area was turned over to McIntosh County with certain restrictions. I don't know just how thin transaction was between the County and Army at that time. The Army released it to the Interior Department.

At the time the government took the area there were somewhere between forty or fifty families of black people who owned the area. They were told that they could get their property back after the war.

I understand some of the people never got paid for their property. This is what I'm told by the old colored people. These people (forty or fifty families) are all living now in about a twenty acre area where they settled about two miles from the old air base at Harris Neck.

I attended a meeting with the people of that community a few nights ago and they had a letter from Congressman Ginn and a letter attached from the Interior Department stating that it was an important base of operations for Blackbeard Island which is a wildlife refuge.

Of my own knowledge for all the hunts on Blackbeard Island ninety percent of the people leave from Shellman Bluff, and the other ten percent leave from Pine Harbor. I doubt if there are more than four or five people who leave from Harris Neck on the hunting trips,

The only thing that the Government needs is Goulds Landing, which is outside the enclosed area of Harris Neck, for the use of moving fuel and equipment to Blackbeard Island.

There is 2,600 acres including marsh and high land, of this approximately 2,000 acres is high land. Since the war all that area is mostly grass and sandspurs and is leased to a man who runs cattle in the area.

In the May Term 1975 of Superior Court of McIntosh County the Grand Jury made some recommendations, a copy of which you were supposed to have received.

In case you did not get same I will quote from their recommendations, to-wit: "We the Grand Jury recommend that our County Commissioners and all elected officials of Georgia to pursue the acquiring of Harris Neck Wildlife property back to McIntosh County. We recommend that copies of this recommendation be sent to all elected officials of Georgia and Commissioners of this County."

As the State and Federal government has about one third of the lands of McIntosh County, such as Blackbeard Island, Sapelo Island, Wolfe Island, Butler Island, Champney Island, Camels Island, and Lewis Island, and including all of the paper industry land which leaves very little for our residents. Since the people of Harris Neck make their living from the waters around there, they have to live close in a crowded area and the situation is that many families and their sons and daughters alt live together. They have to do this since there is no other land available in that area to buy, beg, or steal. I think it is a damn shame this land can't be used for the people who once owned

I know Congressman Ginn is a little familiar with this but don't think he knows fully the situation of just how bad this is needed.

All of these people have stated to me they don't mind the government having their land if needed but they see the idle area wasting away and really need the land to raise crops to eat ana build houses for their children and themselves and to help keep them off welfare.

These people will make it on their own with a little land and the use of the waters around it so they can fish, crab, and shrimp.

I believe if this property can be turned over to McIntosh County through the proper governing authorities it would greatly benefit McIntosh County and the people.

For further information concerning this matter perhaps it will be necessary for an investigation from your office.

Anything you can do toward helping with this will be appreciated by me as well as all the people involved.

Herman, sorry this had to be such a lengthy letter but wanted you to know full particulars.

Thank you for everything in the past and if I can ever help you please do not hesitate to call me. Sincerely,

TOM H. POPPELL.

HARRIS NECK RESOLUTION

WHEREAS, the land known as Harris Neck, located in the northeast corner of McIntosh County, was home in 1942 for approximately 75 families, and

WHEREAS, Harris Neck had been home to these families since the land was legally bequeathed to them, via the Last Will & Testament of Margret Ann Harris, on September 2, 1865, and

WHEREAS, the land and waters in and around Harris Neck provided this community with its essential livelihood, and

WHEREAS, the community had lived in harmony with nature from 1865 to 1942 and had a completely sustainable and self-sufficient way of life, and

WHEREAS, the Federal government took the 2,688 acres of land, that was the home and livelihood of the community known as Harris Neck, from these 75 families in the summer of 1942 under the auspices of Eminent Domain, and

WHEREAS, this particular use of Eminent Domain was improper and incorrect and, therefore, illegally and wrongfully implemented, and

WHEREAS, the community's rights to due process were violated in numerous ways during this implementation of Eminent Domain, and

WHEREAS, the Federal government in 1942 promised that these 2,688 acres of Harris Neck would be returned to the rightful owners – the 75 families – at the end of World War II, and

WHEREAS, certain residents of McIntosh County conspired to gain control of the land of Harris Neck from the Federal government at the end of World War II, and

WHEREAS, McIntosh County did obtain control of these 2,688 acres of Harris Neck after World War II, and

WHEREAS, the contract between the Federal War Assets Administration and McIntosh County, signed in 1947, stipulated that Harris Neck be used only as an airport for the county, and

WHEREAS, the Federal government took back these 2,688 acres from McIntosh County in 1961 because McIntosh County violated this contract in numerous illegal ways, and

WHEREAS, the Federal government then transferred ownership of these 2,688 acres to the Department of Interior in 1962, and

WHEREAS, the Department of Interior established a National Wildlife Refuge on these 2,688 acres to be managed by the United States Department of Fish and Wildlife, and

WHEREAS, these 2,688 acres have been managed from 1962 to the present by U. S. Fish and Wildlife, and

WHEREAS, this transfer of ownership to the Department of Interior was improper and, therefore, illegal since the original taking of the land in 1942 was improper and also illegal, and

WHEREAS, the actions of the Federal government in 1942 and after World War II took away the livelihood of the community of Harris Neck, and

WHEREAS, the Federal government did not keep its promise and did not return the land of Harris Neck to its rightful owners – the 75 families – but instead gave the land to McIntosh County, and

WHEREAS, the actions of the Federal government destroyed the community of Harris Neck and the entire way of life of the families who called Harris Neck their home and led to great hardships for the people of this community, and

WHEREAS, former members of the Harris Neck community and their descendants have formed the Harris Neck Land Trust, and

WHEREAS, this Trust represents the original 75 families of Harris Neck and their descendants, and

WHEREAS, this Trust has agreed to protect the six existing ponds on Harris Neck - all of which were created by the Department of Fish and Wildlife – and the migratory birds that use these ponds, in perpetuity, once the land is returned by the Federal government, and

WHEREAS, this Trust has agreed to protect the lands and waters of Harris Neck, in perpetuity, once the land is returned by the Federal government, and

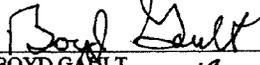
WHEREAS, this Trust has also agreed to restrictions on future sale of the land as well as restrictions on the use of the land, i.e. that the land will be used in environmentally sensitive ways, after it is returned by the Federal government, and

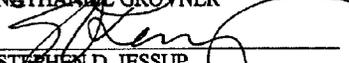
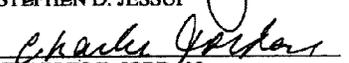
WHEREAS, this Trust is now representing the former community members of Harris Neck and their descendants with present and ongoing efforts to have a bill introduced in the Congress of the United States so that said bill can become law and effect the return of the 2,688 acres of land of Harris Neck to its rightful owners – the living former members of the Harris Neck community and their descendants, and

WHEREAS, it is fitting that we should recognize the Harris Neck Land Trust as the legal entity pursuing the return of the 2,688 acres of Harris Neck by the Federal government to its rightful owners,

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of McIntosh County, Georgia, in lawful meeting on this 9th day of January, 2007, that the Board of Commissioners hereby recognizes the Harris Neck Land Trust and encourages and supports the Trust with its efforts to regain these 2,688 acres of Harris Neck from the federal government.

This 9th day of January, 2007.


BOYD GAULT

NATHANIEL GROVNER

STEPHEN D. JESSUP

CHARLES E. JORDAN

OWEN A. GREENE

ATTEST 
ELENORE L. GALE, Clerk



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

344A
127366

RESOURCES, COMMUNITY,
AND ECONOMIC DEVELOPMENT
DIVISION

B-216600

MAY 29, 1985

The Honorable Mack Mattingly
United States Senate

The Honorable Sam Nunn
United States Senate

The Honorable Lindsay Thomas
House of Representatives



127366

Subject: The Federal Government's 1943 Acquisition of Land
at Harris Neck, Georgia (GAO/RCED-85-76)

In your July 24, 1984, letter, provided in enclosure I, and in subsequent agreements with your offices, you asked us to review various issues you raised about the federal government's 1943 Harris Neck land acquisition which, in 1962, became the Harris Neck National Wildlife Refuge in McIntosh County, Georgia.

Specifically, you asked us to determine whether (1) the government's acquisition of Harris Neck land was made in accordance with applicable law, (2) the landowners at Harris Neck were fairly compensated in accordance with applicable law, (3) there was evidence that racial discrimination was a factor in determining compensation paid to owners of comparable parcels of land, (4) verbal or written statements were made by agents or officials of the federal government to the effect that the land could be repurchased by the owner(s) at some future date, and if so, would this constitute a legally binding agreement, (5) the federal government acted properly when it redesignated the land from "agricultural" to "airport" at a time when such designation would affect the disposition of questions regarding future ownership, (6) officials of the War Assets Administration (which administered the federal government's domestic surplus property disposal functions from January 1946 until June 1949) acted in accordance with the law when they granted use of the land to McIntosh County rather than permitted the original owners to reacquire it, and (7) the condemnation of Harris Neck differed from the procedures and compensation arrangements that were applied in the acquisition of lands that now comprise the Ft. Stewart Military Reservation and the Hunter Army Airfield complex in Georgia. We are also providing, at your request, a listing of lands originally acquired by the federal government for military purposes and subsequently transferred into the National Wildlife Refuge System.

032519

(143433)

B-216600

We conducted our review at the Interior Department's Fish and Wildlife Service's (FWS) headquarters offices in Washington, D.C., and its Atlanta regional office, where the government's Harris Neck land acquisition records are on permanent loan from the National Archives. In addition, we analyzed pertinent legislative documents and court records at FWS headquarters and Atlanta regional office locations. We also obtained Harris Neck land acquisition information from the U.S. Army Corps of Engineers' real estate office located in Savannah, Georgia, and information on the availability of tax assessment data from the McIntosh County Tax Commissioner's office in McIntosh County, Georgia. Since the government's Harris Neck land acquisition occurred about 42 years ago, we encountered several obstacles during our review, including the following: (1) documentation was destroyed or unsupported, (2) many former landowners are now deceased, and (3) a 1981 fire destroyed Harris Neck 1920 to 1979 land and property tax assessment records. These obstacles limited the availability and verification of information that could be obtained to address your questions on fair compensation and racial discrimination. We performed our review between August 1984 and January 1985 in accordance with generally accepted government auditing standards.

On October 4, 1984, we briefed your offices on the results of our review. This letter summarizes those results and provides the additional information your offices subsequently asked us to obtain.

We found nothing in the government's existing Harris Neck land acquisition records indicating that any irregularity in the land acquisition occurred, or that any repurchase commitments were made by the government to the former landowners. As a result of the absence of complete land acquisition and property assessment records, we were unable to evaluate the acquisition payments to the former Harris Neck landowners for their land, including improvements such as houses, fences, and crops, with land and property tax assessment records.

ACQUISITION HISTORY

In January 1943, pursuant to Public Law 71-736 (40 U.S.C. 258a), which authorized the condemnation of land by the government in advance of a final compensation judgment, the United States condemned 2,687 acres of Harris Neck land for use as a wartime airfield.

After World War II, the federal government conveyed the land to McIntosh County, Georgia, for airport purposes under section 13 of the Surplus Property Act of 1944, as amended (Public Law 78-457). However, title reverted to the federal government in February 1961 through the county's default of this agreement. The land, which contains about 1,100 acres of salt marsh, was subsequently reported as excess federal property and transferred, under provision of the Federal Property and Administrative Services Act

B-216600

of 1949 (Public Law 81-152),¹ in May 1962 to FWS for operation as the Harris Neck National Wildlife Refuge, a unit of the National Wildlife Refuge System.

Of the total 89 million acres in the National Wildlife Refuge System, about 14,000 acres were originally acquired by the military through land condemnation proceedings and subsequently transferred to FWS after having served their military usefulness. These transferred lands are identified in enclosure II.

Today, Harris Neck is important to the National Wildlife Refuge System because its location provides the potential to encourage reestablishment of the southward migration of Canada geese, according to FWS. This relatively small refuge is one of a string of migratory bird wintering and resting areas along the Atlantic Coast.

A chronology of Harris Neck events from 1943 to 1984 is provided in enclosure III.

PROPRIETY OF ORIGINAL LAND ACQUISITIONS

The federal government's Harris Neck land acquisition records showed that there were 84 owners of 169 Harris Neck tracts (several people owned multiple tracts) acquired by the government. Compensation to the landowners was determined in February 1948 by jury verdicts in nine separate judgments of the U.S. District Court for the Southern District of Georgia. These judgments determined the value of the tracts together with all improvements, claims, and damages of whatever nature arising out of the condemnation action. The final judgment files contained an opinion of the U.S. Attorney General stating that full disbursements of funds had been made and that the condemnation proceedings were conducted in a proper and regular manner. We found no evidence in the government's land acquisition records of any unpaid claims. We also found nothing in the government's land acquisition records indicating that any irregularity in the land condemnation proceedings occurred, or that a commitment was made by the federal government to return title of the Harris Neck land to former owners after the government's use of the land was over.

COMPENSATION TO FORMER LANDOWNERS

The federal government's records indicated that 59 (70 percent) of the 84 former owners were Black, 19 (23 percent) were

¹Under provisions of P.L. 78-457, the preferential opportunity for former landowners to reacquire land was subordinate to municipalities and federal agencies. The former landowners had no preferential opportunity under P.L. 81-152 to reacquire the land before federal, state, and local governments, or the general public.

B-216600

White, and 6 (7 percent) were not racially identifiable. Compensation paid by the government to the former owners for the Harris Neck tracts is documented in the District Court's condemnation records and is summarized in the following table.

Owner's race	<u>Compensation Paid</u>				
	<u>Owners</u>	<u>Tracts/Acres</u>	<u>Total payment</u>	<u>\$ Range paid per acre</u>	<u>Average per-acre payment</u>
Black	59	89/1,102	\$29,653	\$ 2.44-5,921	\$26.90
White	19	66/1,532	57,153	2.09-1,260	37.31
Racially unidenti- fied	<u>6</u>	<u>14/53</u>	<u>2,743</u>	<u>11.54-325</u>	<u>52.08</u>
Total	<u>84</u>	<u>169/2,687</u>	<u>\$89,549</u>	<u>\$ 2.09-5,921</u>	<u>\$33.32</u>

As shown above, the 84 former Harris Neck landowners received a total payment of \$89,539 for their 169 tracts, comprising 2,687 acres of land, for an average payment of \$33.32 per acre. The average per-acre compensation received by the Black, White, and racially unidentified owners was \$26.90, \$37.30, and \$52.08, respectively.

Existing land acquisition records did not indicate what improvements were on the tracts or provide any other explanation for the per-acre compensation awards. Our attempt to develop an assessment of the area as it existed in 1943 by reconstructing improvements on the tracts through an analysis of the McIntosh County tax assessment records was thwarted by a 1981 fire. The McIntosh County Tax Commissioner said that the fire destroyed all of the county's 1920 to 1979 tax records, which included those for Harris Neck.

As a result of the absence of land and property tax assessment records, we were unable to evaluate (1) the acquisition payments to the former Harris Neck landowners for their land, including improvements, and (2) whether there was racial discrimination in determining the compensation.

COMPARISON OF COMPENSATION

To gauge the fairness of the government's average \$33.32 per acre compensation to the Harris Neck landowners, we obtained information, at your request, regarding the government's compensation to former landowners of the Ft. Stewart Military Reservation, located about 20 miles from the Harris Neck National Wildlife Refuge. As agreed with your offices, we did not review the Hunter Army Airfield land acquisition procedures and compensation

B-216600

arrangements because of the unavailability of government records. The chief of the U.S. Army Corps of Engineers' Real Estate Office for the Savannah, Georgia, district said that the government acquired the 280,376 acres at Ft. Stewart between 1941 and 1950. He noted that the marsh-type terrain of Ft. Stewart is very similar to that of Harris Neck. He said that the government paid \$2,352,164 for 140,669 acres acquired by condemnation actions, and another \$2,355,195 for 139,707 acres acquired by direct purchase, for an average per-acre payment of \$16.72 and \$16.86, respectively.

The average \$33.32 per-acre compensation received by the former Harris Neck landowners was, therefore, between \$16.46 and \$16.60 an acre greater than the compensation received by former Ft. Stewart landowners.

DISPOSITION OF HARRIS NECK PROPERTY

After the war, the acquired Harris Neck land was declared surplus to the federal government's needs under the Surplus Property Act of 1944 as amended. The act in effect gave higher priority to the rights of municipalities to use surplus land for airport purposes than to the rights of former owners to reacquire their property. Under the act, if the government classified surplus property as suitable for airport use, it could be conveyed to a municipality for that purpose. If the municipality failed to use the land for airport purposes, the act provided that, at the federal government's option, ownership would revert to the United States. Only if surplus land was not classified as suitable for airport purposes and not disposed of to federal, state, or local governments, was the federal government required to notify the person(s) from whom the land was acquired of its availability and offer it in a private sale.

The land acquisition records indicated that the federal government classified 1,716 acres of the Harris Neck land as "agricultural" and classified the remaining 969 acres as "airport property." (These records did not indicate why this acreage totaled 2,685 acres, or 2 acres less than the full 2,687 acres acquired in 1943.) After McIntosh County officials expressed interest in obtaining the entire 2,687 acres for airport purposes, the acreage was reclassified by the federal government as suitable for a public airport, and the acres were conveyed in 1948 to McIntosh County for use as a public airport with a reversionary interest in the United States.

Under the provisions of the act, the federal government had broad discretion to decide whether land was suitable or desirable for an airport. This included authority to classify land for airport purposes, not only for immediate requirements but also for future requirements. In addition, a classification of land for airport purposes could include additional property needed to develop sources of revenue from nonaviation businesses at the airport.

The information now available does not reveal the federal government's rationale for reclassifying the acreage and conveying it to McIntosh County. In view of the broad discretion in the statute to declare land suitable or desirable for airport (or associated) use, and the impossibility now of reviewing the justification for the federal government's decision in 1948, we are unable to conclude that the government's actions were improper.

Finally, in 1961, upon the failure of McIntosh County to meet the terms of the conveyance agreement--to use the land for airport purposes--the land reverted to the United States and was subsequently transferred under the Federal Property and Administrative Services Act of 1949 in May 1962 to FWS for use as a wildlife refuge. The 1949 act superseded most of the applicable land disposal provisions of the Surplus Property Act of 1944. The 1949 act provided no preferential opportunity for former Harris Neck landowners to reacquire the land before federal, state, and local governments, or the general public.

AGENCY COMMENTS

After reviewing a draft of this report, the Department of Defense concurred without comment. The Department of the Interior also found the draft report to be a factual presentation of the matters discussed. (See enc. IV and V.)

- - - -

As arranged with your offices, unless you publicly announce its contents earlier, we plan no further distribution of this report until 10 days from the date of issuance. At that time, we will send copies to the Secretaries of Defense and the Interior, and make copies available to other interested parties upon request.


J. Dexter Peach
Director

ENCLOSURE I

ENCLOSURE I

LINDSAY THOMAS
 FIRST DISTRICT GEORGIA
 WASHINGTON OFFICE
 431 CARROLL BUILDING
 (202) 225-9831
 COMMITTEE
 AGRICULTURE
 MERCHANT MARINE AND
 FISHERIES



Congress of the United States
 House of Representatives
 Washington, D.C. 20515

July 24, 1984

DISTRICT OFFICES
 ROOM 304
 FEDERAL BUILDING
 SAVANNAH, GEORGIA 31109
 (912) 264-6040
 ROOM 220
 FEDERAL BUILDING
 STATESBORO, GEORGIA 30468
 (912) 288-2197
 ROOM 240
 OLD POST OFFICE BUILDING
 SAVANNAH, GEORGIA 31412
 (912) 264-6070
 161 N. MACON STREET
 JESUP, GEORGIA 31548

Mr. Charles Bowsher
 Comptroller General of the
 United States
 441 G Street, N.W.
 Washington, D.C. 20548

Dear Mr. Bowsher:

This letter is to request that you resume an investigation of the actions of the United States government in its acquisition of some 2,686 acres of real property, which realty now constitutes the Harris Neck National Wildlife Refuge in McIntosh County, Georgia.

All or part of this property was acquired by condemnation in or about 1943 to establish a military aviation training facility. The condemnation action and subsequent decisions involving the property are a matter of substantial and continuing concern. On May 2, 1979, former Congressman Bo Ginn requested the General Accounting Office to review the various issues involved. After initiating the investigation, the GAO withdrew its involvement when the matters at issue became the subject of civil litigation in which the U.S. government was joined as a party.

Because the litigation has subsequently been concluded with a number of fundamental questions left unanswered, we request that the GAO resume its investigation and consider the following:

1. Whether the original land acquisition at Harris Neck was conducted in accordance with applicable law;
2. Whether the landowners at Harris Neck were fairly compensated in accordance with applicable law;
3. Whether there is evidence that racial discrimination was a factor in determining compensation paid to owners of comparable parcels of land;
4. Whether verbal or written statements were made by agents or officials of the federal government to the effect that the land could be repurchased by the owner(s) at some future date, and if so, would this constitute a legally binding agreement;

ENCLOSURE I

ENCLOSURE I

Page Two

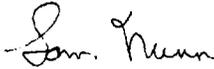
5. Whether the federal government acted properly when it redesignated the property from "agricultural" to "airport" at a time when such designation would affect the disposition of questions regarding future ownership;

6. Whether officials of the War Assets Administration acted in accordance with the law when they granted use of the property to McIntosh County rather than permitting the original owners to reacquire it;

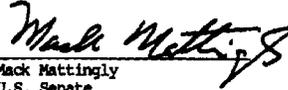
7. Whether the condemnation of Harris Neck differed from the procedures and compensation arrangements which were applied in the acquisition of the lands which now comprise the Ft. Stewart-Hunter Army Airfield, Ga., complex.

We appreciate your assistance in resuming this investigation and trust you will provide us with a complete report of your findings at the earliest possible time. Thank you for your assistance and cooperation.

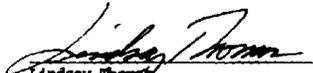
Sincerely,



Sam Nunn
U.S. Senate



Mack Mattingly
U.S. Senate


Lindsay Thomas
U.S. House of Representatives

ENCLOSURE II

ENCLOSURE II

FWS REFUGE LANDS ORIGINALLY ACQUIRED THROUGH CONDEMNATION BY
THE MILITARY AS OF OCTOBER 1984

Region 1	<u>Acres</u>
California:	
Salinas Wildlife Management Area (Army)	364
San Francisco Bay National Wildlife Refuge (Navy)	37
Washington:	
Nisqualle (Army)	468
Region 2	
Texas:	
Matagorda Island (Army Corps of Engineers)	19,000
Region 3	
Illinois:	
Crab Orchard (Army)	17,920
Region 4	
North Carolina:	
Cedar Island (Navy)	31
Puerto Rico:	
Cobo Rojo (CIA)	587
Georgia:	
Harris Neck (Army)	2,687
Region 5	
Maine:	
Seal Island (Navy)	65
Massachusetts:	
Oxbow (Army)	662
New York:	
Lido Beach (Army)	22
Rhode Island:	
Ninigrit (Navy)	28
Sachuest Point (Navy)	50
Virginia:	
Cape Charles (Air Force)	174
Fisherman's Island (Navy)	1,000
Marumasco (Army Corps of Engineers)	63
Plumb Tree Island (Army Corps of Engineers)	195
Nansemond (Navy)	208
Wallops Island (Navy)	373
Total	<u>43,934</u>

ENCLOSURE III

ENCLOSURE III

CHRONOLOGY OF HARRIS NECKEVENTS: 1943 - 1984

Jan. 1943	Land condemned by federal government for use as an Army airfield under federal condemnation procedures (40 U.S.C. 258a).
June 1945	Opinion of the U.S. Attorney General that the condemnation proceedings were regularly conducted.
Feb. 1948	Final U.S. District Court judgments compensating former land owners.
June 1948	The Army airfield was closed and the land conveyed under provisions of P.L. 78-457 from the federal government to McIntosh County on condition it be used for airport purposes.
Feb. 1961	Land reverted to federal government, in custody of the Federal Aviation Administration, because McIntosh County was not operating the facility as agreed in the 1948 conveyance.
Sept. 1961	Federal Aviation Administration declared the land as excess to its needs.
May 1962	Land transferred under provisions of Public Law 81-152 to the Interior Department's Fish and Wildlife Service for operation as a unit of the National Wildlife Refuge System.

ENCLOSURE III

ENCLOSURE III

Feb. 1976	Public Law 94-223 amends the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd) and restricts refuge lands from being transferred out of the refuge system.
Sept. 1976	Legislation (H.R. 15743; 94th Congress) introduced to convey Harris Neck land to former owners. Not reported out of committee.
May 1979	Legislation (H.R. 4018; 96th Congress) introduced to convey Harris Neck land to former owners. Not reported out of committee.
June 1980	U.S. District Court for the Southern District of Georgia rules that the statute of limitations bars claims of former Harris Neck landowners (<u>Edgar Timmons v. United States of America</u> , Civil Action No. 279-50) and the refuge lands are the property of the United States.
July 1980	Legislation (H.R. 7897; 96th Congress) introduced to convey Harris Neck land to former owners. Not reported out of committee.
April 1982	11th U.S. Circuit Court of Appeals upholds the June 1980 U.S. District Court ruling [(672 F.2d 1373 (11th Cir. 1982))].
July 1984	U.S. Senators Mattingly and Nunn, and Representative Thomas, requested a review of the Harris Neck land acquisition by the U.S. General Accounting Office.

ENCLOSURE IV

ENCLOSURE IV



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
WASHINGTON, DC 20310 - 0103

19 APR 1985

Mr. J. Dexter Peach
Director, Resource, Community, and
Economic Development Division
U.S. General Accounting Office
Washington, D. C. 20548

Dear Mr. Peach:

The Department of Defense (DOD) acknowledges the receipt of your draft report, "The Federal Government's 1943 Acquisition of Land at Harris Neck, Georgia," GAO/RCED-85-76, dated 14 March 1984, GAO Code 143433 (OSD Case No. 6716), and concurs without comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert K. Dawson".

Robert K. Dawson
Acting Assistant Secretary of the Army
(Civil Works)

ENCLOSURE V

ENCLOSURE V



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

APR 18 1985

Mr. J. Dexter Peach
Director, Resources, Community
and Economic Development
General Accounting Office
Washington, D.C. 20548

Dear Mr. Peach:

We have reviewed the proposed GAO report entitled "The Federal Government's 1943 Acquisition of Land at Harris Neck, Georgia," and find it to be a factual presentation that agrees with our own assessment of the matter.

One minor disagreement is the reference on page 5 relating to destruction of land acquisition records after a 10-year storage period, which is attributed to the Fish and Wildlife Service Realty Chief. There is no recollection of such a statement by anyone in the Service; possibly the source is the U.S. Army Corps of Engineers. The Fish and Wildlife Service practice is to keep a permanent record of at least certain papers on individual transactions, however, that is of no effect since no tract file records came to the Fish and Wildlife Service when the property was transferred in 1961.

GAO efforts in establishing the history of the land transactions leading to establishment of the Harris Neck NWR are appreciated.

Sincerely,

Susan Ricce
J. Craig Potter
for Acting Assistant Secretary for
Fish and Wildlife and Parks



Gullah/Geechee

Cultural Heritage Corridor Commission, Inc.

1214 Middle Street Sullivan's Island, SC 29482 843.881.5516 x12

Gullah Geechee Cultural Heritage Corridor Commission Resolution in Support of Harris Neck Land Trust

Executive Committee

Emory S. Campbell
Chairman, South Carolina
Eulis A. Willis
Vice Chairman, North Carolina
Charles H. Hall
Secretary, Georgia
Ralph B. Johnson
Treasurer, Florida

Commissioners

South Carolina
Louise Miller Cohen
Ronald Daise
Marquetta L. Goodwine
Willie B. Heyward
William Saunders
Alternate
J. Herman Blake
Danny Cromer
Veronica D. Gerald
Nichole Green
Georgia
Griffin Lotson
Althea Natalga Sumpter
Alternate
Amir Jamal Toure'
Florida
Anthony Dixon
Antoinette Jackson
Alternate
Sabrina Ferguson Edwards
Annette I. Kashif
North Carolina
Lana Carter
Sylvia Jenkins Ezelonwu
Alternate
David B. Frank
Staff Liaison
Michael Allen
NPS Community Partnership
Specialist

WHEREAS, the Harris Neck Justice Movement is an effort to reclaim, from the federal government, the 2,687 acres of Harris Neck in northeast McIntosh County, Georgia taken by the federal government, via Eminent Domain, in 1942, and

WHEREAS, the Harris Neck Land Trust (the "Trust") is the legally organized community group requesting justice, and

WHEREAS, the Trust represents all the surviving families that lived on Harris Neck as of the official condemnation date of July 27, 1942 and is comprised of former Harris Neck community members and their descendants, and

WHEREAS, the original community of Harris Neck was comprised of approximately 75 Gullah Geechee families, and

WHEREAS, the families and their descendants have maintained a legal and equitable claim to the land since 1962, and

WHEREAS, the Trust and all its members are committed to the protection, preservation, and promotion of all the cultural, historic and natural resources of Harris Neck, via the Harris Neck Preservation and Community Development Plan, and

WHEREAS, the Trust and its members contend that these 2,687 acres were taken by an illegal, forceful and unjust implementation of Eminent Domain, a taking that completely destroyed the community, leaving all 75 families homeless and far worse off than they were before the condemnation, and, therefore, violated a principle central to Eminent Domain, and

WHEREAS, the Trust contends that this land still belongs to the original families and their descendants, although title, since 1962, has been held by the Department of Interior, under which the U.S. Fish and Wildlife Service has been operating the Harris Neck National Wildlife Service on this land, and

WHEREAS, the Trust has expressed its desire to have the Fish & Wildlife Service continue with its mission and work on Harris Neck in permanent partnership with the Trust.

NOW, THEREFORE, BE IT RESOLVED: THE GULLAH GEECHEE CULTURAL HERITAGE CORRIDOR COMMISSION, a congressionally authorized body, expresses support for the Harris Neck Land Trust and the Harris Neck Justice Movement in their efforts to reclaim the 2,687 acres of Harris Neck taken wrongfully, illegally and unjustly by the federal government, and return this land to its rightful owners.

Emory S. Campbell, Chairman

Date: 3/30/12