

**STATEMENT OF DANIEL N. WENK, DEPUTY 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 REGARDING H.R. 3114, A BILL TO ESTABLISH A COMMEMORATIVE TRAIL IN CONNECTION WITH WOMEN'S RIGHTS NATIONAL HISTORICAL PARK TO LINK PROPERTIES THAT ARE HISTORICALLY AND THEMATICALLY ASSOCIATED WITH THE STRUGGLE FOR WOMEN'S SUFFRAGE, AND FOR OTHER PURPOSES.**

**SEPTEMBER 11, 2008**

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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. 3114, a bill to authorize the Secretary of the Interior to establish a commemorative "Votes for Women History Trail Route" in connection with Women's Rights National Historical Park. The trail route would link sites that are historically and thematically associated with the struggle for women's suffrage in the State of New York.

The Department could support this legislation if amended to delete grant authorizations in sections 3 and 4. On July 30, 2008, the Department testified on the Senate companion bill, S. 1816.

The Omnibus Appropriations Act for Fiscal Year 1999 (Public Law 105-277) provided funding for a Women's Rights National History Trail feasibility study. The study team documented women's rights history-related properties reaching from Maine to Virginia, including the District of Columbia. The largest numbers of properties in the Northeast were in the Commonwealth of Massachusetts and the State of New York. The study team considered a long-distance trail in the

corridor between Boston and Buffalo, but determined that this concept was not viable based upon the lack of properties between these two places. The study also found that the trail would not meet the criteria as a national historic trail under the National Trails System Act.

The study concluded that significant concentrations of resources associated with the struggle for women's suffrage in the United States lie within an area stretching from Syracuse, New York in the east through the Finger Lakes region westerly to Rochester. In the midst of this concentration of resources are the towns of Seneca Falls and Waterloo, New York, where the first women's rights convention in America was planned and held in 1848. Women's Rights National Historical Park, established in 1980 by Public Law 96-607, preserves and interprets the important sites associated with the formal beginning of the struggle for equal rights for women in the United States. It was at Seneca Falls in 1848 that the Declaration of Sentiments was signed, advocating for political, economic, educational, religious, and societal equality for women.

The final report described three concepts that could support the recognition, promotion, and protection of properties associated with women's rights history: A "Votes for Women" History Trail, a vehicular tour route linking together a number of historic properties associated with women's suffrage in New York State; a National Women's Rights History Project focused on expanding the number of properties listed on the National Register of Historic Places that are associated with women's rights; and a National Women's Rights History Project and Partnerships Network that would offer financial and technical assistance to participating members for interpretive and educational program development through the use of partnerships and matching grants. A final report was transmitted to Congress in January 2004.

Section 2 of H.R. 3114 would amend Public Law 96-607 to establish a “Votes for Women History Trail Route”, a vehicular tour route linking sites associated with the 72-year struggle for women’s suffrage across New York State, a movement which spread throughout the nation. The trail route would be administered by the National Park Service through Women’s Rights National Historical Park. The National Park Service would be authorized to support the development of interpretive signage and to develop and disseminate interpretive and educational materials and media to provide public understanding and appreciation of the resources along the trail route and their respective roles in the women’s suffrage movement. Sites along the trail route could include the Susan B. Anthony House in Rochester, the Wesleyan Chapel in Seneca Falls, and Harriet Tubman Home in Auburn.

Section 2 of the bill would also authorize the Secretary to enter into cooperative agreements with other Federal agencies, the State of New York, and other governmental and private entities to facilitate the development of the trail route and to provide technical and financial assistance to such organizations to achieve the purposes of the legislation. The public/private partnerships envisioned would provide opportunities for the public to learn about the rich, yet largely unknown history of the struggle for women’s suffrage in the United States, while enhancing preservation of the remaining tangible resources associated with this effort.

Section 3 of the bill would establish a National Women’s Rights History Project National Registry that would authorize the Secretary to provide grants to State Historic Preservation Offices (SHPOs) to assist in surveying, evaluating, and nominating women’s rights history properties for consideration to be listed on the National Register of Historic Places. Such

activities are already within the purview of existing SHPO responsibilities. This legislation would therefore duplicate SHPO responsibilities, and divert limited available funds for broad SHPO responsibilities to a specific set of beneficiaries and purposes. SHPOs already have the ability to add sites to the National Park Service's website, "Places Where Women Made History." The website lists historic places associated with women's history in New York and Massachusetts, travel itineraries, maps, photographs, and other information about these historic properties. The website has the capacity to provide opportunities for citizens of this nation, and those outside of the United States, to learn about the sites and people associated with the struggle for women's rights in America. These struggles remain relevant in American society today, and provide inspiration to others seeking equal rights in their own countries.

Finally, section 4 of H.R. 3114 provides for the establishment of a National Women's Rights History Project Partnerships Network, managed through a nongovernmental entity, which would offer matching grants and technical assistance for the purpose of providing interpretive, educational, and historic preservation program development. The establishment of such a network would earmark historic preservation grants for a specific set of beneficiaries and would divert available resources for broader historic preservation purposes. NPS already has the authority to enter into collaborative proposals that could involve a variety of property types and that would be anchored by one or more National Register-eligible properties.

We believe that particular aspects of H.R. 3114 provide the opportunity for all to gain a clear understanding and appreciation of the sacrifices and contributions of those associated with the quest for women's rights in the past, and for those who continue their work today throughout the

world. However, we also believe that particular aspects of this legislation divert available resources from broader historic preservation purposes to specific sets of beneficiaries and duplicates existing authorities. The Department would welcome the opportunity to work with the committee to further review existing NPS programs to determine if we could achieve the goals of section 3 and 4 of the bill within our existing authorities.

Mr. Chairman, this concludes my remarks, and I would be happy to respond to any questions that you and the committee may have.

**Statement for the Record**  
**Bureau of Land Management**  
**United States Department of the Interior**  
**House Natural Resources Committee**  
**Subcommittee on National Parks, Forests and Public Lands**  
**H.R. 6156, Eastern Sierra and Northern San Gabriel Wild Heritage Act**  
**September 11, 2008**

Thank you for inviting me to testify on H.R. 6156, the Eastern Sierra and Northern San Gabriel Wild Heritage Act. The designations included in H.R. 6156 are largely on National Forest System lands and we defer to the Department of Agriculture on designations on lands predominantly under their jurisdiction. The Department of the Interior supports the proposed Wild & Scenic River designation on lands administered by the Bureau of Land Management (BLM) and, with modifications, the proposed Granite Mountain Wilderness area to be managed by the BLM.

H.R. 6156 is a wide-ranging bill which designates nearly half a million acres of wilderness, 52 miles of Wild & Scenic River, and a number of special management areas in the Eastern Sierra region of California. We will limit ourselves to a discussion of those designations directly affecting BLM-managed lands, specifically the proposed Amargosa Wild & Scenic River and the proposed Granite Mountain Wilderness, as well as the release of several BLM-managed Wilderness Study Areas (WSAs). Additionally, we will address those portions of the proposed White Mountain Wilderness and John Muir Wilderness Additions that are managed by the BLM.

The BLM supports that portion of section 6 of H.R. 6156 that designates approximately 26 miles of the BLM-managed Amargosa River under the Wild & Scenic Rivers Act. This designation is consistent with BLM planning and has strong local backing. Five separate segments of the Amargosa are designated including one wild segment, two scenic segments, and two recreational segments. The Amargosa, known locally as the “Crown Jewel of the Mojave Desert,” is the only free-flowing river in the Death Valley area and as such provides a rare and lush riparian space in the desert. This proposed Wild & Scenic River designation is the result of a grassroots community-based effort through cooperative conservation.

Section 3 of H.R. 6156 designates a number of areas as wilderness, including one that is primarily on BLM-managed lands, and section 5 releases all or part of four BLM WSAs to a wider range of multiple uses. The Department strongly supports Congressional efforts to resolve wilderness designations throughout the West, and we welcome this opportunity to further those efforts. Only Congress can determine whether to designate WSAs as wilderness or release them for other uses. We would like the opportunity to work with the sponsor and the Committee on some technical modifications to the wilderness management language to assure consistency.

The proposed 35,564 acre Granite Mountain Wilderness lies primarily on BLM-managed lands (approximately 2,700 acres are within the Inyo National Forest). This is an area of stunning vistas: to the northwest is Mono Lake with a spectacular backdrop of the Great Basin, and the Sierra Nevada range soars to the skyline with snowcapped peaks and granite spires. Wildlife

values are high and the area abounds with raptor nesting sites and provides an intact natural corridor for deer during critical seasonal migrations.

We support the designation and would like the opportunity to work with the sponsor and the Committee on possible minor boundary adjustments to ensure efficient manageability. In addition, we would like the opportunity to prepare the map of the Granite Mountain Wilderness to be referenced in the legislation.

The Department is concerned about ensuring that consideration is given to energy potential when any legislative proposal for special designation is considered. The BLM has reviewed the traditional and renewable energy values of the DOI portions of the Granite Mountain Wilderness proposed for designation and has determined that there is low or no potential for energy development within the area.

The legislation also releases several WSAs and returns them to a wider range of multiple public uses as prescribed in BLM's Bishop Resource Management Plan. Specifically, the bill releases the 6,493 acre Masonic Mountain WSA, the 7,721 acre Mormon Meadow WSA, the 12,840 acre Walford Springs WSA, and those portions of the Granite Mountain WSA not designated by this bill, approximately 22,481 acres. We support these Congressional efforts to resolve WSA status. In addition, we recommend the release of the 760 acres of the White Mountains WSA that are not designated as wilderness by this bill.

Finally, H.R. 6156 designates as wilderness several areas of BLM-managed land that are contiguous to much larger areas of National Forest System lands designated as wilderness in this bill. The proposed 80,000-acre John Muir Wilderness Additions include five small BLM parcels totaling 780 acres. The proposed 223,500-acre White Mountains Wilderness includes five small BLM parcels totaling 1,200 acres on the western edge of the proposed wilderness and one large 22,300 acre area on the eastern edge. We defer to the Forest Service on the larger issue of designation of the John Muir Wilderness Additions and the White Mountains Wilderness.

Thank you for the opportunity to testify on H.R. 6156 as it affects BLM-managed lands. I'll be glad to answer any questions.

**STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS OF THE HOUSE COMMITTEE ON NATURAL RESOURCES, CONCERNING H.R. 6233, A BILL TO REINSTATE THE INTERIM MANAGEMENT STRATEGY GOVERNING OFF-ROAD VEHICLE USE IN THE CAPE HATTERAS NATIONAL SEASHORE, NORTH CAROLINA, PENDING THE ISSUANCE OF A FINAL RULE FOR OFF-ROAD VEHICLE USE BY THE NATIONAL PARK SERVICE.**

**September 11, 2008**

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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. 6233, a bill to reinstate the Interim Management Strategy governing off-road vehicle (ORV) use at Cape Hatteras National Seashore (Seashore), North Carolina, pending the completion of an ORV management plan and issuance of a final rule for ORV use. The Interim Management Strategy was adopted on July 13, 2007 by the National Park Service to provide resource protection guidance in areas subject to ORV use. The bill would make inapplicable the consent decree that implements a settlement agreement modifying this Interim Management Strategy, to which all parties involved in a lawsuit agreed just five months ago.

The Department supports allowing public use and access at Cape Hatteras National Seashore to the greatest extent possible while ensuring protection for the Seashore's wildlife, including the federally protected species that are the focus of present concern, for this and future generations of park visitors. Because we believe that the April 30, 2008, consent decree will accomplish this objective better than the original 2007 Interim Management Strategy for the period until a final ORV plan and rule are adopted, the Department cannot support H.R. 6233. The Department

took the same position in testimony on companion legislation, S. 3113, at a hearing before the Senate Subcommittee on National Parks on July 30, 2008.

### **Background on Protected Species and ORV Management at Cape Hatteras**

Beach driving, also known as ORV use, predates the 1937 authorization of the National Seashore and has become a popular method of access for recreational pursuits such as swimming, fishing, and water sports.

Executive Order 11644 (1972), amended by Executive Order 11989 (1977), requires the National Park Service to issue regulations on the designation of specific trails and areas for ORV use based upon resource protection, visitor safety, and minimization of conflicts among uses of agency lands. The Executive Order directs that these “[a]reas and trails...be located to minimize harassment of wildlife or significant disruption of wildlife habitats.” Furthermore, “...whenever [the agency] determines that the use of off-road vehicles will cause or is causing considerable adverse effects on ...wildlife (or) wildlife habitat, [it shall] immediately close such areas or trails to the type of off-road vehicle causing such effects until such time as [it] determines that such adverse effects have been eliminated and that measures have been implemented to prevent future occurrence.” In response to the Presidents’ direction, the National Park Service promulgated the regulation at 36 C.F.R. § 4.10, which requires the Park Service to designate, by special regulation, ORV use areas and routes in compliance with Executive Order 11644. In 1978, the Park Service drafted an interim ORV management plan for Cape Hatteras National Seashore but never finalized it. In 1973 and 1990, the Park Service drafted ORV regulations for the Seashore but never promulgated them.

To date, the National Park Service has not met the requirements of its own regulation. However, subsequent to a feasibility assessment process which queried numerous stakeholder groups, in December 2007 the Secretary of the Interior established a negotiated rulemaking committee under the Federal Advisory Committee Act (FACA) to aid the Service in the development of an ORV management plan and special regulation to meet the requirements of 36 C.F.R. § 4.10. The committee, which has met five times thus far in 2008, is making progress toward this goal. The committee is scheduled to meet again in September, October, November, and December 2008. Under the April 30, 2008, consent decree, the ORV management plan must be completed by December 31, 2010, and the special regulation by April 1, 2011.

The Seashore is the breeding site for many species of beach-nesting shorebirds and waterbirds, including the federally listed threatened piping plover, the state-listed threatened gull-billed tern, and a number of species of concern including the common tern, least tern, black skimmer, and the American oystercatcher. All of the above species have experienced breeding population declines at Cape Hatteras over the past 10–20 years. For example, in 1989 the Seashore had 15 breeding pairs of the federally threatened piping plover. By 2001-2005, the Seashore experienced only 2-3 pairs attempting to nest each year. The numbers of colonial waterbird nests on the Seashore have declined from 1,155 nests in 1999 to 217 nests in 2007. Individual colonial waterbird species have experienced the following reduction in nests on the Seashore from 1999 to 2007: gull-billed tern, 103 nests to zero; least tern, 306 nests to 196; common tern, 440 nests to 19; and black skimmer, 306 nests to 2. American oystercatcher numbers on the Seashore have declined from 41 breeding pairs in 1999 to 22 breeding pairs in 2007.

While a complex array of variables including weather events and predation contribute to these declines, human disturbance is certainly a factor, reflecting the inherent conflict resulting from the fact that peak visitor demand for access to key breeding sites, which are also popular fishing sites, occurs at approximately the same time as the primary period of wildlife breeding activity. The overall trend of declining numbers and the low numbers for specific species (piping plover, gull-billed tern, common tern, and black skimmer) at Cape Hatteras National Seashore has been of particular concern, because the National Park Service by law and policy is committed to preventing impairment of park resources, and preserving and restoring the natural abundance, diversity and distribution of native animal populations and ecosystems in which they occur in units of the National Park System.

In July 2007, the National Park Service approved an Interim Protected Species Management Strategy and Environmental Assessment for the Seashore. This Interim Management Strategy provides guidance for the protection of beach-nesting shorebirds and sea turtles, and a threatened beach plant species, until a long-term ORV management plan and regulation can be developed. Meanwhile, in consultation with the negotiated rulemaking committee that was established in December 2007, the Service is working on the development of a long-term ORV management plan and environmental impact statement.

In October 2007, Defenders of Wildlife and the National Audubon Society, represented by the Southern Environmental Law Center (Plaintiffs), filed a complaint in the U.S. District Court for the Eastern District of North Carolina challenging the Interim Management Strategy. In

December, the complaint was amended to include the U.S. Fish and Wildlife Service as co-defendant based on Endangered Species Act claims related to its biological opinion.

Additionally, two local counties, Dare and Hyde, and the Cape Hatteras Access Preservation Alliance, which is a coalition of local ORV and fishing groups, were granted intervenor status by the court. All of these entities are members of the negotiated rulemaking committee.

On February 20, 2008, the Plaintiffs filed a motion for a preliminary injunction requesting the court to direct the National Park Service to completely close six key breeding sites (Bodie Island Spit, Cape Point, South Beach, Hatteras Spit, North Ocracoke, and South Ocracoke) to ORV use on a year-round basis consistent with the 2005 management recommendations provided to the Park Service by scientists from the U.S. Geological Survey (referred to as the “USGS protocols.”) These six sites are also the most popular fishing areas that are traditionally accessed by ORV users.

In April 2008, the Plaintiffs, Federal defendants, and intervenors jointly filed a proposed consent decree with the U.S. District Court to implement a settlement reached by the parties, which the court issued on April 30. Reaching this settlement prevented a complete year-round shutdown of ORV access to the six popular fishing areas. The consent decree is not expected to affect the fall or winter fishing season. It will also allow many areas of the beach to remain open to recreational use, even during the breeding season.

The consent decree provides for increased resource protection during the breeding season, while allowing for continued ORV access to the six key sites during the non-breeding season. It

addresses individual species concerns and specifies buffer sizes and types, timing restrictions, and monitoring efforts to protect beach-nesting bird species, including piping plover, American oystercatcher, and four species of colonial waterbirds; and three species of federally protected sea turtles. It settles all claims raised in the lawsuit and does not set a precedent for the long-term ORV management plan or the regulation.

Compared to the Interim Management Strategy, the consent decree includes larger, non-discretionary buffer distances to protect beach-nesting birds once breeding activity is observed. It also includes a new prohibition on night driving on seashore beaches from 10:00 p.m. until 6:00 a.m. during the sea turtle nesting season. The consent decree does not directly mandate an outright closure of the six popular fishing areas. The National Park Service had to close these areas earlier this summer, however, to comply with the consent decree's criteria for determining buffer distances once breeding activity was observed. These areas are being reopened as breeding activity concludes; by the end of August, all six sites were at least partially accessible by pedestrians and vehicles. We are working hard to keep the public informed of beach access status.

Many sections of beach have remained open to ORV and pedestrian access during the breeding season. As of August 26, 2008, of approximately 67 total miles of Seashore beaches, 36.6 miles were open to ORVs and pedestrians, an additional 29.4 miles were open to pedestrians only (totaling 66 miles open and accessible to pedestrians), and 1 mile was closed to ORVs and pedestrians to protect breeding and nesting areas.

**Preliminary Results of Resource Protection Measures Taken in Accordance with the Consent Decree**

Although the breeding season is not yet completed, it appears that actions taken under the consent decree have been beneficial for resource protection. Under the consent decree, the Seashore has experienced an increase in the number of breeding pairs of piping plover from 6 pairs in 2006 and 2007, to 11 pairs in 2008. As of August 29, 2008, the Seashore has had 112 sea turtle nests compared to 49 nests last year at this time.

**H.R. 6233**

H.R. 6233 would reinstate the Interim Strategy for ORV use at the Seashore and declare the consent decree inapplicable. A return to managing the Seashore under the Interim Management Strategy would result in a reduction in the size, frequency, and timing of the buffers protecting federally and state listed species, and a likely reduction in the increase in nesting activity observed in 2008.

We reiterate our commitment to providing for everyone's enjoyment of Cape Hatteras National Seashore's wonderful resources to the greatest extent possible while ensuring protection of park resources, including federally protected species, for this and future generations. We strongly believe that completion of the long-term ORV management plan and special regulation is the best way to involve all interested parties, including the general public, and meet the Service's responsibilities under the Endangered Species Act, National Park Service Organic Act, Cape Hatteras National Seashore enabling act, Migratory Bird Treaty Act, and other applicable laws. Through this process, the National Park Service will determine how to provide appropriate

resource protection and reasonable visitor access at the Seashore. While we continue to implement the consent decree, we are actively working with all interested stakeholders in the development of the regulation and plan, and we look forward to continuing to work with the subcommittee, the local communities, and the involved stakeholders as these processes move forward.

Mr. Chairman, that 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, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS OF THE HOUSE NATURAL RESOURCES COMMITTEE CONCERNING H.R. 6291, TO ADJUST THE BOUNDARY OF OREGON CAVES NATIONAL MONUMENT, TO AMEND THE WILD AND SCENIC RIVERS ACT TO DESIGNATE CERTAIN RIVER SEGMENTS IN OREGON AS WILD OR SCENIC RIVERS, AND FOR OTHER PURPOSES.**

**September 11, 2008**

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Mr. Chairman, thank you for the opportunity to appear before you to present the views of the Department of the Interior on H.R. 6291, a bill to adjust the boundary of Oregon Caves National Monument, to amend the Wild and Scenic Rivers Act to designate certain river segments in Oregon as wild or scenic rivers, and for other purposes.

The Department supports the intent of H.R. 6291 as consistent with the General Management Plan (GMP) for the park but recommends deferring action on the bill to give us the opportunity to explore ways to maintain continuity and interagency coordination on issues related to forest health and recreational opportunities. Because of the potential impact of Wild and Scenic River designation on lands administered by the Bureau of Land Management (BLM), the Department supports designation of 5 river segments; supports study requirements for 6 segments; and does not support designation of the remaining 29 river segments. We would like the opportunity to work with the sponsor and the Committee to address our overall concerns with the legislation as well as proposed modifications. On July 30, 2008, the Department testified on the Senate companion bill, S. 3148.

H.R. 6291 would adjust the boundary of the Oregon Caves National Monument to include the addition of approximately 4,070 acres to enhance the protection of the resources associated with the monument and to increase public recreation opportunities. The lands that would be added are currently managed by the U.S. Forest Service as part of the Rogue River - Siskiyou National Forest.

In 1907, the Secretary of the Interior withdrew approximately 2,560 acres for the purposes of establishing a national monument. The 1909 presidential proclamation establishing Oregon Caves National Monument included only 480 acres. The monument was managed by the U.S. Forest Service until its administration was transferred to the National Park Service in 1933. The remaining withdrawal outside of the monument is administered by the USFS as part of the Rogue River - Siskiyou National Forest. This bill restores these lands to the monument boundary.

There would be no acquisition costs associated with the boundary expansion and while a formal estimate has not yet been established, we anticipate National Park Service's management, administrative, interpretive, resource protection, and maintenance costs could be approximately \$300,000 - \$750,000 annually.

The explorer Joaquin Miller extolled "The Wondrous marble halls of Oregon!" when speaking about the newly proclaimed Oregon Caves National Monument in 1909. Oregon Caves is one of the few marble caves in the country that is accessible to the public. This park, tucked up in the winding roads of southern Oregon, is known for its remoteness, the cave majesty, and the

unusual biota. The park is located in the Siskiyou Mountains and is part of a bioregion that has among the nation's highest biodiversities of vascular plants and animals – more than is found even in the tropics. The high rate of biodiversity is due to the diverse temperatures, moisture regimes, climates, bedrock, and productivity.

The stream flowing from the cave entrance is a tributary to a watershed that empties into the Pacific Ocean. There are no human-made obstructions that would prevent salmon migration, which makes this the only cave in the National Park Service with an unobstructed link to the ocean.

The caves are nationally significant and a favorite visit for school kids and travelers alike. They remain alive and healthy because of the watershed above them. The park recognized this when developing the 1998 GMP and accompanying Environmental Impact Statement. The plan recommended the inclusion of the watershed into the park to provide for better cave protection and to protect the surface and subsurface hydrology and the public water supply. Because of changes in the recreational use of the lands since that time, additional discussions with the USFS are warranted.

### **River Segment Designations**

H.R. 6291 would designate approximately 7.6 miles of the waterways within the expanded Oregon Caves National Monument as wild, scenic, or recreational under the Wild and Scenic Rivers Act, including the first subterranean designated waterway in the country, the River Styx,

which flows through the caves. This designation provides no additional protections to land and water resources.

Section 3(b) would designate as Wild and Scenic approximately 132 miles of the Rogue River in Oregon. Divided into 40 stream segments, these waterways would be categorized as wild, scenic, or recreational components of the National Wild and Scenic Rivers System. As required by sec. 5(d)(1) of the Wild and Scenic Rivers Act, the BLM studied the Rogue River and its tributaries to determine its eligibility and suitability for designation as a component of the National Wild and Scenic Rivers System. Through its regular planning process, the BLM has made suitability determinations on 34 of the 40 river segments identified in H.R. 6291; we would appreciate the opportunity to study the remaining 6 proposed segments to determine their eligibility and suitability for designation. These segments include East Fork Kelsey Creek, East Fork Rum Creek, Galice Creek, Corral Creek, Francis Creek, and Shady Creek.

Of the 34 stream segments previously studied by the BLM, 4 segments were found suitable. In addition, the Mule Creek segment, which is within the current Rogue River Wilderness boundary, was also found suitable. These 5 segments are managed as suitable under the current Medford District Resource Management Plan. The Mule Creek segment is also administered by the Forest Service in compliance with the current wilderness designation."

We have concerns with sec. 3(b)(1)(C) of H.R. 6291, which defines river segments to include 640 acres per mile measured from the ordinary high water mark on both sides of the river. We urge the Committee to consider removing this section of the Bill. If section 3(b)(1)(C) is

removed, the proposed designations would default to traditional standards set forth in the Wild and Scenic Rivers Act. Sections 3(b) and 4(d) of the Wild and Scenic Rivers Act provide for a boundary not to exceed an average of 320 acres per mile (equivalent to a quarter mile) as measured from the ordinary water mark on both sides of the river. Further, section 3(b) of the Wild and Scenic Rivers Act requires the Agency to identify detailed boundaries within one year of designation.

As to the remaining 29 stream segments proposed for designation in H.R. 6291, the BLM, through its planning process, determined that when compared to other regional river environments, they either did not meet the criteria to be eligible or suitable for designation as a component of the National Wild and Scenic River System. For any segment found non-eligible or “not suitable”, the BLM’s management of the area is directed by the underlying land use plan. Designation of these 29 stream segments would affect BLM’s ability to actively manage these areas to promote forest health and reducing the risk of wildfire. The BLM must be able to actively manage the areas found not suitable for Wild and Scenic designation.

We also oppose sec. 3(b)(3), which establishes a prohibition on wind power facilities within the lateral boundaries of the proposed Wild and Scenic River designations. Applications for wind power facilities should be considered on a case-by-case basis in accordance with applicable law. We are concerned about the precedent this sets for future Wild and Scenic River designations.

H.R. 6291 also provides authority for the Secretary to protect the water quality – in the caves and for public consumption – and to administer the lands in accordance with current laws and

regulations. The Secretary is also directed to carry out ecological forest restoration activities that would establish a fire regime, manage revegetation projects, and reduce the risk of losing key ecosystem components. The land that this bill would transfer is categorized by the U.S. Forest Service as condition class 3 – high risk of fire. Most of it is also designated as Late Successional Reserve under the Northwest Forest Plan. We understand that the Forest Service is currently working on a multi-year effort to reduce fuels under a comprehensive forest plan which is intended to help restore the appropriate role of fire in the ecosystem, which in turn would benefit monument resources that are at risk from fire and fire suppression damage.

Section 2(e) of H.R. 6291 provides for voluntary relinquishment of grazing leases or permits by permittees to the Secretary of the Interior for authorized grazing on BLM-managed lands within the Billy Mountain Grazing Allotment. Under the bill, the Secretary is required to accept the donation of those permits or leases and retire them from future grazing.

The Billy Mountain Grazing Allotment is located 15 miles from the Oregon Caves National Monument boundary, and the proposed legislation does not identify a clear link between this allotment and the monument. This grazing allotment has been designated under the Medford Resource Management Plan, and subsequent changes in designation are possible through the land use planning process if land and resource data indicate that grazing should no longer be supported on this allotment.

The BLM opposes this provision. However, the BLM also recognizes the value of working cooperatively and collaboratively with local stakeholders to fulfill its multiple use mission on BLM lands in the spirit of cooperative conservation within our existing authority.

While the transfer of these lands to the National Park Service would increase interpretive and educational opportunities for visitors, the Department finds it important to acknowledge and bring to the committee's attention a current recreational activity that would be affected by enactment of this legislation. Hunting is allowed by the U.S. Forest Service on the lands in question. As currently drafted, the legislation would extend the monument boundaries in a manner that prohibits continuation of hunting on these lands. The Department supports continuation of the diverse and traditional recreation opportunities on these lands.

To insure issues affecting the current forest health activities and recreational opportunities on the lands are adequately considered, we recommend the committee defer action on the legislation at this time. We will continue our discussions with the U.S. Forest Service on these matters.

Mr. Chairman, this concludes my statement. I would be happy to answer any questions that you may have.

**STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS, HOUSE COMMITTEE ON NATURAL RESOURCES CONCERNING H.R. 6470, TO PROVIDE FOR THE DESIGNATION OF CERTAIN SITES IN MONROE COUNTY AND WAYNE COUNTY, MICHIGAN, RELATING TO THE BATTLES OF THE RIVER RAISIN DURING THE WAR OF 1812 AS A UNIT OF THE NATIONAL PARK SYSTEM**

**September 11, 2008**

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Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on H.R. 6470, to provide for the designation of certain sites in Monroe County and Wayne County, Michigan, relating to the Battles of the River Raisin during the War of 1812 as a unit of the National Park System.

At this time, the Department recommends deferring action on H.R. 6470. Our recommendation does not detract from the significance and importance of this battlefield site and the historical events associated with this major engagement of the War of 1812. We believe that the special resource study and the national historic landmark nomination currently underway should be completed so a determination can be made if the site is nationally significant and is both suitable and feasible to be designated as a unit of the National Park System. On July 30, 2008, the Department testified on the Senate companion bill, S. 3247.

H.R. 6470 directs the Secretary of the Interior to accept the donation of real property from willing landowners in Monroe or Wayne Counties, Michigan, relating to the Battles of the River Raisin and their aftermath. If sufficient acreage to permit efficient administration is donated, the

Secretary shall designate the acquired land as a unit of the National Park System. The new unit would be known as the “River Raisin National Battlefield Park.”

Public Law 109-429, signed by President Bush on December 20, 2006, authorized the Secretary of the Interior to complete a special resource study of sites relating to the Battles of the River Raisin on January 18 and 22, 1813 and their aftermath. The study would provide alternatives for the appropriate way to preserve, to protect, and to interpret these sites and resources. Those alternatives would include recommendations on whether the area could be included as a new unit or part of an existing unit of the National Park System, or if the Federal government is the most appropriate entity to manage the site.

The National Park Service has begun work on the special resource study and preliminary evaluation indicates that the site would qualify as a national historic landmark. There is intact archaeological evidence of the site; and archaeologists within the National Park Service’s Battlefield Protection Program say that if the archaeology is preserved, the site has impressive integrity as a battlefield.

We believe the study process should be allowed to continue in tandem with the national historic nomination. With public involvement, these two efforts will provide needed information to determine the best path for preservation and interpretation of the battlefield. We expect both to be completed in 2-3 years from now.

The battles of the River Raisin were among the largest and most tragic engagements of the War of 1812. They were fought where the River Raisin enters Lake Erie at Frenchtown, or present day Monroe. Only 33 of the 934 American soldiers who fought in the battles escaped death or capture. The massacre of wounded soldiers by Indians on January 23, 1813, shocked people throughout the Northwest Territories. This was later known as the “Massacre of the River Raisin.”

The River Raisin was left a desolate, nearly abandoned settlement for eight months following the massacre. It was liberated on September 27, 1813, when Colonel Richard M. Johnson’s Kentucky cavalry, led by men from the River Raisin, rode into the settlement. Although the British could not return, destruction was so severe that the River Raisin settlement remained desolate and impoverished for five years after the battle.

Until recently, the site of the main battlefield was occupied by an abandoned paper mill and listed as a brownfield site. However, the city of Monroe has received \$1 million in grants and loans from the Clean Michigan Initiative and the Michigan Department of Environmental Quality to remove the structures and mitigate any polluted soils. An archaeologist monitored the removal and cleanup activities at the site, which has recently been transferred to public ownership.

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