

STATEMENT OF DANIEL N. WENK, ACTING DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS CONCERNING H.R. 481, A BILL TO REVISE THE AUTHORIZED ROUTE OF THE NORTH COUNTRY NATIONAL SCENIC TRAIL IN NORTHEASTERN MINNESOTA TO INCLUDE EXISTING HIKING TRAILS ALONG LAKE SUPERIOR'S NORTH SHORE AND IN SUPERIOR NATIONAL FOREST AND CHIPPEWA NATIONAL FOREST

July 8, 2009

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. 481, a bill to revise the authorized route of the North Country National Scenic Trail in northeastern Minnesota to include existing hiking trails along Lake Superior's north shore and in Superior National Forest and Chippewa National Forest.

The Department supports enactment of H.R. 481 with two amendments described later in this statement. This legislation would amend section 5(a)(8) of the National Trails System Act to revise the route of the North Country National Scenic Trail in northeastern Minnesota and increase the overall length of the trail to 4,600 miles. This reflects current measurements of the trail's length plus the additional 400 miles of the revised route in northeastern Minnesota. The bill includes the reference for a map that would depict the revised route of the trail.

The North Country National Scenic Trail was authorized by Congress in 1980 to provide superlative outdoor recreation opportunities and conservation of nationally significant scenic, historic, natural and cultural qualities along the trail corridor, to provide a premier hiking trail facility, and to encourage and assist volunteer citizen involvement in the planning, development,

maintenance and management of the trail. The National Park Service (NPS) administers this trail. The comprehensive management plan for the trail was issued in 1982.

The authorized route of the trail in northeastern Minnesota traverses more than 70 miles of black spruce and tamarack swamp, extending westward from Jay Cooke State Park, south of Duluth, to the Chippewa National Forest, southwest of Grand Rapids. Because of the location and difficult environmental conditions within the swamp, no portion of this section of the trail has been constructed. The proposed revised route uses three existing hiking trails all developed or redeveloped by volunteers since the Comprehensive Management Plan for the North Country Trail was written. These trails, totaling over 300 miles of existing hiking trail, follow the north shore of Lake Superior and traverse the Boundary Waters Canoe Area Wilderness in the Superior National Forest, a region of the state known locally as the “Arrowhead.” The proposed change has become known in the North Country Trail community as the “Arrowhead Reroute.”

Since 1987, Minnesota hiking groups have requested the NPS to study the revised route and consider their recommendation for a change due to the location and the existing environmental conditions of the present segment. As a result, the NPS conducted the *Northeastern Minnesota Route Assessment* between 1999 and 2004. This study evaluated and compared two routes—the one authorized by Congress in 1980 and the Arrowhead Reroute. In 2003 and 2004 public meetings were held in Duluth, Ely, Grand Rapids, and Minneapolis, Minnesota. No comments opposing the proposed change in the route were received, either at the public meetings or by mail or email during the widely-publicized public comment period. The plan and environmental assessment was approved by the NPS Midwest Regional Director on September 30, 2004.

The National Trails System Act states that segments of a national scenic trail may be relocated upon a determination that the relocation is necessary to preserve the purposes of the trail and to promote a sound land management program. The authorized route through 70 miles of densely wooded wetlands does not provide a superlative outdoor recreation experience. To provide a premier hiking experience and preserve the landscape would require the construction of many miles of boardwalk in order to successfully traverse those wetlands. This factor alone has not and will not encourage volunteers to become involved in establishing that route.

In stark contrast, the revised Arrowhead Reroute connects nationally significant natural, cultural, and recreational resources with outstanding scenery that epitomizes the “North Country” and has already encouraged volunteers to become involved in planning, developing, maintaining, and managing trails. Additionally, the relocation promotes a sound land management program, using established trails and proposing additional trail segments that are appropriately located and managed in accordance with established multiple-use principles.

Approximately three-quarters of the Arrowhead Reroute already exists, having been built as part of the three existing hiking trails—the Superior Hiking Trail, Border Route Trail, and Kekekabic Trail. New sections that would need to be constructed to complete the reroute in the Chippewa and Superior National Forests, Minnesota state parks and forests, and county-owned lands would be reviewed for environmental impacts on critical habitat, endangered species, wetlands, and cultural resources. Where no public land exists, the trail would be developed on private property but only with the owners’ permission and support.

There is strong support for the trail relocation among public agencies and jurisdictions. The Minnesota Department of Natural Resources (DNR) has been a strong proponent of the relocation since the late 1980s. Also, the supervisors of the Superior National Forest and the Chippewa National Forest have indicated their support for the proposed relocated route. Local governments in Duluth, Ely, and Grand Rapids have been supportive.

Duluth and St. Louis County have already approved the extension of the Superior Hiking Trail across city and county parkland to connect Jay Cooke State Park to the south with Two Harbors to the north, the former southern terminus of the Superior Hiking Trail. More than 39 miles of new trail have been built in the city along with six additional miles between Duluth and Two Harbors. Recently, one city along the authorized route voiced opposition because they will no longer be on the official route—a route that is environmentally unfeasible. However, they did not voice this opposition during the study and public comment period back in 2004.

The North Country Trail Association and the Parks and Trails Council of Minnesota are committed to developing the connecting trail segments that will be needed between Ely and the Chippewa National Forest. The Council has pledged not only the workers to build and maintain the trail, but also the effort and funding needed to secure private lands.

The NPS anticipates the cost of adding this route and constructing a footpath to be very low. The construction would be done primarily by volunteers using hand tools. Current NPS staff would provide route planning and support for the volunteers who help develop and maintain the path. Funding would be needed to supply trail markers, signage, tools, equipment, and materials to the

volunteers for the 400 additional miles of trail. The average cost is estimated to be \$100 per mile per year, or \$40,000 per year.

The portions of the North Country Trail reroute yet to be built have not been laid out in detail. No specific landowners have been identified or contacted. Rather, the route assessment (study) identified a corridor several miles wide within which the trail will eventually be laid out. This will allow the NPS and its partners to design a route that will minimize the amount of private land involved and to work with landowners on a voluntary basis—if one landowner is not interested in having the trail on his property, perhaps a neighbor will be amenable. Consequently, no estimates of land acquisition costs have been developed.

Up until March 30 of this year, the Federal government was prohibited from spending funds to acquire lands for the North Country National Scenic Trail outside the exterior boundaries of existing Federal areas. However, Federal funds could be granted to others to assist them in acquiring these lands. In FY 2000 Congress directed the NPS to grant \$500,000 from the Land and Water Conservation Fund to the state of Wisconsin for acquisition of lands for the North Country Trail. Public Law 111-11, the Omnibus Public Land Management Act of 2009, provides authority for Federal agencies to acquire lands or interests in lands from willing sellers for the North Country National Scenic Trail.

We recommend that H.R. 481 be amended to make the language consistent with other bills that identify where maps should be kept. We also recommend that the bill be amended to add the “willing seller” land acquisition authority included in Public Law 111-11. Without this additional

language, the enactment of H.R. 481 would repeal this authority. The proposed amendments are attached to this testimony.

Mr. Chairman, this concludes my testimony. I would be glad to answer any questions that you or other members of the subcommittee may have.

Suggested amendments to H.R. 481

On page 4, line 14, strike “office of the Director,” and insert “appropriate offices of the”

On page 4, line 17 add the following sentence at the end:

“No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.”

STATEMENT OF DANIEL N. WENK, ACTING DIRECTOR NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS CONCERNING H.R. 685, A BILL TO REQUIRE A STUDY OF THE FEASIBILITY OF ESTABLISHING THE UNITED STATES CIVIL RIGHTS TRAIL SYSTEM.

July 8, 2009

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. 685, a bill to require a study of the feasibility of establishing the United States Civil Rights Trail System.

The Department supports the intent of H.R. 685, which is to recognize the historically significant people, events and locations related to the struggles for civil rights, but recommends that the bill be amended in its entirety to authorize the Secretary of the Interior to conduct a special resource study that would provide Congress with an analysis of the opportunities for preservation and interpretation of specific sites related to the civil rights movement in the United States. We would be pleased to work with the committee to develop appropriate language.

H.R. 685 as introduced authorizes the Archivist of the United States, in consultation with the Secretary of the Interior and the Secretary of Agriculture, to conduct a study to determine the feasibility of establishing the United States Civil Rights Trail System. The bill also directs the Secretary of the Interior to establish and maintain trails marking the location of historical events related to the struggles for civil rights based on racial equality, and to establish a trail in each state where significant civil rights events occurred and is required to establish six of these trails as soon as practicable after the date of enactment of the bill. However, the bill does not provide

the criteria for determining if a new civil rights trail system would be the appropriate way to preserve and interpret specific sites.

The struggle for civil rights has been a hallmark in the development of the United States from its earliest fight for independence from Britain during the 1770's through the passage of the landmark 1964 Civil Rights Act guaranteeing all Americans the right to vote and prohibiting discrimination based on race, color, religion, sex, or national origin. The civil rights movement leading up to the passage of the Act was filled with violent confrontations that challenged the very foundation of our country, yet it also represented the highest aspirations of its citizens.

The Civil Rights Act of 1964 was the most comprehensive civil rights legislation in the history of the United States and its provisions serve as major themes of the civil-rights story both before and after the Act's passage. The Department recognizes that events, places, and individuals important in the civil rights story should be celebrated and commemorated in a way that helps the public understand and appreciate the story of the civil rights movements of several minority groups in our nation's history. Many civil rights-related sites have been identified and are currently recognized within the National Park System, the National Trails System, and as National Historic Landmarks, such as ones associated with prominent individuals such as Susan B. Anthony and Martin Luther King, Jr. and with well-known events such as the desegregation of Little Rock Central High School and the 1965 Selma-to-Montgomery Voting Rights March. However, a number of civil rights-related sites have not been recognized and some stories are underrepresented such as ones associated with the struggle for rights for American Indians, Hispanic people, and gays and lesbians.

In 1999, Congress authorized the Secretary to conduct a theme study related to civil-rights sites on a multi-state level. The National Park Service, in partnership with the Organization of American Historians, prepared the civil rights framework study to assist the National Park Service in identifying and prioritizing those areas of history significant in illustrating the civil rights story. The study, *Civil Rights In America: A Framework for Identifying Significant Sites*, was transmitted to Congress on June 2, 2009.

This theme study identifies broad themes within the civil rights story, as well as the events, persons, and places that represent those themes, and assessed the degree to which related sites are represented and recognized. However, it does not assess the feasibility or suitability of inclusion of particular sites into the National Trails System, the National Park System, or as National Historic Landmarks. If authorized to conduct a special resource study, the National Park Service will be able use this theme study to assess which themes and minority groups need further study to identify and to evaluate nationally significant sites.

The theme study also recommended that the National Park Service complete four National Historic Landmark theme studies to recognize, promote, and protect civil-rights-related sites and their relationship to the civil rights story's chronology, historic themes, and how various minorities are represented. National Historic Landmark theme studies are an effective way of assessing whether or not places are nationally significant in American history. They provide a historic context within which to evaluate properties, and identify places that should be studied for national designation. A thematic framework for the civil rights history would be based on the

voting rights, public accommodations, equal employment, and equal education provisions of the civil rights acts of the 1960's. These studies would also identify which stories related to the civil rights movement are underrepresented. For example, the fight for self-determination for American Indians during the 1960's and 1970's, including the impact on Indian governments from the Indian Civil Rights Act of 1968 which limited tribal sovereignty, is neither well-recognized nor represented.

H.R. 685, if amended, could tie into the framework developed by the civil rights theme study by analyzing specific sites associated with the civil rights movement and assessing appropriate alternatives for recognition and protection of these resources. Although a trail might be one such alternative, we note that, there are many other designations such as a park unit or vehicular trail route that may also be appropriate. Therefore, we recommend that H.R. 685 be amended to authorize a special resource study that will analyze the opportunities for preservation and interpretation of specific sites related to the civil rights movement in the United States. We would be pleased to work with the committee to develop appropriate language.

Mr. Chairman, this concludes my testimony. I would be glad to answer any questions that you or other members of the subcommittee may have.

STATEMENT OF DANIEL N. WENK, ACTING DIRECTOR, 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. 2167, TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO CONDUCT A STUDY TO ASSESS THE SUITABILITY AND FEASIBILITY OF DESIGNATING CERTAIN LANDS AS THE LOS CAMINOS DEL RIO NATIONAL HERITAGE CORRIDOR, AND FOR OTHER PURPOSES.

JULY 8, 2009

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. 2167, a bill to authorize the Secretary of the Interior to conduct a study to assess the suitability and feasibility of designating certain lands as the Los Caminos del Rio National Heritage Corridor.

The Department supports H.R. 2167. However, we feel that priority should be given to the 47 previously authorized studies for potential units of the National Park System, potential new National Heritage Areas, and potential additions to the National Trails System and National Wild and Scenic River System that have not yet been transmitted to Congress.

H.R. 2167 would direct the Secretary of the Interior (Secretary) to conduct a study to assess the suitability and feasibility of designating the Los Caminos del Rio, along the Lower Rio Grande in Texas, as a National Heritage Corridor. In completing the study, the Secretary is directed to work with the Texas State Historic Preservation Officer, historical societies, tourism offices, and other appropriate organizations or agencies. The Secretary is directed to submit a report to Congress that states the findings of the study and any conclusions and recommendations based upon the study no later than the end of the third fiscal year after the date on which funds for the

study are first made available. We estimate that this study will cost approximately \$200,000 to \$300,000.

Stretching for 200 miles between the cities of Laredo/Nuevo Laredo and Brownsville/Matamoros, the area known as Los Caminos del Rio encompasses farms and ranches, fast-growing cities, and dusty small towns whose history and architecture reflect a rich blend of Hispanic, Latino, and Anglo cultures.

Located along the Lower Rio Grande, the river plays an important role in unifying the region's inhabitants, linking and unifying communities on both sides of the border for more than 250 years. Besides being a major source of fresh water for the region, the river also has influenced colonial settlement, ranching, river trade, and military conflicts in the region.

The Lower Rio Grande is located in one of the most ecologically complex and diverse regions in North America and ecotourism is playing an increasingly more important role along the river. Bird watching, photography, wildlife viewing, and canoeing are just a few of the activities that are becoming more popular in the region. There is increasing interest in utilizing the Lower Rio Grande as a canoeing, kayaking, and white water rafting venue, because it is an area that can be used throughout the year but especially in the winter months.

Efforts to recognize the cultural heritage of the area along the Lower Rio Grande began in the early 1990s. Originally begun through a partnership developed by a Texas State Interagency Task Force, participants on both sides of the border have produced a survey of cultural resources

of the Lower Rio Grande, an interpretive visitor guide, and a documentary that highlights the historical and architectural significance of the border region. An active local group, the Los Caminos del Rio Inc., currently coordinates activities along the river corridor.

The National Park Service (NPS) has provided technical assistance in this area, participating as a member of the original task force. In December 2008, the Los Caminos del Rio Inc. was selected to receive technical assistance for one year to help identify water and land trail corridors in existing irrigation and drainage ditches, levees, and connecting spaces. In this effort, the NPS will develop priorities and standards for an implementation trail plan for the Lower Rio Grande Valley Trails Network.

As part of the study proposed in H.R. 2167 the NPS would consider the heritage of both the U.S. and Mexican sides of the Lower Rio Grande and would make recommendations of how a Heritage Corridor could most effectively function in the area, keeping in mind the needs of both countries and any concerns relating to border security.

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

STATEMENT OF DANIEL N. WENK, ACTING DIRECTOR, 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. 2806, A BILL TO AUTHORIZE THE SECRETARY TO ADJUST THE BOUNDARY OF THE STEPHEN MATHER WILDERNESS AND NORTH CASCADES NATIONAL PARK IN ORDER TO ALLOW THE REBUILDING OF A ROAD OUTSIDE OF THE FLOODPLAIN WHILE ENSURING THAT THERE IS NO NET LOSS OF ACREAGE TO THE PARK AND WILDERNESS AND FOR OTHER PURPOSES.

JULY 8, 2009

Mr. Chairman and members of the committee, thank you for the opportunity to appear before you today to offer testimony on H.R. 2806, a bill authorizing the Secretary of the Interior to adjust the boundary of the Stephen Mather Wilderness and North Cascades National Park in order to allow the rebuilding of a road outside of the floodplain while ensuring that there is no net loss of acreage to the park and wilderness, and for other purposes.

The Department opposes H.R. 2806, because of our concerns about potential impacts to the environment, inconsistency with the intention of the Wilderness Act, and our position of not rebuilding roads in parks in the Cascades after natural disasters where no visitor facilities are found along or at the end of the road. In addition, with limited financial resources, the planning, design, construction and maintenance of a new road are lower in priority than other needs of the National Park Service (NPS).

Stehekin, Washington is a small community within the Lake Chelan National Recreation Area, which is part of the North Cascades National Park Complex. The Stehekin Valley is only accessible by boat, float plane or hiking. Visitors arrive to Stehekin by means of one of these conveyances and do not typically bring cars. Cars generally are limited to those who live in or

own property in Stehekin. There are approximately 85-95 year-round residents and about one-third are NPS employees or their dependents.

The Stehekin Valley Road had run from the Stehekin Landing, the location of the ferry and public docks, twenty-three miles north and had ended at Cottonwood Camp in North Cascades National Park. The first eleven miles traveled through the Lake Chelan NRA, and in addition to providing access to NPS trailheads, campgrounds and administrative facilities, also provided access to private property and businesses. However, the next twelve miles traveled through North Cascades National Park and only accessed NPS trails and campgrounds and were maintained at a more primitive level. No private property was accessed by this road. In addition, this section of road was in a narrow corridor between the Stephen Mather Wilderness. The majority of visitors to the Upper Stehekin Valley used an NPS shuttle. The average ridership of the shuttle to the Upper Valley was 2,500 people per year. In addition, the NPS estimates that an additional 500 to 800 individuals would use private vehicles to drive the road to the Upper Valley, for an estimated total visitation of approximately 3,000 to 3,300 people per year.

The Washington Park Wilderness Act of 1998 designated the Stephen Mather Wilderness within the North Cascades National Park Complex as part of the National Wilderness Preservation System. The Upper Stehekin Valley Road, identified as a narrow corridor, fifty feet to each side of the center line of the Upper Stehekin Valley Road, was excluded from the boundary of this wilderness area.

In 1995, the first of several major floods occurred in the Stehekin Valley, with many sections of the entire Stehekin Valley Road being damaged or destroyed. While much of the road was

repaired or rebuilt, the damage to the last 2 ½ miles of the Upper Stehekin Valley Road was too great and a new terminus was established. In 2003, another flood destroyed substantial portions of the entire Stehekin Valley Road. Over \$1 million was spent to repair or rebuild the Lower Stehekin Valley Road to keep it open to the park boundary and to access private property. This road remains open today.

The Upper Stehekin Road was obliterated at Mile 12.9, a place known as Car Wash Falls, and substantial portions of the road were damaged or destroyed further up the valley, leaving the remaining eight miles of road unusable to vehicles. The NPS undertook an extensive public review process to analyze alternatives for continuing the public access to the Upper Stehekin Valley. Those alternatives included rebuilding the road within the existing 100-foot non-wilderness corridor, relocating the road through a wilderness area on the present alignment of the Pacific Crest National Scenic Trail, or taking no action on the road and relying on the existing trails to provide access to the upper valley.

The analysis found that rebuilding the road along the existing corridor was an infeasible and unsustainable option given the impacts to the Stehekin River and other natural resources, the difficulty of crossing at least one large continually rapidly eroding slope, and the likelihood the road would again be destroyed by flooding or slope failure in the near future. The analysis also found that relocating and constructing the road in the Stephen Mather Wilderness could have significant impacts on active Northern Spotted Owl habitat, old-growth forests and wetlands. In addition, road construction is prohibited within wilderness areas. Both the rebuilding and the relocation alternatives also raised concerns about obtaining the funding needed to maintain the road in such a demanding environment. As a result of these findings, the NPS made the decision to formally close the road and rely on access by trail to the Upper Stehekin Valley.

If H.R. 2806 passes, the NPS would be required to complete an EIS for the wilderness boundary change and the road construction. This process would take between three and five years and cost more than \$500,000. Funding would be needed to construct the road reroute and the estimated cost in 2004 dollars was \$1.3 million. Additional funds would be needed to restore the remaining road bed to service, since it has been maintained as a trail for the last five years. No estimate exists for this work.

We remain concerned about maintaining access along the road in the Lower Stehekin Valley. Over the last fifteen years, sections of the road in the Lower Stehekin Valley have been damaged and destroyed by repeated floods and several emergency reroutes have had to be constructed. Maintaining this road access is a priority for the NPS and as a result we are in the process of doing an EIS to evaluate alternative solutions, which according to the Federal Highway Administration, range in cost from \$6 million to almost \$9 million.

We know our decision involving the Upper Stehekin Valley Road is controversial to those that have fond memories of visiting the Upper Valley. We want people to visit the park and Stehekin. To this end we have worked with a local business to provide stock-supported tent-to-tent camping in the Upper Stehekin Valley. This allows those who cannot, or choose not, to carry a backpack to camp in the Upper Valley. We have completed over \$1.2 million worth of repairs from storm damage to roads and trails in the Stehekin Valley and have made over \$2.5 million in improvements to the concession in Stehekin, which is also operated by local residents. We are evaluating alternatives that would result in an additional \$6 million to \$9 million to create a sustainable road in the Lower Stehekin Valley. And we will continue to make other improvements to visitor facilities to ensure people are welcome to the park and the Stehekin Valley.

Mr. Chairman, thank you for your time and this concludes my testimony. I will be pleased to answer questions.