

STATEMENT OF KATHERINE H. STEVENSON, ASSISTANT DIRECTOR, BUSINESS SERVICES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE COMMITTEE ON NATURAL RESOURCES, SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS CONCERNING H.R. 3809, TO AMEND THE DELAWARE AND LEHIGH NATIONAL HERITAGE CORRIDOR ACT OF 1988 REGARDING THE LOCAL COORDINATING ENTITY OF THE DELAWARE AND LEHIGH NATIONAL HERITAGE CORRIDOR, AND FOR OTHER PURPOSES.

JUNE 5, 2008

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on H.R. 3809, a bill to amend the Delaware and Lehigh National Heritage Corridor Act of 1988 regarding the local coordinating entity of the Delaware and Lehigh National Heritage Corridor, and for other purposes.

The Department supports the provisions in the bill that name a new local coordinating entity for the Delaware and Lehigh National Heritage Corridor (Corridor) and provide additional authorities to the Secretary of the Interior. However, the Department recommends deferring action on the provision authorizing federal funding for the area for five additional years for the reasons discussed below.

Facing the possible expiration of the Corridor's federal commission and federal funding, the National Park Service (NPS), in conjunction with the Corridor, began a sustainability study in 2005 to document the heritage area's accomplishments over the past 17 years, evaluate how the Corridor partnership has worked, and explore options for the future. This evaluation, *Connecting Stories, Landscapes, and People: Exploring the Delaware & Lehigh National Heritage Corridor Partnership*, was finalized in 2006. The NPS has not completed a report based on this

evaluation, which includes recommendations on what the future role of the NPS should be in the area.

In March 2007, the Department testified on S. 817, a bill to amend the Omnibus Parks and Public Lands Act of 1996 to provide additional authorizations for certain National Heritage Areas. Section 4 of that bill contained many of the same provisions contained in H.R. 3809 that relate to the Corridor. In our testimony, and follow-up letter, the Department stated that we had no objection to the transition to a new local coordinating entity or increased authorities for the Secretary. However, we recommended deferring action on the provision authorizing federal funding for the area for an additional five years.

Based on pilot sustainability studies done at three national heritage areas, including the Delaware and Lehigh National Heritage Corridor, the NPS is in the process of developing a standard methodology for evaluating all national heritage areas that are nearing the end of their authorization for federal funding. Having this standard model is critical given the language contained in the recently enacted Public Law 110-229 that requires the Secretary to conduct an evaluation of the accomplishments, investments, management structure, and partner relationships for nine national heritage areas designated in 1996. In addition to developing the evaluation methodology, the NPS is also developing a format that will be used for the reports to Congress based on the evaluations. Once the evaluation methodology and report format is finalized, the Department will submit a report with recommendations on the reauthorization for federal funding to this area.

The Delaware and Lehigh National Heritage Corridor, located in the eastern part of the Commonwealth of Pennsylvania between Wilkes-Barre and Bristol, was established in 1988 as the country's third national heritage area. The Corridor, which travels along 165 miles of rivers, canals, and railroads, conserves the historic transportation network that brought anthracite coal from the mines to the market in the nineteenth and early twentieth centuries.

The authorizing legislation for the heritage area also established the Delaware and Lehigh National Heritage Corridor Commission (Commission) to assist state and local authorities in preserving and interpreting the Corridor's historic and cultural resources. The Commission, which expired on November 18, 2007, was also responsible for the development and implementation of the Corridor's Management Action Plan (management plan). Since the end of 2007, the Delaware and Lehigh National Heritage Corridor, Inc., a non-profit corporation created in 2003, has assumed responsibility for carrying out the Commission's work in order to complete remaining priorities in the Corridor's management plan. This bill would provide for the official transition of the local coordinating entity for the Corridor from a federal commission to a non-profit corporation.

The Corridor has a commendable track record of partnership and project accomplishments and has shown signs of becoming self-sufficient. Over 98% of the 165-mile D&L Trail that forms the spine of the corridor is complete or underway. The innovative Corridor Market Towns program has been replicated as the Landmark Towns of Bucks County, in partnership with the Commonwealth of Pennsylvania. The Two Rivers Landing project has attracted millions of dollars in new development and tourism to the Easton region, while the Lehigh Gap Wildlife

Refuge reclamation project has won a Cooperative Conservation award from the Department of the Interior. In 2003, in recognition of the increased flexibility and funding opportunities of a corporation over a commission, the Delaware & Lehigh National Heritage Corridor, Inc. was formed to eventually succeed the Commission that had coordinated the Corridor's activities since 1988.

In 2005, the Commission asked the NPS Conservation Study Institute to conduct an evaluation of the Corridor's accomplishments, progress, impacts, leverage, and management structure, and to provide options to plan for its future direction. The evaluation, *Connecting Stories, Landscapes, and People: Exploring the Delaware & Lehigh National Heritage Corridor Partnership*, found that the Corridor has addressed 83% of its planned actions. It also found that 46% of those are "ongoing," such as implementing the corridor-wide interpretive plan, and therefore require long-term coordination. Investments have been made at all levels of public and private sectors, with NPS funding leveraging on average 12 times as much in non-NPS funding.

The evaluation concludes that many Corridor participants feel that a broader, stronger affiliation with the NPS is needed to sustain the Corridor's successes, and that this partnership is justified by the Corridor's national significance. Options include seeking stronger, more consistent relationships with the regional office and nearby park units; building a stronger connection with the NPS brand; and acquiring NPS interpretive expertise.

In addition to transitioning to a new local coordinating entity, H.R. 3809 also authorizes appropriations of up to \$1 million through 2012 to implement the management plan. We believe

it is premature for the Administration to support additional federal funding to assist with these activities until the NPS has an opportunity to formally submit to Congress a report that contains recommendations on the NPS' future role with respect to the Corridor, and the reauthorization of federal funding based on the recent evaluation.

If the committee chooses to move forward with this bill, the Department would welcome the opportunity to work with the committee on making some technical corrections to the bill.

Mr. Chairman, that concludes my testimony and I am prepared to answer any questions that you or other members of the committee might have at this time.

STATEMENT OF KATHERINE H. STEVENSON, ACTING ASSISTANT DIRECTOR, BUSINESS SERVICES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS, COMMITTEE ON NATURAL RESOURCES, CONCERNING H.R. 573, A BILL TO AMEND THE ACT ENTITLED “AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE INDIANA DUNES NATIONAL LAKESHORE, AND FOR OTHER PURPOSES” TO CLARIFY THE AUTHORITY OF THE SECRETARY OF THE INTERIOR TO ACCEPT DONATIONS OF LANDS THAT ARE CONTIGUOUS TO THE INDIANA DUNES NATIONAL LAKESHORE

June 5, 2008

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior’s views on H.R. 573, a bill to amend the act entitled “An act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes” to clarify the authority of the Secretary of the Interior to accept donations of lands that are contiguous to the Indiana Dunes National Lakeshore.

The Department supports enactment of this legislation only if amended in accordance with this statement. We support the clarification of the term “contiguous” land as defined in section 2; however, we oppose the authority to acquire lands by payment of delinquent taxes in section 3 for the reasons described in the statement and recommend that it be deleted from the bill.

H.R. 573 would amend Section 19 of Public Law 89-761 to authorize the Secretary of the Interior to accept donated lands that are considered contiguous to Indiana Dunes National Lakeshore but physically separated from the boundary by a public or private right-of-way, such as a road, railroad, or utility corridors. It also amends Section 2(a) of the public law to authorize the Secretary to acquire lands within the boundary or contiguous to it that were delinquent in tax payments.

Indiana Dunes National Lakeshore was established as a unit of the National Park System in 1966. It lies on the southern tip of Lake Michigan and covers some 15,000 acres with 15 miles of shoreline. It is visited by 2 million visitors annually. The park is segmented with numerous isolated parcels. The northern portion of Indiana is crisscrossed with numerous interstate highways, oil and gas pipeline corridors, and electrical lines. A number of these rights of way exist within the national lakeshore. Several organizations which are supportive of the national lakeshore routinely acquire lands to donate to the national lakeshore to assist in fulfilling the mission of preserving the Indiana Dunes as authorized by the U.S. Congress.

Several opportunities have arisen in which acceptance of donated land adjacent to the park but separated by utility, roadways, and rail corridors has called into question the park's ability to accept such lands in accordance with an interpretation of the minor boundary revision authority of the Land and Water Conservation Fund of 1965. Section 2 of H.R. 573 would clarify this terminology as it relates to the Indiana Dunes National Lakeshore and allow the park to accept donated lands to further the purposes of the park unit when they adjoin the park's boundary.

This bill would authorize the NPS to acquire eligible properties by satisfaction of delinquent State or local taxes. Federal law requires that the NPS obtain an appraisal of the property to be purchased and prohibits us from making an offer to acquire the property for an amount less than the approved appraised value. In addition, the owner, or any other party, which had a vested interest in property sold through a tax sale, is entitled to a "right of redemption." This right provides the owner every reasonable opportunity to reacquire the property, provided they pay the back taxes owed and meet additional guidelines and requirements. In light of these existing

authorities, Section 3 of H.R. 573 would create great uncertainty about the status of these lands and prevent the NPS from making reasonable plans for the use of these areas. We, therefore, oppose section 3 and recommend it be deleted.

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

STATEMENT OF KATHERINE H. STEVENSON, ASSISTANT DIRECTOR, BUSINESS SERVICES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS, HOUSE COMMITTEE ON NATURAL RESOURCES, CONCERNING H.R. 4199, A BILL TO AMEND THE DAYTON AVIATION HERITAGE PRESERVATION ACT OF 1992 TO ADD SITES TO THE DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK, AND FOR OTHER PURPOSES

June 5, 2008

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on H.R. 4199, a bill to amend the Dayton Aviation Heritage Preservation Act of 1992 to add sites to the Dayton Aviation Heritage National Historical Park, and for other purposes.

The Department cannot support enactment of H.R. 4199 unless it is amended in conformance with this testimony. Partner organizations play a vital role in the management, operation, and/or development of the non-contiguous sites within Dayton Aviation Heritage National Historical Park. Therefore, the Department recommends the bill be amended to require the partner or partners to sign an operating agreement(s) for the development and operation of Hawthorn Hill and The Wright Company factory associated lands and buildings, the two sites this bill would add to the park, before the Department can accept donation of the land and include it within the boundary of the park.

Section 3 of H.R. 4199 would authorize the Secretary to make grants to public and private organizations relating to the preservation, development, use, and interpretation of properties within the boundaries of the park, subject to the availability of appropriations. Implementation of partnerships with Federal, state, and local governments and the private sector associated with

the Wright brothers, the invention and development of aviation, or the life and works of Paul Laurence Dunbar often requires the transfer of funding from the NPS to partner organizations. The NPS is able to transfer funds, including appropriations intended for partner organizations, through the use of cooperative agreements for most activities when there is substantial involvement between parties. The NPS is not authorized, however, to spend funds for construction and development projects on non-federal property within the park boundary where there is not substantial involvement by the NPS. We recognize that this section has been changed in response to concerns expressed by the Administration with respect to a version of this bill introduced in the 109th Congress. However, in principle, the Administration continues to oppose grant authority such as the authority provided in section 3 because it allows limited NPS funds to be diverted from park services and facilities. Therefore, we recommend deleting this section.

Dayton Aviation Heritage National Historical Park was authorized in October 1992, with a specific mission "...to create partnerships among Federal, State, and local governments and the private sector to preserve, enhance, and interpret for present and future generations the historic and cultural structures, districts, and artifacts in Dayton and the Miami Valley in the State of Ohio, which are associated with the Wright brothers, the invention and development of aviation, or the life and works of Paul Laurence Dunbar...."

Established as a multi-unit partnership park, Dayton Aviation Heritage National Historical Park encompasses four non-contiguous sites that commemorate the legacy of the Wright brothers, poet and author Paul Laurence Dunbar, and their association with the Dayton region. The

Wright brothers, through their invention of controlled, heavier-than-air, powered flight, achieved one of the single most important technological advances of the 20th Century. Paul Laurence Dunbar, a childhood friend of the Wright brothers, rose from a poor childhood in Dayton to international acclaim as a writer and as an effective voice for equality and justice and contributed to a growing social consciousness and cultural identity for African Americans in the U.S.

The NPS owns and manages the core unit, The Wright Cycle Company complex including the Wright Brothers' Print Shop building, in partnership with Aviation Trail, Inc., which owns the Aviation Trail Visitor Center and Museum. The remaining three units of the park, Huffman Prairie Flying Field, Wright Brothers Aviation Center and the 1905 Wright Flyer III, and the Paul Laurence Dunbar State Memorial are owned and managed by the legislatively mandated partners in partnership with the National Park Service (NPS).

H.R. 4199 would add Hawthorn Hill in Oakwood and The Wright Company factory and associated land and buildings in Dayton, Ohio to Dayton Aviation Heritage National Historical Park. It authorizes the Secretary of the Interior to enter into cooperative agreements with a partner or partners to operate and provide programming for Hawthorn Hill and charge reasonable fees which may be used to defray the costs of park operation and programming. It also authorizes grant assistance to help the park in meeting its partnership requirements.

Hawthorn Hill, a large Georgian-style house in the community of Oakwood, south of Dayton, is nationally significant for its conceptualization by Wilbur and Orville Wright, inventors of the airplane; and it, more than any other work of architecture, reflects their personalities. In 1910

following establishment of The Wright Company and the realization of commercial success from their development of the airplane, the Wright brothers began planning for a new family home. By 1912, they had purchased the property and began planning and designing their new home. Unfortunately, Wilbur died from typhoid later in 1912 before their new home was completed. In 1914 Orville, his father, Bishop Milton Wright, and his sister Katherine moved into Hawthorn Hill. Orville Wright continued to live at Hawthorn Hill until his death in 1948. For 34 years it served as the home and base of operations of Orville Wright and became a gathering place for many significant figures in the U.S. and international aviation history, such as Charles Lindbergh.

After Orville's death, the National Cash Register Corporation (NCR) purchased the site in 1948 to use as a corporate guest house. In August 2006 the NCR donated Hawthorn Hill to the Wright Family Foundation with the stipulation that the Foundation would make every effort to donate the site to the NPS. Today, Hawthorn Hill still retains its Wright-era (1914-1948) integrity and is the only authentic residence of Orville Wright as an adult still standing. Aside from the addition of two small second-floor bathrooms to accommodate NCR guests and improvements to the building's heating and cooling systems, the interior structure is little changed from Orville Wright's time and retains its original materials and fixtures. The yard of Hawthorn Hill and the surrounding residential Oakwood neighborhood also maintain the integrity of the period, with the landscape retaining plants of the same species used during that era.

Hawthorn Hill was designated as a National Historic Landmark in 1991, and was included on the new U.S. World Heritage Tentative List as a part of the Dayton Aviation Sites serial nomination by the Secretary of the Interior in 2008.

The Wright Company factory buildings in Dayton, Ohio are the birthplace of the American aviation industry. The Wright Company was in operation from 1910 to 1916. Although airplanes were being built at other locations during this period, these factory buildings are the first American facilities specifically designed and built for the manufacture of airplanes. They had a production capability greater than any other American airplane manufacturing facility at the time. The factory was capable of producing two airplanes a month. In 1911, just a few months after the completion of the first factory building, a second building was erected to meet the increased demands of the business. The factory now occupied over 20,000 square feet and had the capacity to produce four airplanes per month.

In 2006, the NPS completed a special resource study of The Wright Company factory buildings authorized by Public Law 108-447. The study determined that the factory buildings were significant because of their intimate association with Wilbur and Orville Wright and feasible when evaluated on the factors of size, configuration, hazardous substances, access, community support, and impacts on local communities and surrounding jurisdictions. However, when the factor of efficient administration at a reasonable cost was evaluated, it was determined that the costs to the NPS of developing and managing the site would be prohibitively high. Therefore, based on the evaluation of all factors, the NPS concludes that the addition of The Wright Company factory site would only be a feasible addition if a financially viable and willing partner

steps forward to shoulder the costs of site development. The site is currently owned and managed by the Delphi Corporation and would be donated to the NPS.

Hawthorn Hill and The Wright Company factory buildings were both envisioned to be part of Dayton Aviation Heritage National Historical Park, as originally conceived by the community and both are directly related to the purposes of the park. The addition of these two sites essentially completes the park by adding the only remaining Wright brothers related sites in the Dayton area which the NPS has determined have national significance.

The estimated planning cost for both Hawthorn Hill and The Wright Company factory buildings would be \$650,000. The cost to develop these facilities would be approximately \$3 to 3.5 million for Hawthorn Hill and \$8.8 to \$13.2 million for The Wright Company factory buildings. Projected costs for upkeep and operations would be \$400,000 for Hawthorn Hill and \$800,000 for The Wright Company factory buildings.

Section 4 amends Title V of Division J of the Consolidated Appropriations Act, 2005 (16 U.S.C. 1132 note; Public Law 108-447) to correct several section references and to strike the reference to the Neil Armstrong Air & Space Museum, Wapakoneta, Ohio, located in Auglaize County. The reference to the museum is no longer needed since the entire county and its historic resources were included in the revised boundary of the heritage area.

Sections 3 and 4 of H.R. 4199 are identical to Sections 2 and 3 of H.R. 4191 as passed by the House on March 5, 2008.

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

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. 4828, TO AMEND THE PALO ALTO BATTLEFIELD NATIONAL HISTORIC SITE ACT OF 1991 TO EXPAND THE BOUNDARIES OF THE HISTORIC SITE, AND FOR OTHER PURPOSES.

JUNE 5, 2008

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. 4828, a bill to amend the Palo Alto Battlefield National Historic Site Act of 1991 to expand the boundaries of the historic site, and for other purposes.

The Department supports H.R. 4828 with an amendment to provide the correct map reference for the boundary expansion.

H.R. 4828 would amend Public Law 102-304 to adjust the boundary of the Palo Alto Battlefield National Historic Site (park) to include the addition of approximately 34 acres. The lands added to the boundary would remain under the ownership of the Brownsville Community Foundation (Foundation), Brownsville, Texas. The Foundation and the National Park Service (NPS) would co-manage and administer the lands added to the boundary through a cooperative agreement.

There would be no acquisition costs associated with the boundary expansion and we estimate NPS's management, administrative, interpretive, resource protection, and maintenance costs to be approximately \$200,000 annually. Additional infrastructure improvements would include an ADA accessible trail, a visitor parking lot, trail and pavilion benches, the resaca overlook, interpretive panels and replica cannons, an NPS sign, a security gate, and utilities at an estimated cost of \$360,000.

The land proposed for addition to the park is known as ‘Resaca de la Palma’, a National Historic Landmark. Located approximately four miles south of the existing park boundary and in the Heart of the City of Brownsville, Texas, the land is closely connected to Palo Alto Battlefield National Historic Site, the only unit in the National Park System to commemorate the Mexican War, both historically and culturally.

Resaca de la Palma is the site of the second battle of the U.S. War with Mexico. The battle proved decisive for American forces and forced Mexican troops back across the Rio Grande River. The site is hallowed ground for many, including descendents of more than 214 individuals from the United States and Mexico who lost their lives at this site on May 9, 1846. After the battle, many visitors to Palo Alto and Resaca de la Palma viewed the land as having been transformed by the bloody sacrifices made there. That sentiment remains today and many residents of Brownsville believe that both of the battlefields should be preserved to honor the memory of the soldiers who fought and died there.

Although the original battlefield at Resaca de la Palma extended over hundreds of acres, today only 34 acres remain undeveloped. In essence, Resaca de la Palma represents an oasis, surrounded by a developing city. In addition to its rich cultural heritage, these 34 acres provide habitat for migratory and resident birds and small mammals. The battlefield site also represents a typical but disappearing landscape of the Rio Grande delta and conserves native chaparral, prairie, and brush.

Resaca de la Palma is easily accessible to community members and visitors to the area. The 34 acres included in this boundary adjustment also represent a rare community green space that will be preserved. Existing structures include an interpretive trail and exhibits, a covered shelter, and a viewing platform overlooking the resaca, the literal translation of which is: the dry river bed of the palms.

The National Park System includes many successful examples of philanthropic efforts that have added immeasurably to the preservation of our nation's natural and cultural treasures. The partnership between the NPS and the Foundation to co-manage Resaca de la Palma is another successful example of this type of effort. Many hours have been donated toward preserving Resaca de la Palma by board members, the park, and individuals in the community.

Additionally, several private and public organizations have donated time and money to ensure Resaca de la Palma remains protected and accessible to visitors. These include the Boy and Girl Scouts of America, the City of Brownsville, the Cameron County Sheriff Department, and the Texas Department of Transportation.

The Palo Alto Battlefield National Historic Site 1988 General Management Plan proposed including Resaca de la Palma within the park's administrative boundary. This legislation would achieve that goal. However, without this legislation, the NPS would be limited in its ability to interpret, maintain, or manage the Resaca de la Palma area for future generations.

We suggest one amendment to H.R. 4828. On page 2, lines 6 and 7, the correct map information is: "entitled Palo Alto Battlefield NHS Proposed Boundary Expansion, numbered 469/80,012, and dated "May 21, 2008."

That concludes my statement. I would be happy to answer any questions that you or other members of the subcommittee might have.