

GOVERNORS ISLAND; VICKSBURG MILITARY PARK; NIAGARA
FALLS HERITAGE AREA; AND CRATERS OF THE MOON
PRESERVE BILLS

HEARING
BEFORE THE
SUBCOMMITTEE ON NATIONAL PARKS
OF THE
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

ON

S. 689

TO CONVEY CERTAIN FEDERAL PROPERTIES ON GOVERNORS ISLAND, NEW YORK

S. 1175

TO MODIFY THE BOUNDARY OF VICKSBURG NATIONAL MILITARY PARK TO INCLUDE THE
PROPERTY KNOWN AS PEMBERTON'S HEADQUARTERS, AND FOR OTHER PURPOSES

S. 1227

TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO CONDUCT A STUDY ON THE SUITABILITY
AND FEASIBILITY OF ESTABLISHING THE NIAGARA FALLS NATIONAL HERITAGE AREA IN THE
STATE OF NEW YORK, AND FOR OTHER PURPOSES

H.R. 601

TO REDESIGNATE CERTAIN LANDS WITHIN THE CRATERS OF THE MOON NATIONAL MONUMENT,
AND FOR OTHER PURPOSES

JULY 31, 2001

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**GOVERNORS ISLAND; VICKSBURG MILITARY
PARK; NIAGARA FALLS HERITAGE AREA;
AND CRATERS OF THE MOON PRESERVE
BILLS**

TUESDAY, JULY 31, 2001

U.S. SENATE,
SUBCOMMITTEE ON NATIONAL PARKS,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The committee met, pursuant to notice, at 2:30 p.m. in room SD-366, Senate Dirksen Office Building, Hon. Charles E. Schumer presiding.

**OPENING STATEMENT OF HON. CHARLES E. SCHUMER,
U.S. SENATOR FROM NEW YORK**

Senator SCHUMER. The hearing will come to order. First, I would like to begin by thanking Chairman Akaka and Senator Thomas for permitting me to hold this hearing today. The purpose of this afternoon's hearing is to receive testimony on several bills that are pending before the National Park Subcommittee.

The bills that we will hear testimony on today include: S. 689, to convey certain Federal properties on Governors Island, New York; S. 1175, to modify the boundary of the Vicksburg National Military Park to include property known as Pemberton's Headquarters; S. 1227, to authorize the secretary of interior to conduct a study of the suitability and feasibility of establishing the Niagara Falls National Heritage area in the State of New York; and H.R. 601, to re-designate certain lands within the Craters of the Moon National Monument as a national preserve.

I would ask all of the witnesses who will be testifying, I will ask them later to submit their written statements to be included in the record. What I would like to do is make a brief statement on two of the bills on today's agenda, call on Senator Craig to talk about the bill that affects his area, and then we'll get right to our witnesses. First, on Governors Island, the status of Governors Island is, at best, confusing.

Most of the people in this room can probably agree that Governors Island belongs to the people of New York and that New York should be able to reacquire it quickly and easily from the Federal Government. But, building a consensus on how that happens, and on what we do from there, has been exceedingly difficult. That needs to change and today's hearing is a great place to begin.

Governors Island, in short, is a special place. It has served the United States in every major military campaign from the American Revolution through World War II. It even served as a primary prison for recalcitrant confederates during the Civil War.

It is neither a surplus missile silo nor merely an abandoned piece of Federal property to be readily disposed of. As Senator Moynihan so capably demonstrated during his storied tenure, Governors Island is part of our history, part of our culture and part of our future. It has served this Nation well and its fate deserves Congress' close attention, especially when the hour of sale is so close at hand.

Here is what we know so far. First, there is legislation, the Governors Island Preservation Act of 2001, that would transfer the island from the General Services Administration to the State of New York. The Act, co-sponsored by myself and Senator Clinton, returns the island to the State of New York, which will operate it through the Governors Island Redevelopment Corporation, a State-chartered, public benefit corporation operated jointly by the city and the State.

GIRC will then implement a plan agreed upon by the mayor and the Governor and widely supported in New York, to protect the island's rich history and make it open to the general public. Second, negotiations involving the sale of Governors Island between the GSA and the State of New York are under way, which are consistent with the Balanced Budget Act of 1997 that currently governs the island's sale. That's the statute that currently governs the island's sale.

The status of those negotiations is hazy, however, and we hope to leave here today with a much greater understanding of where they stand, and we will be questioning some of the later witnesses—the Federal witnesses—about that. Third, we know that thanks to President Clinton, the Governors Island National Monument has been established. The Monument consists of Castle Williams and Fort Jay, two impressive forts that along with Castle Clinton, Fort Columbus and Fort Wood—the base of the Statue of Liberty—formed a virtually impenetrable barrier that protected New York harbor from direct naval attack during the War of 1812 and ever since.

We are also aware of a recent Justice Department memo suggesting that the national monument be sold, an unprecedented event in American history. But, we don't know much beyond that. That is something I hope will change in the next hour when we hear from Senator Clinton; Senator Moynihan; Denis Galvin, the Deputy Director of the National Park Service; F. Joseph Moravec, the Public Buildings Commissioner of the General Services Administration; H. Claude Shostal, the president of the Regional Planning Association; and Jane Thompson, president of the Thompson Design Group.

Here is what we do not know. We really do not know what the administration thinks about Governors Island. We do not know whether they intend to protect its national monument or whether they would try to sell the monument. We do not even know if this administration agrees with the basic premise that Governors Island belongs to the people of New York, and that the Federal Gov-

ernment should do everything in its power to make sure that happens.

It is time we learned just what this administration thinks about the future of Governors Island and, in turn, the future of New York. When President Bush visited New York three weeks ago Senator Clinton, Governor Pataki, Mayor Giuliani and I all spoke with him. In a little sense we ganged up on him, all four of us, Democrats and Republicans, city, State and Federal, to talk about the future of Governors Island. We explained to him in some detail, as we rode by on the ferry, as to the history of Governors Island, why it was so important that the Federal Government return the island to the people of New York as quickly as possible. And he was very gracious and said he would look into it.

Hopefully, some of our witnesses today will expand on his position. But before the witnesses give their opinion, I will offer a few of my own. One, the State of New York gave Governors Island to the Federal Government for over 200 years for the sum total of one dollar. Now that the Federal Government no longer needs the property, it should give it right back.

In 1800, the State of New York gave Governors Island to the United States to prepare for what was believed to be an imminent British attack. The island was then put to great use in the War of 1812, the Civil War and both World Wars. In 1958, the State settled its claim to Governors Island in Federal court for one dollar, because of a continuing Federal interest. When the Coast Guard determined to leave the island in 1995 that Federal interest ceased to exist.

When our Nation needed Governors Island we handed it over without question or delay. Now that the Government has no use for the property it should return what is rightfully ours. When most military bases are closed they are turned over to communities only after going through the BRAC process, the Base Realignment and Closure process. But, since Governors Island was transferred from the Army to the U.S. Coast Guard, not the Army, the Navy, the Air Force, the Marines, that process is not required in this case. And excuses along those lines absolutely should not exist.

Two, Governors Island historical sites are far too important to fall into private hands. The entire 92 acre northern portion of Governors Island has been designated as a national historic district. And if the GSA were to sell this property to a private developer we can not be sure that these structures would be treated with the care and dignity befitting their historical status.

One structure, the Admiral's House, hosted President Reagan and Soviet Premier Mikhail Gorbachev's final summit meeting, where the two leaders presented each other with the articles of ratification for the Intermediate Forces Nuclear Treaty in 1988. And because the cost of operating Governors Island is so high, GSA spends approximately \$10 million dollars a year just to maintain a mothball status that any private developer would have to make maintaining these landmark structures, at best, a secondary priority.

Third, this is a great opportunity to build one of America's great urban parks and we should take full advantage of it. In 1999 the National Park Service counted over 5,300,000 tourists to the Statue

of Liberty National Monument, virtually all of whom came via ferry from Manhattan. Between New York City's eight million residents and the 34 million tourists who visit each year, we can turn Governors Island into a destination for New Yorkers and tourists alike, at a minimal cost to the taxpayers.

Finding excess property near Manhattan is rarer than finding a seat on the number four train. We have 172 acres in the heart of the capital of the world. One hundred years from now, when our great, great grandchildren desperately search for places to play, I don't want to be the one who took an opportunity to create a park along the lines of Central Park or Prospect Park or Flushing Meadows, Corona Park, and threw it away simply to appease a few bean counters. That would be a shameful turn of events for an island with such glorious history, and a disservice to the people of New York.

I also have a statement on another piece of legislation, the Niagara Falls statement, but let me do this because Congressman LaFalce is not here and he is interested in that. Let me call on Senator Craig so he can get going. I will call on our two witnesses and then we will go back and do the Niagara Falls statement.

Senator Craig, thank you very much for your courtesy and being here and allowing me to chair this hearing.

[The prepared statements of Senators Lott and Cochran follow:]

PREPARED STATEMENT OF HON. TRENT LOTT, U.S. SENATOR FROM MISSISSIPPI

Mr. Chairman, I appreciate the opportunity to submit testimony regarding inclusion of the Pemberton's Headquarters within the boundary of the Vicksburg National Military Park. Pemberton's Headquarters in Vicksburg, Mississippi, served as the headquarters for Confederate Lt. General John C. Pemberton during the Union siege of the City of Vicksburg. It was in the first-floor office of this house that Pemberton made the decision to surrender the city to the control of General U.S. Grant and the Union forces on July 4, 1863.

General Pemberton was a West Point Military Academy graduate. He was made a Lieutenant General in the Confederate Army after serving many years for the South before the Civil War began. He was assigned to defend Vicksburg and the Mississippi River during General Grant's Vicksburg Campaign, and the Pemberton Headquarters served as his base of operation between May 23 and July 4, 1863.

Pemberton's Headquarters is a needed addition to the Vicksburg National Military Park. This park was established in 1899 to commemorate one of the most decisive battles of the Civil War. Today, the Vicksburg National Military Park includes 1,325 historic monuments and markers, 20 miles of reconstructed trenches, a 16 mile tour road, antebellum homes, 144 emplaced cannons, restored Union gunboat, the USS Cairo, and the Vicksburg National Cemetery. These sights have provided an opportunity to explore the battlefields of the Civil War, and they give tourists a chance to see first-hand where such important events took place.

The Battle of Vicksburg has been referred to as the turning point of the Civil War. It has been called the most decisive battle of the war because of its impact on the Confederacy. There is no doubt of the importance the Battle of Vicksburg had on the future of the Confederacy and the United States. The future of both nations was decided in the Pemberton Headquarters. It is part of the history of the war, and it is a needed addition to provide a better interpretation of this part of history.

Mr. Chairman, again I appreciate the opportunity to submit testimony today. I look forward to the Committee's swift action on this legislation. Thank you.

PREPARED STATEMENT OF HON. THAD COCHRAN, U.S. SENATOR FROM MISSISSIPPI

Mr. Chairman, I appreciate the opportunity to express my support for S. 1175, a bill I have introduced with Senator Lott to adjust the boundary of the Vicksburg National Military Park to include General Pemberton's Headquarters.

General John C. Pemberton's house served as his military headquarters during his command of the Confederate forces while they defended Vicksburg during the

47-day siege of the city in 1863. It was also in this building that General Pemberton and his advisors made the decision to surrender the City of Vicksburg to Union troops on July 3, 1863.

In 1895, a group of Confederate and Union veterans organized the Vicksburg National Military Park Association to petition Congress to establish a national military park at Vicksburg. These veterans recommended that the headquarters of both Union Major General Ulysses S. Grant and Confederate Lieutenant General John C. Pemberton be included in the park. Four years later in 1899, Congress passed legislation establishing the Vicksburg National Military Park. This legislation directed park commissioners to mark with historical tablets the headquarters of General Grant and General Pemberton. At the time, General Pemberton's headquarters were being used as a private residence by a prominent and influential family, which resulted in the home's exclusion from the park's boundaries. General Grant's headquarters were unoccupied and included as a part of the park.

Mr. Chairman, it was the intent of the Confederate and Union veterans to include General Pemberton's headquarters in the park when they petitioned Congress in 1895. The inclusion of General Pemberton's headquarters will allow the Vicksburg National Military Park to more successfully interpret the campaign and siege of Vicksburg; and, therefore, I respectfully request the Committee approve this legislation.

STATEMENT OF HON. LARRY E. CRAIG, U.S. SENATOR FROM IDAHO

Senator CRAIG. Mr. Chairman, thank you very much. It is always a great pleasure to see Senator Moynihan again. One of my former colleagues that you know well, Senator McClure, said that retirement from the Senate was a rejuvenating process. You look younger, Senator Moynihan.

Senator MOYNIHAN. Thank you, sir.

Senator CRAIG. Let me also suggest that the way you deal with islands at the mouth of New York harbor is but for a few beads and trinkets. I think you didn't offer the President the appropriate—

Senator MOYNIHAN. We are ready, he can pick his beads.

Senator CRAIG. For a few beads and trinkets it is yours. It is important that we hold these hearings. These are critical pieces of legislation and vital pieces of property. I'm going to focus you for just a moment on H.R. 601, that deals with the Craters of the Moon National Monument in Idaho.

It is a timely situation, Mr. Chairman, as we watch the glorious eruption of a mountain over in Italy at this moment. The Craters of the Moon is the youngest flow of lava in the lower 48 States, occurring about a million years ago, taking a fair chunk of south-central Idaho. Our astronauts, when they were first contemplating a landing on the moon came to the Craters of the Moon to practice, thinking it was a moonscape-like environment; only to find out that the moon was, in fact, a great deal more hospitable than are the Craters of the Moon in Idaho.

President Clinton, by presidential proclamation 7373, expanded the boundaries of the Craters of the Moon, that was originally established by President Coolidge in 1924. In that expansion we have recognized a conflict of authority, and therefore management, Mr. Chairman. Monuments, by designation, occur and are placed under the authority of the National Parks. National Parks have a standard of operation that I have over the years challenged, but unsuccessfully. That is, in most if not all of our national parks we do not allow hunting.

By the very scope of the expansion of the Craters of the Moon in moving it from some 50,000 to some 661,000 acres, some very prime hunting habitat was taken under the National Park Service. My colleague, Congressman Mike Simpson of Idaho, introduced H.R. 601 in the House. It passed and creates a technical fix so that the BLM can have authority in an area dealing with the prime hunting areas. The Park Service has the authority as it relates to the overall management of the antiquities, unique geologic sites, that is the Craters itself.

This also includes an area known as "The Great Rift," which is a crack in the surface of the Earth that is probably longer and deeper than any other we know, which is a result of that volcanic action that is within the greater Yellowstone volcanic calderas ecosystem that we've come to know and appreciate over time. The Craters of the Moon is on the edge of that unique piece of geology.

I do believe the legislation itself is, in fact, a technical fix and appropriate. It is supported by a variety of groups. The Idaho Fish and Game Department and the State of Idaho believe that this is necessary for the effective management of that property, both for the value of the antiquities but also for the management of the wildlife involved.

I'm pleased to be here. I think both the Congressmen will be here soon. I suspect there is a vote on in the House and that is what has detained them. I'm going to have to step away to an appropriations markup. But I did want to come and recognize the efforts of my colleague from the Second Congressional District of Idaho, and I think the appropriate fix that has been created.

Mr. Chairman, also let me ask unanimous consent that a statement by Senator Lott on S. 1175 be included in the record.

Senator SCHUMER. Without objection.

Senator CRAIG. Thank you.

Senator SCHUMER. I thank you, Senator Craig for being here and understand you have other commitments. I take it you have no objection if we tied these four bills together in one package?

Senator CRAIG. Like a freight train, thank you.

Senator SCHUMER. Okay, thank you. Let me now introduce—we have two bits of protocol to deal with here. First is, usually a sitting member of the Senate has standing to go first. Senator Clinton has graciously agreed to let Senator Moynihan go first because he has another important engagement and was good enough to come here. The second bit of protocol, which was new to me, is that under 18 U.S.C. 207, a statute by which we are governed, the provisions regarding former members of Congress; Senate ethics counsel has asked that I respectfully administer the oath of office to Senator Moynihan. So, please raise your right hand Senator.

Do you pledge that the testimony you are about to provide before this subcommittee shall be truthful to the extent of your knowledge?

Senator MOYNIHAN. I do.

Senator SCHUMER. And when Senator Moynihan says that, the extent of his knowledge is so vast it's a rather large statement, larger than most others will make. But let me just thank him for coming. First let me say it is an honor to have you back, Senator.

Is this the first time you are appearing as a former member before a committee?

Senator MOYNIHAN. The very first, sir, and I can't be more happy.

Senator SCHUMER. Thank you. It is an honor. Senator Moynihan's role in not only this particular issue, which is why Senator Clinton and I are so honored that he be here, but in just establishing and expanding the Nation's political mind about our history and its dimensions and its importance to our future. He has played that role in both the country and New York State, particularly. It is one of your many accomplishments that we are all thankful for. And so with that, let me thank you for coming and your entire statement will be read in the record, and the podium is yours.

**STATEMENT OF HON. DANIEL PATRICK MOYNIHAN,
FORMER U.S. SENATOR FROM NEW YORK**

Senator MOYNIHAN. I thank you, Mr. Chairman. I thank my successor, the distinguished Senator from New York, Senator Clinton, for allowing me to go forward. I'm here faithful to your command, however gently conveyed, to testify on S. 689, the Governors Island Preservation Act of 2001, introduced by you and Senator Clinton.

The measure is essentially the same as the Governors Island Preservation Act of 2000 of the 106th Congress, which you and I introduced last year. The bill now before you has the plainest purpose, to, and I quote, "Convey to the State of New York all right, title and interest of the United States in and to Governors Island."

It is painful that it has come to this. Governors Island was acquired by the Dutch, thereafter ceded to the British where it became the home of colonial governors, hence its name. Queen Anne's cousin Edward Hyde, or Lord Cornbury, built an exquisite residence—I'm sure Ms. Thompson would agree—Queen Anne, as architectural historians say, which is still there. There cannot be another like it in the Western Hemisphere.

If the island is little known, it is essentially because it has been a military base since the Revolutionary War and generally off limits to the public. This is no ordinary military encampment. To the contrary, sir, it could be argued that we owe our national existence to the fortifications which General Israel Putnam threw up in April 1776 on the Buttermilk Channel side, which is just a baseball's throw from Brooklyn Heights.

Lord Howe had arrived with the largest military force ever sent overseas by any Nation in the history of nations to put an end to this revolution then and there. There were 400 ships, 1,200 guns, 32,000 British, Scot and Hessian troops. They landed on Long Island and headed for George Washington and his army. He had to flee, and he made it just, because Putnam's artillery firing on Brooklyn Heights, over the Buttermilk Channel, held Howe back just long enough for Washington to escape to Manhattan and for the Revolutionary War to proceed.

In 1783, Governor George Clinton accepted the British surrender of the island. In 1794, he proposed to the U.S. Congress that it might be fortified to protect what he called, "the naked and exposed condition of our principal seaport." In 1806, Fort Jay—that is John Jay of the Federalist Papers and the Supreme Court—was

complete, a formidable Vauban starred embankment. Simultaneously, forts were erected on Bedloe's Island, as you said sir, now the base of the Statue of Liberty, and Castle Clinton at the tip of Manhattan—the Battery as we call it to this day. The triangulation was perfect. The British never came back.

But our armed services stayed on. Again, as you mentioned, a major establishment in the Civil War, First World War, and Second World War. But then the army departed for Fort Meade in Maryland. The Coast Guard moved in for a bit. But then in the 1990's it crossed the lower bay to Staten Island and silence descended after three centuries of epic events.

Still, the island fair to sparkled on the autumn morning in 1995 when President Bill Clinton flew over it in a Marine helicopter on his way to address the 50th anniversary of the United Nations General Assembly. He had graciously invited me to come along. I pointed out Fort Jay, stunning from the air, and explained that the site had now been abandoned by the military.

President Clinton thereupon declared that Governors Island should be returned to New York. He suggested a fee of one dollar. We had received as much in a friendly exchange in 1958, as you mentioned. He hoped it would be used for public purposes. I said mostly.

I promptly wrote the Governor and the mayor relating the President's offer. In retrospect, we would have been wise to accept that offer right off, and thereafter negotiate with ourselves precisely what we would do with the new conveyance. Well, we didn't.

Then in 1997, out of nowhere, the Budget agreement for fiscal year 1998 had this charming entry: "Sell Governor's Island—500 million dollars." I do not wish to seem irritable, Mr. Chairman, but they couldn't even bother to spell the name correctly. There is no possessive apostrophe.

I think in retrospect we can agree this was a plug number, a sum included in a budget to make the whole appear closer to balance. As I recall this budget was balanced, the first in ever so long, withal somewhat spuriously. That was then, and no hard feelings.

But today, the city and State have come up with a fine master plan for the future uses of the island. The Park Service has taken custody of Fort William and Fort Jay, and the Federal budget is in surplus. And so, I respectfully petition Congress, give us back our island.

If you don't think it is our island, sir, on your next visit you will find atop the gateway to Fort Jay a splendid sandstone sculpture depicting the artillery weaponry of the early 19th century. But at the center is, mark it, the coat of arms of the State of New York. At the base the sun is rising in splendor; atop, a spread eagle. Finally, a Phrygian cap, the ancient Roman symbol of liberty.

Now, need anything more be said. I thank the committee and in closing ask permission to include in the record a most gracious letter in this matter sent me by President Clinton, January 6, 2000, which confirms exactly what I have just proposed. It is his view, I have no doubt it is your view ma'am, and I thank the committee for the honor of appearing.

[The letter referred to follows:]

THE WHITE HOUSE,
Washington, DC, January 6, 2000.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate, Washington, DC.

DEAR SENATOR MOYNIHAN: We are just a few weeks shy of the 200th anniversary of New York's cession of Governors Island to the United States for the purposes of strengthening the harbor's defenses. The arrangement seems to have worked well and it does seem like we can confidently turn the property to other uses.

Some time ago, I suggested to you that the Federal Government was ready to facilitate the Island's return to New York. I am encouraged to learn that New York State and New York City have agreed on a tentative plan for the Island's future use.

We look forward to working with you and New York officials on the necessary details to return Governors Island to New York. Once again, New Yorkers are in your debt for your unrelenting efforts to place an underused public resource at their disposal.

Sincerely,

BILL CLINTON.

Senator SCHUMER. Thank you, Senator, and without objection that letter is added to the record.

Senator Clinton.

Senator MOYNIHAN. Will you excuse me, sir?

Senator SCHUMER. Yes, and Senator thank you very much for being here and for once again casting your erudition on this chamber.

**STATEMENT OF HON. HILLARY RODHAM CLINTON,
U.S. SENATOR FROM NEW YORK**

Senator CLINTON. Mr. Chairman, as Senator Moynihan departs, I think all of us want to acknowledge, once again, his extraordinary advocacy and protection of New York and America's rich history. I think, as I looked around at those arrayed behind the chairman and even the cameramen, you captured not only their attention but their hearts. If you could have a vote in this room, Senator, we would have Governors Island back this afternoon. For that, I am very grateful.

Those of us representing New York, starting with the chairman who is holding this hearing today on two issues of such great importance to our State, namely Governors Island and Niagara Falls, know very well that New York has played such a pivotal role in the history of our Nation from its very beginning. The early stories of the splendors of Niagara Falls, Congressman LaFalce, are legendary. Certainly the role that Governors Island played, as Senator Moynihan so well summarized, I think it is no exaggeration to say were instrumental if not essential in creating the country that we celebrate today.

I believe that the key point for this committee to take away from the hearing that the chairman has so timely called, is that the State of New York gave this property to the U.S. Government at literally no cost. It was, I think, a dollar transaction. At the beginning, in 1800 it was not even that. It was for New York to play the role in national defense against potential enemies that New York had played from the very beginning.

It is indeed ironic, as the chairman pointed out, that because the property was transferred to the Coast Guard there was no process for the timely and orderly transition back to State ownership that we have seen in other places in our Nation, such as The Presidio

in California. Furthermore, the huge cost, over \$10 million dollars a year of maintaining Governors Island, makes it inappropriate for the Federal Government to ask the State to pay a huge sum to have it returned. If indeed it were still a military installation, the Department of Defense would be required to return it to the State and to aid in its redevelopment.

Now is the time for the Federal Government to go ahead and do the right thing. I spoke last evening to the Governor, Governor Pataki, who made it clear that based on all of the analysis available to the State, not only is it expensive to maintain the island, but to put it to appropriate uses will continue to impose expenses not likely to be borne by any private developer. And were a private developer to be interested in attempting to pay the price that is set by the Federal Government, a half a billion dollars would be much too great a burden to overcome, because there is no likelihood whatsoever that the city or the State would give the necessary permission to develop this island in such a way to make back that investment.

If you wanted to have a hundred story apartment building with retail development in order to get back the investment that would be needed to pay the price asked by the Federal Government, that is not going to happen. The State and the city now have a plan. The properties that are represented on the map there, and the uses that they would be put to that you can see, and the descriptions of what the Governors Island Redevelopment Corporation has put forth as its potential use, will guarantee that the island will remain part of our history, that it will be available for cultural, historic and retail use, but in an appropriate manner that will be in keeping with the role that the island has played in the country's history in the past.

So, Mr. Chairman, thank you for holding this hearing. I want to thank you also for your leadership on the issue of the Niagara Falls National Heritage area, that I know our colleague Congressman LaFalce will address, and I appreciate very much your inviting Senator Moynihan to once again remind us why this is not just a run of the mill issue. This really goes to who we are as a nation, and it goes to the question and rights of New York's sovereignty. I thank you very much.

Senator SCHUMER. Well thank you, Senator Clinton, not only for your help on this issue but for our partnership in the Senate. I know you are busy as well, and so we are going to move on to other issues. But we understand that you might have to go.

Senator CLINTON. Thank you, Mr. Chairman.

Senator SCHUMER. And now, I'll tell Congressman LaFalce I had withheld my opening statement on Niagara Falls until he got here. So, I'll make mine, then Congressman LaFalce will make his and then Congressman Simpson. Already Larry Craig talked about your bill and you will have your opening statement as well.

Also on our agenda, and just as important, is the issue of Niagara Falls and the efforts underway to restore the majestic beauty of one of America's most beloved treasures and scenic sites. Like too many other national treasures, Niagara Falls has been taken for granted over the years and has deteriorated to a point of dis-

repair. Sadly, what was once one of the world's brightest stars has dimmed and is now in need of restoration and renewal.

The beauty of the Falls is as great as ever. I still remember the first time when my parents took me and my brother and sister, I was 11 years old, seeing the Falls and just being awed by their majesty, their beauty, their power and their strength. But unfortunately, when you go to visit the Falls now, we almost have a tale of two cities. One side in Canada is booming, the other side in New York needs help.

And so, thankfully over the last year, a movement to restore the Falls to its rightful place has sprung up among the residents of the area, local officials, the State of New York and community advocates. And if I could emphasize one point, and I know John LaFalce agrees with this, we have for the first time some real unity. One of the things that has held things back is when efforts have been made there were factions. There were factions within the community of Niagara Falls. There were divisions among elected officials. The Federal, State and local governments had not gotten their act together.

But we are at a moment of unique serendipity where we are all singing from the same page. And that gives us an opportunity to all work together. I want to thank Congressman LaFalce who has done a great job in helping spearhead this development.

I want to thank Governor Pataki and Bernadette Castro, our parks commissioner, for working so closely together with us; and all of those who have been involved, our State senators, our State assembly members, the mayor of Niagara Falls, the county exec, the head of the legislature of Niagara County. We are all now working together, and so together we have started to work on making sure Niagara Falls once again rises to the stature it once held as one of the seven wonders of the world.

Today's hearing takes the next step in advancing that vision and bringing it closer to reality. Last year Congressman LaFalce and I approached the National Park Service in an effort to see how the Federal Government could support local efforts to protect the rich history and natural splendor of the Falls, while simultaneously spurring much needed economic development in the region. We knew that the community was adverse to a national park, because all too often in the past national parks have meant Washington dictates to the community what should be done with a great deal of tension.

The Park Service, to their great, great credit was eager to help, and understood this. They helped guide us, but they warned us to be careful. They said before you start down this path build a local consensus, otherwise any efforts you undertake will not bear fruit. That's what we have done, Park Service. We are now ready to roll.

The Park Service has agreed to fund an initial survey to figure out possible Federal roles, as long as we build the local consensus about how to go about fixing the Falls. Well, when a community has been let down by unkept promises as often as Niagara Falls, and is in the throes of a wrenching 40 year economic decline, it is not the easiest thing in the world to build a consensus about what should be done. Individually, everyone had an opinion about how

to go about fixing things. But collectively, it has been tough to get together and agree on a specific plan of action.

But I am glad to say we have not let the daunting task of doing so get in the way. Earlier this year we established the Niagara Falls Advisory Panel, a 50 member group that represents a cross-section of interests in Niagara Falls and serves as a sounding board for the Park Service's study. Just yesterday the Park Service briefed the board on the findings of its initial \$25,000 dollar survey. The Park Service found, as we have known all along, that there is a way for it to help rejuvenate the unique assets of Niagara Falls.

The Park Service highlighted three options. One was to serve a technical advisory role, which by the Park Service's own admission would not have accomplished very much. Another was to undertake a study to create a national park. As I mentioned, although the Park Service felt that the Niagara Reservation State Park and the other seven State parks met the suitability criteria to undertake such a study, it recommended against this option because of the local opposition. The remaining option, to undertake a special resource study to determine the suitability of establishing a national heritage area made the most sense to the Park Service and thankfully to our advisory panel, unanimously as well.

A heritage area designation would meet two key tests. It would confer national recognition on this unique place while complementing a range of local and State initiatives underway to preserve the Falls and spur economic development. The special resource study, which we are now beginning to move, will enable the Park Service to develop a framework that will enable the region to start working to attract even more visitors to Niagara Falls.

Currently, seven million people, on average, visit the area annually. It will balance the preservation efforts and environmental restoration projects in the region with much needed economic development efforts. And, it will raise the awareness of many historical sites in the region, like the Niagara Reservation State Park, one of the Nation's first State parks; and Colonial Niagara Historic District in Lewiston and Youngstown, home of the old Fort Niagara State historic site which the British briefly captured during the War of 1812.

I think the fact that Bernadette Castro, commissioner of the New York State Office of Parks, Recreation and Historic Preservation, Congressman LaFalce and John Drake of Mayor Irene Elia's office are here today to submit testimony speaks volumes about the energy that is emerging from the Falls. There is, for the first time, a real feeling of hope. And we look forward, with the Federal role, of helping make that hope become a reality.

And with that, I'm going to call on Congressman LaFalce to read his statement. We have a vote in 10 minutes, so if Congressman LaFalce could take five and Congressman Simpson could take a little less than five, I can get over there and vote.

**STATEMENT OF HON. JOHN J. LaFALCE,
U.S. REPRESENTATIVE FROM NEW YORK**

Mr. LAFALCE. I will try to take less than five. I ask unanimous consent that the entirety of my statement be included in the record, Mr. Chairman.

Senator SCHUMER. Without objection.

Mr. LAFALCE. I had a number of thoughts when I came into the room. My first thought when I saw you, Senator Clinton and Senator Moynihan, boy what a terrific trio. I don't know that any State has ever had three such talented individuals represent them in such proximity.

Senator SCHUMER. Thank you.

Mr. LAFALCE. My second thought was it's going to be a tough sell to convince you to promote S. 1227 and its companion H.R. 2609, but I'll make the effort. My third thought was right now we are debating a bill on the floor of the House, the Human Cloning Bill, and there is a prohibition against human cloning. And I have got to leave early to offer an exception to permit the cloning of whatever genes give you the energy that you have. If we could only clone your energy, wow. You certainly have brought energy and enthusiasm to this issue, Senator Schumer, and I thank you for it.

I'm not going to reiterate my testimony. Let me just give you a little bit of the history. We were plagued for years with structural deficits as far as the eye could see. There was no Federal money. The National Park Service was cutting, cutting, cutting. As difficult as it was within the State park system, I was hearing worse stories about the National Park System.

But things started to change. A couple of years or so ago Governor Pataki started showing some terrific enthusiasm about helping the Falls out. And Bernadette Castro did too, and that was a good sign. And then there were a few elected leaders—Democrat and Republican—Irene Elia, Paul Dyster, both with their PhDs, both very environmentally conscious. I started meeting with them and most importantly I started talking with Bruce Babbitt, the Secretary of the Interior.

And you have to understand the tremendous curiosity that Bruce has, and his wife was a native of Niagara Falls. Her father worked at a plant in Niagara Falls. She went to school in Niagara Falls.

And Bruce and I both read two of the same books and we got together to discuss them. One was "City of Light," by Lauren Belfer, all about what was going on in Niagara Falls and Buffalo one hundred years ago. And I hope, Senator, you can make the opening production of "City of Light," at the Studio Arena Theater this September in Buffalo. It should be phenomenal.

Senator SCHUMER. I would love to.

Mr. LAFALCE. The other was a book written by a Canadian, Pierre Burton, "Niagara." We discussed them. We said, "What could be done." We talked about not a national park, but a national heritage area. That is when he put me in contact with Jim Pepper, who came to my office in June 2000. And then Secretary Babbitt came in in September and the rest is history. Working with you, especially, we now are at the point where everybody is on-board. We have a vision. We are going to make this happen and your leadership has been invaluable in that effort, and I thank you for it.

[The prepared statement of Mr. LaFalce follows:]

PREPARED STATEMENT OF HON. JOHN J. LaFALCE, U.S. REPRESENTATIVE
FROM NEW YORK

I am pleased to be here today to express my very strong support for S. 1227 and its House companion, H.R. 2609, bills authorizing the Secretary of the Interior to study the suitability and feasibility of establishing the Niagara Falls National Heritage Area in New York State.

Formed thousands of years ago, the Niagara River and Niagara Falls, one of the Natural Wonders of the World, have defined the history and culture of the region that bears their name: the Niagara Region. The Niagara River flows from Lake Erie, eventually dropping over the American side of the Falls from heights of over 100 feet, and then flows about seven miles from the gorge below to its mouth at Lake Ontario.

In addition to the obvious magnificence of the River and the Falls themselves, the Niagara Escarpment, the geological formation of dolomite that surrounds the River, holds some of most significant fossils of its period in the world. The region is also home to thousands of species of flora and fauna, including threatened species.

Historically, early European settlers to the Niagara Region established substantial associations with Native Americans, and the area was the site of important events in the French and Indian War, the Revolutionary War, and the War of 1812. Later, as a gateway to Canada, the Niagara region was a major stop on the Underground Railroad for escaping slaves.

Over time, man learned to harness the power of the waters of the Niagara, constructing hydropower projects to generate electricity. That abundance of electricity spurred the development of industry along the banks of the Niagara, making the region a leader in manufacturing. The existing Niagara hydropower project is the largest non-federally operated project of its kind in America.

The romantic vistas of the Falls have made the City of Niagara Falls the "Honeymoon Capital of World." Today, Niagara Falls draws almost 10 million visitors annually to witness its natural wonder.

With the development of the partnership park model represented by the National Heritage Areas, first used in 1984, we have a significant opportunity to bring the National Park Service, the New York State Department of Parks, Recreation, and Historic Preservation, the City of Niagara Falls and other area municipalities and local communities together as partners to create a Niagara Falls National Heritage Area, in celebration of the natural, historical, and cultural resources of the Niagara region.

In recognition of that opportunity, in June 2000, I began a dialogue in meetings in my office with representatives from the Interior Department, including James Pepper, Assistant Regional Director of the National Park Service's Northeast Region, and his colleagues, about a possible role for the agency in Niagara Falls in the form of a National Heritage Area.

In August 2000, I met in Niagara Falls with City of Niagara Falls Mayor Irene Elia, Senior Planner Thomas DeSantis, and local heritage and planning experts including Bonnie Foit-Albert, a prominent architect, and Robert Shibley of the University at Buffalo, to discuss how the federal government, and especially the National Park Service, could assist redevelopment efforts Niagara Falls. The City of Niagara Falls, in conjunction with experts including Ms. Foit-Albert and Mr. Shibley, created a plan for the redevelopment of the Falls. These experts have indicated that their vision could be complemented greatly by the creation of a Niagara Falls National Heritage Area, and have enthusiastically embraced the concept.

Pursuant to those meetings, in September 2000, I hosted a private visit to Niagara County by then-Interior Secretary Bruce Babbitt and his wife, Hattie, taking them on a tour of the Niagara Falls area, without any notice to the press. Highlights of the day-long tour included a boat trip on the upper Niagara River, a ride on the *Maid of the Mist*, a guided tour of the Niagara Falls State Park, a visit to Whirlpool State Park, and a stop at the Turtle Native American Heritage Center. We were joined by Ed Rutkowski, New York State Parks Regional Director; Mr. DeSantis; Paul Dyster, Niagara Falls City Councilman; and representatives from Niagara Redevelopment, Inc., the current owners of the Turtle. Everyone saw the possibilities presented by a partnership effort in Niagara Falls.

Secretary Babbitt promised me that the Interior Department, after the election to avoid any accusations of partisanship, would set aside \$25,000 for an initial study of possible National Park Service involvement in the Falls. As a result of Secretary Babbitt's visit and the follow-up work of Senator Schumer and myself, in January 2001, the National Park Service made this funding official.

Just yesterday, representatives of the National Park Service came to Niagara Falls to present a draft of the agency's findings, recommending that Congress pass legislation, such as the bill we are discussing today, authorizing a study of the feasibility of creating a Niagara Falls National Heritage Area. Therefore, S. 1227 and the companion bill I have introduced in the House represent the next, necessary step in the process.

I look forward to continuing to work with the National Park Service, Senator Schumer, Senator Clinton, and Commissioner Castro, Mayor Elia, and all the federal, state, and local stakeholders to develop a National Heritage Area in Niagara Falls. In so doing, we will not only assist Niagara Falls in fully living up to its enormous potential, but also help to ensure the protection and preservation of the historical, cultural, and natural heritage of Niagara Falls for future generations of Americans.

Senator SCHUMER. Well thank you Congressman for your leadership as well as your brevity, because I know I do not want to miss that vote. Now let me call on Congressman Mike Simpson, the Congressman from the Second District of Idaho, who will speak on the Craters of the Moon.

Mr. SIMPSON. H.R. 601.

Senator SCHUMER. And if you could limit your remarks to about 3, 3½ minutes.

**STATEMENT OF HON. MIKE SIMPSON,
U.S. REPRESENTATIVE FROM IDAHO**

Mr. SIMPSON. I appreciate the fact that you have a vote on. I know it is on agricultural spending and I want you to get over there to vote for that.

Senator SCHUMER. Thank you.

Mr. SIMPSON. On November 9, 2000 President Clinton issued a Presidential Proclamation 7373 to expand the boundaries of the Crater of the Moon National Monument to include 661,000 additional acres of Federal land. Prior to this proclamation the monument, which was established by President Coolidge in 1924, was composed of 54,000 acres. The expanded area is managed by the Secretary of the Interior through the National Park Service and Bureau of Land Management. The National Park Service manages approximately 410,000 of these expanded acres and the Bureau of Land Management about 251,000.

When the monument was expanded it was understood that continued access to hunting would be maintained. That was the agreement that we had with Secretary Babbitt and I believe it was the intention that everyone had when this was originally done. However, when the proclamation was issued hunting was restricted in the area of the expansion managed by the National Park Service because the Park Service historically disallows hunting on lands under their jurisdiction, unless specifically mandated by Congress.

So, what this bill does is allow that the areas that were open to hunting before the expansion will remain open to hunting. In addition, the amended bill includes language requested by the administration to ensure that the secretary has appropriate oversight, in cooperation and consultation with the State of Idaho, over hunting activities within the expanded area managed by the National Park Service.

Finally, the bill as amended designates the expanded area under the jurisdiction of the National Parks Service as a "national preserve," rather than as a "national monument." That was done at

the request of the minority on the House side. Their members would rather not set the precedent of hunting in a national monument, so they wanted to change the name to a national preserve, which I agreed to.

This is really, as I said, establishing what we thought was the agreement, and I would also say that this passed unanimously in the House. It has the support of the administration. Lastly, I would just point out that the hunting season in the Craters of the Moon area, under the jurisdiction of the BLM, begins in a month, on August 30, 2001. So, I would appreciate it if the committee could give its quick consideration of this legislation. It would be very beneficial. I thank you for the opportunity to testify in favor of this.

[The prepared statement of Mr. Simpson follows:]

PREPARED STATEMENT OF HON. MIKE SIMPSON, U.S. REPRESENTATIVE
FROM IDAHO

Mr. Chairman (Sen. Akaka is the Chairman. However, Schumer will be chairing). Thank you for scheduling this hearing on H.R. 601. This is an important issue for Idaho, and I appreciate the opportunity to testify before the Senate Energy and Natural Resources Subcommittee on National Parks, Historic Preservation, and Recreation.

On November 9, 2000, former President Bill Clinton issued Presidential Proclamation 7373 to expand the boundaries of the Craters of the Moon National Monument to include approximately 661,287 acres of additional federal land. Prior to Clinton's proclamation, the monument, which was established by President Coolidge in 1924, was comprised of 54,440 acres.

The expanded area is managed by the Secretary of the Interior through the National Park Service and the Bureau of Land Management. The National Park Service manages approximately 410,000 acres of the expansion, while the Bureau of Land Management manages the remaining 251,000 acres.

When the monument was expanded it was understood that continued access to hunting would be maintained. However, when the proclamation was issued, hunting was restricted in the area of the expansion managed by the National Park Service, because the Park Service has historically disallowed hunting on lands under its jurisdiction, unless specifically mandated by Congress.

Under H.R. 601, areas that were open to hunting before the expansion will remain open to hunting. In addition, the amended bill includes language requested by the Administration to ensure that the Secretary has appropriate oversight, in cooperation and consultation with the State of Idaho, over hunting activity within the expanded area managed by the National Park Service. Finally, the bill, as amended, designates the expanded area under the jurisdiction of the National Park Service as a "national preserve" rather than a "national monument."

When the Idaho congressional delegation and Governor spoke with the Secretary of the Interior regarding the Craters of the Moon expansion we were led to believe that hunting would not be affected. However, when the proclamation was issued it was realized that current National Park Service regulations preclude hunting in the area of the expansion managed by the National Park Service. Therefore, denying access to traditional hunting grounds.

H.R. 601 is about fairness and ensuring that Idahoans are not locked out of traditional hunting areas. H.R. 601 is supported by the Administration and has strong bipartisan support in the House.

H.R. 601 is about establishing what we all thought was the Agreement, including Sec. Babbitt, when the monument expansion occurred.

The language in this bill is the result of a bipartisan effort between minority and majority Committee Members and staff. H.R. 601 was favorably reported out of the House Resources Committee, and passed the House unanimously on May 1, 2001.

The hunting season in the Craters of the Moon area under the jurisdiction of the BLM begins in a month, on August 30, 2001. If the Committee sees fit, I would appreciate quick consideration of this legislation.

Thank you, Mr. Chairman.

Senator SCHUMER. Well thank you very much. You sound like a New Yorker.

Mr. SIMPSON. Yeah, we are trying to get it done fast. If you can move it as fast as I can talk, that would be very beneficial.

Senator SCHUMER. Thank you, Congressman.

Mr. SIMPSON. Thank you, Senator.

Senator SCHUMER. We are going to have a temporary recess because I have to go vote, and then we will be right back with our next panel.

[Recess]

Senator SCHUMER. The hearing will come to order. And because we had to start the hearing late in the day, and because we had this vote and another, in the interest of saving everyone time we are going to combine the second and the third panels, if that is okay with everybody? Then we will hear everybody testify and then we will do the questions. In that way, no one will have to wait in case there is another vote.

We are going to call up not only Mr. Galvin and Mr. Moravec, but also Mr. Shostal, Mr. Drake, Ms. Thompson, and Commissioner Castro, can all come forward. Okay, and I thank each of the witnesses for being here. I'm going to ask them, because of the time limitations, to have each witness try to limit their testimony to five minutes maximum.

When you see the yellow light, begin to end it up. And then we will try to get to questions. We are going to call on our two Federal officials first, since they were on the second panel. Then we will call on Ms. Castro, Mr. Shostal, Ms. Thompson and Mr. Drake. So, who is going to begin first, Mr. Moravec or Mr. Galvin? Your choice.

Mr. GALVIN. I have prepared statements on all four of the bills before the committee, Mr. Chairman.

Senator SCHUMER. Without objection all your statements and everyone's entire statement will be read into the record. So you do not have to worry if you do not get to do all of it, because it will be in the record.

Mr. GALVIN. Since the other witnesses are all testifying on New York bills, perhaps I should start with the non-New York bills.

Senator SCHUMER. A good contrarian you are, Mr. Galvin.

**STATEMENT OF DENIS P. GALVIN, DEPUTY DIRECTOR,
NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR**

Mr. GALVIN. As it pleases the Chair. On S. 1175, a bill modifies the boundary of Vicksburg National Military Park to include a structure in downtown Vicksburg known as Pemberton's Headquarters. It would enable the Park Service to acquire this property from a willing seller and administer it as part of the park.

The bill authorizes such sums as are necessary for those purposes. The Department supports S. 1175 with an amendment. Pemberton's Headquarters is a nationally significant resource. It was the headquarters of Confederate Lieutenant General John C. Pemberton, who occupied the city during the siege of Vicksburg from May 23 to July 4, 1863. And, in fact, it is where he discussed plans to surrender the city to General Grant and the Union forces on July 3.

This was the most critical campaign of the Civil War in the West. The Union won Vicksburg on the day before it won Gettysburg. The national significance of this building was recognized in

1976 when it became a national historic landmark, and its acquisition provides an opportunity to expand the interpretation of the siege of Vicksburg and to interpret historical events in the years immediately following the Union victory there. It also fulfills the vision of Union and Confederate veterans who in 1895 made the recommendation that both Union and Confederate headquarters be included. Only Union headquarters were subsequently.

We do have some reservations about the cost of this addition. However, we believe—actually in the Senate, there is \$500,000 in the current appropriations bill to acquire it. There are additional costs for preserving the building, for stabilizing the building, and for interpreting the building. The amendment that we recommend suggests an authorization to include language that would require the Secretary of the Interior to acquire property in the environs of Pemberton's Headquarters for use for off-street parking, which is a problem in downtown Vicksburg.

That concludes the summary of my statement on Vicksburg, Mr. Chairman. I will proceed to Craters of the Moon, which I can be very brief on. This is, as the other witness has said, simply a technical correction that will allow hunting in lands added to the monument by President Clinton's proclamation. We support this bill and have no suggested amendments.

I would say, while the Department supports legislation to allow continued hunting in the National Park Service portion of the expansion area, this does not include support for opening to hunting that portion of the monument that existed prior to the proclamation of November 9, 2000. That portion of the national monument has always been, and should continue to be, closed to hunting. I would also like to clarify the Department's position on the specific issue, it does not indicate support for opening other areas of the National Park System to hunting.

Niagara Falls, Mr. Chairman, we support the study. The bill authorizes \$300,000 dollars to carry out this study. Although the Department supports enactment of this piece of legislation, we will not request funding for the study in this or next fiscal year, so as to focus available time on resources for completing 42 previously authorized studies. The study would be undertaken with the full involvement of representatives of the State of New York, the city of Niagara Falls and other communities along the Niagara River and interested organizations and citizens of this community.

This, of course, is being done at the request of Representative LaFalce, who testified earlier, and yourself, Senator. You did reference the reconnaissance study that has just been finished, that did recommend a study that would see about the feasibility of establishing a heritage area here. Congress has established 23 heritage areas in other locations. Some of them have been very successful. I would just reiterate what you said in your opening remarks on this bill, that success or failure really seems to be determined by the extent of local involvement in the management and planning of the heritage area. And the principle purpose of this study, I would say, would be to develop that local involvement and local consensus on what needs to be preserved and developed in this area that is rich in cultural resources.

We do recommend one minor change, and that is that we avoid a specific study area boundary, which is specified in section 22. That would allow us to study the area generally and then make recommendations on a boundary at the conclusion of the study, as opposed to being limited to a particular area at the start of the study.

Finally, Mr. Chairman, we have testimony on a portion of the Governors Island bill, that is the National Park Service has testimony on a portion. Mr. Moravec will testify on another section of the bill. The Department of the Interior is involved in section 4 of the bill which regards the conveyance of a portion of the island to the National Park Service. We defer to the General Services Administration's comments on section 5.

Section 4 clarifies the status of the 20 acre portion of the island proclaimed a national monument by President Clinton, by stating that it is not subject to the sale requirement of the Balanced Budget Act of 1997. As you pointed out in your remarks, there is an informal opinion by the Department of Justice because of the way the proclamation was written that says that the national monument might be subject to the Balanced Budget Act. There is a Congressional Budget Office interpretation that quarrels with that to some degree. But this bill will definitely clarify the fact that the 1997 Budget Act does not apply and that is, I think, a very desirable amendment. The administration supports it. That concludes my statement on Governors Island.

[The prepared statements of Mr. Galvin on S. 698, S. 1227, S. 1175, and H.R. 601 follow:]

PREPARED STATEMENTS OF DENIS P. GALVIN F., DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

S. 689

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on S. 689, a bill to convey certain properties on Governors Island, New York.

The Department supports Section 4 of S. 689, regarding the conveyance of a portion of Governors Island to the National Park Service, but defers to the General Services Administration's comments on Section 5 regarding the conveyance of the majority of Governors Island to the State of New York.

S. 689, the "Governors Island Preservation Act of 2001" would do two things. First, Section 4 clarifies the status of a 20-acre portion of the Island, which has been designated a national monument, by transferring permanent administrative jurisdiction of this parcel to the Secretary of the Interior and by stating it is not subject to the sale requirements of the Balanced Budget Act of 1997.

Second, Section 5 would convey, notwithstanding Section 9101 of the Balanced Budget Act of 1997, the remainder of the island to the State of New York for no consideration. The Governors Island Redevelopment Corporation, a subsidiary of the Empire State Development Corporation, would administer the land conveyed to the State of New York. The conveyance would be subject to various terms and conditions imposed through the Act as well as other Federal laws.

Governors Island is a 172-acre island located in a spectacular position in the heart of the New York Harbor, just off the southern tip of Manhattan. Much of the significance of the site is because of its location. The view from Governors Island of Lower Manhattan, of Brooklyn and the Brooklyn Bridge, and of the Statue of Liberty and Ellis Island are extraordinary. This site conveys as no other place does a sense of the entire force and expanse of Greater New York and New Jersey. It is the gateway to the commercial capital of the United States.

The island's recorded history spans 400 years, beginning with its use as a fishing camp for the Manahatas Indians, as an estate for Dutch Governors of New Netherlands, as a lumber stand, pasture for raising cattle and goats, quarantine island, and game preserve. By the late 1600s, fortification of New York Harbor was urged

by the colony's English rulers, and Governors Island was considered a key strategic point.

In 1776, General George Washington, recognizing its strategic value, established a battery there, along with batteries at other key locations in New York Harbor. Of obvious critical strategic significance to the defense of New York in the Revolutionary War and the War of 1812, Governors Island later played an important role in the Civil War and World War I and II. The United States Army occupied the island until 1966. At that time it became the base of operations for the U.S. Coast Guard's Atlantic Area Command and Maintenance and Logistics Command, Atlantic. In 1997 the U.S. Coast Guard ceased operations on Governors Island. On January 19, 2001, former President Clinton established the Governors Island National Monument by Presidential Proclamation. The 20-acre monument includes two historic forts, Castle Williams and Fort Jay.

Castle Williams and Fort Jay, the dominant features of the Governors Island National Monument, are individually listed on the National Register of Historic Places, are New York City Landmarks, and are contributing features within the larger Governors Island National Historic Landmark District. Fort Jay and Castle Williams were erected over a fifteen-year period (c. 1796-1811) as part of the First and Second American Systems of Coastal Fortification. Both retain a high degree of historical integrity and represent the two major types of defense structures built and in use from the Renaissance Period to the Civil War.

Fort Jay, a classic, four-bastioned fortification, was first constructed in the 1790's and later rebuilt in masonry and expanded between 1806-09. A distinctive feature of the fort is the quadrangle of colonnaded Greek Revival-style barracks that was built on the interior in the 1830s. Fort Jay represents the end of a three hundred-year tradition of bastion fortifications. Its low-profile design was intended to present as little wall as possible to enemy fire. The predominantly open landscape around the fort is a key element to the fort's significance because it retains a sense of how the fort appeared when originally constructed. Fort Jay has been well maintained and is one of the best examples of its kind in the country.

Castle Williams, built between 1807 and 1811, was the prototype in this country for a harbor-oriented defense that could present as much concentrated firepower as possible. In stark contrast to Fort Jay, the walls of Castle Williams are high and fully exposed, a form reminiscent of a medieval castle. The exterior of Castle Williams is unchanged, but its interior contains extensive modifications associated with its later use as an army prison. Its integrity as a fortification remains high and its solid eight-foot thick masonry walls rendered it virtually indestructible. Castle Williams is considered by certain scholars to be the finest and most important example of its type in American coastal fortifications.

The National Park Service manages a majority of decommissioned military installations and fortifications, including Castle Clinton on the southern tip of Manhattan and Fort Wood on Liberty Island, now the base of the Statue of Liberty. Gateway National Recreation Area includes key portions of Fort Wadsworth at the Verrazano Narrows and Forts Tilden and Hancock at the entrance to New York Harbor. The fortifications on Governors Island were an integral component of this network and historically were the geographic and administrative center of New York Harbor's defenses.

Over the past several years, the U.S. Coast Guard and General Services Administration (GSA) have developed several valuable inventories, reports, and plans for Governors Island, and have conducted an extensive public review of the future use of the island. These documents include the "Governors Island Preservation and Design Manual," a land use study, including comprehensive land and facility assessment, an environment impact statement, archaeological assessment, and other important information needed for the future planning and management of the monument and island. During GSA's public review period, there was widespread public testimony favoring park establishment and preservation of historic resources. Subsequently, the National Park Service addressed feasibility and operational issues during a weeklong workshop.

There continues to be widespread local and state support for this national monument. On January 19, 2001, former President Clinton established a Governors Island National Monument by Presidential Proclamation. On March 28, 2001, Interior Secretary Gale Norton sent some 200 letters to local elected officials of all political affiliations seeking their ideas on proper and appropriate land use plans for the national monuments that had been created in 2000 and 2001.

To date, all letters received regarding the Governors Island National Monument have been overwhelmingly positive. The Secretary and our Northeast Regional Office have received letters from the Governor of New York, several State Assembly leaders, New York City Community Boards, the City Council, and the Governors Is-

land Group, a coalition of twelve New York City preservation groups. We would be pleased to provide these to the subcommittee to be made part of the hearing record.

Section 4 of S. 689 would transfer administrative jurisdiction for the monument from GSA to the National Park Service. The bill would make it clear that the monument is not subject to the sale requirements of the Balanced Budget Act of 1997. We believe this legislation will eliminate any remaining questions and assure the permanent preservation and protection of the historic fortifications on Governors Island while making them accessible to the public.

Section 5 of S. 689 is the conveyance of the majority of Governors Island to the State of New York. The State would have the primary responsibility for the island's redevelopment, operation and maintenance. We defer to the General Services Administration on those aspects of this legislation.

We recommend only one minor amendment to this bill, and that is for GSA to assign a date or GSA file number for the "Governors Island Preservation and Design Manual," to clarify which version of the guidelines apply.

Governors Island is a national treasure. S. 689 would provide the National Park Service the authority and resources to properly administer the national monument and to work with the State and City of New York to ensure that the island remains a treasure for all the American people.

This completes my statement. I will be happy to answer any questions the committee may have regarding this matter.

S. 1227

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on S. 1227, a bill to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Niagara Falls National Heritage Area in the State of New York. The bill authorizes \$300,000 to carry out this study. The Department supports enactment of this bill with one recommended amendment.

Although the Department supports enactment of this piece of legislation, we will not request funding for this study in this or the next fiscal year, so as to focus available time and resources on completing previously authorized studies. As of now, there are 42 authorized studies that are pending, and we only expect to complete a few of those this year. We caution that our support of this legislation authorizing a study does not necessarily mean that the Department will support designation of this heritage area. The study would be undertaken with the full involvement of representatives of the State of New York, the City of Niagara Falls, other communities along the Niagara River, and interested organizations and citizens in the region.

At the request of Representative John J. LaFalce and Senator Charles E. Schumer, representatives of the National Park Service undertook reconnaissance visits to Niagara Falls this year and met with state and local officials and representatives of interested organizations. These preliminary findings indicate that a national heritage area feasibility study could be justified.

The Niagara River flows for 35 miles between Lake Erie and Lake Ontario and includes the rapids, Niagara Falls, and the Niagara River Gorge. Eight parks operated by the State of New York are located along the river and within the gorge. The river forms a boundary between the United States and Canada.

Niagara Falls is an internationally significant natural resource that attracts between 8 to 10 million visitors a year. It is one of the most well-known destination attractions in the United States and Canada. The Niagara River Gorge is an exceptionally scenic corridor, carved by the movement of the falls from its original location near Lewiston, New York (10,000 to 15,000 years ago) to its present location 10 miles upstream at the City of Niagara Falls. Besides its scenic values, the gorge has been cited as a world-class location of fossils from the Upper Ordovician and Silurian periods.

The Niagara River region contains a wide variety of flora and fauna. Recent inventories completed for the Canadian Niagara Escarpment Commission identified 1,623 plant species including unique miniature old growth eastern white cedars. The commission's fauna inventories also include 50 mammal species, 17 amphibian species, 99 fish species, and 17 species of reptiles. Bird inventories identify 342 species including 19 separate species of gulls. One-day counts of gull populations have reached over 100,000 individuals. In recognition of this critical habitat, the National Audubon Society has designated the Niagara River as a Globally Important Bird Area.

The region is also rich in cultural resources related to the history of the United States and Canada. It has significant associations with Native American habitation and early European contact, the French and Indian War, the American Revolution,

and the War of 1812. It was also a major link in the Underground Railroad for African Americans escaping slavery to enter Canada. The existence of ample water made it an early site for hydroelectric power, and it remains an important source to this day.

There is well-known national interest in the resources of the region. Three National Historic Landmarks have been designated along the Niagara River. The Adams Power Transformer House, built in 1895, is the only surviving structure of a hydroelectric facility that has been called, "the birthplace of the modern hydroelectric power station." The Niagara Reservation, which includes the American Falls, was the first state park in the nation created under eminent domain, and originally designed by Frederick Law Olmsted. The Colonial Niagara Historic District, within the communities of Lewiston and Youngstown, was a key portage route linking interior North America and the Atlantic seaboard until the late 1700s. It also contains extant resources associated with Native American occupation and early European contact. Historic Fort Niagara on the shore of Lake Ontario is an important component of the district. Within the City of Niagara Falls and the communities of Lewiston and Youngstown there are 14 sites listed on the National Register of Historic Places.

The National Park Service has defined a national heritage area as a place designated by Congress where natural, cultural, historic and scenic resources combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity shaped by geography. It is not the role of the National Park Service to manage or regulate a national heritage area, but to assist the variety of local partners and landowners who work together to achieve the common goal of protecting and interpreting important places where people live and work.

Despite the richness of the natural and cultural resources in the area, there is widespread belief that the United States side of the falls has never fully achieved its tremendous potential for visitors and for the local communities. A heritage partnership framework has been advocated as a way for the many important partners in the region to further the contribution of the Niagara Falls region to the United States and to the people of New York. We have found considerable support for this idea. The study would permit us to consider the opportunity further, and determine if a partnership framework is the best way to protect natural and cultural resources in the region.

We would recommend one amendment to the bill to provide maximum flexibility with regard to the study area. Currently, Section 2(2) unnecessarily defines the study area as the segment of the Niagara River in Niagara County, New York that extends from Niagara Falls to the mouth of the Niagara River at Lake Ontario. The National Park Service study process provides for developing a focused study area addressing the full assemblage of resources relating to the potential heritage area themes, and including the strongest range of capable and enthusiastic partners. This approach permits an area to be focused enough to be manageable, but broad enough to include the key partners and resources necessary. We recommend that Section 2(2) be amended to avoid a specific study area boundary at this time to allow us to focus on all resources specifically related to the Niagara Falls theme and area.

Mr. Chairman, the Administration supports this bill with the recommended amendment. It provides an opportunity to investigate the feasibility of establishing a national heritage area associated with one of the nation's most important and best-known natural resources. We look forward to working in close partnership with the State of New York, the City of Niagara Falls, and the communities and organizations within the Niagara Falls region to explore the possibility of national heritage area designation.

Thank you for the opportunity to comment. This concludes my prepared remarks. I would be glad to answer any questions that you or the members of the committee may have.

S. 1175

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 1175, which would modify the boundary of Vicksburg National Military Park in Vicksburg, Mississippi, to include the property known as Pemberton's Headquarters. S. 1175 would enable the National Park Service to acquire this property from a willing seller and administer it as part of the park. The bill authorizes such sums as necessary for this purpose.

The Department supports S. 1175, with an amendment. Pemberton's Headquarters is a nationally significant resource that is well-suited for use as a visitor site, and its inclusion in Vicksburg National Military Park would enable the Na-

tional Park Service to add an important dimension to the interpretation of Civil War and post-Civil War events in the Vicksburg area.

Pemberton's Headquarters is the building that Confederate Lt. General John C. Pemberton occupied during the siege of the city of Vicksburg led by Union Major General Ulysses S. Grant from May 23 to July 4, 1863. It was in this building that Pemberton held a council of his chief officers on July 3, 1863 to discuss plans for surrender of the city, which occurred the following day. The campaign for Vicksburg is considered by many military historians to have been the most critical campaign of the Civil War, as it severed the Confederacy geographically and cut vital supply lines to the Confederate states and thus was pivotal in bringing about the Confederacy's defeat.

The national significance of Pemberton's Headquarters was recognized through its designation as a National Historic Landmark in 1976. The building, which was constructed from 1834-1836, is located in Vicksburg's historic district. It is adjacent to Balfour House, which served as the headquarters for the Union occupation forces following the surrender and is open to the public. And, it is four blocks from the historic Warren County Courthouse, where the military administration of the occupied city was conducted through Reconstruction. A visitor site at this location would give the National Park Service the opportunity not only to expand its interpretation of the siege of Vicksburg, but also to interpret historical events in the years immediately following the Union victory there. It would help the service fulfill legislation passed by Congress in 1990 calling on the park to "interpret the campaign and siege of Vicksburg from April 1862 to July 4, 1863, and the history of Vicksburg under Union Occupation during the Civil War and Reconstruction."

Acquisition of Pemberton Headquarters for inclusion in Vicksburg National Military Park would also fulfill the vision of the Union and Confederate veterans who, in 1895, petitioned Congress to establish a national military park at Vicksburg similar to those previously established at Chickamauga and Chattanooga, Antietam, Shiloh, and Gettysburg. Those veterans recommended that the headquarters of both Union and Confederate commanders be included in the park. However, while the site of Grant's headquarters was included in the park, that of Pemberton's was not due to the objections of the then-owner of the property. The current owner, who has used the building for a bed-and-breakfast in recent years, would now like to sell the property to the National Park Service so that its place in history will be secure.

As you know, the Department is committed to the President's priority of eliminating the National Park Service's deferred maintenance backlog and is concerned about the development and life-cycle operational costs associated with expansion of parks already included in the National Park System. With that in mind, we have some concerns about the ability of the National Park Service to assume the costs of acquiring, preserving, and operating the Pemberton Headquarters property within current budget constraints.

The National Park Service has not yet done an appraisal of the property, but the agency's land acquisition experts have estimated that it might cost as much as \$700,000 to acquire. The service also does not have an estimate of the cost of preserving the building and the grounds and making the site accessible to visitors. Stabilizing the building alone would cost an estimated \$228,000, but the cost of more extensive preservation would need to be determined through studies. Those studies would cost an estimated \$191,000. The service has made a preliminary estimate that the cost of operating and maintaining the site would be approximately \$425,000 annually, but actual costs would depend on a number of unknown factors, including the extent of preservation done on the site.

The Department recommends that S. 1175 be amended to include language that would authorize the Secretary of the Interior to acquire property in the environs of Pemberton's Headquarters to use for off-street parking, as well as related visitor or administrative facilities, as no off-street parking currently exists at the site. This would increase acquisition, development, and operational costs of the site. We would be pleased to work with the committee to develop an amendment for that purpose.

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

H.R. 601

Mr. Chairman, members of the subcommittee, I appreciate the opportunity to appear before you today to present the views of the Department of the Interior on H.R. 601, a bill to redesignate certain lands within Craters of the Moon National Monument:

The Department supports H.R. 601. The House-passed bill would redesignate the NPS portion of the monument expansion as a national preserve and authorize the

Secretary to permit hunting on those lands. The effect, therefore, would be to restore hunting to lands on which it had been allowed when they were under the jurisdiction of the Bureau of Land Management. Designation as a national preserve is appropriate in this case because the category was established for units of the National Park System that are created primarily for the protection of certain resources, while activities such as hunting may still be allowed if they do not jeopardize the natural values.

Craters of the Moon National Monument was established by Proclamation of President Calvin Coolidge in 1924 for the purpose of protecting the unusual landscape of the Craters of the Moon lava field. This unusual landscape was thought to resemble the surface of the Moon and the Proclamation stated that the area "contains many curious and unusual phenomena of great educational value and has a weird and scenic landscape peculiar to itself." Between 1924 and 1962, the monument was expanded and boundary adjustments were made through four presidential proclamations. In 1996, a minor boundary adjustment was made by section 205 of the Omnibus Parks and Public Lands Management Act of 1996 (110 Stat. 4093; Public Law 104-333). On November 9, 2000, Presidential Clinton's proclamation expanded the 53,440-acre monument by adding approximately 661,287 acres of federal lands.

The expanded monument includes almost all the features of basaltic volcanism, including the craters, cones, lava flows, caves, and fissures of the 65-mile long Great Rift, a geological feature that is comparable to the great rift zones of Iceland and Hawaii. It comprises the most diverse and geologically recent part of the lava terrain that covers the southern Snake River Plain, a broad lava plain made up of innumerable basalt lava flows that erupted during the past 5 million years.

Prior to the recent proclamation, Craters of the Moon National Monument was managed solely by the National Park Service. The expansion area of the monument, however, consists of lands that had been administered by the Bureau of Land Management. The proclamation gives both agencies responsibilities for administering the monument cooperatively. The National Park Service has the primary management responsibility for the old monument, plus the approximately 400,000-acre portion of the expansion area that consists of exposed lava flows. The Bureau of Land Management is responsible for administering the remaining portion of the monument.

The proclamation specified that the NPS portion of the monument expansion is to be managed under the same laws and regulations that applied to the original monument. Since hunting has not been authorized in the original Craters of the Moon National Monument, the effect of the proclamation was to prohibit hunting in the NPS portion of the monument expansion. However, the Department supports a clarification of this language to allow the continued use of the lands in the expanded monument area for hunting. Hunting in the portion of the monument administered by the Bureau of Land Management is not affected.

Furthermore, although the proclamation specifies that the National Park Service has jurisdiction over the exposed lava flows, the on-the-ground reality is that there is not a precise delineation between areas of vegetation and areas of bare rock, making it difficult in many cases to determine the exact location of the boundary. For the average visitor or hunter, it would be difficult, if not impossible to distinguish whether they were on BLM lands or NPS lands, at least in the vicinity of the jurisdictional boundaries.

The Department also recognizes that legislation to provide the authority for hunting within the NPS-managed portion of the monument expansion would give the Superintendent the ability to work cooperatively with the State of Idaho on issues concerning adjacent landowners. For example, hunting could be used as a tool in mitigating agricultural depredation caused by elk grazing on alfalfa crops on privately owned lands outside the monument.

While the Department supports legislation to allow continued hunting in the NPS portion of the Craters of the Moon expansion area, this does not include support for opening to hunting the portion of the monument that existed prior to the proclamation of November 9, 2000. That portion of the national monument has always been, and should continue to be closed to hunting. In addition, I would like to clarify that the Department's position on this specific issue does not indicate support for opening other areas of the National Park System to hunting.

This concludes my testimony on H.R. 601. I would be glad to answer any questions you may have.

Senator SCHUMER. Well thank you, and very much appreciate the administration's support for that part of our proposal, which is very

welcome and new to me. And I want to make sure Commissioner that I pronounce your name correctly, it is Moravec?

Mr. MORAVEC. Very well done—Moravec.

Senator SCHUMER. So we have Commissioner F. Joseph Moravec. He is the Commissioner of Public Buildings of GSA.

**STATEMENT OF F. JOSEPH MORAVEC, COMMISSIONER OF
PUBLIC BUILDINGS, GENERAL SERVICES ADMINISTRATION**

Mr. MORAVEC. Good afternoon, Mr. Chairman. My name is Joe Moravec and I am the Commissioner of General Service Administration's Public Buildings Service. Thank you for inviting me here today to discuss S. 689 and the status of Governors Island.

Located in New York Harbor, only one half mile off the southern tip of Manhattan, Governors Island is a truly unique facility comprised of 172 acres improved by 225 buildings comprising about 3 million square feet. Half of the island is designated as a National Historic District, with architecture dating back to the 18th and 19th centuries. The island was home to the U.S. Army until 1966 when the U.S. Coast Guard took possession of the island for its Atlantic Command Headquarters.

For over 30 years the Coast Guard occupied the island, and in 1995 they announced that they would vacate. In 1996 the Coast Guard's residential components began to leave, and in 1997 its operational units left. With funding provided by GSA, the Coast Guard provides a caretaker detachment to protect and maintain the island. Tom Denehey, a Coast Guardsman who is in charge of that effort, is really doing a superb job and I am pleased to report that the island is in good to excellent condition throughout. I've been there myself and can report that to you personally.

Since fiscal year 1998 GSA has expended between \$6 and \$10 million dollars per year to protect and maintain the island. Coast Guard's maintenance of this historic facility recently garnered special recognition by the New York State Parks and Recreation Department at its annual award ceremony in May 2000. The Balanced Budget Act of 1997 requires that the island be disposed of at fair market value no earlier than fiscal year 2002. It also states that before a sale is made that the State of New York and the city of New York shall be given the right of first offer to purchase all or part of Governors Island at fair market value.

Therefore, over the last 4 years we have been actively collaborating with the State of New York, the city of New York, community groups and local citizens on the reuse of Governors Island. Thus far, we have completed a land use study, an environmental impact statement consistent with NEPA, a Fair Market Value Appraisal and a Historic Design Manual. Representatives of the State and the city participated with GSA and played a key role in developing the current planning documents.

To better educate and inform the public about the island, we offer monthly tours. We have also arranged for special tours for the Regional Plan Association, the Metropolitan Museum of Art and other interested organizations. Through an open, public process we have made the necessary preparations for a disposal by the end of fiscal year 2002, consistent with existing law.

Through several formal letters, two major conference calls and numerous telephone conversations with the city and the State, we have kept the lines of communication open with the city. I would like to add that this Thursday representatives of Governor Pataki's office will be meeting with GSA people in Washington in continuance of this process. As I understand the proposed law, the Governors Island Preservation Act of 2001, portions of the island not included in the national monument designation would be conveyed at no cost from GSA to the State of New York. While my options are limited under current law, I will faithfully carry out any and all duly enacted statutes.

This concludes my prepared statement. Of course, I am available to answer any questions.

Senator SCHUMER. Thank you, Mr. Moravec. And now, we have Ms. Bernadette Castro, who has done an excellent job as our leader on our parks issues. And I want to make sure I get her exact title correct, because it is not just called parks. She is the commissioner of the Office of Parks, Recreation, and Historic Preservation, and done a great job, and we are glad to see you here, commissioner.

STATEMENT OF BERNADETTE CASTRO, COMMISSIONER, NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

Ms. CASTRO. Thank you so much, Mr. Chairman, for this opportunity. And, in the interest of time, I think that, certainly, I share your opening remarks about Niagara Falls as a potential national heritage area. They were very well put, and I think that Senator Clinton and Congressman LaFalce, and Mr. Galvin, thank you for your remarks. We in New York State certainly concur, and we are looking forward to a partnership with the Federal Government and the National Parks Service, as it relates to a possible national heritage area for the Niagara Falls region.

You stated earlier, as did Congressman LaFalce, that Governor Pataki has really done a lot in the last several years. I mean, we are talking \$42 million of start projects; we are talking \$5.2 million for the creation of, really, an economic zone under the auspices of Chairman Gardano of Empire State Development. A lot is happening. We are the stewards of eight parks along the Niagara River, six of them being in the area that we hope will be a national heritage area, beginning with the natural wonder of one of the greatest sites in the world, Niagara Falls—the great Olmstead, Frederick Law Olmstead Park, Niagara Reservation or, we like to call it, Niagara Falls U.S.A., on our side of the river.

We have the beautiful American rapids; we have so much going for us in a natural way. But the whole community, where the National Park Service can really be a big help—and this is why we thank you for your support. It is a bipartisan effort, which is a wonderful way to start off. And, you know, we are looking forward to the Park Service's expertise and linking of the community. We love being stewards of our parks and historic sites, but when it comes to linking the community on an international level, I mean, we are talking about Niagara Falls; we have people from all over the world. In our park alone, we see eight million visitors a year.

That is more than Yellowstone and Yosemite combined, on an annual basis.

But the visitors do not stay long enough. So we are doing a lot to correct that from a parky point of view, if you will. There is going to be an eight-mile adventure hike; there is going to be a wonderful new bike path, Senator. And we do hope that you will join us for a bike ride.

Senator SCHUMER. Put me down.

Ms. CASTRO. Yes, I am going to put you down. I am going to search for a \$75 bicycle, by the way, to be sure it is ethically within our guidelines. But I would love to have you start a bike ride and tour like you did in your home district of Brooklyn, your old home district, your hometown. So we are fully supportive of this partnership. We think it can work. We do believe that State Parks and Governor Pataki, at Governor Pataki's direction, want it to work. We need Federal help. We believe that if we have this designation, there can be Federal dollars that will come to the region.

And Niagara Falls has a tremendous amount of potential. In fact, ironically, there was another recent *New York Times* article that said some of the buildings, some of the sort of funkiness, if you will, is hot right now. The design editor of the *New York Times* is asking people to revisit Niagara Falls. So I think we have unlimited potential. We need this partnership; we need the \$300,000 as well, Mr. Galvin. I think you need it; the Park Service needs it. We also need it to be done in 18 months. Three years is a long time. We need it, and we need it fast.

[The prepared statement of Ms. Castro follows:]

PREPARED STATEMENT OF BERNADETTE CASTRO, COMMISSIONER, NEW YORK STATE
OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

Thank you Chairman Akaka, Senator Schumer and the other members of the subcommittee for this opportunity to comment on S. 1227, legislation authorizing the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Niagara Falls National Heritage Area.

The Niagara Falls area is a community rich in history, cultural resources and dramatic natural wonders. Through the leadership of Governor George E. Pataki, New York State has and will continue to make significant investments in spurring economic revitalization in the area. We are here today to advise the committee that we view the proposal for the creation of a Niagara Falls National Heritage Area as an extension of the state's efforts. We very much appreciate the bipartisan effort that has led us to this federal legislative proposal.

The gateway to the Niagara area is Niagara Reservation State Park which contains Niagara Falls, a National Natural Landmark of international significance. Niagara Reservation is the oldest continuously operated state park in the nation; a park that was established by state action in 1885 to ensure that it would be enjoyed by all for generations to come; a park that was created through the vision of Frederick Law Olmsted and a facility which each year sees more visitors than Yosemite and Yellowstone National Parks combined. Niagara Reservation State Park is a flagship park and one to which we have committed significant capital and operating improvements as part of an overall state vision for the area.

Over the past several years, Governor George E. Pataki has announced \$45 million dollars for state projects in Niagara Region state parks aimed at improving visitor satisfaction. This funding will support projects which will improve access to the park as well as to the lower gorge; create an eight mile Great Gorge Railway Trail; transform the Schoellkopf Museum into a Niagara Gorge Discovery Center; restore the historic Olmsted landscape on Goat Island; provide new directional and interpretive signage throughout the park; funding for new alternative fuel trolleys and increase the operating staff available to serve the public. In all, there are 15 separate projects that we are currently undertaking to improve the visitor experience at this park and the other park facilities, which we operate in the area.

In addition, the Governor has also recommended in the Executive Budget \$5.1 million for USA Niagara Development Corp Inc., a subsidiary of Empire State Development Corporation whose sole mission is the support and promotion of economic development and revitalization in Niagara Falls. The Governor has also accelerated state aid to the City and provided supplemental state assistance. Other state agencies have also committed tens of millions of dollars to the area including transportation infrastructure improvements.

State Parks has ample experience in developing heritage area plans. Some of our state heritage areas date to the early nineteen eighties and may have served as models for the national heritage area program. Some have just recently been completed. We also are working in a cooperative fashion with the National Park Service on plans for the Hudson River Valley National Heritage Area and a plan that is in its infancy for the Erie Canalway National Heritage Area. We know first-hand that plans of this nature can provide for the protection and promotion of cultural and natural resources and create expanded economic opportunities in communities through historic preservation and expanding heritage tourism, the fastest growing segment of the tourism industry. Most importantly, such plans can overcome the identified weaknesses of numerous past plans for the Niagara area by better involving the private sector and bringing new resources to the area. We look forward to a continued working relationship with our colleagues in the National Park Service.

New York State Parks very much wants to improve the connection between our park facilities and the surrounding communities. This is particularly true for the City of Niagara Falls. Each year, over 8 million visitors come to Niagara Reservation. Our interest is to not only attract park visitors but to keep them in the area. We want them to spend more time in the city and to enjoy other cultural resources in the area such as Old Fort Niagara State Historic Site, Artpark and the Lower Landing Archeological District in Lewiston. A National heritage area plan and subsequent federal funds will help us accomplish that goal.

The Governor is committed to revitalizing the Niagara Falls area through all these initiatives. The State is a diligent steward of Niagara Falls Reservation State Park and we appreciate the National Park Service agreeing with this assessment. Our interest in this legislation is based on what it can do for the City of Niagara Falls and the greater Niagara Community: how it can build linkages between the park and the city; how it can fill the gap between parks with an enriched visitor experience and broaden that experience; and how it can connect Niagara Falls with Fort Niagara State Park and fill in the miles between with an unmatched tourism experience. We welcome the resources and expertise of the National Park Service to assist the state and local communities in achieving these goals.

In relation to the language of S. 1227, I note that the legislation provides three years for the study to be completed. I would recommend revising that reporting date. The Niagara Falls community needs expanded economic opportunity now, and we must act as expeditiously as possible. Considering how quickly our state efforts are moving forward, I would like to see that study completed one year from enactment. However, ensuring that the study is completed within 18 months may be acceptable.

I thank you once again for this opportunity to share with you the comments and support of the Office of Parks and the State of New York on Senate Bill 1227.

Senator SCHUMER. Well, thank you, commissioner. And let me just say, I agree with you. Mr. Galvin talked about the Park Service. That is their view, but we in the Senate have earmarked some money for this, and I know Congressman LaFalce will work for it to be done there. And the idea, I think, when the question period comes, I will ask Mr. Galvin about the ability of speeding this up a little bit.

Let me change the order a little bit and take the two witnesses from Niagara Falls first, and then the two witnesses from the Governors Island perspective. So let me introduce John Drake. John is the director of community development of the city of Niagara Falls. His boss, Mayor Elia, who's been mentioned by both Senator Clinton, Congressman LaFalce, as well as myself, is a really enthusiastic supporter. And we thank you, Mr. Drake, for coming.

**STATEMENT OF JOHN C. DRAKE, DIRECTOR OF COMMUNITY
DEVELOPMENT, CITY OF NIAGARA FALLS, NY**

Mr. DRAKE. On behalf of Dr. Irene Elia, the mayor of the city of Niagara Falls and the city council, we would like to thank you, Senator Schumer, for pursuing the initiative. In the bill, S. 1227, we would like to thank Senator Akaka and Senator Thomas for allowing us to present testimony before the subcommittee.

To properly place Niagara Falls in an historic setting, you have to remember that Niagara Falls has a significant worldwide reputation as a natural scenic resource. The visionaries of the Free Niagara Movement, one of the first environmental movements in this country in the late 1800's, secured the falls as a special place to preserve for nature, and were the first to establish a Niagara vision. It is the vision for Niagara that captured the imagination of people and compelled them to act. Frederick Law Olmstead articulated that vision in the first State park in the country.

New York State Parks, especially under Commissioner Castro, has provided a great deal of assistance to us and to provide greater access to the natural environment of the falls and the gorge. Niagara Falls is truly unique in multiple ways. And although the Federal study did a great job, I would just like to impress on you the importance of Niagara Falls in the history and geology of the world.

The gorge 8 miles from the falls is a unique eco-system. The trees in the gorge have been found to be up to 1,200 years old, live trees. The gorge is also one of the largest natural whirlpools in the world. Historically, we have been involved in almost every major aspect of the growth of this country. As the land of the Senecas, it was first felt by the French trappers and explorers of the early 1700's. Samuel Champlain and LaSalle built the—that explored the upper Mississippi. That was one half mile from where I live, actually, on Niagara River.

The Fort at Youngstown has been held by the French, British, and Americans for over 300 years. They mention John Jay. This was Jay treaty fort. And the areas and the sites of many of the major battles—War of 1812, the French and Indian War. Fort Niagara was fortified again to protect us against possible Canadian invasion during the Civil War. And it was the last stop on the Underground Railroad on the way to freedom in Canada.

Not just political history is made in Niagara Falls; economic history as well. Our area was the birth of the large-scale electric hydro production that harnessed the power of Niagara. And actually, it was the Silicon Valley of the 1900's, with the birth of the electro-chemical industry, aluminum industry. It was the boom times. In 1900, Buffalo was the eighth largest city in the United States. I think in the report, they mention Buffalo-Niagara is now down to somewhere around 53rd.

Unfortunately, the city has experienced a gradual decline in its once broad industrial base, and it has also paid the price for its role as a pioneer in electro-chemicals. The population of our city, which was once over 100,000, currently stands at 55,000. We are also widely known as the site of Love Canal, which warned the country of the downside of past industrialization.

The historic national prosperity of the 1990's bypassed Niagara Falls completely. Recently, a new awareness is developing that the real future of Niagara is linked to its geological, environmental, and historic uniqueness. Much like the movement in the 1890's, the Free Niagara Movement, citizen groups have mobilized to gain better access to the gorge, now separated by a four-lane expressway of a bygone era.

The city, now partnered with the State through Commissioner Castro, has attempted to provide greater access to the gorge and improve pedestrian and bike access to this wonder. The State is creating a bike path on the lower river. The city of Niagara Falls is creating a bike path on the upper river, which is a joint cooperation with the State Power Authority and State DOT. So it is a collaborative effort on everybody's part to create this new vision for Niagara.

The State corporation, U.S.A. Niagara, as announced by Governor Pataki, set up a 197 acre special zone in downtown Niagara Falls, adjacent to the park, and has made a commitment of \$100 million to the effort. This is an area of failed development, failed urban renewal, and looks over at Niagara Falls-Ontario, which has seen over a billion dollars in new development in recent years. The Governor has also proposed Seneca Nation gaming in the zone.

We are not speculating on what the positive impact of this bill could be, and the possible impact of a national heritage corridor—the feasibility study. We just have to look across the border. The Canadian government, provincial government, and the city of Niagara Falls have done a great job in collaborative efforts. We feel that ourselves, with a new vision, the State of New York through Commissioner Castro's office, and the Federal Government through the National Park Service can recreate a new Niagara that will rival the glory of our bygone era.

[The prepared statement of Mr. Drake follows:]

PREPARED STATEMENT OF JOHN C. DRAKE, DIRECTOR OF COMMUNITY DEVELOPMENT,
CITY OF NIAGARA FALLS, NY

My name is John Carl Drake and I am the Director of Community Development for the City of Niagara Falls, NY. On behalf of Mayor Irene Elia and the City we would like to thank Senator Schumer for pursuing this initiative investigating the possibility of a Niagara Falls National Heritage Corridor in Bill S. 1227. We thank Senator Akaka and Senator Thomas for allowing the City to present testimony before the Subcommittee on National Parks.

A 1992 planning document by Sasaki Associates stated "Niagara Falls and the surrounding area has a significant worldwide reputation as a natural scenic resource and event. The visionaries of the "Free Niagara Movement" of the late 1800's secured the Falls as a special place to be reserved for nature, and were first to establish a Niagara "vision". It is this vision for Niagara that captured the imagination of people and compelled them to act. Fredrick Law Olmsted articulated that vision for the first state park in the country (The Niagara Reservation)." The New York State Parks has recently taken steps to expand the vision of Niagara articulated by Olmsted and has taken an active role under Commissioner Castro to provide greater access to the unparalleled natural environment of the Falls and the Gorge.

Niagara Falls is truly unique in multiple ways, it is a natural phenomenon located in an urban setting, it is one of the most widely recognized wonders both nationally and internationally. Two countries, Canada and the United States, share this attraction. It has been estimated that combined visitation on both sides of the border is close to 15 million annually.

Niagara is more than just the Falls. The Gorge extending 8 miles from the Falls to Lewiston is a unique ecosystem. Trees in the Gorge have been found to be up

to 1,200 years old. The gorge also has one of the largest naturally occurring whirlpools in the world. Historically, this land of the Iroquois has been important in the development of the country. The first French explorers and trappers came to the region in the early 17th century. Samuel Champlain De LaSalle built the Griffin in Niagara Falls that he used to first explore the Mississippi. The Fort at Youngstown has been held by the French, the British and Americans in the last 300 years. The area was the site of many of the major battles of the war of 1812 and French and Indian Wars. Niagara was the last stop on the Underground Railroad on the way to freedom in Canada. Not just political history was made in Niagara Falls. Our area with the birth of electric production that harnessed the power of Niagara was the Silicon Valley of 1900. We were one of the birthplaces of major electric production and the electrochemical industry.

Unfortunately, the City of Niagara Falls has experienced a gradual decline in its once proud industrial base, and has also paid a price for its role as a pioneer in electro chemicals. The population of our City, which was over 100,000 in 1960, currently stands at 54,000. We are also widely known as the site of the Love Canal, which warned the country of the downside of past industrialization. The prosperity of the 1990's bypassed Niagara.

Recently, a new awareness is developing that the real future of Niagara is linked to its geological, environmental and historical uniqueness. Citizens groups mobilized to gain better access to the gorge, now separated by a four lane expressway of a bygone era. The City, now partnering with the State of New York, through Commissioner Castro is attempting to provide greater access to the gorge and improve pedestrian and biker access to this wonder. Planning efforts are underway to make us "the City in the Park" rather than an old chemical town that has a park near it. The State of New York has recognized the importance of Niagara Falls. Through a State Corporation it has designated a 197 acre parcel adjacent to the State Park as a special development zone and has made a \$100 million commitment to the area. The area is an area of failed development and Urban Renewal that looks over at Niagara Falls Canada, which has seen \$1.0 billion of new investment in recent years. The Governor has also proposed Seneca Nation gaming in the zone.

We are not speculating on what the positive impact of reinventing Niagara would mean. We only have to look at our sister City of Niagara Falls Ontario. The region also has come to the realization of the importance of Niagara Falls that extends far beyond its scenic quality. We have been named an EPA Brownfield Showcase Community status jointly with Buffalo. We appreciate the support of our congressional delegation including Senator Schumer, Senator Clinton and Congressman LaFalce in our continuing regional efforts.

The technical advice and focused resources stemming from a the proposed resource survey would go a long way to forging a economic and stewardship strategy for maximizing the benefits, long ignored, of being a unique area of the United States. A Federal National Heritage Area Feasibility Study will support the Niagara area in its efforts in creating an environmentally and economically sound future for itself. The Mayor and City, indeed the entire Niagara Region looks forward to forming a collaborative partnership with the State and Federal governments. A Resource Study, authorizing Federal participation is a positive step in the continued rebirth of our area. This bill authorizing continued consideration is crucial for the hopes, dreams and ambitions of the people within the Niagara region.

Senator SCHUMER. Well, thank you. Well said, Mr. Drake. And now, we are going to move to our two witnesses to talk about Governors Island. We are honored to have both of them. Claude Shostal is the president of the Regional Planning Association, which has tremendous respect in the New York area in terms of its ability to think ahead of the curve. He is also an authority on land use and community development, and he heads the Governors Island group.

STATEMENT OF H. CLAUDE SHOSTAL, PRESIDENT, REGIONAL PLAN ASSOCIATION, NEW YORK, NY

Mr. SHOSTAL. Thank you very much, Mr. Chairman. We at Regional Plan Association have been working on Governors Island for over 5 years, and have been leading the broad based civic coalition that supports the return of the island to New York and its reuse

as a great public resource. Of all the issues in the entire tri-state region, this is one of our top two priorities.

As you mentioned, prior to coming to RPA almost 10 years ago, I served in senior positions in both State and city government in the areas of parks, historic preservation, the arts, and urban development. And in between my time in government and the not for profit sector, I spent a dozen years in the private sector working in real estate development on large scale urban and waterfront development projects. All of these experiences are directly relevant to the challenges we face on Governors Island.

I would like to thank you for the opportunity to testify and for your interest in the future of Governors Island. The written testimony I have submitted spells out in greater detail the background and the case for Governors Island, but I would like to underscore a few fundamental and overarching points, some of which you and others have made.

First, let me emphasize what everyone who has set foot on the island knows: it is, as you called it, a special place, a magical place; its historic buildings and landscape grounds transport one back 150 years in time. And although it is only minutes from Wall Street, it is a place of tranquil beauty and profoundly important history. With Liberty and Ellis Islands within view, it is the obvious and natural compliment to these great historic public resources.

The concept that this national treasure could be auctioned off to the highest bidder is beyond inappropriate. It is obscene. We should not even be here today talking about special legislation to return the island to New York. Let me underscore just three of the many reasons why. First, as you and others have pointed out, we gave the island to the Federal Government in 1800 for national defense. And for almost 200 years, the Federal Government used it free of charge for that purpose. So historical fairness would require that it be returned at no charge.

Second, when it was finally declared surplus in 1996, only a technicality that it was a Coast Guard base at the time, not an army or a navy base, as it had been for most of its history, exempted it from Federal base closing procedures, which would have mandated its return to New York, with compensation for the adverse economic impacts of its closure. So legal and economic fairness would demand its cost-free return.

And third, the existing Federal legislation requiring the payment of fair market value was the result of closed door, cynical political gimmickry to meet a budget balancing mandate without regard to the island's history or potential public purpose. So even political fairness would dictate its no cost return.

The final point I want to make is that the \$330 million value placed by an appraisal on the island is pure fiction. The appraisal, with which most sophisticated real estate professionals would not agree, does not reflect the real world. As Senator Clinton pointed out, the kind of development needed to generate such value will never happen. An auction by the Federal Government will not produce anything close to this kind of number, because no knowledgeable purchaser, no prudent financing source will put cash on the barrel for the island as is.

Why? Because there is no zoning or environment permitting in place for the kind of massive commercial or residential development needed to create such value. There is landmark designation for half of the island, including the one million square feet of historic buildings, and now a national monument designation for a portion of it. There is virtually universal local, political, and civic agreement on a plan which emphasizes, as it should, parks, open space, public access, and appropriate reuse of the historic buildings—a program that yields self sustaining operation, but a negative residual value for the island.

Any significantly different development proposal will meet with a firestorm of opposition, years of litigation, and almost certainly, eventual political death. But initiating the auction process, which is now scheduled to begin in only 60 days, will sentence the island to many tragic years of controversy, uncertainty, dispute and decay. We must avoid this unfair and irrational outcome. So we appeal for historic fairness, legal fairness, economic fairness, and political fairness. We therefore urge passage of S. 689. We fully support the continuation of the national monument designation, and we deeply appreciate the committee's interest in this matter. Thank you.

[The prepared statement of Mr. Shostal follows:]

PREPARED STATEMENT OF H. CLAUDE SHOSTAL, PRESIDENT, REGIONAL PLAN ASSOCIATION, NEW YORK, NY

Thank you for this opportunity to testify for your interest in the future of Governors Island—one of the great places not just in New York, but in the whole United States.

For more than 75 years Regional Plan Association has been a non-partisan voice for the wise conservation and development of the Tri-State New York/New Jersey/Connecticut Metropolitan area. Our Board of Directors is composed of senior officers of some of the largest corporations, civic associations, and academic institutions in the 31-county, 13,000 square mile Region. Since 1995, RPA has chaired the Governors Island Group, a coalition of 20 civic, environmental, and business organizations. In that capacity we have organized a public workshop on the future of the Island that attracted more than 250 local, regional, and national civic leaders and planning experts and have undertaken a \$150,000 feasibility study of the Island's potential for redevelopment. My own background is as a real estate executive. Prior to being appointed RPA's President, I worked on several major redevelopment efforts, including the Colgate-Palmolive site on the Jersey City waterfront and other major urban downtown and waterfront projects.

Governors Island is a special place, hallowed ground that played a critical role in the history of the nation. In 1776, American control of the Island's fortifications was a factor in General Washington's army successful retreat from powerful British forces massed in New York Harbor, in effect preserving American independence. In the War of 1812, Castle Williams and Fort Jay on Governors Island helped deter a British attack on New York, preventing the destruction that befell Washington and Baltimore. Confederate prisoners, the Wright Brothers, Blackjack Pershing, World War I doughboys, the D-Day invasion plans all had their time on the Island, part of a military history punctuated by the Reagan-Gorbachev summit that marked the beginning of the end of the Cold War.

This history is readily palpable when one walks in the National Historic Landmark District—an unmatched assemblage of nineteenth century fortifications, landscaped grounds and federal- and Victorian-style buildings. Of course, there are other nationally significant resources at stake as well. Of particular note are the spectacular views of the Statue of Liberty, Ellis Island, the Manhattan skyline, and the whole sweep of the inner Harbor and over one million square feet of historic building space which could be readily converted to public benefit uses.

RPA and the members of the Governors Island Group civic coalition strongly endorse S.689, which would affirm the creation of the Governors Island National Monument and convey the remainder of the Island to New York State and the Governors Island Redevelopment Corporation.

Last year, President Clinton established the Governors Island National Monument on twenty acres of the Island. This designation will ensure that Fort Jay and Castle Williams, two significant pieces of military architecture, would stand with Ellis Island and the Statue of Liberty as a unique place to understand and appreciate American history. It would ensure that the National Park Service, the keeper of the Nation's history, will tell the remarkable stories associated with Island.

Creation of the National Monument has broad support, on a non-partisan basis, from all New Yorkers. As one example, I have attached a letter sent by the members of our civic coalition in support of the Monument to Interior Secretary Norton.

Unfortunately, the language in the Executive Order left some ambiguity as to the relationship between the creation of the Monument and the disposition of the rest of the Island. The Department of Justice has chosen to interpret that language in a way that directs GSA to sell the Monument along with the rest of the Island. As a result, Park Service planning for the management of the Monument has been derailed. Moreover, based on Justice's opinion, GSA is now proceeding to reappraise the entire Island, including the two historic forts, in preparation for a potential public auction.

The sale of a National Monument is, to our understanding, without precedent. It would be an ugly action on the part of the Administration and a complicit Congress. While the Congressional Research Service has cast some doubt on the veracity of Justice's legal opinion, the clearest way of firmly establishing the Monument is for Congress to pass new legislation. S. 689 would remove any ambiguity about Designation. Importantly, it would also enable the Park Service to extend its interpretive programming beyond the physical confines of the two structures included in the Monument Designation.

S. 689 would also convey the remainder of the Island to the State of New York at no cost. Such action is both fair and has ample precedent. New York State formally ceded the Island to the federal government in 1800—a transaction that was completed in the 1950s for the sum of one dollar. For the past 200 years, the use and care of the Island has been the charge of the federal government. Now that the Army and Coast Guard no longer require the Island to accomplish their missions, the federal government has the obligation to ensure that its disposition enables other public interests to be met through the Island's reuse.

It is only by a technicality that the federal government was not mandated to assure some responsibility for redeveloping the Island, an Army base until 1964, for viable economic development and public benefit uses. According to the Coast Guard's *Environmental Assessment* report on the closure and conversations with Coast Guard personnel, direct government spending associated with the Island's Coast Guard base amounted to about \$31.6 million in 1992. The Governors Island base had a total employment of approximately 2,300, of which 500 were non-military support personnel. Under the closure plan, 600 of these positions, including 50 non-military personnel, have moved to other facilities in the New York area. The remaining 1,250 military and 450

civilian positions were either cut or transferred to other regions of the United States. To help their host communities handle such economic impacts, other former military bases around the country have been transferred at little or no cost to other federal agencies, local or State governments. Some have received millions of dollars for capital improvements and operational funds from the National Park Service and the Department of Commerce to aid their redevelopment. The disposition of Governors Island, by virtue of the 1997 Balanced Budget Act is instead currently expected to realize \$330 million of revenue.

Based on our own assessment of the redevelopment potential of the Island, as well as that of the Urban Land Institute (the national association of professional real estate developers), the Real Estate Board of New York, and others, we question whether any private investor or public entity would be willing to pay anything close to this figure. The physical logistics of redeveloping an Island, uncertain markets for normal residential and office uses, and most importantly, what is certain to be a lengthy and uncertain public approval process will severely limit the value of the Island and the financing of any cash purchase.

Sooner or later, Congress and the Office of Management and Budget will have to grapple with the fact that its budget peg is unrealizable, and readjust its projections. The responsible course of action would be to acknowledge this fiction sooner, so that truly viable reuse strategies can move forward.

As noted in S. 689, the Governor, the Mayor, and a remarkably bi-partisan array of elected officials have endorsed a concept plan that, we believe, is practical in its assessment of the kinds of activities that would want to locate on an Island.

In proposing their plan, the Governor and Mayor have rightly concluded that the reuse of Governors Island has marginal value as a real estate venture per se, but

could offer the City, State, and the Nation tremendous benefits if it were transformed into a civic space that integrated cultural, recreational, and commercial activities in a single setting. The Island's 1.1 million square feet of historic buildings are well suited to house such functions. Filling these buildings with compatible uses will help ensure that they are protected over time. I note that this concept is markedly similar both to that proposed by RPA in our own 1998 feasibility study and to the assessment made by the Urban Land Institute in 1996.

Just as important, this plan recognizes the national interest in preserving the historic character of the Island and creating significant recreational opportunities on the Island. The proposed uses, significant public spaces, and the provision of public funds that the State and City will have to expend to realize the plan provide a strong rationale basis for a no-cost transfer. (It should be noted that the General Services Administration has asked the State to provide a more detailed reuse plan that is legally binding on the Governors Island Redevelopment Corporation. This request is logical and reasonable. While a specific plan may be premature at this point, the Governors Island Group has proposed a set of redevelopment principles such as keeping the Island in public ownership, provision of adequate park space and investing all revenue generated by Island leases or concessions for the Island's upkeep. These principles would guarantee both the public's interest in the Island as well as the federal government's interest in a fair deal. They would lead to a more realistic appraisal of the Island's value. The complete list is attached.)

In closing, let me emphasize that the proposal before you represents an opportunity to safeguard an important piece of American history for the future in a way that is fair to both the taxpayers and the resource itself. We urge your support.

GOVERNORS ISLAND GROUP

Proposed State Commitments

July 23, 2001

1. The Island shall remain in public ownership in perpetuity.
2. Revenue generated on the Island through leases, franchises, or concessions shall be used to offset public expenditures or reinvested for public purposes on the Island.
3. The Island's redevelopment shall be in keeping with the proposed vision of the Island as a grand civic space for New York and the Nation. This includes permanently establishing:
 - A public esplanade of not less than 50 feet in depth around the perimeter of the Island along the waterfront.
 - Protected open space in that portion of the Parade Ground surrounding Fort Jay that is not within the National Monument, Nolan Park, Colonels Row Green, and Building 400 South Courtyard.
 - A public park of not less than 46 acres in that portion of the Island south of Division Road consisting primarily of public park uses.
4. Permitted Uses on the Island shall include conference centers, hotels, hostels, spas, extended stay facilities, and similar accommodations; restaurants, catering establishments, and other dining facilities; retail facilities, artisan shops and other like arts-related uses; entertainment facilities; non-profit office uses; commercial recreation facilities; and cultural and educational uses. The following uses should be specifically prohibited: Residential uses, except for compatible adjunct uses; electric generating stations and other major utility facilities; and community facilities such as hospitals, prisons, and domiciliary care facilities for adults, except as transitional facilities.
5. Redevelopment of the Island will be subject to the following restrictions:
 - No new structure may exceed the height of the cornice of the central portion of the existing Building 400 (approximately 50 feet).
 - Open view corridors to the water shall be maintained along existing and future streets and walkways running to the water.
 - Within the Historic District, all existing structures that have been identified as historic structures or as contributing to the historic character of the District shall be retained and maintained, consistent with preservation covenants developed by GSA and subject to adaptive reuse for all permitted uses as detailed in the Governors Island Historic District Design & Development Guidelines now being prepared by the GSA.
6. The State shall invest sufficient capital needed to realize its plan, including demolishing inappropriate structures, building the public park space, and restoring

the bulkheads and other infrastructure, and will be responsible for the on-going maintenance of the Island and its historic structures.

7. Maintenance during the initial interim period (anticipated from October 1, 2002 to October 1, 2005) shall be in keeping with the standards adopted as part of the Programmatic Agreement that governs GSA's current maintenance of the Island.

Senator SCHUMER. Thank you for some excellent, characteristically excellent testimony, Mr. Shostal. Before I recognize Ms. Thompson, I just want to recognize the leadership of Congress members Nadler, Maloney, and Gilman on this issue. And now, we have our final witness.

Last but certainly not least is Jane Thompson. She is an architect. She is principal of Thompson Design Group. She is an urbanist who, for over 30 years, has impacted cities on North America and around the world, planning successful, well loved places such as the Navy Pier in Chicago, Boston's Faneuil Hall marketplace, and the Grand Central District in Times Square in New York City. Ms. Thompson, your entire statement will be read in the record, and you may proceed.

**STATEMENT OF JANE THOMPSON, PRESIDENT,
THOMPSON DESIGN GROUP, BOSTON, MA**

Mrs. THOMPSON. I will try and be summary, but with a curtain raiser like all of you, there is almost nothing left to say. I might add, for local interest, that my husband and I, and our firm, were directly and deeply involved in the restoration of Union Station—still are.

Senator SCHUMER. With so many accomplishments I could not mention all of them.

Mrs. THOMPSON. And also the preservation, with the GSA, of the old post office. So I have some roots in Washington as well. I appreciate your invitation to speak on this subject, about which I am not only enthusiastic, but absolutely personally passionate. And I do not think there is much I can add from a legal point of view. Being an architect hardly qualifies me as a politician or a lawyer. So I am just going to plunge in and tell it from a personal perspective.

Because of RPA, I got interested in the island in 1995, when they held the first large workshop in lower Manhattan about the future of the island, anticipating, but not quite, all of the problems in the future. It was a major event—community boards, preservation experts, urban designers, and so on. And after the workshop, which came out with ideas that are more refined and representative than these drawings which were the outcome of work in my office, in the next 2 years with RPA, trying to see how we could predict and test the feasibility that this place could be saved without losing its historic quality.

I wish you could all get on the boat and go on that 5-minute ride over to the island and really see this, because there is no substitute. This is a spectacular and unusual little piece of New York, but it really is New York. It is just by some geological accident some water got in the way and, as a result, it is this almost bucolic separation of place, which gives you a totally transcendental feeling about the city when you get there.

What we did in the workshop and the subsequent work was to test the viability and sustainability of this historic place of public benefit so that it could be kept without large-scale development, or

commercialization, or privatization, or loss of its historical quality, and also be self-sustaining. We had this as a very specific goal, and I think we demonstrated the way this mix that Senator Moynihan mentioned could be done.

It was all in our final report, and I wish I could point to things on the drawings, but I will plunge ahead. We tried a lot of alternatives, and we also tried and found things that would not work. Underscoring what Claude has said about residential development, it is not only all of those reasons of financial unfeasibility, it is also its requirements of infrastructure it would have to become for the kind of development that they would envision, an entire community with all the amenities and services that would be required in any section of New York. And this is simply not doable on that island.

A few of the things I would say about the island that make it unique—it is an island that nobody knows, and it is imperative that it be part of the trio of international attractions that occur in the harbor. It is right next door—and you can see a little red dot there—how close it is to the shores of Brooklyn. It is a resource for those who live around the island. It is a resource not only for visitors but also for residents. Downtown Manhattan desperately needs this place to play that the Senator has referred to. This open space is a place to have water, sky, and air.

It is a place, as we envisioned it, as a place for all people. The public benefit is open to all. And what we envisioned is a kind of new urban park. Urban parks have been heard of, but I think this is more park, perhaps, than many of them. And active and passive things can happen here, incorporating some low-key commercial amenities, which, in the whole, will be enjoyed by millions of visitors annually. But our approach is the essence of preservation, because it preserves the unique, bucolic quality that is there today.

It is a green and leafy village. And if you go there, you will want to walk around, and stroll and explore, and gaze at the water as the boats go by. It invites diversity, and our model, as we are showing it, had a really interesting and balanced mix of uses, from sports and culture, to health, recreation, vacationing, social opportunities, holiday programs, and festivities—all the things you would do in a city, but transposed to a new environment. And this makes it usable in all seasons of the year.

The military monuments are very important, but they are really not separable from the architecture. The place as a whole, the footprints of history are all over this island, and they deserve to be held together as a total monument, and not seen as a piece of real estate with a monument in it. Residential buildings, which are fascinating in themselves, can be used for lodging, hotels, hostels, conference centers, and the other buildings there adapted to similar uses, which will help support the overall.

But I think finally, I just want to say that this is a place apart, and it is a transformative place. We kept using this word in the workshops. It gives you a different perspective. It gives you a new way of looking at the world and reflecting on issues in new dimensions. It is really a priceless urban retreat, and we call it a third Central Park, at the heart of the harbor. And I think when you go there, it changes your evaluation of the joys of living even in a crowded city, and a beautiful city at that.

I think we can reclaim it. We have a window in history, which everybody has pronounced about. Revitalizing the island, as a whole civic place, is in the national interest, and it is of national significance. And I hope that you and all of us will prevail on those to see this clearly.

[The prepared statement of Mrs. Thompson follows:]

PREPARED STATEMENT OF JANE THOMPSON, PRESIDENT, THOMPSON DESIGN GROUP,
BOSTON, MA

I appreciate this opportunity to speak on the future of one of the most special places I know in America. My name is Jane Thompson, and I am one of the beneficiaries of RPA's interest in the Island, having been invited to participate in the very first large public Ideas Workshop about the future of the island, in 1995, in Manhattan. The Workshop brought together a coalition of 20 civic and business groups and eleven urban designers, real estate and park experts, for three days of talking and planning. I got familiar with the island and its beauties, and stayed on the continuing team as the urban planner, as we launched a 3-year effort to imagine, study, predict, and test the uses and site design that would prove feasible: that is, to preserve the island with minimal changes to its historic fabric, while introducing a sympathetic mix of new uses that would render it economically self-sustaining—yes, it can be—after initial investment in restoration by both public and private sources.

My long professional life in architecture and planning has centered on revitalization of once-vibrant run-down yet useful buildings and places. Locally, they include the rehabilitation of the Old Post Office with the GSA (early 80's), then the transformation of a "white elephant" Union Station into the richly historic multi-modal culinary center that you have today (opened 1988). Earlier, some of our save-the-city efforts included Baltimore Harborplace, and Boston's Faneuil Hall Marketplace, both with The Rouse Company. As I think about it now, there are interesting parallels. Each of those projects began with a discarded and obsolete place or artifact, each sunk to such low regard that cities and agencies could not justify an investment in reclaiming its actual historic value. Each place was rediscovered, defended, and eventually revitalized by public-private endeavor, with tremendous reward in terms of intrinsic and cultural values as well as immeasurable spin-off benefit to local economies.

And so it can be on Governor's Island and in the great harbor around it. My testimony will attempt to articulate reasons WHY this island is a unique place, an heirloom in public trust that should not for any reason be transferred to private developers and sliced into piecemeal projects for profit. These are issues I feel passionately about. For me, this is not a "project," it is a cause with great meaning, as it is for a great many people.

It goes without saying that governments in the USA are the guardians of public trust and heritage. Agencies at all levels are expected to guard our history, not to trade it for quick revenue—even in moments of financial need. If this were not a given of our heritage, New York City might solve any annual deficit by auctioning off the northern 100 acres of Central Park. Or the federal government might bridge the Social Security gap by selling a hotel site on the Mall, just steps from the Capitol(!) while the Treasury raises ready money by leveraging luxury home sites on spare land around the Washington Monument.

Governors Island, with its existing (if not yet complete) designation as a National Monument, is a place of inestimable historic value to the public, now and for future generations. It is not just a war memorial. Its unique value springs precisely from its wholeness and continuity—a mixture of land and buildings, installations and outlooks, trees and fields, an environment that has evolved over centuries and carved its legends into the rocks and soil.

The original site, intact in its entirety, tells its story through both the military fortifications and the surrounding domestic architecture that gave quarter to its forces and leaders and their families, in a continuum that reaches from the American Revolution to the age of space travel, and makes them all seem real and relevant.

The elegant federal-style residences (Queen Anne) of Governors, Admirals, and Commanders stand beside Victorian homes along leafy paths; imposing officer barracks (McKim Mead and White) lend definition to the center of community space. The setting speaks eloquently of the human lives through its landscaping, residential neighborhoods shaded by age-old trees, buildings sited for views and pedestrian vistas cleared toward surrounding city and water. It is not just the confined battle-

ments that have meaning; the footprints of two centuries of history are all over this old island. It is a magnificent public space. Disney could not improve it through costly imitation. It is resolutely real, and any school child immediately feels the difference.

We should think of Governor's Island as an American family album projected in three dimensions—lovingly preserved sites and foundations built upon generation after generation. Today we still may visit the visible places where memorable things happened—not only in arenas of battle preparation, parades, protection, and imprisonment, but in family homesteads, front yards, schools, churches, favorite walks, and picnic spots. And among all these, there is the “walk in the woods” setting for the great diplomatic moments between Reagan and Gorbachev.

But—beautiful as it is, the Island will never command the big money on which its imminent sale is predicated. In fact, (it is worth repeating) these great historic qualities diminish the value that profit-oriented real estate speculators will look for here. Not only are there historic constraints and unbuildable land, but there is not yet the foundation of certainty that required permits and approvals for development of any kind can be procured. As U.S. government property since its transfer by the State of New York in 1800, the island has never had the precedent of municipal code regulation, never passed the hurdle of being zoned for uses consistent with New York City law. Such certainty is the bedrock of financing valuation and commitment in the risk-averse real estate industry. Without it, the property has the full value of a pig in a poke—until that long regulatory process is actually accomplished.

Governor's Island is special because it is a PLACE more varied yet integrated and homogenous than most places built under today's development standards. The whole historic place—the monumental site of 40 acres—has the national importance of a COMPLETE NATIONAL MONUMENT in a class with Fort Ticonderoga, Fort Sumter, and the Presidio of San Francisco. And in historic dimensions, it is greater than any of these. A true public monument is not a few salvaged walls. It is an aggregation of meaning over decades and centuries.

Has governmental trust brought our heritage to this cheap end—a quick sale to cover budget deficits? Should we trade 200 years of quality and tradition for—what? A few million dollars dropped into the black hole of the budget? What do we suppose Mt. Vernon will fetch at auction when its time comes?

The projected financial gain from a final Federal sale of this land, if transformed into a significant Federal gift that returns the land to the State of New York and to the people of the United States, is a gift that will keep on giving. It will yield high returns for days and years, echoing the pleasure of enlightened and grateful citizens for generations to come.

STRATEGY FOR ACHIEVING THE PLAN

I want to contribute these further details to describe the precise potentials that the Island holds for New Yorkers and the visiting public alike, and for the real possibility that it can become a self-sustaining place without drain on the city or state.

We have, in this small window of history, the chance to save and reclaim Governor's Island so that present and future generations may rediscover the city of New York and all it has meant to local and national history. And so that visiting families and tourists may understand this long-invisible piece of American history as part of their harbor visits. Thus it becomes the Triple Treasure tour that belongs at the tri-state crossroads.

Shortly, this national treasure may be permanently excised from the archives of national treasures before its treasury has ever been display to or witnessed by the American people. Revitalizing Governor's Island as a civic place is in the national interest and of national significance.

These are the things that can save it and make it self-sustaining, as well as historically significant into the infinite future.

1. Parameters of Possibility: The Plan and the Prospect

In its feasibility planning study of 1996-1999, Regional Plan Association tested the viability and sustainability of an Historic Place of Public Benefit that could also be economically self-sufficient after initial public and private investment in restoration and adaptation. We established that it could meet those goals without large-scale development commercialization, privatization, or loss of any of the historic lands, trees, and architecture that make the Island a delightful and extraordinary “Place.”

The RPA study envisions the island as a new kind urban park—a diverse garden-like space of active and passive activity, incorporating recreational and low-key commercial uses, which opens the whole island to use and enjoyment of millions of residents and visitors annually. This is the essence of preservation: this preserves the

unique park-like environment of the Island as it is today. It has a green and shady village-like character with neighborhood clusters. With its continuous water edge and compelling ramparts and outlooks toward city, harbor, and sea. Expendable as a military community, it can incorporate the battlements and become a great civic place. The plan assumes preservation of all structures except a few post-war additions on the original site, and clearance of non-conforming post-war buildings south of Division Road, reshaping the filled land into a Great Public Park of 132 acres.

The feasibility study demonstrated that a sensitive and sound mix of facilities can be oriented to various constituencies—from the educational and recreational needs of local citizens to the destination interests of travelers and tourists. We found that an appealing memorable environment can be conserved, within a distinguished larger locale in which some commercial amenities and facilities support the park environment that is free to all who visit.

Most of the historic residential buildings—barracks, officer quarters, apartments, homes—can be directly reused as lodgings, hostels and conference facilities. Offices, meeting rooms, and schools, are readily adapted for other related reuse, with minimum exterior change. There are locations for restaurants, cafes, picnic areas, artisan and museum shops, interpretive centers, catering and entertainment areas, including an arena for outdoor performances.

Reached by a short commuter ferry ride from the tip of Manhattan, this is a pedestrian island—car free, open to joggers and bikers and amblers, serviced by small runabouts (mini trucks) that don't threaten mothers with strollers while offering taxi service to seniors with tired feet. The relation of buildings and open spaces, of extended stay facilities and areas for lunch-hour breaks and after-school play, can be sited for convenience and privacy. Well-planned facilities within a fresh verdant landscape will attract international tourism, city visitors, and continuous local use—the kind of broad public benefit that offers all levels of enjoyment.

2. Key Concepts for Maximizing Public Benefit

It Is the Island Nobody Knows

Governor's Island, though always visible from the tip of Manhattan, has been off-limits, a place of mystery, a missing link in the circle of historic harbor attractions. By adding it to Ellis Island and The Statue of Liberty as harbor destinations, we allow public discovery of the oldest and most venerable of the trio at the heart of the tri-state crossroads. Governor's Island is rich with places of memorable action, life, and people, where visitors may find new understanding of New York's role in U.S. history.

It Is the Island Next Door

The Island's 172 acres are just one-half mile offshore. It takes 7 minutes from Brooklyn and/or Battery Park on a comfortable ferry. Once you are there, the island's 2-mile water-edge affords a front row seat on city and sea. It takes in spectacular views of skylines, rivers, and the whole harbor that was once guarded by its forts and forces, protecting the city from invasion wars since 1776. A catalyst for public discovery of all the harbor resources, an accessible Island will add a whole new chapter to the visible story of New World settlement, protection, immigration, and expansion.

It Is a Place to Walk Into Our Past

A National Landmark District reveals the story of three historic fortifications that protected the city over two centuries of military action and international diplomacy. There are ramparts to climb and dungeons to explore, gun emplacements and parade grounds to view, residences of Admirals, Generals, Commanders, Governors, and military personnel—over 1 million square feet of genuine fortifications and admirable architecture, all to be restored and used in ways that allow public access. These real places, in an invigorating outdoor setting of fresh air, water, grass, sky and skyline, create a gripping theater of New York history.

It Invites Diversity of Uses and Users

Skillful reuse of the historic core and the manmade southern acreage as parkland, offers a balanced mix of new uses: health and recreation facilities, commercial amenity, vacationing and social possibilities, sports and cultural activity, holiday programs and regular festivals. Diversity of program can bring together people of all ages and varied personal interests to find enjoyment in all seasons of the year.

It Is a Place Apart—A Transformative Place

Each visit to this near but separate place offers a refreshing change of pace and perspective—new ways of looking at work, leisure, city, sky, and nature, allowing reflection issues and ideas of all dimensions. Its inherent character is that of a

priceless refuge, a third Central Park at the heart of the harbor. It stirs inner vision, and refreshes one's valuation of the joys of life in an intense crowded city.

It Is an Island to Realize Through Imaginative Planning

If conveyed to the State of New York under S. 689 this unique environment and open space may be sensitively transformed for diverse recreational and commercial opportunities that can make the whole park economically self-sufficient. Viable uses planned for old and new buildings as well as open land can yield revenues to preserve the historic environment in a responsible manner, with a goal of economic sustainability. It is potentially profitable as a "non profit" public enterprise.

We must evaluate the profits, beyond dollars, that are contained in the future of this place.

To bear out my statement about profitability, I pose the example of the restoration of Chicago's Navy Pier, of which I was chief planner and designer of its balanced public and private uses. The economic goal, after initial capital investment of state general funds, was financial self-sufficiency; there would be no contribution or future tax liability by the city or state to support the facility, programmed for family leisure, recreation, and culture. Today, with a balance of free public open and water-edge space and historic structures, public fee-paying attractions like museums, exhibits, theater, and related parking, and privately financed commercial amenities of restaurants and food concessions, Navy Pier attracts 9 million visitors annually and realizes far more revenue than is required for operation and maintenance. Many people visit entirely free, yet it is making a profit beyond all projections.

Senator SCHUMER. Well, thank you very much, Ms. Thompson, once again, for great testimony. I have a whole bunch of questions. I just have a couple on Niagara Falls, and then maybe we can let our Niagara Falls witnesses go, and then we will talk about Governors Island. First, I just wanted to ask—and I want to thank you, Mr. Galvin, not only you, but Mr. Pepper, I know, who is seated behind you, for your leadership in helping us come to this point. Both of you have really been behind us, and we appreciate it.

And as you know, we have already made provision to have this money put into the Senate bill. I believe it will be in the House bill, so you do not have to worry about it coming out of your other 42 or whatever it was studies that you have to do. But what about the idea of shortening it? Three years is an awfully long time. We are really moving. We have our consensus. The Governor is putting in, as Commissioner Castro mentioned, quite a bit of money. Could we speed this up?

Mr. GALVIN. Well, it is not impossible, but I would caution that, in my experience with these studies, you spend more than half your time talking to the public here. This is not a technical planning problem, it is really soliciting public opinion about, what do you want to save around here, how do you link it together, who's going to be interested; who's going to support it, who's going to oppose it, how many people are going to be indifferent? So it is very much a consensus building process. It is also a process that will yield things on the way.

So I would not say we are stuck with three years, but I would caution that it is very much process oriented, as opposed to digging out technical facts and coming up with some grand master plan.

Senator SCHUMER. No, I agree. The one thing I would say is we—there has been so much discussion in Niagara Falls, and I have been spending about a year bringing people together. That may help speed it up a little bit.

Mr. GALVIN. Well, that might help.

Senator SCHUMER. Okay, great. And I do not have any other questions on Niagara Falls, so I do not think it makes any sense

to keep Mr. Drake, Commissioner Castro here. I do have other questions, many on Governors Island, even including something for you, Mr. Galvin. So I would thank both witnesses for coming and helping us take another step on the road to progress in Niagara Falls.

First, I did want to clarify, in terms of Governors Island, before I get to Mr. Moravec, where I have a whole lot of questions, something you said, Mr. Galvin, on behalf of the Park Service. You said you did support the title 5 part of the bill, the idea that this is Governors Island. You had mentioned in your testimony the idea that this language, which I should get in front of me as well, that deals with the notwithstanding any other government language, should be changed so that it can be clear that a national monument stays a national monument.

Mr. GALVIN. Right, that is section 4 of the bill.

Senator SCHUMER. That is section 4, I apologize.

Mr. GALVIN. And we do support that, absolutely.

Senator SCHUMER. My only question is, is that the Park Service or is that the administration?

Mr. GALVIN. The administration.

Senator SCHUMER. Including the Justice Department.

Mr. GALVIN. It is the cleared position.

Senator SCHUMER. Great. Well, that is very good progress and excellent news. That gets us part of the way there. Good. Thank you for that. Just to inform our other witnesses and others, one of the objections, not the only, but one of the problems we had was that it seems, by the Justice Department, that when President Clinton made part of the island a national monument, that that would not stand, and our legislation does make it stand. There is some arcane language there that said, notwithstanding any other legislation. The support of the administration to do that is terrific.

Okay, now let's get to the nub of the matter, which involves Mr. Moravec above all. Here are my questions for you, sir, because we can not really determine where the administration is. As I told you, we had some sympathetic comments from the President on his trip to New York, where we all sort of ganged up on him and asked him, but no firm position. So first, does the administration support this legislation that would provide a clean and clear path to protecting the national monuments and transferring the island to New York State for the benefit of future generations of Americans? And if not, why not?

Mr. MORAVEC. I must confess, I am somewhat surprised by Mr. Galvin's testimony.

Senator SCHUMER. It is a pleasant surprise as far as I am concerned.

Mr. MORAVEC. Unless S. 689 is enacted into law—which will then clarify these matters—GSA is proceeding on the assumption that the Balanced Budget Act of 1997 rules. And that would require the sale of all right title and interest in the island.

Mr. GALVIN. Well, let me read it for the record.

Senator SCHUMER. Great, that would be great.

Mr. GALVIN. "The Department supports section 4 of S. 689, regarding"—

Senator SCHUMER. Now, mind you, that is just section 4, not section 5.

Mr. GALVIN. Just section 4—"regarding the conveyance of a portion of Governors Island to the National Park Service, but defers to the General Services Administration's comments on section 5, regarding the conveyance of the majority of Governors Island to the State of New York.

Senator SCHUMER. Right, but if this did prevail to be the administration's opinion, that would mean the monument section of the island—and it passed—would have to pass our law and signed by the President, that the monument part of the island would stay a monument. Am I correct about that?

Mr. GALVIN. Right.

Senator SCHUMER. And what percentage of the island is that? Does Ms. Thompson or Mr. Shostal know?

Mr. SHOSTAL. It is 20 acres out of 172.

Senator SCHUMER. So it is a nice portion.

Mr. SHOSTAL. Ten percent.

Senator SCHUMER. Right, a little more than that. Okay, let me then ask again, let's just let you guys settle the section 4 issue; I am going to presume that you are okay on that for the moment. But what is the administration's position on the entire bill, and particularly section 5? And if there is no position, why isn't there?

Mr. MORAVEC. The position that the GSA is taking is that the Balanced Budget Act of 1997 rules and that requires and directs GSA to sell Governors Island not before fiscal year 2002, at fair market value. It also requires GSA to offer to the city and State of New York a right of first offer to purchase—

Senator SCHUMER. We are aware of the law. So is it that the administration is opposing the bill that I have put in, or they do not have a position, or—

Mr. MORAVEC. I would say that the administration is neutral on the bill, to the extent that we will be guided by whatever the—

Senator SCHUMER. No, I know what existing law is: I am asking, is it an affirmative neutral or is it just that we have not taken a position yet?

Mr. MORAVEC. We have not taken a position yet.

Senator SCHUMER. Okay, I would ask—

Mr. MORAVEC. That is to say that GSA has not taken a position. I can not presume to speak for the entire administration. I am speaking for GSA.

Senator SCHUMER. Understood, Mr. Moravec. I would ask that you contact, however you do it, up to the chain in the White House and try to get us a position, because I know the record is going to remain open for a period of time, and get us a position on that. Would that be possible?

Mr. MORAVEC. Sure.

Senator SCHUMER. Thanks. Okay, the next question: when we discuss the future of Governors Island, two figures continually arise regarding its value: the \$500 million that is in the Balanced Budget Act, and \$330 million. The second comes from the GSA appraisal of the island, utilizing current New York City zoning. Now, I know no one in the New York real estate community—and this is a group of guys, almost all guys, maybe there is a gal or two,

who would love to get their hands on any kind of property they could to develop, that they are going for much less choice than Governors Island. But no one thinks it could fetch anything close to those figures. So do you believe either figure, \$500 million or \$330 million, could actually be realized from the sale of the island?

Mr. MORAVEC. I can not presume to make such a pronouncement. I can only tell you that it is a completely unique place; it is of incalculable value, as has been testified to here today. We are proposing to let the marketplace tell us what the value is of Governors Island.

Mr. SCHUMER. Now, Ms. Thompson and Mr. Shostal, you are both very much involved in this. Do you believe it could come close to even the \$330 million figure?

Mr. SHOSTAL. I would like to address that. Here is the quandary. I am convinced that if the auction procedure would say, you must bring a check and accept the island as is on the day you write the check, somebody may come up with \$5, or \$10, or \$20 million. You know, Bill Gates or somebody who would like to live there that is willing to write a check for \$10 or \$20 million.

Senator SCHUMER. Not for \$330 million.

Mr. SHOSTAL. No, what I am most frightened by is this process where somebody bids \$350 million, but the bid goes as follows. I will write you a check at \$1 million on the day you give it to me. I would like 6 months to negotiate a development agreement; at the end of the successful development agreement, I will write you a check for \$10 or \$20 million. And then, upon appropriate rezoning, reuse, environmental permitting, 5 years or 8 years later, I will write you the remainder, because then I will have the permission to then create the buildings that will create the value. And that will lead to years of negotiation dispute with the developer in place who has, then, vested rights. It is that kind of a process that I find so tragically frightening.

Senator SCHUMER. As is under—

Mr. SHOSTAL. As is cash on the barrel.

Senator SCHUMER. But what is motivating some of my colleagues against this is that they think they could get \$330 million cash on the barrelhead. Could they?

Mr. SHOSTAL. It is ridiculous.

Senator SCHUMER. Do you agree, Ms. Thompson?

Ms. THOMPSON. I will just add that in the course of our study, while we were doing it, the city of New York—because this had not been clarified—was busy taking the biggest developers they could find out to that island. And we have this in the record somewhere. We know that Donald Trump was the first one taken. And he took one look at it and said, “Not for my clientele. Nobody is going to get on a ferry and come out here to have either a casino or an expensive hotel.”

Other large residential developers were all brought by the City Planning Commission, and they all walked away from it for exactly these reasons. There was nothing to assure them they could ever do what they would be paying for.

Senator SCHUMER. And, of course, the large figure would depend on the city doing what the Federal Government wanted. And the city right now, I think there is pretty much consensus saying, we

do not want the Federal Government to auction this thing off. And therefore, it is catch-22. They are stuck. So Mr. Moravec, this sounds to be a ludicrous figure.

Mr. MORAVEC. I am sorry to be striking a discordant note, but once again, this is not a matter of my opinion as to what the buildings and land of Governors Island are worth: it is for the market to decide.

Senator SCHUMER. No, understood, but the Budget Committee seems to feel it could bring in \$500 million. And there was this \$330 million appraisal by GSA, and to those of us who live in New York, it is outlandish when the top developers in New York say it is not close. I mean, we are not going to sell the Brooklyn Bridge again. You know, it would be an inverse: we would get too much money rather than too little. But it is not going to happen in this very wise world.

Mr. MORAVEC. Mr. Chairman, having grown up in the New York area and having a special affection for New York, living on Staten Island and passing by Governors Island a thousand times on the New York Ferry, on the way to visit my father, who worked at 25 Broadway. I want to establish that credential. I have also spent about 30 years in the commercial real estate business prior to becoming Public Buildings commissioner. And I can tell you that I have more than once been surprised by what price a truly unique property will fetch.

Senator SCHUMER. Okay, let me ask you this: has the GSA been approached with serious solicitations from private developers?

Mr. MORAVEC. It has not.

Senator SCHUMER. Why not?

Mr. MORAVEC. Because we have not encouraged such discussions. We have had informal inquiries, and we have actually met with development interests, but have not had what I would call a substantial or substantive discussion with regard to—

Senator SCHUMER. So let me ask you this: does the \$330 million appraisal figure take into account the fact that it costs \$10 million annually just to protect the island's seawalls and stuff like that?

Mr. MORAVEC. My understanding is that the appraisal is based on the highest and best use of the island under current zoning.

Senator SCHUMER. Okay now, we may make a little news here. I understand that a letter dated July 23, GSA has rejected the plan submitted by the State. This is the joint, State, city—I know, it came as a surprise to me when I found out too, Mr. Shostal. Can you tell me why that is?

Mr. MORAVEC. I would not use the word rejected. I would say that we—

Senator SCHUMER. You did not accept it.

Mr. MORAVEC. We did not accept it as a basis for a reappraisal of the island. And I am the person who sent that letter, so I know what was in it. We deemed that the Hamilton, Rabinovitz plan of June 8 was insufficient. It is a draft plan; it presumes that a master plan will follow; it is tentative in its tone; it uses words like may, could, envision. The financial analysis is loose and questionable. I could not regard it as a plan sufficient in detail to be able to serve as a basis for a reappraisal. The plan actually says, at one point, that land use and allocation of acreage will be subject to fur-

ther refinement. That, as far as GSA is concerned, is not the sufficient data for us to be able to commission a reappraisal. In addition to which——

Senator SCHUMER. Yeah, let me just ask you another question; you can answer it all. You call for the need—and we just received this letter or became aware of it last night—you point to the need for binding restrictions on any future reuse plan for Governors Island. What, in GSA's estimation, would constitute binding restrictions? Would covenants in the deed suffice? Do we need to pass a law? We need to know exactly what you mean, because time is running out.

Mr. MORAVEC. My intention, or the intention of GSA, at this point, is that an act of the legislature would be required to make this a binding plan.

Senator SCHUMER. The act of the State legislatures. Well, they are not even meeting right now. You are putting us in a bit of a catch-22 with that.

Mr. MORAVEC. Well, I would say that in fairness to the Federal Government the disposition of this island has been a matter of interest for some time now.

Senator SCHUMER. Yeah, but we did not know until a week ago that the plan was not any good.

Mr. MORAVEC. Well, I would say that the letter from my predecessor, Mr. Peck, in January, gave notice to the State and city of New York that a plan sufficient in detail to justify a reappraisal and perhaps a lowering of the fair market value to defend a fair market value lower than \$330 million that would be required, and that the plan would need to be legally sufficient and binding upon the State and any future transferees of the island. That plan has not, in our opinion, been produced.

Senator SCHUMER. No, I understand that. And by the way, does this come as a surprise to you, either Mr. Shostal or Ms. Thompson?

Mr. SHOSTAL. We became aware about a week ago of the letter. We were disappointed, but I can not say it was a surprise. What we were surprised is that the GSA and the State had been negotiating and talking to each other for a year since that January letter, and somehow the State had never heard that a verbal plan was insufficient and that State legislation was the only way. In fact, at the advisory committee meetings, the State representatives came and said, we are confident that we can do it through negotiation and through deed restrictions. So there was, at a minimum, a breakdown in communication between GSA and the State.

Senator SCHUMER. It was my view that deed restrictions would work as well, and now, to say legislation is a pretty big hurdle. So I would ask you Mr. Moravec, would GSA consider giving us more time now to deal with this new condition that you have added?

Mr. MORAVEC. First, Mr. Chairman, I would disagree. This is not a new condition; this was a condition that was spelled out in correspondence with the State as early as the summer of 2000.

Senator SCHUMER. Legislation was mentioned as needing—but we understood that there had to be restrictions. No one understood that those restrictions had to be legislative.

Mr. MORAVEC. Legally binding upon the——

Senator SCHUMER. Well, is not a deed restriction legally binding?

Mr. MORAVEC. It is also legally binding, but in Administrator Barram's letter in the summer of 2000, he asked that it be legally binding and that in addition there be deed restrictions placed upon the property. I mean, it is quite clearly spelled out in the correspondence of summer of 2000 from then Administrator Barram to the State of New York, and reiterated in the letter in January from my predecessor to the State of New York, and now finally confirmed by my letter of July 23 to the Empire State Development Corporation. So I would take exception to the contention that the GSA has not been clear as to what the requirements were.

Senator SCHUMER. I will tell you this: I think it would take most in New York, whether it be the Governor and the mayor—and, as you know, it took a long time to get them together to come to an agreement—the people on the committee and everybody else that legislation would be required. But I renew my request and give you time to answer in the record, that you give us some time to deal with this. And that leads to my next question: do you have a timeline? Do you believe you have to sell the island in 2002, or would the prospect of a greater sale price cause GSA to hold off for a future year?

Mr. MORAVEC. We are proceeding on the premise that we will sell the island in fiscal year 2002.

Senator SCHUMER. Okay then, I would make a request of you that, given this new information about the binding restriction needing legislation, that we delay that some, at the very minimum. Now we may get our bill passed, and that will settle the problem.

Mr. MORAVEC. And so it will, and so it will.

Senator SCHUMER. Yeah, and maybe you can get the administration to support it. Let me ask you one final question, and then I think we are finished. Do you believe that it is fair that former military bases around the country are receiving financial assistance as they make the transition from Federal to local ownership, while Governors Island is about to be auctioned off? That is because of the anomaly. If this were an army, air force, navy base, it would be different.

Mr. MORAVEC. I may have my own opinion to the fairness, but in my official capacity, my answer is that we are guided by the Balanced Budget Act of 1997, and we will abide by that as the guiding law.

Senator SCHUMER. Okay well, I want to thank all the witnesses. I think this was an elucidating hearing. It is going to move us forward in many ways; it brought out some new information. And I thank each one of you for being here and for the work that you have done. I want to remind everyone that the record will remain open for a week for you to submit any additional comments. And maybe, Mr. Moravec, I do not know if a government can move that quickly, you would do that. I want to thank everyone again. The hearing is now adjourned.

[Whereupon, at 4:39 p.m., the hearing was adjourned.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

STATEMENT OF BRADFORD J. RACE, SECRETARY AND CHIEF OF STAFF TO THE GOVERNOR, THE HONORABLE GEORGE E. PATAKI, GOVERNOR OF THE STATE OF NEW YORK

I would like to begin by thanking Senator Moynihan for his leadership on this issue and testifying on behalf of the State of New York. His tireless dedication to preserving this historic landmark is the reason we are here today. I would also like to thank Mayor Giuliani for his commitment to Governors Island and for everything he has done to create such a productive partnership between the State and the City. The Governor would also like to thank the local elected officials, civic organizations and community groups who support the State and City's Preservation Plan and the Governors Island Preservation Act of 2001. The State will continue to work cooperatively with all interested groups so together we can ensure the protection of this magnificent resource. Finally, my thanks to the General Services Administration and the National Park Service for their valuable input into this legislation.

The story of Governors Island is a unique one. Like the Statue of Liberty and Ellis Island, Governors Island has helped define our nation. Every year, more than five million people come from all over the world to experience expressions of our civic values and history at Liberty and Ellis Islands. Through enactment of this legislation, Governors Island will soon join these national treasures and give visitors yet another opportunity to celebrate the unique history of our struggle for freedom and independence.

In 1637, Governors Island was purchased from Native Americans as an estate for Dutch Governors of New Netherlands, later to become part of New York City. The Island was eventually recognized for its strategic value and, at the request of the federal government, the State of New York ceded control of Governors Island for nominal consideration in 1800 to provide for the defense of the United States.

Governors Island has been occupied and operated as a military facility for more than 200 years and has played a pivotal role in every major military conflict from the American Revolution through World War II. Governors Island over the years has served as a backdrop for many important events, including the relighting of the Statue of Liberty in 1986. It was also the site of the final summit meeting between President Reagan and Soviet Leader Mikhail Gorbachev in 1988 and United Nations-sponsored talks to restore democratic rule to Haiti in 1993.

We have before us a unique opportunity to preserve this remarkable history. Governor Pataki and Mayor Giuliani have agreed on a Preservation Plan for Governors Island. This Preservation Plan will transform Governors Island into a major civic, recreational, cultural, and educational asset for all New Yorkers and the millions of Americans who visit New York Harbor each year. The Preservation Plan reflects a broad consensus about the future use of the Island and is supported by local civic and community groups and local elected officials.

The Preservation Plan preserves the two nationally historically significant 18th and 19th Century military fortifications, Fort Jay and Castle William, on the northern portion of the Island for use by the National Park Service. The Governor is pleased that the National Park Service has agreed to join with the State and the City in the preservation and protection of these historic structures and supports the Governors Island National Monument designation. In addition to these military fortifications serving as the centerpiece for this nationally designated historic district, the remaining historic structures will be adaptively reused for cultural facilities such as an art and museum center, a conference center, extended stay hotel, water-side dining, small retail shops and a limited amount of office space. All activity in the northern portion of the Island will be in accordance with the Governors Island Preservation and Design Manual agreed to by federal, state, and city representatives.

The southern end of the Island will be transformed into a large 50-acre public park, complete with recreation facilities, vast open space, and opportunities for visitors to experience the spectacular views of the Statue of Liberty and beautiful New York Harbor. A new museum celebrating the significance of the Hudson River will include major exhibits documenting the River's important ecological systems, the significance of the Harbor in the ecology of marine life on the eastern seaboard and the important role that New York Harbor has played in our nation's history as a military and commercial center. A family activity center, similar to Colonial Williamsburg, will focus on historical themes such as the American Revolution and the history of America's armed forces.

Governors Island will be a place where residents and visitors alike can relax in a new public park, enjoy spectacular open spaces, and experience America's rich and glorious history.

As you know, in 1997 the United States Coast Guard ceased military operations at Governors Island. Since that time the federal government has spent tens of millions of dollars to protect and maintain these now abandoned facilities. The time has come for the federal government to return to the People of the State of New York this property so that together we can make it available to people from around the country and around the world.

The Governors Island Preservation Act of 2001 is the first step to making that a reality. This legislation returns Governors Island back to the State of New York at no cost. By passing this legislation, we will be one step closer to preserving, enhancing, and opening to the public one of the most important historical spaces in the nation.

As Americans living in the 21st Century we are truly blessed with a proud history that was built upon the foundation of freedom. We have an obligation to those who have sacrificed and to the generations of Americans who have not yet been born to preserve, honor and celebrate that history.

That is why Governor Pataki strongly urges you to join Senator Moynihan and Mayor Giuliani and support the Governors Island Preservation Act of 2001.

Thank you.

IDAHO FISH AND GAME COMMISSION,
Boise, ID, July 31, 2001.

Hon. LARRY CRAIG,
U.S. Senate, 520 Hart Building, Washington, D.C.

DEAR SENATOR CRAIG: The Idaho Fish and Game Commission strongly supports H.R. 661 which ensures the continued access of hunters to federal lands included in the newly expanded Craters of the Moon National Monument.

The Craters of the Moon National Monument was expanded by Presidential Proclamation on November 9, 2000. The expansion was significant, increasing the size of the monument from about 53,000 acres to more than 660,000 acres. According to the proclamation, the National Park Service will manage approximately 410,000 acres of the expanded monument "under the same laws and regulations that apply to the current monument." Since the National Park Service does not allow hunting within the existing monument, the Presidential Proclamation effectively prohibits hunting within the expanded monument.

There is a common misconception that no hunting takes place on the lava flows. Those willing to brave the remote and hostile terrain are rewarded with a truly unique recreational experience. Hunters and trappers have used this area, but would be prohibited from doing so by the Presidential Proclamation. For that reason, the Idaho Fish and Game Commission urges passage of H.R. 601, which would restore this traditional use. We do, however, suggest the proposed legislation allow other wildlife management practices on the expansion, like trapping and aerial surveys.

Hunting, trapping and aerial surveys will not harm the resources the monument was established and expanded to protect. These activities will have no more effect on the lava flows and geologic resources than hiking, photography and sightseeing.

Hunting and trapping will not interfere with other uses of the monument. Both activities occur in the fall and winter, outside the high visitation months of June, July and August. Under H.R. 601, these activities will be allowed only on the newly expanded portion of the monument. The original monument, with its parking areas and visitor center, will remain closed to hunting.

Allowing hunting on lands managed by the National Park Service will not set a precedent. When the Hagerman Fossil Beds National Monument and the City of Rocks National Reserve were designated, both remained open to hunting. The Idaho

Department of Fish and Game has worked closely with the National Park Service and the Idaho Department of Parks and Recreation to ensure hunting does not conflict with other uses of these lands. The Department is committed to continuing this relationship on the expanded Craters of the Moon National Monument.

Further, prohibiting hunting and trapping on the expansion is impractical, if not impossible. The proclamation grants the National Park Service jurisdiction over the exposed lava flows and the Bureau of Land Management authority over the sagebrush and grasslands surrounding the flows. In reality, the boundary is not so clearly defined. Unless the boundary is posted, the average hunter will find it difficult, if not impossible, to determine whether he or she is on land managed by the BLM, where hunting is allowed, or on lands managed by the National Park Service, where hunting is prohibited. Adequately signing the boundary would be expensive and unsightly, defeating the purpose of protecting the scenic beauty of the area.

Prohibiting hunting on the expansion will have a negative effect on adjacent landowners and the monument itself. In the last twenty years, elk populations have increased dramatically on the sagebrush steppe land surrounding the Monument and the Idaho National Engineering and Environmental Laboratory. Prohibiting hunting will make it difficult to control the size of these elk herds. Elk are very adaptable and quickly learn where they are safe from hunting. They will spend daylight hours in areas where hunting is prohibited and depredate adjacent agricultural lands at night, adversely affecting nearby farmers and ranchers.

In addition, a higher elk population could alter the unique native plant communities found in the lava flows and smaller kipukas that the monument is designed to protect. Large refuges like the expanded Monument make it difficult to manage big game populations at a level that is compatible with other resource uses and values.

In closing, the Idaho Fish and Game Commission urges quick action on H.R. 601. In a matter of a few weeks, big game hunting seasons open in Idaho. Without Congressional action, hunters will be prohibited from hunting in areas traditionally open to them. The Idaho Fish and Game Commission urges the Senate to resolve this issue before hunters take to the field.

Sincerely,

FREDERICK L. WOOD III, MD,
Chairman.

GOVERNORS ISLAND GROUP,
New York City, NY, May 2, 2001.

Ms. GALE A. NORTON,
Secretary of the Interior, Washington, DC.

DEAR SECRETARY NORTON: We are writing to let you know of the strong local support for the recent establishment of the Governors Island National Monument in New York Harbor.

Last year a broad-based and bipartisan coalition, led by Governor Pataki and Mayor Giuliani, agreed on a plan to redevelop the Island as a grand new civic space. At the heart of the plan was the creation of a National Monument encompassing the forts in the Island's National Landmark Historic District.

This new Park Service property will provide an unique opportunity for all Americans to better understand the history of our country, in particular, the crucial role played by the Harbor's fortification. Given its location, the Forts will become a very popular place for learning about the American Revolution and the early days of the republic. The site and the stories that can be told there are a natural complement to existing Park Service operations at Ellis Island, Statue of Liberty, Castle Clinton, and Gateway National Recreation Area. It is an extraordinary place, and well deserving of our country's highest recognition.

In a recent letter to our local elected officials you asked for input into the role that this Monument should play in New York and how the National Park Service can best manage the property. The Governors Island National Monument will be an important amenity for the tourist and visitor industry in New York. In particular, the designation will help buttress the State/City plans to reuse the approximately 1.2 million square feet of buildings in the National Historic Landmark District on the Island for a variety of self-sustaining educational and hospitality uses.

The relationship between the Monument and these other Island activities could be strengthened by ensuring that the Management Plan that the Park Service prepares for the Monument also addresses opportunities for NPS interpretation of the significant historic resources on the Island outside of the formal Monument boundaries. These include that portion of the Parade Grounds outside of the Monument

Boundary as well as the Admirals Quarters, the National Landmark that was home to many famous Army Generals and used for a summit between President Reagan and Soviet President Mikhail Gorbachev.

Thank you for your interest in the future of the Monument and Governors Island. Insuring that Governors Island is returned to the citizens of New York and made into a major public amenity is one of the highest priorities of the civic community of this region. The agreed-upon plan to create a self-sustaining public resource with exciting historic, cultural, recreational, and commercial activities has been enthusiastically endorsed by both business and environmental leaders. It has received widespread bipartisan political support, including every member of the New York congressional delegation. We trust that you and the Bush Administration will also join the broad base of support for this plan, including the National Monument designation.

Very truly yours,

Kent Barwick, President, The Municipal Art Society; Simeon Bankoff, Executive Director, Historic Districts Council; Peg Breen, President, New York Landmarks Conservancy; Antonia Bryson, Executive Director, Urban Environmental Law Center, Inc.; Albert K. Butzel, Chair, Hudson River Park Alliance; H. Claude Shostal, President, Regional Plan Association; James T.B. Tripp, General Counsel, Environmental Defense; Margaret Helfand, President, American Institute of Architects/New York Chapter; Scott Heyl, President, Preservation League of New York State; Elizabeth Lubetkin Lipton, President, Ellie King, Chair, Arts and Landmarks Committee; Mark Caserta, Director of Public Policy, The Parks Council; Robert J. Kafin, Chair of the Board, New York Parks and Conservation Association.

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