

## **Committee on Resources**

### **Subcommittee on National Parks and Public Lands**

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#### **Testimony**

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#### **STATEMENT OF KATHERINE STEVENSON, ASSOCIATE DIRECTOR FOR CULTURAL RESOURCES, STEWARDSHIP, AND PARTNERSHIP, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR BEFORE THE SENATE ENERGY AND NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION, CONCERNING S. 548, TO REQUIRE THE NATIONAL PARK SERVICE TO ESTABLISH THE FALLEN TIMBERS BATTLEFIELD AND FORT MIAMIS NATIONAL HISTORICAL SITE IN THE STATE OF OHIO.**

**April 22, 1999**

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on S. 548, a bill to establish the Fallen Timbers Battlefield and Fort Miamis National Historical Site in the State of Ohio.

Although the Battle of Fallen Timbers site is a National Historic Landmark and Fort Miamis played a significant role in that conflict, the Department cannot support this bill in its present form. While we support the intent of S. 548, which is to preserve and link these two important sites, we do not believe that this bill, as currently written, provides the proper protection for the long-term preservation of these sites. We believe this legislation does not achieve the bill's purpose to preserve these important historical areas, nor does it provide the standards necessary for the areas to meet the National Park Service's criteria for affiliated recognition.

The Battle of Fallen Timbers is a notable event in our nation's history. One of the four major engagements during the "Indian Wars" period, 1790-1795, Battle of Fallen Timbers is generally regarded as one of the most significant U.S. military action in the period between the Revolution and the War of 1812. The defeat of the Native American Confederacy, which was led by Michikinikwa and Weyapiersenwah (Blue Jacket), by General Anthony Wayne led to the Greeneville Treaty which secured Ohio and the Northwest Territory for U.S. settlement.

S. 548 seeks to recognize, preserve, interpret, and link Fort Miamis and the Battle of Fallen Timbers. It also authorizes the Secretary of the Interior to provide technical assistance to the State of Ohio, its political subdivisions and non-profit organizations in the State to develop and implement a management plan to preserve and interpret the historical, cultural, natural, recreational, and scenic resources of these sites.

An affiliated area within the National Park Service System must meet three specific criteria. These criteria include the need for some special recognition or technical assistance beyond what is available through existing NPS programs, a cooperative arrangement with NPS and documentation that contributions from other sources will be adequate to assure long-term protection of the resource, and the ability to establish and continue a standard of maintenance, operations, public service and financial accountability consistent with requirements applicable to National Park System units.

While the bill recognizes a management entity including the state, its political subdivisions, non-profit organizations and any other entity designated by the Governor of Ohio, it does not provide the proposed management entity with the proper standards to ensure that Fallen Timbers and Fort Miamis is maintained as an affiliated site.

It is the opinion of the department that omission militates against long-term preservation of the sites and jeopardizes any federal investment of technical or funding assistance that may be provided. Affiliated sites should, at the very least, meet the principals set forth by the National Park Service. In fact, the bill seems to anticipate the lack of long-term preservation by including a section that outlines procedures for withdrawal of the National Historical Site designation. If the use, condition, or development of the site is incompatible with the purposes of this proposed act or if the management entity has not made reasonable and appropriate progress in the development and implementation of the management plan, the bill provides the Secretary the authority to withdraw the historical site designation.

As previously stated, these sites are worthy of protection and preservation, and the National Park Service supports the intent to protect and preserve these sites. However, the success of affiliated areas depends upon the stability and strength of the management entity. As currently written, the bill does not support the development of a management entity that will be able to meet the long-term protection requirements of Fallen Timbers and Fort Miamis. The National Park Service recommends in this regard that Section 5 be deleted. In addition, we recommend that Section 6(a)(1)(B), and Section 7(b) and (c) be struck from the bill because they are unnecessary in light of the advisory nature of the management entity.

In addition, the current bill does not provide for the proper protection of federal resources that may be invested in Fallen Timbers and Fort Miamis as an affiliated site. The National Park Service recommends that a section be added to the bill that would lay out the goals and responsibilities of the management entity, including the development and submission of a general management plan for the historical site. The management plan should include recommendations, developed in consultation with Indian tribes whose ancestors were involved in events at these sites, on the conservation, acquisition, funding, management, development and interpretation of the sites. The plan should also take into consideration existing federal, state, county and local development plans, as well as involve residents, public agencies and private organizations.

S. 548 requires the Secretary to provide technical assistance beyond what is currently available through existing programs, and regardless of established NPS criteria. Instead, the bill should include a provision to authorize the NPS to enter into a cooperative agreement with the management entity to provide technical assistance and to support the management entity in developing a general management plan for the areas. In addition, the Secretary should not be limited by the management entity's recommendation in determining who may receive technical assistance. Such a limitation would raise serious constitutional concerns under the Appointments Clause. The National Park Service also recommends that a provision that authorizes the necessary appropriations be included in the bill. Additionally, if the management entity fails to carry out the plan or fails to meet the standards established for affiliated areas, then language should be provided to insure that the federal government can recover any funds expended.

The National Park Service supports the intent of protecting and preserving the Fallen Timbers Battlefield and Fort Miamis. However, in addition to the above recommendations, there are additional minor technical and clarifying amendments that also need to be included before NPS can support this measure. The National Park Service is willing to work with Senator DeWine and the subcommittee to resolve these issues and to amend the bill to develop an acceptable measure.

Mr. Chairman, thank you for the opportunity to share with the Subcommittee the department's position on S. 548. This concludes my formal remarks. I will be pleased to answer any questions you or other members of the subcommittee may have.

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