

**STATEMENT OF WILLIAM SHADDOX, CHIEF OF LAND RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE SUBCOMMITTEE ON PUBLIC LANDS AND ENVIRONMENTAL REGULATION, OF THE COMMITTEE ON NATURAL RESOURCES CONCERNING H.R. 5003, TO ADJUST THE BOUNDARY OF THE KENNESAW MOUNTAIN NATIONAL BATTLEFIELD PARK TO INCLUDE THE WALLIS HOUSE AND HARRISTON HILL, AND FOR OTHER PURPOSES.**

September 9, 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. 5003, a bill to adjust the boundary of the Kennesaw Mountain National Battlefield Park to include the Wallis House and Harriston Hill, and for other purposes.

The Department supports H.R. 5003. This legislation would authorize the acquisition of key resources, the Wallis house and Harriston Hill, that would enable the National Park Service to better interpret the Union strategy at the Battle of Kennesaw Mountain, the last major battle leading to the fall of Atlanta during the Civil War.

The Wallis house is one of the few original structures remaining from the Battle of Kennesaw Mountain. The house is in its original location, half a mile west of the park on Burnt Hickory Road. Built by Josiah Wallis in 1853 and occupied by his family until the Civil War, this house was used first as a Confederate hospital and then as the headquarters for Union General O.O. Howard during the battle. General Howard is an important historical figure because of his successful leadership on the battlefield and his post-Civil War support of former slaves as head of the Freedmen's Bureau and because he was the founder of Howard University. General William T. Sherman was stationed at the Wallis house during the Battle of Kolb's Farm that took place at the south end of the park and immediately preceded the Battle of Kennesaw Mountain.

Adjacent to the Wallis house is Harriston Hill, which offers a sweeping vista of the valley leading to the Confederate line atop Kennesaw Mountain. From this position, it is clear why General Howard picked this site for his headquarters and signaling position. The majority of the park's auto tour and trails interpret Confederate positions. This proposed addition, at less than 8 acres, would be a relatively small addition to the nearly 2,884-acre park, but it would add critical Union-related resources that could significantly enhance visitor understanding of the events that occurred at this site in 1864.

The Wallis house was in imminent danger of being demolished by a developer in 2002. The developer had purchased about 27 acres, including the Wallis house and adjoining Harriston Hill, with plans to construct 43 homes on the property. In cooperation with the National Park Service, the Cobb Land Trust, and the Georgia Civil War Commission, Cobb County agreed to purchase the 1.25-acre Wallis house property and the 5.5 acres encompassing Harriston Hill with the intent of donating the properties to Kennesaw Mountain National Battlefield Park. Cobb Land Trust agreed to purchase a 1.13 acre-parcel at the foot of Harriston Hill that is essential for

providing visitor access to these properties and to donate this property to the NPS. Neither Cobb County nor Cobb Land Trust has the funds to restore, maintain, or manage the site, and no other entity has indicated the interest or ability to do so.

The National Park Service's Southeast Region conducted a site assessment of the Wallis house in 2003 and confirmed its historical significance and concluded that it retained sufficient historical integrity to warrant its inclusion in the park. The Kennesaw Mountain National Battlefield Park's 1983 General Management Plan does not address future potential acquisitions of land; however, two recent planning documents for the park – the 2005 Land Protection Plan and the 2013 Foundation Document – address the potential Wallis House acquisition. The Land Protection Plan ranks the Wallis house and Harriston Hill as a high priority for acquisition. The Foundation Document identifies information about the structure, history, and people and events associated with these properties as high priority data needs if this legislation is enacted.

The acquisition cost would be nominal, since the land would be donated. The total cost for planning and development for these properties is estimated at \$3.1 million, and the annual operating costs would be approximately \$370,100. Funding would be subject to the availability of appropriations and NPS priorities.

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

**STATEMENT OF WILLIAM SHADDOX, CHIEF OF LAND RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE SUBCOMMITTEE ON PUBLIC LANDS AND ENVIRONMENTAL REGULATION, OF THE COMMITTEE ON NATURAL RESOURCES, CONCERNING H.R. 5162, A BILL TO AMEND THE ACT ENTITLED "AN ACT TO ALLOW A CERTAIN PARCEL OF LAND IN ROCKINGHAM COUNTY, VIRGINIA, TO BE USED FOR A CHILD CARE CENTER" TO REMOVE THE USE RESTRICTION, AND FOR OTHER PURPOSES.**

**SEPTEMBER 9, 2014**

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Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on H.R. 5162, a bill to amend the Act entitled "An Act to allow a certain parcel of land in Rockingham County, Virginia, to be used for a child care center" to remove the use restriction, and for other purposes.

The Department opposes H.R. 5162 because it would result in a net loss of public park and recreation land in Rockingham County, and a financial loss to the federal government. The desire of Rockingham County to use this public land for other purposes can be addressed administratively. We would like to have the opportunity to work with the county toward that end.

H.R. 5162 would require the removal of all deed restrictions imposed by the transfer of the surplus federal property formerly known as the Broadway Work Center A-VA-681 in Rockingham County, Virginia, under the terms of the National Park Service's Federal Lands to Parks (FLP) Program. In 1989, the National Park Service (NPS) conveyed this 3.03-acre property at no cost to Rockingham County under the authority of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 550(b) and (e)) on the condition that it be used in perpetuity for public park and recreation purposes. Sixteen months after the property was transferred to the county, Congress passed P.L. 101-479 to allow the use of buildings and up to 3,500 square feet of land for a child care center. H.R. 5162 would release county from the terms of the deed and from the requirements of P.L. 101-479, allowing the county to use the entire property unconditionally for any purpose.

The purpose of the FLP program is to help communities increase opportunities for public recreation by increasing park and recreation areas. By conveying this land at no cost, the federal government provided a public benefit to the citizens of Rockingham County by increasing the quantity of the county's public park land. Because of P.L. 101-479, the county is already allowed a special use for the property that other recipients of FLP program lands are not permitted.

The release of the deed restrictions would allow the county to sell the property or use it for other commercial purposes, which was not intended under the transferring authority. It would mean that the county would be acquiring the land with no conditions attached and with no reimbursement to the federal government, which is contrary to federal land disposal laws. The result would be a loss of public parks and recreation for the county, a financial loss for the

federal government, and a bad precedent for the FLP program and the federal land disposal process.

The NPS is aware that recipients of park land through the FLP program occasionally have a need to use the transferred property for purposes other than public parks and recreation. Consequently, there are administrative options available to accommodate changing local land needs. The NPS, along with the General Services Administration (GSA), which is the agency that oversees the Federal land disposal process, has developed a land exchange process to enable some flexibility to communities when local needs and circumstances change.

A land exchange would require the replacement of the parcel with land of equal fair market value in order to protect the federal government's financial interest. The land must also have recreational value and usefulness to avoid a net loss of recreational opportunity locally. The NPS would like to work with Rockingham County to explore the possibility of an exchange of this parcel of land for other county land that has the same or greater value and recreational utility. The NPS has successfully facilitated such land exchanges in other similar cases. In addition, the county has two other administrative options: reimbursing the federal government for the fair market value of the property, or allowing the property to revert to the federal government.

As introduced, H.R. 5162 would require the Secretary of the Interior to issue a new fee simple deed for the property. If the committee decides to move forward with this legislation, we would recommend that the bill be amended to require the Secretary, instead, to execute and record an instrument releasing the property from the use restrictions imposed by the April 11, 1989 deed. This would be a better way, legally, to accomplish the bill's stated goal.

Mr. Chairman, that concludes my prepared testimony. I would be glad to answer any questions that you or other members of the subcommittee may have.