

**Statement for the Record  
Department of the Interior  
Bureau of Land Management  
House Natural Resources Committee  
Subcommittee on National Parks, Forests, and Public Lands  
H.R. 3759, BLM Contract Extension Act  
November 5, 2009**

Thank you for inviting the Department of the Interior to testify on H.R. 3759, the BLM Contract Extension Act. The Administration supports the goal of this bill to allow timber sale contract extensions for economy related reasons. This approach would assist timber sale purchasers whose industry is facing serious economic challenges. We would like to work with the subcommittee on technical changes that give the Secretary the discretion to grant the extensions.

**Background**

The Bureau of Land Management (BLM) manages the National System of Public Lands, which includes approximately 256 million acres of surface lands, of which more than 60 million acres are forests and woodlands. Approximately 11 million acres are commercial forestland within the 11 western States and Alaska, including 2.1 million acres of Oregon and California Grant lands in western Oregon. Our goals of forest management include restoring and maintaining healthy forests; improving their resiliency to wildfires, insect, and disease outbreaks; and the BLM promoting sustainable economic development opportunities for local communities.

Each year, the BLM offers approximately 270 million board feet of timber through sales contracts. Both large and small businesses purchase BLM timber sales. Timber sale contracts are sold primarily through competitive bidding and are awarded for a contract period of three years.

The forest products industry is facing an unprecedented struggle due to the downturn in the national economy and the housing market. According to the Western Wood Products Association, western lumber production is down 26 percent so far this year and housing starts have declined by 46 percent. (See, September 9, 2009 Western Wood Products Association press release: <http://www2.wwpa.org/Portals/9/docs/r-2008%20production.doc>) The value of lumber has declined even more steeply. The estimated wholesale value of western lumber was \$3.66 billion in 2008, a decrease of 40 percent from its 2007 value of \$6.1 billion.

Many purchasers bought BLM contracts in good faith at prices that, under current market conditions, render the completion of contract obligations no longer economically viable. BLM timber sale purchasers have been faced with difficult decisions of whether to default on their contracts or harvest the wood at a great economic loss, both of which could result in severe consequences to their companies and to the local communities that support them. Under current regulations, the BLM may grant a one-year contract extension, but that extension may not be granted on the basis of market fluctuations. However, the BLM and timber contract purchasers may agree mutually to cancel a contract. Mutual cancellation would relieve existing purchasers'

duty to perform their contract obligations and allow the BLM to reoffer the sales at prices reflecting current market conditions.

On October 14, 2009, the BLM provided direction to its State Offices to provide timber contract purchasers the option to request a one-time mutual cancellation of contracts. By November 14, all eligible timber sale contractors will receive a letter from the BLM with information regarding the opportunity to make such a request within 60 days. The BLM will evaluate each request for mutual cancellation and consider various factors before making a final decision to cancel a contract. These factors include the continued need for a viable forest management infrastructure, the existing conditions of uncompleted work within the sale area, and any work requirements normally completed prior to contract termination. Terms of cancellation will be negotiated with the purchaser, and BLM State Directors will authorize the cancellations as appropriate.

### **H.R. 3759**

H.R. 3759 authorizes the Secretary of the Interior to grant three-year economy-related timber contract extensions upon written request of the timber purchaser. The bill would apply to contracts executed on or before December 31, 2008, for which there is unharvested timber volume remaining. The purchaser would be required to make a written request for an economy-related extension within 90 days of enactment of the Act, and prior to contract termination. BLM is concerned about mandatory timber contracts modifications, and would like to work with the subcommittee to make the extensions within the Secretary's discretion.

### **Conclusion**

Thank you for the opportunity to testify on H.R. 3759. We look forward to working with the committee on this important legislation.

**Statement for the Record  
Bureau of Land Management  
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Subcommittee on Parks, Forests, & Public Lands  
H.R. 765, Nellis Dunes National Off-Highway Vehicle Recreation Area Act of 2009  
November 5, 2009**

Mr. Chairman and members of the Subcommittee, thank you for inviting the Bureau of Land Management (BLM) to testify on H.R. 765, the Nellis Dunes National Off-Highway Vehicle Recreation Area Act of 2009. H.R. 765 would establish an Off-Highway Vehicle National Recreation Area (OHV NRA) on public lands in Clark County, Nevada. The bill also would convey, without consideration, approximately 1,150 acres to Clark County to establish a County-managed OHV Recreation Park that would provide staging and support functions to facilitate public use of the OHV NRA. In addition, the bill would transfer administrative jurisdiction of a land parcel from BLM to the Department of the Air Force (Air Force) for use by Nellis Air Force Base.

OHV recreation is the current predominant use of the public lands addressed by H.R. 765. The BLM supports the goals of H.R. 765, but has specific concerns about the bill as introduced. The Bureau would like to work with the sponsor to ensure that the uses of the lands conveyed to Clark County are consistent with the Recreation and Public Purposes Act (R&PP Act), and that the mineral estate is reserved to the United States if the conveyed lands contain significant sand and gravel resources. The BLM would also like to work with the sponsor to clarify the boundaries of the conveyances to Clark County and Nellis Air Force Base and address additional technical concerns.

**Background**

The Nellis Dunes area is located just north of Las Vegas in Clark County. Interstate Highway 15 borders the area to the north, and Nellis Air Force Base borders it to the southwest. The area is characterized by extensive rolling sand dunes surrounded by a rocky and sparsely vegetated Mojave Desert landscape. The area's sand dunes, rolling and open terrain, and proximity to Las Vegas and a Interstate Highway 15, have long made Nellis Dunes a popular destination for OHV recreation. Since the 1960s, the area has served as a focal point for major OHV competitive events, such as the Mint 400 race. The popularity of Nellis Dunes for OHV recreation has increased along with the population of Las Vegas and southern Nevada. Today, the BLM permits several commercial events that traverse Nellis Dunes. The BLM also permits commercial OHV outfitters offering all-terrain vehicle and dune buggy rentals and guided rides. The area is highly valued and utilized by local and regional OHV clubs and individual recreationists. Overall, the BLM estimates that more than 100,000 people use Nellis Dunes annually for OHV-related recreation.

However, the BLM also manages the Nellis Dunes area and the surrounding public lands for resource values other than OHV recreation. Sensitive wildlife and plant species exist within the area. The desert tortoise, a Federally-listed species under the Endangered Species Act, is found in the Nellis Dunes area and throughout southern Nevada. While densities of the tortoise in the

Nellis Dunes area are generally low, relatively large populations are isolated in the area's eastern portion. The Las Vegas bearpoppy, a sensitive plant species of concern, is found, in low numbers, in remote pockets of the area. The Rainbow Gardens Area of Critical Environmental Concern (ACEC) is located immediately south of the Nellis Dunes area. The ACEC was established for the protection of geological, scientific, scenic, cultural, and sensitive plant values. The BLM actively manages OHV recreation in the Nellis Dunes area to protect these values. The Nellis Dunes area also contains several existing mining claims for clay materials, and commercially valuable sand and gravel deposits occur within in the central Nellis Dunes area.

The Nellis Dunes area also lies underneath Nellis Air Force Base's landing approach path. The BLM and the Nellis Air Force Base have a long history of working cooperatively to ensure that OHV recreation and other public land uses do not compromise the Air Force's safety or operational needs.

The issues addressed in H.R. 765 reflect a longstanding effort, led by Clark County, to recognize and enhance the unique OHV recreation opportunities available at Nellis Dunes while protecting the area's natural resource values and ensuring its continued and long-term compatibility with Nellis Air Force Base's operational needs. In 2006, Clark County initiated discussions with the BLM, Nellis Air Force Base, and stakeholders to formulate a proposal that would achieve these goals and increase and the parties' collective capacity to manage the special recreation and resource values of Nellis Dunes. While it is our understanding that H.R. 765 is intended to address the same issues as the collaborative proposal developed by Clark County, the BLM, Nellis Air Force Base, and other stakeholders, this proposal is very much a work in progress. The BLM's comments on H.R. 765 address the contents of the bill as introduced.

### **H.R. 765**

H.R. 765 proposes to establish the "Nellis Dunes National Off-Highway Vehicle Recreation Area" on public lands in Clark County, Nevada. The bill does not identify the amount of land that would be designated as an OHV NRA, but the BLM understands from the sponsor that the proposed OHV NRA would include approximately 11,000 acres. The bill also would convey, without consideration, approximately 1,150 acres to Clark County to establish the "Clark County OHV Recreation Park" (OHV Park), and it would transfer administrative jurisdiction of a land parcel of unstated acreage to the Department of the Air Force.

The bill refers to a map, dated July 2008, which the BLM has not seen. The BLM's comments on the bill therefore reflect our general knowledge of the proposal and of the Nellis Dunes area. The sponsor recently asked the BLM to make a map related to H.R. 765 and that map is currently under preparation. The BLM would like to work with the sponsor to clarify the location of the OHV Park, the ultimate size of the OHV NRA, and the boundaries of the lands that would be administratively transferred to the Air Force.

The BLM supports the overall goals of H.R. 765, including the goal of designating the Nellis Dunes OHV NRA. Designating Nellis Dunes as an OHV NRA would support and enhance the BLM's ongoing management efforts to provide OHV recreation opportunities while protecting and sustaining the area's important resource values. The high level of recreation use at Nellis Dunes merits the management attention and focus that would result from this designation, particularly in conjunction with the bill's provision to establish the complementary OHV Park.

The conveyance of the approximately 1,150 acres to Clark County for the OHV Park would be at no cost. The OHV Park would provide commercial services to support competitive OHV recreation events as well as general public OHV recreation use of the Nellis Dunes NRA. It is our understanding that the OHV Park would also be used to provide OHV rider training and education and would promote responsible OHV recreation, including discouraging OHV use in environmentally-sensitive areas.

As a matter of policy, the BLM supports working with state and local governments to resolve land tenure adjustments that advance worthwhile public policy objectives. We note that the R&PP Act authorizes the Secretary of the Interior to lease or convey public lands at nominal cost for recreational and public purposes, including parks and other facilities benefiting the public. Commercial uses may be allowable under the R&PP Act in limited circumstances, if revenues from concessions go toward site management and use.

In general, the BLM supports conveyances if the lands are to be used for purposes consistent with the R&PP Act, and if the conveyance includes a reversionary clause to enforce this requirement. It is not clear, however, if the commercial uses envisioned by the bill would be consistent with the R&PP Act. The BLM recommends that the legislation be amended to ensure the uses are clearly consistent with the R&PP Act.

Because some portions of the Nellis Dunes area contain potentially valuable sand and gravel deposits, the BLM recommends the conveyance of these areas be avoided or that, if conveyed, the mineral estate remains reserved to the United States.

H.R 765 would also transfer administrative jurisdiction of a land parcel to Nellis Air Force Base. The BLM understands that this transfer is intended to enhance the compatibility of the proposed OHV NRA with the safety and operational requirements of the Base. We support the intent of this provision, but would prefer the legislation add the land parcel to the Air Force's existing military withdrawal for Nellis Air Force Base so that the parcel is subject to the same military land use authorizations that are in the existing military withdrawal. The BLM would like to work with the sponsor to clarify the boundaries of the lands involved.

Because the Nellis Dunes area contains existing mining claims, the BLM recommends that the OHV NRA be withdrawn from future mineral entry under the General Mining Law, while recognizing valid existing rights. Withdrawing the OHV NRA from future mineral entry would reduce the potential for future conflicts with the area's recreation uses.

## **Conclusion**

Thank you for the opportunity to testify on H.R. 765. The BLM supports the goals of the bill and applauds the efforts of the bill's sponsor, and of Clark County, to address public land recreation and resource management in a proactive, collaborative, and forward-thinking manner. We look forward to working with the sponsor and the Committee on this important legislation.

**STATEMENT OF KATHERINE H. STEVENSON, ASSISTANT DIRECTOR, BUSINESS SERVICES, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS, OF THE COMMITTEE ON NATURAL RESOURCES, CONCERNING H.R. 3388, A BILL TO MODIFY THE BOUNDARY OF PETERSBURG NATIONAL BATTLEFIELD IN THE COMMONWEALTH OF VIRGINIA, AND FOR OTHER PURPOSES.**

**NOVEMBER 5, 2009**

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Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the views of the Department of the Interior on H.R. 3388, a bill to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia.

The Department supports H.R. 3388.

H.R. 3388 would authorize two modifications to the boundary of Petersburg National Battlefield in the Commonwealth of Virginia. First, it would expand the currently authorized boundary of Petersburg National Battlefield by an additional 7,238 acres. The boundary expansion proposal results from an analysis of “core battlefields” and a subsequent boundary adjustment study conducted as part of Petersburg National Battlefield’s General Management Plan completed in 2005. Second, the bill authorizes a transfer of administrative jurisdiction between the Secretary of the Interior and the Secretary of the Army for a 1.7 acre parcel of land to accommodate a security perimeter fence at Fort Lee Military Reservation.

The City of Petersburg lies in the corridor of intensive growth from Washington, D.C., to south of Richmond, Virginia. The region surrounding Petersburg National Battlefield has been and is currently experiencing significant development pressures impacting areas immediately adjacent to the park and unprotected battlefield sites. This development not only threatens park resources and public enjoyment, but also the core portions of the battlefields.

The park commemorates the Petersburg Campaign, the longest sustained combative military front on American soil, in both time and distance. When Congress created the park in 1926, only a fraction of the battlefield acreage associated with the 26 major battles of the Petersburg Campaign was included in the original boundary. These additional battlefields proposed to be added to the park will allow the public to better understand the size, complexity, and duration of the 9½ month Petersburg Campaign and siege while offering protection to existing park resources.

In January 2002, in response to significant development pressures in the region surrounding the park and as part of its General Management Plan process, Petersburg National Battlefield undertook a detailed assessment of battlefields in the Petersburg Campaign cited in the Civil War Sites Advisory Commission (CWSAC) report of 1993 entitled “Report on the Nation’s Civil War Battlefields.” The CWSAC report identified 100,000 acres of the Petersburg battlefields as “core

battlefields” encompassing all of the critical phases defined for a battle. Of the 100,000 acres cited, 23,000 acres were determined to retain historic integrity.

During its more detailed analyses of the 23,000 acres, the park concentrated on those portions of the battlefields that were south of the Appomattox River and directly associated with the siege or defense of Petersburg, and that were identified as Class A (decisive) and Class B (major) by the CWSAC. Additionally, the park used historical maps and documentation to further refine the acreage to that constituting the portion of the battlefield on which both armies were engaged directly and that had a bearing on the outcome for each battle. Park staff further analyzed the integrity of these areas and their potential for public access and interpretation. The analyses disclosed that 7,238 acres met the criteria for integrity and interpretability.

The estimated time period for acquisition of the 7,238 acres of these nationally significant lands is 15-20 years. Virtually all of the land subject to the boundary adjustment represents a mixture of private and non-profit organization-owned parcels. Agricultural and conservation easements will be the preferred method of acquisition for most parcels, particularly for those owned by non-profit organizations. Easements enable protection of these battlefields from inappropriate development while retaining private ownership and compatible use of the land. Where easements are not possible, and there is interest by the landowners, a range of acquisition methods, such as donation, and fee simple acquisition from willing sellers based on available funding, will be utilized for battlefield preservation.

If all the lands were acquired by the National Park Service through fee simple means, the total estimated cost would be \$29.7 million. However, if the boundary expansion is enacted, the park will be pursuing partnership efforts through easements and donations that will likely significantly lower acquisition costs. The estimated costs for capital expenses (trails, wayside exhibits, rehabilitation of existing visitor contact station, etc.) and expansion-related costs (surveys, hazardous materials studies, etc.) are an additional \$1.74 million. Development of visitor services and interpretation at these new battlefield locations would be minimal and include small parking areas, wayside exhibits, and trail and other enhancements to the sites. The annual increase in operations and management is estimated to be approximately \$484,000. All numbers are in 2008 dollars. All funds are subject to NPS priorities and the availability of appropriations.

Public response to the General Management Plan and the proposed boundary expansion have been uniformly favorable among local governments, organizations, and individuals. The Dinwiddie County Board of Supervisors adopted a resolution supporting future legislation to expand the boundary of the park as outlined in the General Management Plan. Many civic organizations in the Petersburg region have also indicated support for the proposal.

The second main provision of the bill would authorize a transfer of administrative jurisdiction between the Secretary of the Army and the Secretary of the Interior for a 1.7 acre parcel of land. Following September 11, 2001, the Army was required to erect a perimeter fence around Fort Lee Military Reservation, located adjacent to Petersburg National Battlefield. The fence intruded slightly into the boundary of the park. The land exchange would transfer to the Army the 1.7 acre of land where the perimeter fence is located, in return for a 1.7 acre of the military

reservation to be added to the park. The Secretary of the Army is supportive of this provision. There is no cost associated with this authorization.

If this bill moves forward, the Department recommends a technical correction be made to the bill to add a map reference for the land exchange with the Army.

Mr. Chairman, that concludes my statement. I would be happy to answer any questions that you or other members of the subcommittee may have regarding the proposed boundary expansions.

**STATEMENT OF KATHERINE H. STEVENSON, ASSISTANT DIRECTOR FOR BUSINESS SERVICES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS OF THE HOUSE COMMITTEE ON NATURAL RESOURCES ON H.R. 3603, A BILL TO RENAME OCMULGEE NATIONAL MONUMENT**

**NOVEMBER 5, 2009**

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Mr. Chairman, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on H.R. 3603, a bill to rename Ocmulgee National Monument.

The Department supports enactment of H.R. 3603 with a technical amendment discussed below. This legislation would rename Ocmulgee National Monument in Macon, Georgia as Ocmulgee Mounds National Monument. This change would help improve the identification of the site and its resources.

Established in 1936, Ocmulgee National Monument preserves and interprets one of the longest periods of time of any National Park Service unit, a 12,000-year continuum from the arrival of the Paleo Indian mammoth hunters to the present day. The visible cultural resources of this 702-acre park are the mounds and other sites that date from the period of 900 to 1600. The monument has one of the largest archeological collections—with over 2.5 million items—in the National Park System. The area is held sacred by many Native American nations.

Ocmulgee National Monument receives an average of 128,000 visitors each year. They may visit the striking art deco visitor center and museum which has an orientation film and numerous exhibits. They may walk to the Earthlodge and Early Mississippian temple mounds, immerse themselves in a wetlands environment by walking on the park's new boardwalk, or take a spring or autumn ranger-led field trip to the Lamar Mounds and Village. The Ocmulgee Indian Celebration is held on the third weekend of each September.

For generations, Middle Georgians have referred to Ocmulgee National Monument simply as “the Indian mounds.” Few people in the region are familiar with the monument's official name. When visitors ask cab drivers or store clerks for directions to Ocmulgee National Monument, they may get blank stares. Superintendent Jim David experiences this confusion when he addresses school groups and civic associations. The addition of the single word “mounds” to the name would not only make the name of this highly valued attraction closer to the name used locally, it would also better identify the principal resources of the site. The renaming would require only minimal costs for signage and interpretative materials.

We recommend that H.R. 3603 be amended as indicated in the proposed amendment appended to this statement. This amendment would provide a simpler, more direct way

of renaming the site. It is also consistent with other legislation renaming national park units that has been enacted recently or is currently pending in Congress.

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

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Proposed amendment to H.R. 3603:

Strike all that follows after the enacting clause and insert the following:

“SECTION 1. DESIGNATION.

“The Ocmulgee National Monument in Macon, Georgia, shall be known and designated as the ‘Ocmulgee Mounds National Monument’.

“SEC. 2. REFERENCES.

“Any reference in a law, map, regulation, document, paper, or other record of the United States to the Ocmulgee National Monument shall be deemed to be a reference to the ‘Ocmulgee Mounds National Monument’.”

**STATEMENT OF KATHERINE H. STEVENSON, ASSISTANT DIRECTOR, BUSINESS SERVICES, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS, OF THE COMMITTEE ON NATURAL RESOURCES, CONCERNING H.R. 3804, TO MAKE TECHNICAL CORRECTIONS TO VARIOUS ACTS AFFECTING THE NATIONAL PARK SERVICE, TO EXTEND, AMEND, OR ESTABLISH CERTAIN NATIONAL PARK SERVICE AUTHORITIES, AND FOR OTHER PURPOSES.**

**NOVEMBER 5, 2009**

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Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the views of the Department of the Interior on H.R. 3804, a bill to make technical corrections to various Acts affecting the National Park Service, to extend, amend, or establish certain National Park Service authorities, and for other purposes.

The Department supports H.R. 3804, which addresses several issues that are important to the National Park Service (NPS). We will discuss each of the portions of the bill separately in this testimony.

H.R. 3804 would authorize ten year extensions to the National Park System Advisory Board and the National Park Service Concessions Management Advisory Board. The bill also would standardize the penalties for violations of NPS regulations at military parks and national historic sites and would raise the ceiling for annual appropriations used to fund the Volunteers in the Parks Program. The bill would authorize the Secretary of the Interior (Secretary) to enter into an agreement with nonprofit organizations or other entities that manage or administer historic sites at Pearl Harbor and to allow the sale of tickets to those historic sites by NPS staff or employees of the organizations that administer the historic sites. In addition, H.R. 3804 would authorize a land exchange to address a long-standing access issue on the George Washington Memorial Parkway and would amend the D.C. Snow Removal Act of 1922 to clarify which federal agency is responsible for clearing snow from sidewalks and crosswalks in front of or around public buildings in the District of Columbia. The Martin Luther King, Junior, National Historic Site would be redesignated as a National Historical Park and the boundary of the Lava Beds National Monument Wilderness would be adjusted. Finally, the bill would make technical corrections to laws for a national seashore, wild and scenic rivers, and national heritage areas.

**Section 101: National Park System Advisory Board**

H.R. 3804 would extend the authorization for the National Park System Advisory Board to January 1, 2020. The Advisory Board was first authorized in 1935 under the Historic Sites, Buildings, and Antiquities Act. The Board advises the Director of the National Park Service (Director) and the Secretary on matters relating to the NPS, the National Park System, and programs administered by the NPS, including the administration of the Historic Sites, Buildings, and Antiquities Act; the designation of national historic landmarks and national natural landmarks; and the national historic significance of proposed national historic trails.

The Advisory Board meets approximately twice yearly, at the call of the Director or the Director's designee. The NPS provides support for the Advisory Board and members are appointed on a staggered-term basis for terms not to exceed 4 years. The Advisory Board has been a valuable partner of the NPS, and we look forward to continuing this partnership in the coming years. After several one-year authorizations, the NPS supports the longer time extension for this important body.

### **Section 102: National Park Service Concessions Management Advisory Board**

H.R. 3804 would also extend the authorization for the NPS Concession Management Advisory Board for ten years, to December 31, 2019. The Concession Management Advisory Board was established on November 13, 1998 by Public Law 105-391, and is composed of seven members appointed by the Secretary. Advisory Board members must be United States citizens, and not employed by the Federal Government. Members are appointed on a staggered basis for terms not to exceed 4 years.

The Advisory Board's purpose is to advise the Secretary and the NPS on matters relating to the effective management of concessions in the National Park System. The Board helps make recommendations on ways to make the concession programs more cost effective, mitigate impacts of concession operations on park resources, improve visitor services, and allocate concession fees.

Board members are experts in hospitality, tourism, accounting, outfitting and guide industries, parks concession management, traditional arts and crafts, and parks and recreation programs, and are selected for their expertise and area of professional skills in concessions management and oversight. The combination of the expert advice and the public forum that the Board offers provides a practical approach to consider contentious concession management topics and issues

Historically, the Board has held two to three public meetings annually. This board has also been continued by a one-year authorization and the NPS supports the longer term extension of this important body.

### **Section 103: Uniform Penalties**

Section 103 of H.R. 3804 addresses a lack of uniformity in the penalties for violating regulations throughout the National Park System. Having different penalties for violation of the same NPS regulation, in parks that originated as military parks or national historic sites is confusing and inappropriate. The NPS has recognized that the framework for penalties for violating regulations in these military parks and historic sites was derived from unique historic statutes enacted over 60 years ago. This disparity in penalties may undermine effective and uniform law enforcement and criminal prosecution for violations on parkland.

H.R. 3804 would provide the necessary legislative authority to provide uniform, consistent penalties for NPS regulations, including in parks that originated as military parks or national historic sites. This would be accomplished by increasing the penalties for these sites from the current penalty of only a fine or a fine and/or incarceration up to three months to a fine and/or imprisonment up to six months as provided under the NPS Organic Act, 16 U.S.C. § 3, and the long-standing fine-enhancement provision of 18 U.S.C. § 3571.

### **Section 104: Volunteers in the Parks**

H.R. 3804 would raise the ceiling for funding for the Volunteers in the Parks (VIP) program from \$3.5 million to \$10 million annually. In 1970 the VIP program started with a few hundred volunteers. Today, there are more than 175,000 VIPs helping to preserve and protect our natural and cultural resources. More than 370 NPS areas currently use VIPs. Volunteers range in age from young children to senior citizens. They come from all over the United States, and the world, bringing different backgrounds, skills, and talents that enrich our park programs.

The increase in the VIP ceiling proposed in H.R. 3804 is needed to more accurately reflect the resources that are being devoted to this popular program. Although the enacted levels for the VIP program were \$2.794 million in FY 2009 and \$2.797 million in FY 2010, expenditures for the program were \$5.021 million in FY 2008 and \$4.753 million (with a few expenditure reports outstanding) for FY 2009 – the two most recent years for which data is available. With the President’s and the Secretary of the Interior’s emphasis on the importance of volunteerism, the increased ceiling would allow the NPS to recognize the benefits offered by our many volunteers each year.

### **Title II: Pearl Harbor Ticketing**

World War II Valor in the Pacific National Monument includes 11 acres at Halawa Landing at Pearl Harbor and the USS *Oklahoma* Memorial across the harbor on Ford Island. The NPS and the U.S. Navy are developing an overarching Memorandum of Understanding to address cooperative management at Pearl Harbor.

The Pearl Harbor Naval Base is a secure site. Halawa Landing sits outside the main gates of the Base, but still within the area for enhanced security, and visitors arrive by tour bus, public transit or private car. Access to Ford Island is permitted only by shuttle bus.

In addition to the NPS’s USS *Arizona* Memorial Visitor Center, there are two other Pearl Harbor partner-operated historic sites that are accessed through the NPS facility: the Battleship Missouri Memorial and the Pacific Aviation Museum. Visitors surrender all bags and luggage before entering the NPS facility to visit NPS sites or the partner-operated sites. Currently, the other partner at Halawa Landing, the USS *Bowfin* Submarine Museum, requires visitors to store their bags in a separate secure facility.

The NPS is in the midst of a \$50 million replacement of the USS *Arizona* Memorial Visitor Center, at Halawa Landing. When completed, this new facility will include space for a ticket counter for the Pearl Harbor historic sites partners to sell their tickets, which will be adjacent to the NPS information and ticketing counter.

Free admission to the USS *Arizona* Memorial is required by law. If H.R. 3804 is enacted, visitors would approach the NPS ticket booth at the entrance to the Visitor Center and receive a free, timed ticket to the USS *Arizona* Memorial. At the same time, visitors would be able to purchase all their tickets to other Pearl Harbor historic sites and plan their visit. H.R. 3804 would authorize NPS to work with our partners on a joint ticketing operation, and recover a reasonable fee to cover any administrative costs associated with such operation.

Our partners at Pearl Harbor enhance visitor understanding and increase appreciation for World War II Pacific Theatre history. Entrance fees to Pearl Harbor historic sites are the partners' critical source of revenue for operations and allowing the sale of their tickets at the NPS visitor center supports the NPS's broader mission to tell the story of the Pacific Theater. Joint ticket sales would be the next step in enhancing the visitor experience and our partnership. For example, visitors waiting for the launch to the USS *Arizona* Memorial would have additional time to explore the USS *Bowfin* Museum, or start their tours on Ford Island, returning to board their launch to the USS *Arizona* Memorial.

Section 121 of Public Law 111-88 – The Department of the Interior, Environment and Related Agencies Appropriations Act, 2010, enacted on October 30, 2009, provides the same authority contained in Title II of H.R. 3804 regarding Pearl Harbor Ticketing for fiscal year 2010. However, the permanent authority provided by H.R. 3804 remains necessary.

### **Section 301: George Washington Memorial Parkway**

Section 301 of H.R. 3804 would address a long-standing access issue on the George Washington Memorial Parkway. The Claude Moore Colonial Farm (Farm) is a 68.5-acre working colonial farm, part of the 235-acre Langley Tract property that was transferred to the George Washington Memorial Parkway in 1971 to provide public recreation and open space. The greenhouses, administrative offices, staff parking, a storage area for Farm equipment, and animal pens are located in the administration and maintenance area of the Farm. Colonial Farm Road forms the eastern boundary between the Langley Tract and the Farm and provides the main public access to the Farm from Georgetown Pike. In addition to providing Farm access, Colonial Farm Road serves as an entrance road to the Federal Highway Administration's Turner-Fairbank Highway Research Center (Research Center) and the George Bush Center for Intelligence (CIA).

The three federal agencies have discussed concerns about crossing property lines, the need to have uninterrupted access to their properties, and the need to improve security (visibility) near perimeter fencing of the Research Center. They have identified properties suitable for exchange that would provide access to the Farm's administrative and maintenance area and the means to improve security outside the fencing of the Research Center and CIA acceptable to NPS standards.

H.R. 3804 would authorize the transfer of administrative jurisdiction of land between the NPS and the Federal Highway Administration to provide the NPS with a separate access road in the administration and maintenance area for the Farm that will not go through the Research Center. In exchange, NPS would provide the Federal Highway Administration with a visible buffer on parkland outside the perimeter fence of the Research Center. NPS would also place use restrictions on another parcel of land to improve security of the Research Center.

### **Section 302: DC Snow Removal**

Section 302 of H.R. 3804 addresses snow removal within the District of Columbia. The Chief of Engineers of the U.S. Army was originally given responsibility for snow removal on sidewalks in front of all buildings owned or leased by the United States (except the Capitol grounds and the Library of Congress) and from all sidewalks or crosswalks used as public thoroughfares in and

around all public squares, reservations, or open spaces within the fire limits of the District of Columbia. In 1925, the duties of the Chief of Engineers were transferred to the Director of Public Buildings and Public Parks of the National Capital, and subsequently to the NPS.

The NPS has not removed snow from the sidewalks of non-NPS buildings and lots for more than thirty years. Instead, the respective federal agency has taken responsibility for snow removal on public thoroughfares or on sidewalks or crosswalks in front of buildings that are owned or leased by the United States and are under such agency's administrative jurisdiction. The General Services Administration (GSA), which operates, protects, and maintains most government-owned and leased buildings and grounds in the District of Columbia, has regulations at 41 CFR Part 102-74 providing that GSA maintains and repairs such sidewalks and that snow removal is part of its complete facility maintenance schedule. The D.C. Snow Removal Act of 1922 was never amended, however, to reflect the effective change in responsibility.

H.R. 3804 would amend the D.C. Snow Removal Act of 1922 to clarify that each federal agency would be responsible for property owned by the United States and under that agency's administrative jurisdiction, including snow removal. This would make the law consistent with modern snow removal practices and would change the time period for snow removal to reflect the realities of street snow removal where plows usually clear the streets by pushing snow onto the adjacent sidewalks, and where additional time is necessary to remove it. The legislation also would allow for the duty of a federal agency to be delegated to another governmental or non-governmental entity through a lease, contract, or other comparable arrangement. If two federal agencies have overlapping responsibility for the same sidewalk, the bill would provide the authority for the agencies to enter into an arrangement assigning responsibility.

### **Section 303: Martin Luther King, Jr. National Historical Park**

H.R. 3804 would redesignate the Martin Luther King, Junior, National Historic Site as a National Historical Park to reflect its multiple properties and broad themes, and provide a new map reference for the park, which reflects the proposed name change and indicates a land exchange that occurred in 2004.

### **Section 304: Lava Beds National Wilderness Boundary Adjustment**

H.R. 3804 would correct errors in the 1972 law that designated wilderness at Lava Beds National Monument. Through the substitution of a new wilderness boundary map, certain improved areas would be excluded from wilderness and other areas that are appropriate for designation would be included.

Adding and subtracting parts of the two wilderness areas would produce a net increase of 399 acres in the actual amount of designated wilderness. Although the 1972 law provides for about 10,000 acres of wilderness in the Black Lava Flow area and about 18,460 in the Schonchin Lava Flow area, a 1993 survey that used Geographic Information Systems (GIS) and a map produced by the U.S. Geological Survey found that the actual acreage in the two wilderness areas is 10,125 and 17,936 respectively. The proposed legislation would provide for about 10,431 acres within the Black Lava Flow area and about 18,029 acres in the Schonchin Lava Flow area, and the map referenced in H.R. 3804 depicts two wilderness areas with the same amount of acreage as those two figures indicate. Added together, the acreage of the two wilderness areas would be the same

total amount (28,460) that Congress intended to designate in the 1972 law, only distributed differently between the two areas and measured more accurately.

This proposal is consistent with Lava Bed National Monument's 1996 General Management Plan and 2006 Wilderness Stewardship Plan. The only costs anticipated from this proposal would be for signs and maps, which would be negligible.

**Other Provisions**

Finally, Title IV of H.R. 3804 would make technical corrections to several acts that involve a national seashore, wild and scenic rivers, and national heritage areas addressing a number of small issues for various parks that have been needed for a long time. We look forward to working with you for their enactment.

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