

STATEMENT OF VICTOR KNOX, ASSOCIATE DIRECTOR, PARK PLANNING, FACILITIES AND LANDS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS OF THE HOUSE NATURAL RESOURCES COMMITTEE, CONCERNING H.R. 3641, TO ESTABLISH PINNACLES NATIONAL PARK IN THE STATE OF CALIFORNIA AS A UNIT OF THE NATIONAL PARK SYSTEM, AND FOR OTHER PURPOSES.

June 8, 2012

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. 3641, a bill to establish Pinnacles National Park in the State of California as a unit of the National Park System, and for other purposes.

The Department supports H.R. 3641 with amendments. The bill would redesignate Pinnacles National Monument as Pinnacles National Park, expand existing park wilderness, and rename the wilderness in honor of an early park proponent.

H.R. 3641 would reestablish Pinnacles National Monument as Pinnacles National Park. Pinnacles National Monument encompasses 60 million years of geological and plate tectonic history, 4,000 years of California heritage from prehistoric to historic, and the range of the condor dating from the Pleistocene Epoch. The monument has truly extraordinary natural resources and has played a crucial role in the reintroduction of the California condor to its traditional range in California.

The bill would also add 2,715 acres to the designated wilderness within the monument and rename the Pinnacles Wilderness as the "Hain Wilderness." Congress has recognized wilderness characteristics at Pinnacles by previously designating more than one-half of the monument's 27,000 acres as wilderness. The additional acreage is appropriate for wilderness designation and would enhance the NPS management of the existing wilderness. Several of the parcels were proposed by BLM for wilderness designation or as wilderness study areas prior to the transfer of the lands to NPS in 2000. Portions of the wilderness that would be designated by the bill would further protect wilderness values by matching the wilderness boundary with the park's authorized boundary. Overall, the bill "deepens" the wilderness area of the park, keeping the area as natural and wild as possible in the face of competing purposes and impacts. All of the proposed wilderness areas are "backcountry" and show little effect of human impact. The addition of these areas will enhance opportunities for solitude and wilderness recreation.

Naming the wilderness as the "Hain Wilderness" would commemorate the role played in the establishment of Pinnacles National Monument by immigrant homesteaders from Michigan who first arrived at the Pinnacles in 1886. The Hain families were farmers and community pioneers who established the first post office and county road. In 1893, Schuyler Hain conceived the idea of designating the Pinnacles as a public park or even a national park. Mr. Hain successfully championed the establishment of the Pinnacles Forest Reserve in 1906 and Pinnacles National

Monument in 1908. The National Park Service considers it a high honor to be permanently commemorated in a unit of the national park system and seeks to reserve this honor for cases where there is a compelling justification for such recognition. We believe that there is a compelling justification in this case.

We recommend three amendments that are attached to this statement. Two of the amendments would provide consistency between the referenced maps and the legislation, and one would provide language typically used for wilderness designation bills for the submission and filing of the wilderness map and legal description.

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

Proposed Amendments for H.R. 3641, the Pinnacles National Park Act

Amendment 1

Page 4, line 17: strike “ ‘Pinnacles National Park Proposed Designation Change’, ” and insert “ ‘Proposed: Pinnacles National Park’, ”.

Explanation: This amendment would conform the title of the map for the designation of Pinnacles National Park that is used in the bill to the title used on the referenced map.

Amendment 2

Page 6, line 5: strike “2,905” and insert “2,715”.

Explanation: This amendment would conform the acreage number in the bill to the acreage number on the wilderness map referenced in the bill. The map entitled “Proposed Wilderness Additions to the Proposed Pinnacled National Park”, numbered 114/106,106 and dated November 2010 shows 2,715 acres, rather than 2,905.

Amendment 3

Page 6, after line 12, insert a new subsection (c), as follows:

“(c) MAP AND DESCRIPTION.—

“(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary shall file a map and legal description of the wilderness area designated by this section with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

“(2) FORCE OF LAW.—A map and legal description filed under paragraph (1) shall have the same force and effect as if included in this section, except that the Secretary may correct errors in the map and legal description.

“(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the National Park Service.”

Explanation: This amendment provides language that is usually used in wilderness designation bills for submitting wilderness maps and legal descriptions to the appropriate congressional committees and making them publicly available by the appropriate land management agency.

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June 8, 2012

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before your committee to present the Department of the Interior's views on H.R. 3894, to authorize the Secretary of the Interior to conduct a special resource study of the Pullman Historic Site in Chicago, Illinois, and for other purposes.

The Department supports enactment of this legislation. However, we feel that priority should be given to the 36 previously authorized studies for potential units of the National Park System, potential new national heritage areas, and potential additions to the National Trails System and National Wild and Scenic Rivers System that have not yet been transmitted to Congress.

The Pullman Historic District is approximately 300 acres in size and is bounded on the east by Lake Calumet, and on the west by the Illinois Central Railroad. The district is divided into three sections: one containing the industrial remnants of the Pullman Palace Car Company, another containing a mix of late 19th and early 20th Century residential development, and the third containing major community facilities, such as a church, a hotel, a large arcade, and a public square.

Constructed between 1880-1884 for George M. Pullman, an engineer and industrialist, Pullman was a planned, model industrial town that represented a dramatic departure from the unhealthy, over-crowded, makeshift and unsanitary living conditions found in working-class districts in other 19th Century industrial cities. In 1894, it was the focus of a bloody and violent strike by the American Railway Union, which spread nationwide over the railroad networks, prompting President Grover Cleveland to intervene with Federal troops. This resulted in the first use of the Sherman Anti-Trust Act against the unions.

In 1937, the Brotherhood of Sleeping Car Porters (BSCP), the all-black labor union led by A. Philip Randolph, reached a historic agreement with the Pullman Company that became, according to union stalwart C. L. Dellums, "the first economic agreement that was ever signed in this country by Negroes with a white institution." He described it as, "a great inspirational thing to the entire race." This 1937 agreement was of great national significance as it was one of the most important markers since Reconstruction of African-American advancement, and conveyed that sites of union accomplishments were also places that marked the expansion of freedom and democracy for all citizens.

On May 24, 2012, Rep. Jesse Jackson Jr., Senator Dick Durbin and Senator Mark Kirk, sent a letter to the National Park Service (NPS) requesting a reconnaissance survey of the Pullman Historic Site. The NPS plans to initiate this study in the near future. The reconnaissance survey will provide preliminary information about the national significance, suitability and feasibility of the site, but a full special resource study is needed to provide sufficient information to make a determination regarding the appropriateness of authorizing the site as a unit of the National Park System.

Any examination of the site by the NPS would rely upon the information documented by the National Historic Landmark designation bestowed on it in 1970 by the Secretary of the Interior. It would also rely on the findings contained within the Labor History Theme Study completed by the NPS in 2003. That study identified key nationwide sites that commemorate the history of American laborers and their activities, the impact of industrial and technological change on the nation, and the contributions of workers to the country's development.

Conducting a special resource study would provide a public process to determine the suitability and feasibility of designating the historic site as a unit of the National Park System. The NPS would be pleased to actively engage organizations, residents and others in discussions of how best to preserve Pullman's significant cultural and historic resources.

This concludes my prepared remarks, Mr. Chairman. I would be happy to answer any questions you or any other members of the Subcommittees may have regarding this bill.

STATEMENT OF VICTOR KNOX, ASSOCIATE DIRECTOR, PARK PLANNING, FACILITIES AND LANDS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS OF THE HOUSE NATURAL RESOURCES COMMITTEE, CONCERNING H.R. 4606, TO AUTHORIZE THE ISSUANCE OF RIGHT-OF-WAY PERMITS FOR NATURAL GAS PIPELINES IN GLACIER NATIONAL PARK, AND FOR OTHER PURPOSES.

June 8, 2012

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. 4606, a bill to authorize the issuance of right-of-way permits for natural gas pipelines in Glacier National Park, and for other purposes.

The Department supports H. R. 4606 with amendments. The bill would provide authority for the National Park Service to grant a right-of-way permit for any natural gas pipeline that is located within Glacier National Park as of March 1, 2012, subject to certain conditions.

Currently, there is only one natural gas pipeline that runs through Glacier National Park. It was built in 1962 with the permission of the park superintendent, who may not have known that there was no authority to issue a permit for a gas pipeline. The pipeline passes within the park boundary for approximately 3.5 miles in the right-of-way for U.S. Highway 2. The line is near the southwestern boundary of the park, and in close proximity both to the Middle Fork of the Flathead River, which is designated as a Wild and Scenic River, and the Great Bear Wilderness, managed by the U.S. Forest Service as part of the Flathead National Forest. The pipeline provides natural gas to Kalispell, Montana, and the Flathead Valley, as well as to some park facilities. In 1990, a renewal of the permit was requested. The superintendent at the time recognized he did not have the proper authority to permit this pipeline. NorthWestern Energy, which owns and operates this pipeline, recently sought a legislative solution to provide the necessary authority.

In 2008, the Flathead National Forest received a request from NorthWestern Energy to place another gas line alongside the existing pipeline (a practice known as twinning). That new line would also pass through Glacier National Park. NorthWestern Energy recently advised the National Park Service that they do not plan to take action on this proposal. However, if this proposal is revived at some point in the future, we would be concerned about potential impacts to park resources including the viewshed along US Highway 2, the Wild and Scenic River Corridor, recommended wilderness, and vegetation. We are, therefore, supportive of limiting permitting authority to the existing natural gas pipeline, as provided for in the legislation.

We recommend amending the legislation in two ways. First, H.R. 4606 would allow the permitting of a 100-foot right-of-way (50 feet on either side of centerline of the pipeline) through the park. We recommend allowing the width of the proposed right-of-way to be determined cooperatively by the National Park Service and NorthWestern Energy, and described in a permit issued subsequent to the legislation, rather than codified in the legislation itself. This approach would be consistent with legislation passed in 2002 for existing and new natural gas transmission lines in Great Smoky Mountains National Park and in 2005 natural gas pipeline legislation for Delaware Water Gap National Recreation Area. And second, we recommend amending the bill

to provide consistency with laws (including regulations) and policies applicable to rights-of-way for natural gas pipelines within units of the National Park System by deleting the reference to 16 U.S.C. 5, because that law addresses utility rights-of-way for other types of utilities than natural gas pipelines. We would be happy to provide the Committee with suggested language for these amendments.

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

STATEMENT OF VICTOR KNOX, ASSOCIATE DIRECTOR, PARK PLANNING, FACILITIES AND LANDS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS OF THE HOUSE NATURAL RESOURCES COMMITTEE, CONCERNING H.R. 5791, THE EMERGENCY WATER SUPPLY RESTORATION ACT.

June 8, 2012

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. 5791, the “Emergency Water Supply Restoration Act.”

The Department strongly opposes H.R. 5791. We understand that this legislation is a response to concerns about a specific situation in southern Arizona regarding municipal water facilities within the Miller Peak Wilderness managed by the USDA Forest Service. However, the Department believes that this site-specific concern does not require the sweeping legislative response represented by H.R. 5791. Under existing law, federal agencies that manage wilderness can work cooperatively with local interests to find solutions that both protect wilderness values, as required by law, and ensure continued water supplies for local communities.

H.R. 5791 grants state decision-making authority to access water sources within wilderness areas when a state of emergency is declared by the Governor of the State. The decision-making authority includes both vehicle access as well as access for the permanent construction of structures. The bill restricts federal agencies from impeding any action taken by the state to gain access for the duration of the state of emergency.

The legislation could have significant consequences for the Department since our bureaus manage large amounts of wilderness. The Bureau of Land Management (BLM) manages 221 wilderness areas totaling 8.7 million acres (3% of BLM’s total acreage). The National Park Service (NPS) manages 60 wilderness areas totaling 44 million acres (50% of NPS’s total acreage). The Fish and Wildlife Service (FWS) manages 75 wilderness areas totaling 20.7 million acres (14% of FWS total acreage). The wilderness areas under the Department’s jurisdiction are spread among 44 states.

Emergencies are devastating, but transient events. Federal agencies have protocols and experience with using motorized vehicles, mechanized equipment and implementing construction projects within wilderness areas. This legislation does not allow the federal government to have any involvement in state-approved actions, once the state of emergency is declared. Those actions may have lasting effects on lands not related to the state of emergency. For example, in many instances, the construction of water catchment structures, or diversionary flumes, and the use of mechanized equipment would adversely impact the wilderness character of an area, would impact the public’s ability to use the area, and would pose a threat to the health and safety of persons within the area. This legislation has no provisions to ensure the public

interest is protected after the state of emergency ends. After the state of emergency, the federal land management agencies would have the burden of restoring these lands.

We are concerned that this bill disregards not only the Wilderness Act, but also the National Environmental Policy Act (NEPA), the Endangered Species Act, and the National Historic Preservation Act. Among other things, these laws require the federal land management agencies to maintain the wilderness character of these critical areas, preserve the nation's wilderness heritage for future generations, protect other important values that serve the public interest, and disclose the environmental impacts of federal actions to the public. Yet each of these statutes has provisions enabling the federal land management agencies to make exceptions in the case of emergencies. For example, NEPA provides the flexibility to respond to emergencies without delay, while still considering potential impacts to resources and communities. In a wide range of emergency situations—including needs of law enforcement, threats to human health and property, and response to fire and weather emergencies—Federal land managers authorize motorized access to wilderness areas on an expedited basis.

For that reason, we believe H.R. 5791 is not necessary for ensuring access to water supplies in an emergency.

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