



May 22, 2009

A Message from the Flight 93 National Memorial Superintendent

Building a national memorial to honor the forty heroes of Flight 93, has come to be the life's work of dozens of National Park Service (NPS) staff, the Families of Flight 93, and our other partners. The fact that over one million visitors have come to the temporary memorial gives testimony that people the world over seek to physically, intellectually, emotionally and spiritually touch and honor the very place where these heroic acts came to an end.

To keep the promise to the Families of Flight 93 that the final resting place of the remains of the forty heroes on Flight 93 be permanently protected, and to fulfill our pledge to the nation, the local community and the Families that a fitting and substantial memorial be dedicated by September 11, 2011, the NPS has given notice of its intent to exercise eminent domain for land needed to construct the Flight 93 National Memorial.

We understand how difficult this action is. Eminent domain is only used as an action of last resort, and it is our sincere hope that at the very least, the following facts will help clear up misinformation and give a better understanding of the issue.

- Since 2003, the NPS has been working with its partners to acquire core properties. Once the memorial design was chosen in 2005, the NPS and its partners focused land acquisition efforts on the tracts of land needed to actually construct the memorial and protect the heroes' remains at the Sacred Ground.
- Approximately 1500 acres are required to construct the actual memorial, over half of which is needed to provide direct access from Route 30, a request made by local communities in the early stages of planning for the memorial. Currently, nearly 1,000 of these acres are under agreement for purchase by the NPS; there is an agreement with one landowner for a "friendly condemnation" on 275 acres; and eminent domain is directed at the remaining 231 acres.
- Under federal land acquisition guidelines, the NPS cannot negotiate a purchase price with landowners in the way that private parties negotiate land sales. The NPS is only able to offer the landowner the government approved appraised value.
- The NPS needed to acquire the land now to proceed with construction contract advertising, a required step towards meeting the September 11, 2011 dedication date.
- With the exception of one parcel, which involves a complex access or "right-of-way" issue, every other landowner has received at least one purchase offer since 2003, from either the NPS, the Families of Flight 93, or their partners, all of which were rejected or were not responded to.
- The NPS, the Families of Flight 93 and other partners have worked extensively with all the landowners whose properties are needed to construct the memorial and/or preserve

the Sacred Ground. While the landowners are willing sellers, the prices at which they are willing to sell are higher than the NPS (following federal land acquisition guidelines) is able to offer or the Families of Flight 93 and other partners may reasonably be able to afford.

- Because of this impasse and the need to acquire these lands so construction may begin, the NPS is exercising its eminent domain authority. Under eminent domain, the landowners are entitled to "just compensation," which ensures that they will be paid fair market value for their properties. Once each case is filed in U.S. District Court, any further negotiation will be handled by the Department of Justice, which has greater flexibility in structuring a settlement and is not limited to a value based solely on the property's last appraised value.

This decision was not taken lightly, but through this action, the NPS is, after many years, finally assuring the permanent protection of the Sacred Ground, and is keeping the promise made to its partners, the community and the nation that the memorial will be dedicated by the 10th anniversary of the 9/11 attacks. By doing so, the NPS is pledging that public access to the memorial near the Sacred Ground – the final resting place of the heroes of Flight 93 – will be provided for this and future generations.

Joanne Hanley
Superintendent