

**STATEMENT OF BRUCE SHEAFFER, COMPTROLLER, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND ENVIRONMENTAL REGULATION, OF THE HOUSE NATURAL RESOURCES COMMITTEE, CONCERNING H.R. 3806, A BILL TO AUTHORIZE PAYMENT OF FUNDS IN ACCORDANCE WITH THE AGREEMENT ENTERED INTO BY THE TENNESSEE VALLEY AUTHORITY, THE STATE OF NORTH CAROLINA, SWAIN COUNTY, NORTH CAROLINA, AND THE UNITED STATES DEPARTMENT OF THE INTERIOR.**

**MAY 20, 2014**

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Mr. Chairman and members of the Subcommittee, thank you for the opportunity to present the views of the Department of the Interior on H.R. 3806, a bill to authorize payment of funds in accordance with the agreement entered into by the Tennessee Valley Authority, the State of North Carolina, Swain County, North Carolina, and the United States Department of the Interior.

The Department supports H.R. 3806. This bill would provide the National Park Service the authority to expend \$4 million appropriated to the National Park Service in the Consolidated Appropriations Act, 2012 (Public Law 112-74) to make a payment to Swain County, North Carolina. This legislation is necessary because the National Park Service currently has no authority to make this payment, which stems from a 2010 commitment to the county.

In February 2010, then-Secretary of the Interior Ken Salazar signed a Memorandum of Agreement with the Swain County, the State of North Carolina, and the Tennessee Valley Authority that provided for the federal government to make monetary payments not to exceed a total of \$52 million, subject to appropriations, to Swain County to settle an issue dating to a 1943 agreement that provided that the Department would build a road along the North Shore of Fontana Lake in Great Smoky Mountains National Park. The 2010 Memorandum of Agreement provided for the monetary settlement in lieu of road construction as the rugged terrain, higher construction costs and severe environmental impacts make constructing the road an untenable option.

In fiscal year 2010, two payments totaling \$12.8 million were provided to Swain County. These funds were derived from prior-year appropriations, and directed to Swain County in the Department of Defense Appropriations Act of 2010 (P.L. 111-118), which included explicit authority for the Secretary of the Interior to make those payments to Swain County for non-construction of the road. After that amount was paid, up to \$39.2 million of the \$52 million stated in the Memorandum of Agreement remained.

The Consolidated Appropriations Act, 2012 (P.L. 112-74) contained \$4 million in the National Park Service construction account that potentially could have been used as payment for a portion of the remaining \$39.2 million to Swain County, and in fact had been proposed for that purpose in the President's FY 2012 budget. However, unlike the previous amounts appropriated, there was no statutory provision in P.L. 112-74 to spend the funds for Swain County, and there was no other statutory authority for that payment to be made. Enactment of H.R. 3806 would provide the authority that is needed for the National Park Service to use those previously appropriated funds to make the \$4 million payment to the county.

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

**STATEMENT OF BRUCE SHEAFFER, COMPTROLLER, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND ENVIRONMENTAL REGULATION, OF THE HOUSE NATURAL RESOURCES COMMITTEE, CONCERNING H.R. 2175, A BILL TO DIRECT THE SECRETARY OF THE INTERIOR TO INSTALL IN THE AREA OF THE WORLD WAR II MEMORIAL IN THE DISTRICT OF COLUMBIA A SUITABLE PLAQUE OR AN INSCRIPTION WITH THE WORDS THAT PRESIDENT FRANKLIN D. ROOSEVELT PRAYED WITH THE UNITED STATES ON JUNE 6, 1944, THE MORNING OF D-DAY.**

**May 20, 2014**

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Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on H.R. 2175, a bill which directs the Secretary of the Interior to install in the area of the World War II Memorial in the District of Columbia a suitable plaque or an inscription with the words that President Franklin Delano Roosevelt prayed with the United States on June 6, 1944, the morning of D-Day.

The Department appreciates the importance of faith in the lives of Americans across this country, the leadership of President Roosevelt, and the courage and sacrifices of Americans during World War II and today. The World War II Memorial recognizes a period of unprecedented national unity during the defining moment of the twentieth century, and is devoted to the service, commitment, and shared sacrifice of Americans.

H.R. 2175 proposes adding a commemorative work in the area of the existing World War II Memorial. We support the continued application of the Commemorative Works Act (CWA). Section 2 of this bill states that the Secretary of the Interior shall design, procure, prepare, and install the plaque or inscription, thus allowing the NPS to determine the placement and design of the plaque. However, section 3 of the bill requires a different method of designing and locating the plaque or inscription than is provided in the CWA. The CWA process incorporates important design reviews and public consultation. We support retaining the CWA as the vehicle for siting and designing this plaque or inscription.

The World War II Memorial was authorized on May 23, 1993, by Public Law 103-32. In 1994, Congress approved its placement in the area containing the National Mall through Public Law 103-422. Its location at the site of the Rainbow Pool was approved in 1995 by the NPS on behalf of the Secretary of the Interior, the Commission of Fine Arts (CFA), and the National Capital Planning Commission (NCPC). In July 1997, the CFA and the NCPC reaffirmed prior approvals of the Rainbow Pool site in recognition of the significance of World War II as the single-most defining event of the 20th Century for Americans and the world. Even so, there were challenges to the establishment of this memorial. The design we see today was painstakingly arrived upon after years of public deliberations and spirited public debate.

The National Capital Memorial Advisory Commission (NCMAC) reviewed a proposal similar to the one before the committee today at its meeting on September 14, 2011, and determined that no additional elements should be inserted into this carefully designed Memorial. The American Battle Monuments Commission (ABMC), charged by the Congress in Public Law 103-32 to design and build the World War II Memorial, is represented on the NCMAC, and thus concurred with that determination.

If directed by Congress pursuant to this legislation, the NPS will work to find an appropriate location for the plaque in accordance with the CWA process, as directed in section 3 of this legislation.

That concludes our prepared testimony on H.R. 2175, and we would be happy to answer any questions you may have.

**STATEMENT OF BRUCE SHEAFFER, COMPTROLLER, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND ENVIRONMENTAL REGULATION OF THE HOUSE NATURAL RESOURCES COMMITTEE, CONCERNING H.R. 2489, A BILL TO MODIFY THE BOUNDARY OF THE OREGON CAVES NATIONAL MONUMENT, AND FOR OTHER PURPOSES.**

**May 20, 2014**

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Mr. Chairman and members of the committee, thank you for the opportunity to present the views of the Department of the Interior on H.R. 2489, a bill to modify the boundary of the Oregon Caves National Monument, and for other purposes.

The Department supports H.R. 2489, which is consistent with the General Management Plan (GMP) for the park.

H.R. 2489 would adjust the boundary of Oregon Caves National Monument to include the addition of approximately 4,070 acres to enhance the protection of resources associated with the monument and to increase quality recreation opportunities. The lands that would be added are currently managed by the U.S. Forest Service (USFS) as part of the Rogue River-Siskiyou National Forest.

H.R. 2489 directs the Secretary to revise the fire management plan for the Monument to include transferred lands and carry out hazardous fuel management activities under that plan. Existing Forest Service stewardship or service contracts would continue to completion under the authority of the Secretary of Agriculture.

The bill would authorize the Secretary to permit hunting and fishing within the Preserve. It also provides flexibility in managing the resources within the preserve by allowing the Secretary, in consultation with the Oregon Department of Fish and Wildlife, to limit hunting and fishing in designated zones and over certain time periods. Based on information collected during the public participation process for the GMP, we would prefer to terminate hunting within the preserve after five years with the acreage being converted to national monument status. Of the 892 comments received on the plan, only 8, less than one percent, expressed concern about the loss of hunting should the added acres be designated as part of the national monument.

H.R. 2489 would authorize the Secretary to allow grazing to continue within the Preserve at a level not greater than authorized under existing permits or leases at enactment. It would also direct the Secretary to accept voluntary donation of a grazing lease or permit for the Big Grayback Grazing Allotment (managed by the USFS) and the Billy Mountain Grazing Allotment (managed by the Bureau of Land Management) and terminate the donated lease or permit and ensure a permanent end to grazing on the land covered by the permit or lease. Claim to any range improvements on those lands would be waived. It is our understanding that the same individual runs livestock on both the Big Grayback and Billy Mountain Allotments. We would like the opportunity to work with the Committee and sponsor on minor modifications to these grazing provisions.

This bill would also designate the subterranean segment of Cave Creek, known as the River Styx, as a scenic river under the Wild and Scenic Rivers Act. Additionally, the bill would authorize a study of segments of Cave Creek, Lake Creek, No Name Creek, Panther Creek and Upper Cave Creek—all within the Monument and Preserve—under the Wild and Scenic Rivers Act.

In 1907, the Secretary of the Interior withdrew approximately 2,560 acres for the purposes of establishing a national monument. The 1909 presidential proclamation establishing Oregon Caves National Monument included only 480 acres. The monument was managed by the USFS until its administration was transferred to the National Park Service (NPS) in 1933. The remaining withdrawal outside of the monument is administered by the USFS as part of the Rogue River-Siskiyou National Forest. H.R. 2489 would mirror the 1907 withdrawal and add some additional lands to conform the monument boundary to the watershed.

The explorer Joaquin Miller extolled “The Wondrous marble halls of Oregon!” when speaking about the newly proclaimed Oregon Caves National Monument in 1909. Oregon Caves is one of the few marble caves in the country that is accessible to the public. This park, tucked up in the winding roads of southern Oregon, is known for its remoteness, the cave majesty and unusual biota. The stream flowing from the cave entrance is a tributary to a watershed that empties into the Pacific Ocean. This is the only cave in the national park system with an unobstructed link to the ocean.

The caves are nationally significant and a favorite visit for school kids and travelers alike. They remain alive and healthy because of the watershed above them. The park recognized this when developing the 1998 GMP and accompanying Environmental Impact Statement. The plan recommended the inclusion of the watershed into the park to provide for better cave protection and to protect the surface and subsurface hydrology and the public water supply.

If H.R. 2489 were enacted, there would be no acquisition costs associated with the boundary expansion and we estimate NPS’s management, administrative, interpretive, resource protection, and maintenance costs to be approximately \$400,000 to \$550,000 annually. The NPS has been coordinating with the USFS on new signage along the Caves Highway; on the operation of the Illinois Valley Visitor Center in Cave Junction; and on the annual agreement for wildland fire suppression and dispatch services at the Monument.

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