

STATEMENT OF DANIEL N. WENK, ACTING DIRECTOR, 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. 2802, A BILL TO PROVIDE FOR AN EXTENSION OF THE LEGISLATIVE AUTHORITY OF THE ADAMS MEMORIAL FOUNDATION TO ESTABLISH A COMMEMORATIVE WORK IN HONOR OF FORMER PRESIDENT JOHN ADAMS AND HIS LEGACY.

July 30, 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. 2802, a bill to provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy.

While the Department supports an extension of the authority to construct a memorial to President John Adams, we recommend that H.R. 2802 be amended as discussed later in this statement.

H.R. 2802 would amend Public Law 107-62 to extend by seven years the authorization for establishing a memorial in the District of Columbia or its environs to honor President John Adams and his Legacy. In addition to providing an extension of authority, H.R. 2802 also contains technical amendments to the original authorizing legislation, Public Law 107-62, enacted in 2001, which contains outdated references to the Commemorative Works Act (CWA). The references currently cited in Public Law 107-62 refer to the CWA as codified under 40 U.S.C. 1001 et seq. The CWA, however, was recodified under 40 U.S.C. 8901 et. seq. on August 21, 2002 (Public Law 107-217). The proposed amendments in H.R. 2802 would update and correct the references to the CWA.

The authority to establish the John Adams memorial was originally approved by Congress on November 5, 2001. The Adams Memorial Foundation (Foundation) requested that the subject of the commemoration be determined to be of preeminent and lasting significance to the Nation so that the proposed memorial could be placed in Area I, a request that was considered favorably by the National Capital Memorial Advisory Commission in 2002 and recommended to Congress. P.L. 107-62, enacted on December 2, 2002, granted the Foundation that additional authority to seek a site for their memorial within Area I. Authorizations under the CWA have a seven-year sunset period which extends from the date on which the Area I authority was granted to allow for time to obtain a building permit and begin construction of a memorial. As the Foundation has not yet been able to select a site, design the memorial, receive the requisite approvals, or raise sufficient funds for the construction of the memorial, a permit could not be granted. Therefore, the authority to establish a memorial to President John Adams will expire on December 2, 2009.

Congress appropriated \$1,000,000 to the National Park Service in 2002 for planning and design of the memorial in cooperation with the non-Federal partnering Adams Memorial Foundation. Of that amount, \$479,811 remains available. The Foundation has spent an extensive amount of

time in organizing a board during the past seven years but has not yet concluded the first major step of the process which is evaluating sites for the memorial.

Based upon the Foundation's relatively slow progress to date, even with the additional year afforded them through the approval of Area I designation by P.L. 107-62, we are reluctant to extend authority for a full seven additional years. Rather, the Department recommends that H.R. 2802 be amended to extend the authority for a period of four years in order to create a greater sense of urgency on the part of the memorial sponsors. The Department has generally supported congressionally proposed extensions to memorial sponsors for periods of two to three years in the past.

With an additional four years of legislative authority, the Foundation should be in a viable position to achieve site and design approvals as well as to raise the minimum 75 percent of the funds sufficient to build the memorial. Should they meet these thresholds, the Secretary of the Interior may exercise his authority under the CWA to grant an additional three-year administrative extension to allow the Foundation to finalize construction documents and raise the balance of necessary funding.

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 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 30, 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.