

Written Testimony of The Honorable Heath Shuler  
Member of Congress, January 3, 2007-January 3, 2013  
North Carolina's Eleventh Congressional District

Before the  
Committee on Natural Resources  
Subcommittee on Public Lands and Environmental Regulations  
United States House of Representatives

Hearing on  
H.R. 3806, the Great Smoky Mountains National Park Agreement Act of  
2013

May 20, 2014

Chairman Bishop, Ranking Member Grijalva and members of the Subcommittee, thank you for the opportunity to share with you my thoughts on the importance of Congressman Meadows's legislation, H.R. 3806, the Great Smoky Mountains National Park Agreement Act of 2013.

I had the honor and privilege of serving North Carolina's Eleventh Congressional District from January 3, 2007, through January 3, 2013. The District includes Swain County, where I grew up and the subject of Congressman Meadows's legislation.

During my six years in office there was one local issue that rankled my constituents more than any other—the Federal government's broken promise dating back to the "1943 Agreement" between Swain County, the U.S. Department of Interior, the State of North Carolina, and the Tennessee Valley Authority (TVA).

As the federal government geared-up World War II efforts, a dedicated power source was needed to supply facilities in eastern Tennessee that were building military planes. The Federal government approached Swain County, North Carolina, with a plan to build Fontana Dam and Reservoir. The four aforementioned entities entered into what is known as the "1943 Agreement," which allowed the creation of the dam with the promise that a new road to replace the flooded 34-mile stretch of NC-288 would be built along the north shore of the new lake.

The original road was a critical lifeline to people in the area. It connected Bryson City, the county seat, to Tennessee, and was marked by churches, homes, family businesses, schools, and farms. Most of these Appalachian treasures disappeared under the rising water of the Fontana Lake and what wasn't submerged was folded into the Federal government's control of the Great Smoky Mountains National Park. In fact, the Federal government now owns 83% of Swain County's land.

In the 1960's, the National Park Service (NPS) constructed approximately 7 miles of the road before abandoning the effort due to environmental impacts and engineering problems. No further federal funding was received for the road until a 2001 appropriation triggered a National Environmental Policy Act analysis of several options, including either the completion of the road, estimated at \$700 million and cutting through pristine areas of the Great Smoky Mountains National Park, or a monetary settlement. The January 2006 Draft Environmental Impact Statement (DEIS) that followed stated that the Environmentally Preferred Alternative was to resolve the 1943 Agreement through payment of a monetary settlement, valued at \$52 million, in lieu of any further construction. Over 76,000 comments were received, the vast majority in opposition to construction of the road. The Park Service published its Final Environmental Impact Statement (FEIS) on October 2, 2007, which said it would advocate for a financial settlement in lieu of constructing a road. A Record of Decision (ROD) followed shortly thereafter officially calling for a monetary settlement to Swain County as the National Park Service's Agency Preferred Alternative.

With the support of both the North Carolina and Tennessee Congressional Delegations, I secured a \$12.8 million partial settlement for the North Shore Road Agreement in the Fiscal Year 2010 Department of Defense Appropriations Act.

In a February 2010 signing ceremony attended by former Secretary of the Interior Ken Salazar, the four parties signed a new binding agreement that called for a \$52 million settlement (including the \$12.8 million partial settlement) to be paid to Swain County over a period of years in a special trust established for the County. Secretary Salazar stated,

“It is not often one can end a 67-year-old controversy with a stroke of a pen, but that is exactly what we are doing. The federal government is providing a fair settlement to the people of Swain County while ensuring the protection of Great Smoky Mountain National Park.”

The Park Service's accompanying release continued:

“[Secretary] Salazar noted that the settlement is good for the people of Swain County because it generates much needed revenue; good for the department, because it protects the one of America's most treasured parks; and good for the American taxpayers, since building the road would have cost several times more than the settlement.”

Congress committed another \$4 million toward the settlement in the Consolidated Appropriations Act of 2012, but NPS has to date refused to release the funds over what is at best a technicality. It claims it does not have proper authorization because the bill text does not refer to the County or the 2010 Agreement. However, the conference report included a prioritized project list, specifying \$4 million for the North Shore Road settlement agreement, making congressional intent clear. Further, the Administration also included \$4 million for the “North Shore Road Monetary Settlement” in its FY 2012 Budget request.

Congressman Meadows's legislation, H.R. 3806, gives the National Park Service the explicit authorization it says it requires to release the funds. More importantly, H.R. 3806 has the power to end decades of distrust and cynicism between the people of Swain County and the Federal government.

I thank Congressman Meadows for his dedication to this issue and I thank the Subcommittee for the opportunity to testify before you today.

I respectfully urge the Subcommittee to approve the bill and expedite its consideration before the House. Thank you.