

STATEMENT OF DENIS P. GALVIN, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS OF THE HOUSE COMMITTEE ON RESOURCES CONCERNING H. R. 1509, A BILL TO AUTHORIZE THE DISABLED VETERANS' LIFE MEMORIAL FOUNDATION TO ESTABLISH A MEMORIAL IN THE DISTRICT OF COLUMBIA OR ITS ENVIRONS.

October 26, 1999

Mr. Chairman, thank you for the opportunity to appear before you today to present the Department of the Interior's views on H. R. 1509. H. R. 1509 would authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

The Administration supports the establishment of a memorial to honor disabled veterans on federal lands in the District of Columbia or its environs. Unfortunately, the requirements of the Commemorative Works Act effectively preclude consideration of such a memorial. The Administration, therefore, stands ready to work with the Committee to amend H. R. 1509 so that consideration of the memorial may proceed unimpeded, yet comply with the spirit of the Commemorative Works Act. We believe the amendments noted below will do just that.

H. R. 1509 specifies that the Disabled Veterans LIFE Memorial shall conform to the provisions of the Commemorative Works Act of 1986. The Commemorative Works Act governs placement of memorials on property administered by the National Park Service and the General Services Administration. Section 3 of the Commemorative Works Act provides guidance on the types of memorials that may be established and placed on parkland. In this section, Congress specifically precluded memorials to groups of individuals until after the 25th anniversary of the death of the last surviving member of the group. Further, Congress restricted military memorials to wars and branches of the Armed Forces.

The Disabled Veterans LIFE Memorial would honor disabled veterans from all branches of the United States Armed Forces and would be a memorial to both those disabled veterans still living and to those that have died. We believe that a commemorative work honoring the sacrifices of military men and women still living, however meritorious such recognition may be, on land in the nation's capital governed by the Commemorative Works Act, is contrary to both the specific provisions of that act and its legislative history.

The National Capital Memorial Commission considered H. R. 1509 at its meeting on April 13. The Memorial Commission deferred a decision on this sensitive issue and requested the opinion of the Department of the Interior's Office of the Solicitor on the applicability of the Commemorative Works Act to H. R. 1509. The Department of the Interior Office of the Solicitor responded to the Memorial Commission's request for a review of the National Park Service's position on H. R. 1509 and the Disabled Veterans LIFE Memorial. The solicitor's office supported our position that the Disabled Veterans LIFE Memorial as proposed in H. R. 1509 would not conform to the Commemorative Works Act. At its meeting on September 23, the

National Capital Memorial Commission reconsidered H. R. 1509. In light of the opinions of the Office of the Solicitor, the Memorial Commission voted unanimously to advise the Secretary and the Congress that the Disabled Veterans LIFE Memorial would not comply with Section 3 of the Commemorative Works Act.

On the basis of the advice of the National Capital Memorial Commission as well as our experience and understanding of the legislative history of the Commemorative Works Act, we believe Congress intended that future military memorials, other than those explicitly allowed by the act, be placed on military land. The Congressionally mandated standards for the placement of commemorative works in the nation's capital are strict. Thus, we recommend that H. R. 1509 be amended by deleting any reference to the Commemorative Works Act and by authorizing the placement of the memorial on other land in Washington, D.C., or its environs instead of on lands governed by the Commemorative Works Act. This would be similar to recent authorizations for memorials on the Pan Am 103 crash and the Army 3rd Division. Finally we recommend that such a memorial be submitted to the National Capital Planning Commission and Commission on Fine Arts for site and design approval.

The Department and the National Capital Memorial Commission do not wish to diminish the important contributions of our nation's disabled veterans; however, we feel that the Commemorative Works Act is not the proper vehicle for establishing such a memorial.

That concludes my prepared testimony and I would be happy to answer any questions you may have.

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STATEMENT OF DENIS P. GALVIN, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS, COMMITTEE ON RESOURCES, CONCERNING H.R. 2532, TO PROVIDE FOR THE ESTABLISHMENT OF NATIONAL HERITAGE AREAS.

OCTOBER 26, 1999

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department on H.R. 2532. This bill would provide a process for the establishment of national heritage areas.

As you know, the Department of the Interior has been looking at the issue of heritage conservation for many years. The National Park Service is now engaged in various levels of management and technical assistance in heritage partnerships located all around the country. In the 103rd and 104th Congresses we worked with members of Congress and communities on legislation similar to H.R. 2532 that, if enacted, would have provided general guidelines for the establishment and management of national heritage areas. We want to commend the sponsor of this legislation, Congressman Hefley, for raising the issue again because we believe this is an important subject that deserves support.

However, we do not support this legislation in its current form. Our primary concerns are that the bill goes too far in trying to establish a one-size-fits-all approach to national heritage areas. It emphasizes resource conservation too little and focuses too much on financial assistance and economic development. The role of the National Park Service is sharply limited to conducting initial feasibility studies. The Secretary of the Interior's role is severely limited to one of financial support. Management entities are to be established by the governors rather than being an outgrowth of the individual heritage area and what is recommended through the initial feasibility study.

On the other hand, there are many elements of H.R. 2532 that are useful, and could serve as components of an approach to national heritage areas that would be mutually agreeable to the committee and the Department. One approach could be legislation, building on a number of elements in this bill, that only establishes the process for study and the determination of feasibility for national heritage areas. Such legislation could establish the steps that must be taken prior to designation of a heritage area. Once such a process is completed each area would be individually designated and the parameters of management and financial support for each heritage area would be a part of the legislation that designates each area.

We believe, though, that the best way to reach such a mutually agreeable approach is to work together. To step back and assess what has worked and what has not in recent years with national heritage areas, and see where we can reach agreement on the concepts that should be embodied in legislation. In that spirit, I will focus my remarks on concepts rather than legislative details.

Among the original heritage corridors and areas are some of the most successful and inspiring preservation strategies in America today. Heritage partnerships have been praised as problem

solvers, as unifiers, as proof that environmental and economic progress can be consistent. Heritage areas can bring all members of a community out to work together to protect the resources that make their community unique and are special to them. The National Park Service believes in and wants to enhance and encourage this kind of local preservation strategy. The focus should be on the preservation of our nation's diverse history and heritage by people where they live and work.

The National Park Service's definition for a national heritage area, which is similar to the definition used in H.R. 2532, is as follows:

"A 'National Heritage Area' is a place designated by Congress where natural, cultural, historic and scenic resources combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity shaped by geography. These patterns make National Heritage Areas representative of the national experience through the physical features that remain and the traditions that have evolved in them. Continued use of National Heritage Areas by people whose traditions helped to shape the landscapes enhances their significance."

The focus is on the protection and conservation of critical resources. The natural, cultural, scenic, and historic resources that have shaped us as a nation and as communities.

In national parks it is primarily the responsibility of the National Park Service to ensure that the resources that the Congress has recognized as being important to our nation's heritage are protected, interpreted and preserved. In heritage areas it is the responsibility of the people living within a heritage area to ensure that the heritage area's resources are protected, interpreted and preserved and it is the National Park Service's responsibility to assist them in that endeavor.

Our experience working with heritage areas around the country has led us to the recognition that the people who live on the land are uniquely qualified to protect it. Heritage area designations provide significant opportunities to encourage citizens, local businesses and organizations, and local governments to work together to foster a greater sense of community, to reward community pride, and to care for their land and culture. As Aldo Leopold once said, "When we see land as a community to which we belong, we may begin to use it with love and respect." Heritage areas provide the opportunity to pass on the knowledge and culture of the past to the future. As Loren Eiseley said, "Without the past, the pursued future has no meaning." By creating this bond with the next generation, heritage areas will be insuring their continued support into the future.

The conservation of resources through local initiative has shaped our thoughts on heritage areas and how best to identify, designate and then support them. Probably the most important work that goes on in a heritage area is the organizing that goes on at the beginning of the process. The recognition of important local resources, the determination of a community's unique story, the formulation of a plan involving all parts of a community in how best to protect those resources and to carry on a community's heritage through each generation are the difficult tasks. These are arduous and time-consuming activities, but our experience tells us that through them there are created strong local commitments to the conservation of a community's heritage and its unique resources that help to define communities and result in vital, thriving communities.

In the opinion of the National Park Service there are four critical steps that need to be taken and documented prior to the Congress designating a heritage area. These stages are:

- (1) completion of a suitability/feasibility study;
- (2) public involvement in the suitability/feasibility study;
- (3) demonstration of widespread public support among heritage area residents for the proposed designation; and
- (4) commitment to the proposal from the appropriate players which may include governments, industry, and private, non-profit organizations, in addition to the local citizenry.

A suitability and feasibility study should include a number of the components we believe are helpful for public review. These components are based on our experience with heritage areas previously designated by Congress. Our experience has also shown the importance of completing the suitability and feasibility study before a heritage area is designated. The most helpful components of a suitability and feasibility study include analysis and documentation that:

1. An area has an assemblage of natural, historic, or cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed as such an assemblage through partnerships among public and private entities, and by combining diverse and sometimes noncontiguous resources and active communities;
2. Reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;
3. Provides outstanding opportunities to conserve natural, cultural, historic, and /or scenic features;
4. Provides outstanding recreational and educational opportunities;
5. The resources important to the identified theme or themes of the area retain a degree of integrity capable of supporting interpretation;
6. Residents, business interests, non-profit organizations, and governments within the proposed area are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants including the federal government, and have demonstrated support for designation of the area;
7. The proposed management entity and units of government supporting the designation are willing to commit to working in partnership to develop the heritage area;
8. The proposal is consistent with continued economic activity in the area;
9. A conceptual boundary map is supported by the public; and

10. The management entity proposed to plan and implement the project is described.

We feel that once an area is studied and can satisfy these criteria, only then should the Congress act on designation.

Upon designation an area should then take on the task of developing a heritage management plan for how it will achieve the tasks it set out for itself in the feasibility study that includes identification of important resources and themes that represent the community's heritage. The plan must be developed in a timely manner to retain the interest of the community and the momentum that began during the feasibility study phase of the process. The primary focus of the plan should be resource conservation. The plan should provide a blueprint for action by all segments of the community that supports the vision laid out for the area.

Additionally there is the question of what is the appropriate federal role in this process. The National Park Service is charged by the Congress to care for our nation's important natural and cultural heritage and to assist people throughout the country in the same. In heritage areas we believe that our role is most important in working with communities in helping them to assess their resources and to undertake a feasibility study to determine how best they can protect their heritage and interpret it.

Once a community has determined what it wants to do, we believe the National Park Service should remain actively involved with the designated heritage area to provide technical assistance and guidance in the preparation of the plans. The National Park Service's role should be one that helps the heritage area to remain focused on the goals and objectives for resource preservation that are set out for a heritage area in their feasibility study and in the legislation passed by Congress. The National Park Service can help bring national recognition and encouragement to each heritage area. We can provide assistance and guidance regarding how to work with other initiatives or programs that would be of use in implementing and achieving their plans.

Funding for implementation of management plans is probably at the heart of the concern of many as more areas seek designation and come to Congress looking for financial support. It is probably the most difficult issue to address because for many it is the motivation. Still, the level of funding thus far has been modest and will likely remain so in the near future, given overall budgetary constraints. In fiscal year 1999 the 18 heritage areas received \$8,551,000 through the National Park Service. Whatever final agreement we come to on funding, the focus should be on the work that goes into identifying resources and partners, building local support, and developing an action plan. We should not lose the emphasis on recognition of significant resources, partnership with the National Park Service, and empowering citizens and communities in the preservation of their resources and heritage.

Our goal for a national program is for one that empowers communities to protect the resources that are important to them and to help tell their unique story. A program that celebrates local pride, that focuses on resource conservation as part of community revitalization, and as part of an economic development plan, and that is central to a community's plan for the future is what a national program should be working to achieve. A program that works to achieve those things should be our goal and we would be happy to work with the committee to craft such a program.

Although we have concerns about the flexibility and goals of H.R. 2532 we strongly believe that attention must be paid to future heritage area designations. Such designations must be based on feasibility studies using the criteria we have discussed. No new heritage area should be designated without completing the steps outlined in this testimony. We very much appreciate the interest of this committee and Mr. Hefley to identify the parameters necessary to make heritage areas successful and accountable. We hope that by focusing on better definition and planning as recommended in this testimony, we will be better able to address proposals for new heritage areas.

This concludes my statement. I would be happy to answer any questions you may have.

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