

STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENERGY AND NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, CONCERNING S. 3176 AND H.R. 5979, BILLS TO ESTABLISH THE MILL SPRINGS BATTLEFIELD NATIONAL MONUMENT IN THE STATE OF KENTUCKY AS A UNIT OF THE NATIONAL PARK SYSTEM, AND FOR OTHER PURPOSES.

AUGUST 15, 2018

Chairman Daines, Ranking Member King, and members of the Subcommittee, thank you for the opportunity to provide the Department of the Interior's views on S. 3176 and H.R. 5979, bills to establish the Mill Springs Battlefield National Monument in the State of Kentucky as a unit of the National Park System, and for other purposes.

The Department supports enactment of S. 3176 and H.R. 5979 with amendments described later in this statement. As a nationally significant Civil War site, where the principal owner has indicated a desire to donate the battlefield property including a visitor center for inclusion in the National Park System, the Mill Springs Battlefield represents an exceptional opportunity to preserve and interpret for future generations a critical chapter in Civil War history.

S. 3176 and H.R. 5979 would authorize the Secretary of the Interior to establish Mill Springs Battlefield National Monument as unit of the National Park System after meeting specified requirements. The proposed boundary of the monument includes land within the Mill Springs National Historic Landmark and also visitor and administrative facilities outside of the Landmark. The bills include authorities for land acquisition and administration that are commonly included in legislation establishing a unit of the National Park System.

The Battle of Mill Springs, Kentucky, on January 19, 1862, was the battle that led to the total collapse of the eastern portion of the Confederate line designed to protect Kentucky and hopefully bring its allegiance to the South. Mill Springs is considered to be the first significant Union victory in the western theater of the Civil War; it permitted Federal troops to carry the war into Middle Tennessee a few weeks later. This Union victory, after a long line of defeats, reenergized the Northern war interests and directly led to the battles of Columbus, Fort Henry and Fort Donelson; the fall of Nashville; and battles at Shiloh and Corinth. Kentucky's importance to the Union has been demonstrated many ways, most significantly by President Abraham Lincoln's famous quote, "I hope to have God on my side, but I must have Kentucky." After Mill Springs, the Union held control of Kentucky throughout the war.

Designated a National Historic Landmark in 1994, Mill Springs Battlefield was recognized in the 1993 Civil War Sites Advisory Commission Report as a Preservation Priority One battlefield, indicating it has the characteristics of high integrity, significance, and threats that warrant focused preservation action. A local non-profit group, the Mill Springs Battlefield Association Inc. (Association), was formed in 1992 to preserve, maintain, and interpret this important battlefield. The Association has actively worked with the National Park Service American

Battlefield Protection Program and the nonprofit American Battlefield Trust to secure grants to apply towards purchase of battlefield land and to fund archeological surveys and additional scholarly research related to the battle. Ongoing research has resulted in a better understanding of the battle's extent and the historic resources found at Mill Springs, which is reflected in the updated National Register of Historic Places documentation completed in 2009 for the battlefield and associated Civil War era sites. The Association's visitor center, which opened in 2006, includes a reference library and community room; it offers a variety of educational programs to generate public understanding of the significance of the site.

The National Park Service is in the final stages of preparing a Congressionally authorized special resource study on Mill Springs Battlefield. Strong local support for including the site in the National Park System has been indicated through public meetings and comments. The Mill Springs Battlefield Association, a major landowner within the proposed boundary, is prepared to donate its holdings for inclusion in the new unit. All funding for the unit would be subject to National Park Service priorities and the availability of appropriations.

The Department recommends that S. 3176 and H.R. 5979 be amended in the following ways:

First, both bills provide land acquisition authority by means of donation, purchase with donated funds, or exchange. The Department recommends amending the bills to also include the authority to purchase lands with appropriated funds. Such authority is common for other National Park Service units. That authority would allow the owners of private property within the boundary the opportunity to sell their lands to the Federal government. Even if the owners are not interested in selling their land at the current time, this authority provides the flexibility for them to make that decision in the future if circumstances change. Before the National Park Service would seek to acquire any property, whether by purchase, donation, or exchange, it would take into consideration the condition of any structures on the property that would add to the Service's deferred maintenance backlog. Any funding to purchase land would be subject to future appropriations from Congress.

Second, H.R. 5979, but not S. 3176, includes two conditions for establishing Mill Springs Battlefield National Monument as a unit of the National Park System: (1) entering into an agreement for donation of the property, and (2) acquiring sufficient land to constitute a manageable unit. Because land must be acquired prior to the establishment of the Monument, an agreement evidencing an intent to donate land is a precondition that does not need to be included in the legislation. We recommend that H.R. 5979 be amended to conform the language for establishing the unit to that used in S. 3176, which provides for only the second condition.

Third, H.R. 5979, but not S. 3176, includes language stipulating that no private or non-Federal property shall be managed as part of the Monument without the written consent of the landowner. This provision is unnecessary as the National Park Service does not currently have authority to manage non-Federal property as part of a unit in this manner. Furthermore, the addition of this language could be read to suggest that it does have such authority. The Department recommends striking this provision from H.R. 5979.

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