

**STATEMENT OF WILLIAM D. SHADDOX, ACTING ASSOCIATE DIRECTOR,
PARK PLANNING, FACILITIES, AND LANDS, NATIONAL PARK SERVICE,
U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS
OF THE COMMITTEE ON NATURAL RESOURCES CONCERNING H.R. 830,
TO AUTHORIZE THE EXCHANGE OF LAND WITHIN DENALI NATIONAL
PARK TO PROVIDE FOR IMPROVED RAILROAD SERVICE.**

SEPTEMBER 27, 2007

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on H.R. 830, a bill to authorize the exchange of exclusive use easements between the National Park Service and the Alaska Railroad within Denali National Park.

The Department supports H.R. 830.

H.R. 830 would authorize the Secretary of the Interior to convey to the Alaska Railroad (Railroad) an exclusive use easement to not more than 25 acres of land in exchange for the Railroad's relinquishment of an exclusive use easement of equal size to the federal government. The bill would limit the use of the easement conveyed to the Railroad to activities necessary for the operation of the railway. The bill would also require the Railroad to pay the costs associated with the exchange, including the costs for surveys and compliance with the National Environmental Policy Act (NEPA). To complete the exchange, the Alaska Legislature would have to approve any release of Railroad land interests as the Alaska Railroad is a state-owned corporation.

Both easements in question are located within Denali National Park on land owned by the federal government. The exchange of easements would not affect federal ownership of

underlying lands. The easement conveyed to the Railroad would be used to build a train turn-around at Denali National Park. The easement relinquished by the Railroad would be managed in its natural state as part of Denali National Park. If it is adjacent to the Denali Wilderness, this bill would add the land to the wilderness.

The Alaska Railroad provides passenger rail service from Whittier, Anchorage, and Fairbanks to Denali National Park. In 2005, the Alaska Railroad carried more than 260,000 passengers to Denali National Park. In 2006, that number rose to over 300,000. The Railroad's ability to manage this increasing traffic is limited by the lack of a turn-around at Denali. Under current conditions, trains carrying visitors from Anchorage to Denali must continue to Fairbanks. Trains traveling south from Fairbanks to Denali must likewise continue to Anchorage. To accommodate existing traffic, the Railroad concentrates passenger service into two trains to Denali per day, one in the morning and one in the afternoon. These trains average 20 coach cars in length and carry up to 1,500 passengers each. The arrival of so many visitors to the park at one time often causes congestion, crowding, and traffic. For example, visitors who travel by train to Denali Park Station must travel by bus to enter the park. The concentration of rail traffic results in two major "pulses" of buses that leave the park entrance and travel into the park each day.

A turnaround would allow trains to run round trip from either Fairbanks or Anchorage to the park. It would offer the Railroad the ability to economically use smaller trains and to offer more number of trips to the park each day. This expanded schedule would, in turn,

allow the park to smooth out the bus schedule and provide a less crowded experience for visitors.

The lands that would be affected by this bill are within the boundary of Denali National Park and owned by the federal government. The Alaska Railroad Transfer Act of 1982 (45 U.S.C. Sections 1201-1214) conveyed to the state an exclusive use easement to the Railroad for the approximately 35 miles of track through park. This Act limited the use of the easement to activities necessary for the operation of the railway and mandated that the state operate the Railroad subject to laws and regulations for the protection of park values. H.R. 830 would apply these same conditions to the easement it conveys to the Railroad.

Although not specified in the bill, the proposed location of the turn-around is approximately 4 miles south of Denali Park Station on land that has been determined to be unsuitable for wilderness designation. The Railroad has identified 4 parcels of land that are of interest to the National Park Service.

The National Park Service believes that full public involvement in the planning process should occur prior to deciding if a land exchange should occur. This would occur through the NEPA compliance that is provided for in the proposed legislation.

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

STATEMENT OF WILLIAM D. SHADDOX, ACTING 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 COMMITTEE ON NATURAL RESOURCES, CONCERNING H.R. 2094, A BILL TO PROVIDE FOR CERTAIN ADMINISTRATIVE AND SUPPORT SERVICES FOR THE DWIGHT D. EISENHOWER MEMORIAL COMMISSION

September 27, 2007

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. 2094, a bill to provide for certain administrative and support services for the Dwight D. Eisenhower Memorial Commission.

The Department has no position on H.R. 2094 as it involves providing administrative and support services for an established congressional commission by the General Services Administration (GSA) rather than the Department of the Interior. We understand that the Department of Justice has concerns with certain provisions on volunteer services in H.R. 2094 that could significantly expand the potential for Federal tort liability. The Senate Energy and Natural Resources Subcommittee on National Parks held a hearing on the companion bill, S. 890, on April 26, 2007. The Senate Energy and Natural Resources Committee subsequently amended the bill to incorporate volunteer liability language recommended by the Department of Justice but also struck the text clarifying that the Commission's volunteers were Federal employees for purposes of the criminal conflict of interest laws, leaving their status with respect to such laws unclear. The Committee approved the amended bill on June 26.

The Dwight D. Eisenhower Memorial Commission (Commission) is a congressional commission established by Section 8162 of Public Law 106-79 on October 25, 1999. H.R. 2094 would amend Section 8162 to update the powers of the Commission and provide additional staff and support services to assist the Commission in performing its duties and responsibilities. The bill would require the GSA to provide administrative services on a reimbursable basis. It also would allow the Commission to use all contracts, schedules, and acquisition vehicles allowed to external clients through the GSA.

In January 2002, the Commission's authorization was amended by Public Law 107-117 to require that the memorial to Dwight D. Eisenhower be established pursuant to the provisions of the Commemorative Works Act. Public Law 109-220, enacted in May 2006, authorized the memorial to be constructed on a site within Area I as Dwight D. Eisenhower is deemed to be of "preeminent historical and lasting significance to the Nation." As a result of an alternative site study completed in 2006, the National Park Service, the Commission of Fine Arts and the National Capital Planning Commission have all approved a site south of Independence Avenue near its intersection with Maryland Avenue, which was identified in the Memorials and Museums Master Plan as Prime Candidate Site suitable for a presidential memorial. The next step is for the Commission to select a design concept in accordance with guidance contained in the site approval and to submit it for review by the Secretary of the Interior, the Commission of Fine Arts and the National Capital Planning Commission.

During his term, President Eisenhower created the National Interstate Highway System, which remains a critical component of U.S. infrastructure today. Eisenhower also is credited with

proposing and signing into law the Civil Rights Acts of 1957 and 1960, and striving to make the District of Columbia a model for the nation in racially integrating public schools. He created the precedent for the proposed National Parks Centennial Initiative by initiating a comprehensive ten-year program, Mission 66, to restore and improve National Parks to meet the needs of a public increasingly interested in the great outdoors.

The Department supports the work of the Commission and is willing to assist them throughout the process of establishing an appropriate permanent memorial to Dwight D. Eisenhower, the 34th President of the United States.

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

STATEMENT OF WILLIAM D. SHADDOX, ACTING 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 COMMITTEE ON NATURAL RESOURCES, CONCERNING H.R. 3111, TO PROVIDE FOR THE ADMINISTRATION OF PORT CHICAGO NAVAL MAGAZINE NATIONAL MEMORIAL AS A UNIT OF THE NATIONAL PARK SYSTEM, AND FOR OTHER PURPOSES

September 27, 2007

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on H.R. 3111, a bill to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System, and for other purposes.

The Department supports H.R. 3111. By authorizing the National Park Service to administer the Port Chicago Naval Magazine National Memorial, enactment of this legislation would confirm in statute the operational practice that currently exists under agency agreement, and it would provide for a designation that we believe is wholly appropriate for a national memorial that commemorates one of the most significant events that occurred on American soil during World War II. The legislation would also help ensure long-term protection for the memorial and associated artifacts as well as increased opportunities for education and interpretation.

Port Chicago Naval Magazine, in the eastern San Francisco Bay Area on Suisun Bay, was the ammunition loading area that was the site of the worst home-front loss of life during World War II. On July 17, 1944, 11 million pounds of ammunitions detonated causing an explosion that killed 320 men and injured another 390. Of the 320 dead, 202 were African-American enlisted men who had the highly dangerous job of transferring ammunition from rail cars to ships without adequate training for the task at hand. After participating in the grim cleanup of the blast site,

picking up body parts and other material, surviving African-American enlisted men were transferred to Vallejo in order to load ammunition at the Mare Island Ammunition Depot. Fearful of another explosion, 258 men in three divisions refused to return to the docks to load ammunition on to ships unless they received safety training. Those men were confined to a barge and faced court-martial, dishonorable discharge, and forfeiture of three months' pay. After being told by an admiral that "mutinous conduct in time of war carries the death sentence, and the hazards of facing a firing squad are far greater than the hazards of handling ammunition," all but 50 of the men indicated that they would go back to work.

The 50 men were tried for mutiny, found guilty, and sentenced to 8 to 15 years in prison followed by dishonorable discharge. The other 208 men who initially joined the work stoppage were given summary courts martial and each sentenced to bad conduct discharge and three months forfeiture in pay. In 1946, after the end of World War II, the Port Chicago men were released from prison and discharged from the Navy "under honorable conditions," but the mutiny convictions still stand. The incident provided a major impetus for ending race-based assignments in the Navy in 1946 and for President Truman's order to integrate all the Armed Forces in 1948.

In 1992, Congress recognized this national tragedy and its transformative aftermath. Public Law 102-562 established Port Chicago Naval Magazine National Memorial "...to commemorate the role of the facility during World War II, to recognize those who served at the facility, and to honor the memory of those who gave their lives and were injured in the explosion on July 17, 1944." The law directed the Secretary of the Interior, with the concurrence of the Secretary of

Defense, to place a marker at the site of the explosion, and to enter into an agreement with the Secretary of the Navy to provide for public access to the memorial.

The memorial, located at the site of Port Chicago Naval Magazine's historic docks in what is now the Concord Naval Weapons Station, was dedicated in 1994. The National Park Service was given the honor of designing and constructing the memorial and, since its completion, the National Park Service has maintained the memorial, held an annual commemoration event and conducted limited public tours. In 2004, the National Park Service, the Navy, and the Army (which leases the base from the Navy) finalized a written agreement providing for National Park Service-managed public access to the memorial with limitations required at a base that is still an active ordnance loading facility.

Port Chicago is an "affiliated area" of the National Park Service, a status which is normally provided for sites that are owned and operated by other entities but are given technical assistance by the National Park Service. The Port Chicago Naval Magazine National Memorial has more in common with units of the National Park System than affiliated areas because it is maintained, made accessible to visitors, and interpreted by the National Park Service. The National Park Service spends about \$35,000 annually from the budgets of nearby park units to maintain and interpret the memorial, operate van tours, and organize a yearly commemoration of the accident. H.R. 3111 would give Port Chicago Naval Magazine National Memorial the status in law that fits the actual role that the National Park Service plays in managing the memorial.

H.R. 3111 would also allow the transfer of administrative jurisdiction of the memorial and associated property from the Department of Defense to the National Park Service if the Secretary of Defense determines that the property is excess to the needs of the military. This property consists of approximately five acres: one acre that includes the memorial and approximately four acres of the cultural landscape associated with the explosion, which includes two railroad box cars used to move explosives to the ships and two earthen revetments constructed for protection of the boxcars. The National Park Service currently interprets this historic setting for visitors to the memorial.

In addition, the legislation would authorize the National Park Service to enter into an agreement with the City of Concord, which is adjacent to the inland portion of the weapons station, to establish an administrative/interpretive center in an existing building that would serve as an orientation point for visitors and provide parking, office space, and storage for the Port Chicago Naval Magazine National Memorial museum collection. An interpretive center would enable users to view the collection and learn about the memorial and the story it represents even during periods when there is no access to the memorial itself due to shipment of weapons. The National Park Service and the City of Concord have been in discussion about a building that could be used for this purpose in conjunction with changes resulting from a base-closing decision covering the inland part of the weapons station.

Finally, the bill includes “sense of Congress” language encouraging the Department of Defense and the Department of the Interior to work together to address repairs to the memorial. We are pleased to report that the repairs necessitated by storm damage in 2006 are under way, and that

both Departments have a better understanding of how to achieve more timely repairs in the future.

Net operating cost increases associated with H.R. 3111 are estimated to be \$145,000 annually.

There would be no land acquisition costs, and developmental costs associated with establishing a visitor center and administrative offices within an existing building owned by the City of Concord would be minimal.

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