

STATEMENT OF MICHAEL A. CALDWELL, ASSOCIATE DIRECTOR OF PARK PLANNING, FACILITIES AND LANDS, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS CONCERNING H.R. 1479, A BILL TO ESTABLISH THE CHIRICAHUA NATIONAL PARK IN THE STATE OF ARIZONA AS A UNIT OF THE NATIONAL PARK SYSTEM.

September 18, 2024

Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on H.R. 1479, a bill to establish the Chiricahua National Park in the state of Arizona as a unit of the National Park System.

The Department supports H.R. 1479 with amendments.

H.R. 1479 would redesignate Chiricahua National Monument in Arizona as Chiricahua National Park.

Chiricahua National Monument was established on April 18, 1924, by President Calvin Coolidge by presidential proclamation. The monument is located in Cochise County, approximately 37 miles southeast of Willcox, Arizona. It is located at the intersection of the Chihuahuan and Sonoran deserts, the southern Rocky Mountains, and the northern Sierra Madre.

Chiricahua National Monument is known as a “Wonderland of Rocks” because of its distinctive pinnacle formations. These formations are the result of powerful volcanic events combined with geologic erosive forces over time, creating the rhyolitic rock formations in the monument. The Madrean Sky Island ecosystem of the monument protects a great diversity of flora and fauna and serves as a critical habitat for threatened, endangered, and endemic species.

Chiricahua National Monument also preserves evidence of diverse human history spanning thousands of years, including prehistoric indigenous peoples, Chiricahua Apaches, Buffalo Soldiers, European-American pioneers and ranchers, and the 1930’s Civilian Conservation Corps. The monument’s Faraway Ranch Historic District includes structures, resources, and landscapes associated with the former pioneer homestead and working cattle ranch. Stories and evidence of struggle, perseverance, stewardship, and connection to the land unite the experiences of each of these groups, which left a lasting legacy on the land and our country.

Re-designating the monument as Chiricahua National Park is consistent with the nomenclature patterns of the National Park System. Units designated as national parks generally contain a variety of resources and encompass a large land or water area to help provide adequate protection of the resources. With its wealth of both natural and cultural resources over a large land mass of approximately 12,025 acres, it is appropriate to designate this unit as a national park.

The Department would like to work with the sponsor and the Committee on amendments that would ensure the protection of traditional cultural and religious sites in Chiricahua National Park, and ensure continued access to those sites by members of culturally-affiliated Indian tribes for religious and cultural purposes. Additionally, because Chiricahua National Monument is already a unit of the National Park System, we recommend a change in the title of the bill.

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

STATEMENT OF MICHAEL A. CALDWELL, ASSOCIATE DIRECTOR, PARK PLANNING, FACILITIES AND LANDS, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE NATURAL RESOURCES SUBCOMMITTEE ON FEDERAL LANDS, CONCERNING H.R. 8931, TO REDESIGNATE SARATOGA NATIONAL HISTORICAL PARK AS SARATOGA NATIONAL BATTLEFIELD PARK.

September 18, 2024

Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior’s views on H.R. 8931, to redesignate Saratoga National Historical Park as Saratoga National Battlefield Park.

The Department defers to Congress on H.R. 8931.

According to a July 3, 2024 statement released by the bill’s sponsor, the purpose of the legislation is to “more accurately reflect the historical significance of the site and emphasize the crucial military engagements that took place there” and acknowledge the significance of “one of the most decisive American battles of the American Revolution.” Several local entities, such as the County of Saratoga and the Saratoga County 250th Commission, express support for the bill as a timely effort in light of the upcoming 250th Anniversary of the American Revolution and the Battles of Saratoga.

The National Park Service shares the goal of highlighting the importance of those events. The Park recently completed a \$6.6 million Great American Outdoors Act (GAOA) project in preparation for the 250th Anniversary commemorations by replacing all 72 of the waysides, and pathways. The Park is working closely with the County and Commission planning multiple events up to and throughout 2027, which is the 250th Anniversaries of the Battles of Saratoga (September 19, 1777 and October 7, 1777) and British Army Surrender (October 17, 1777).

In 1938, Congress designated the park as a unit of the National Park System as Saratoga National Historical Park. This park preserves, protects, and interprets the sites associated with the battles, siege, and surrender of the British forces at Saratoga. In addition to the battlefield unit, the park includes four other non-contiguous sites, including General Philip Schuyler (House) Estate, the Saratoga Monument, Saratoga (Sword) Surrender Site, and Victory Woods. With approximately 25 miles of trails and a 10-mile loop tour road, the park is also a popular destination for hiking, biking, horseback riding, and birding, among other passive recreational activities.

The Department notes that visitation to Saratoga National Historical Park has increased 15% since 2008, with recreational visitors representing the largest growing contingent visiting the park. It is unclear how this redesignation will impact visitation. In a report published last November 2023, the Congressional Research Service found that “[e]vidence is mixed as to the effectiveness of such redesignations as a way of increasing tourism at a unit and in surrounding communities.” Nevertheless, the Park will continue to work to attract a broad audience to connect to the park through a variety of narratives, recreational opportunities, interpretive stories, and educational

experiences that appeal to a wide audience and continue to demonstrate relevance. As Saratoga National Historical Park meets the standards, under our general criteria for designation, as either a National Historical Park or a National Battlefield Park, we defer to Congress on H.R. 8931.

If this redesignation legislation is passed, changing all the signs, displays, printed materials, and waysides, including the 72 new waysides just installed as part of the GAOA project, would be phased as these resources are replaced over time. All of these changes are extensive, require additional resources, and could not be completed before the 250th anniversaries to be celebrated in 2027. The National Park Service will continue to work to increase public awareness and understanding of the role Saratoga played in the founding of this country.

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

STATEMENT OF MICHAEL A. CALDWELL, ASSOCIATE DIRECTOR, PARK PLANNING, FACILITIES, AND LANDS, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE NATURAL RESOURCES SUBCOMMITTEE ON FEDERAL LANDS, REGARDING H.R. 9159, A BILL TO ENHANCE THE PRESERVATION, MAINTENANCE, AND MANAGEMENT OF NATIONAL HISTORIC TRAILS AND NATIONAL SCENIC TRAILS, AND FOR OTHER PURPOSES.

September 18, 2024

Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on H.R. 9159, a bill to enhance the preservation, maintenance, and management of National Historic Trails and National Scenic Trails, and for other purposes.

The Department opposes H.R. 9159. We defer to the U.S. Department of Agriculture on those provisions of the bill affecting its role in managing the Appalachian Trail National Scenic Trail and National Forest System lands.

H.R. 9159 seeks to strengthen the role and authority of national trail partners through provisions that codify the concepts of "cooperative management" and "cooperative management system." It establishes the Appalachian Trail Conservancy as the first Designated Operational Partner for the Appalachian National Scenic Trail, and it lays out an opportunity and criteria for additional national trails partners to become Designated Operational Partners for other national scenic and national historic trails.

Of particular note is Subsection 4(d), Protection of Property Rights, which authorizes a Designated Operational Partner to request that the Secretary concerned and the U.S. Attorney consider violations of property rights and make a determination on appropriate action within a prescribed time frame. Also of note is Subsection 4(f), Land and Resource Preservation Proposed Priority lists, which requires a Designated Operational Partner to periodically develop and submit to the Secretary concerned and the heads of any other appropriate Federal land management agencies a proposed priority list for land and resource protection for the applicable covered trail. The Secretary concerned must then prioritize the use of funds for land identified for Federal protection in the list, except when the Secretary has determined otherwise for a specific priority and, in that case, the Secretary must provide a written justification to the Designated Operational Partner.

Other provisions in H.R. 9159 include requirements and authorities related to cooperative agreements, volunteer services, comprehensive plans, visitation assessments, economic impact assessments, trail planning, appropriations, and a Federal Advisory Committee Act exemption.

America's national scenic and historic trails form a remarkable network of well over 50,000 miles that protects and links together many of America's most significant natural, cultural, and recreational resources. Both types of trails are planned and administered under the authorities of

the National Trails System Act (NTSA, 16 U.S.C. 1241-1251) and serve as the backbone of the National Trails System. These trails are unique in that they typically:

- include federal national trail administration responsibilities for coordination trail-wide;
- span hundreds, if not thousands, of miles and many jurisdictions;
- depend upon complex coordination among federal, Tribal, state, private, and non-governmental entities for local management, operations, and other cooperative trail activities, as appropriate, for large portions of national scenic and national historic trails;

However, little is standard about these trails. From the Appalachian National Scenic Trail to the Ala Kahakai National Historic Trail, each national trail has its own unique identity, legislation, administration and management challenges. Additionally, the non-profit partners have vastly different structures, capacity, expertise and resources.

The Department has concerns that H.R.9159 fundamentally alters the intent and implementation of the NTSA. We note that the authorities and opportunities within the NTSA already meet several of the collaborative objectives identified in H.R. 9159, including: direction for a public comprehensive plan process, authorities for cooperative agreements, guidance on carrying capacity considerations for implementation, and acquisition or protection planning information for each national scenic or national historic trail.

The Department notes that the NTSA describes cooperation and encouragement regarding management and operation outside of federally administered areas, and does not contemplate the concepts of cooperative management, a cooperative management system, or identify a singular Designated Operational Partner, as these terms are defined in H.R. 9159. These concepts significantly reshape the structure and administration of the National Trails System as envisioned in the NTSA and suggest trail-wide management or operational roles that may exceed the federal administration and coordination authorities assigned to the Department through the NTSA. Further, changes that significantly alter the NTSA should be considered as amendments to the act to avoid the potential for confusion or perceptions of conflicting legal requirements.

In addition, the Department notes that the NTSA does not envision a single partner elevated above other potential partners. In contrast, the H.R. 9159 appears to delegate unique powers through the Designated Operational Partner concept at the exclusion of other potential cooperative management partners, limiting the Secretary's ability to exercise federal discretion in the public interest. This exclusivity could be in conflict with existing agreements or other opportunities to enter into agreements to achieve local trail objectives. In addition, it is unclear if there may be unintended consequences for federal land managing agencies, Tribes, state and local governments, private landowners, or others with land management jurisdiction for trail management and operations if a Secretary identifies a single, trail-wide operational partnering organization. It is also crucial to understand the role envisioned and intended for "Designated Operational Partners," particularly in relation to public engagement under the National Environmental Protection Act (NEPA), land use planning, Comprehensive Plan development, approval/disapproval, and dispute resolution.

Subsection 4(b) of the bill allows for cooperative agreements with a Designated Operational Partner for a term of not more than 20 years. The Department notes that currently financial

assistance agreements are awarded for no more than 5 years. This extended timeframe discounts the benefits of judicious review and evaluation that ensures effective and relevant partnerships. It also exceeds budgetary planning horizons of the Executive Branch. Additionally, any issues could be costly and burdensome if a 20-year partner is not performing adequately. It is also important to understand that relationships, needs and staffing change overtime.

The bill's Protection of Property Rights provision raises a number of legal issues that the Department is continuing to review. We recommend that the bill sponsor also seek the views of the Department of Justice regarding the U.S. Attorney's role as outlined in the provision.

Because the bill's provision on Land and Resource Preservation Proposed Priority Lists delegates acquisition prioritization, an inherently governmental function, to a non-federal entity, we cannot support this provision. We strongly recommend deleting this provision in its entirety from the bill.

We would be happy to discuss our concerns further with the bill sponsor and the Subcommittee. While we share the goal of supporting and enhancing public-private partnerships, for the reasons discussed above, we oppose H.R. 9159.

Mr. Chairman, this concludes my statement. I would be pleased to answer any questions that you or other members of the Committee might have.

**STATEMENT OF MICHAEL A. CALDWELL, ASSOCIATE DIRECTOR, PARK
PLANNING, FACILITIES AND LANDS, NATIONAL PARK SERVICE, U.S.
DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE NATURAL RESOURCES
SUBCOMMITTEE ON FEDERAL LANDS CONCERNING H.R. 9492, A BILL TO
AMEND PUBLIC LAW 99-338 WITH RESPECT TO KAWEAH PROJECT PERMITS.**

September 18, 2024

Chair Tiffany, Ranking Member Neguse, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on H.R. 9492, a bill to amend Public Law 99-338 with respect to Kaweah Project Permits.

The Department supports H.R. 9492.

H.R. 9492 would increase the number of permit renewals the Secretary of the Interior is authorized to issue for the Kaweah hydroelectric project from three to seven. It would also remove the reference to a specific utility company.

Between 1900 and 1910 a regional power company was permitted to construct several small dams and a system of flumes within Sequoia National Park to power hydroelectric power plants outside of the park. Pursuant to legislation requiring Congressional authorization for operating such power infrastructure within park boundaries, in 1986 Congress authorized the Department to issue up to two ten-year permits for Southern California Edison to operate the Kaweah Project. In 2004 the law was amended to allow for three additional permit renewals. The existing permit authority expires in 2026.

While hydroelectric operations are generally not an appropriate use of national park lands, this system has been in operation for over a century, and it is understood that removal of the infrastructure would pose substantial technical challenges and have significant short-term environmental impacts. H.R. 9492 continues the practice of allowing the Secretary to issue permits for no more than 10 years at a time—a practice which allows for relatively frequent review of resource impacts and modifications of the permit, if necessary, to assure protection of park resources. The Department also recognizes that the flexibility to permit an appropriate alternative energy producer for an increased number of renewals enables a more viable business model for its commercial operation.

Chair Tiffany, Ranking Member Neguse, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.

STATEMENT OF MICHAEL A. CALDWELL, ASSOCIATE DIRECTOR, PARK PLANNING, FACILITIES AND LANDS, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE NATURAL RESOURCES SUBCOMMITTEE ON FEDERAL LANDS, CONCERNING H.R. 9516, TO AMEND THE FEDERAL LANDS RECREATION ENHANCEMENT ACT TO PROVIDE FOR LIFETIME NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASSES FOR FAMILY MEMBERS OF THE ARMED FORCES WHO LOST THEIR LIVES WHILE SERVING THEIR COUNTRY.

September 18, 2024

Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on H.R. 9516, the Military Families National Parks Access Enhancement Act. H.R. 9516 would amend the Federal Lands Recreation Enhancement Act (FLREA) to provide for lifetime National Parks and Federal Recreational Lands Passes for family members of members of the Armed Forces who lost their lives while serving their country.

The Department recognizes the importance of honoring those who serve our country in the Armed Forces. However, at present, the Department does not have a formal Administration position on this legislation as it was not introduced with sufficient time for an in-depth analysis of the bill text and the number of additional individuals who would potentially qualify for a free lifetime pass who are currently ineligible. We would be happy to provide the Committee with our views, including any potential proposed amendments, upon request. We defer to the U.S. Department of Agriculture (USDA) on how this legislation would affect USDA programs.

As a part of FLREA, Congress established the multi-agency America the Beautiful – The National Parks and Federal Recreational Lands Pass Program (Interagency Pass Program) to cover entrance fees for the National Park Service and U.S. Fish and Wildlife Service and standard amenity recreation fees for the Bureau of Land Management, U.S. Forest Service, and Bureau of Reclamation. The Interagency Pass Program began in 2007 and included an annual pass for \$20 and a lifetime pass for \$80 for those aged 62 years or older (Lifetime Senior Pass), and a free lifetime pass for persons with permanent disabilities (Access Pass). Public Law 113-121, enacted in 2014, authorized the U.S. Army Corps of Engineers to also participate in the Interagency Pass Program. In 2021, Congress passed the *Alexander Lofgran Veterans in Parks Act* as a part of the *National Defense Authorization Act for FY 2022* (P.L. 11781) which authorized free lifetime access to federal lands for veterans and Gold Star Families. In 2023, an estimated 1.2 million passes were sold or distributed by these six agencies. Revenue from the sale of the passes—which totaled approximately \$94 million in 2023—is a critical source of supplemental funding for these agencies that significantly enhances their efforts to address maintenance issues, better manage federal lands, and respond to changes in visitation levels and service requirements.

We are supportive of efforts to honor service members and their families, particularly those who lost their lives while serving our country. However, we are also mindful of the impact that free

Federal recreation passes will have on recreation fee revenues and the costs of administering passes for each new category of eligible individuals. We encourage Congress to carefully consider the need for adequate resources so that all Americans can enjoy their public lands.

We also want to note that FLREA is not a permanent program. Since the 10-year initial authorization for the program expired in 2013, Congress has extended the authority for the program in one- or two-year increments in appropriations bills. If the authority for FLREA were to expire, so too would the authority for no-cost recreation passes.

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