

**STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE AUTHORITY OF THE DIRECTOR OF THE NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENERGY AND NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, CONCERNING H.R. 5751 AND S. 2831, BILLS TO REDESIGNATE GOLDEN SPIKE NATIONAL HISTORIC SITE AND TO ESTABLISH THE TRANSCONTINENTAL RAILROAD NETWORK.**

**AUGUST 15, 2018**

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Chairman Daines, Ranking Member King, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on H.R. 5751 and S. 2831, bills to redesignate Golden Spike National Historic Site and to establish the Transcontinental Railroad Network.

The Department supports redesignating Golden Spike National Historic Site as Golden Spike National Historical Park, which is in keeping with Secretary Zinke's commitment to highlight less-visited units of the National Park System (System). As we approach the celebration of the 150<sup>th</sup> anniversary of the May 10, 1869, "Last Spike" ceremony marking the completion of the first transcontinental railway, this is a fitting time to enact this redesignation. The Department supports the goals of the other provisions of H.R. 5751 and S. 2831, but has concerns, as explained in this statement, and would like to work with the Committee on amendments to address those concerns.

Section 3 of both bills would redesignate Golden Spike National Historic Site (Site) as Golden Spike National Historical Park (Park) and include it in the Transcontinental Railroad Network that would be established by Section 4. The Site preserves 2,735 acres of land where the Union Pacific Railroad and the Central Pacific Railroad came together to form the first transcontinental railroad, linking the United States politically, economically and physically. Set in a vast open landscape mostly unchanged from 1869, the Site retains an unparalleled concentration of historic transcontinental railroad engineering features, archeological sites, and associated cultural landscape elements. It is the only System unit that preserves physical evidence of the technology and methods involved in construction, completion, and maintenance of the transcontinental railroad. The National Park Service (NPS) operates replica locomotives "Jupiter" and "No. 119" daily in the summer. These provide visitors with a unique opportunity to learn about the transcontinental railroad.

The transcontinental railroad was among the greatest technological feats of the 19th Century and represents one of the most ambitious and expensive projects ever undertaken by the federal government. The daunting task of construction across vast expanses of the country, within a relatively short time frame, required the government to forge creative partnerships with private corporations to accomplish this unprecedented construction feat. The legacy of this government-corporate partnership, and the fierce competition it spawned between rival railroad companies, is clearly reflected in the parallel grades and other features. Thousands of people, including Civil War veterans, Buffalo Soldiers, Mormons, and American Indians, as well as immigrants from

Ireland, China, and other nations, were employed in the railroad's construction, often toiling under the harshest of conditions in some of the most remote and difficult landscapes of the West. The Site offers a walking trail and two opportunities to drive the transcontinental railroad grade and see what workers were building in 1869, including the "10 Miles of Track, Laid in one Day" sign where the Central Pacific Railroad built 10 miles and 56 feet of track on April 28, 1869.

Golden Spike National Historic Site was first designated a national historic site on April 2, 1957, by Secretary of the Interior Fred Seaton using the authority of the 1935 Historic Sites Act. The Site consisted of seven acres of land owned by the Central Pacific Railway Company. Eight years later, through Public Law 89-102, enacted July 30, 1965, Congress authorized the acquisition of approximately 2,200 acres of land for the Site and placed it under the administration of the NPS. Most of the land acquisition, which included 15 miles of historic railroad grade and associated archeological features that remained from the construction, was completed in 1966 and 1967. The Site's boundary was expanded by 532 acres through Public Law 96-344, enacted September 8, 1980, mainly to protect additional cultural features.

The NPS encourages Congress to follow a standard pattern of nomenclature for units of the System, and prefers that the term "national historical park" be reserved for units of greater physical extent and complexity than typical national historic sites, which are sometimes smaller than one acre with a single historic structure. Today, among System units that are designated "national historic sites," Golden Spike, at 2,735 acres, is second in size only to the Sand Creek Massacre National Historic Site. Given the Site's size and the complexity of the resources that are managed at the Site, the Department believes that it is wholly appropriate to redesignate Golden Spike National Historic Site as Golden Spike National Historical Park.

Section 4 of both bills would establish a Transcontinental Railroad Network program (Network). The Department supports the goal of raising the profile of other transcontinental railroad sites and resources and promoting opportunities for visitors to learn about this chapter in our nation's history. However, we note that there has been no study conducted to determine the most appropriate way to commemorate and interpret transcontinental railroad sites and resources nor to define the significance of the objects or sites to be commemorated and interpreted. At a time when the Department is focusing resources on reducing the NPS's \$11.6 billion deferred maintenance backlog and addressing other critical national park needs, the Network and the infrastructure needed to support it will be difficult to prioritize.

Section 5 of both bills would create Park-specific processes and timelines for authorizing adjacent landowners to undertake certain activities in historical crossings. NPS superintendents currently have the delegated authority to approve or deny requests from stakeholders related to many types of activities on NPS lands, including issuing special use permits, approval of amendments, and renewals of existing rights-of-way, pursuant to Director's Order #53: Special Park Uses. Authority to approve new requests for rights-of-way is delegated to NPS regional directors, also pursuant to Director's Order #53. Similarly, Section 6 of both bills would create Park-specific processes and timelines for adjacent landowners to participate in the eradication of invasive species on NPS land. NPS superintendents currently have the delegated authority to approve or deny requests from stakeholders to participate in eradication of invasive species, pursuant to Director's Order #7: Volunteers-in-Parks. The Department is concerned that sections

5 and 6 would create unnecessary new processes that are too broad and do not align with laws, regulations, and policies that generally apply to all units of the System.

As introduced, H.R. 5751 and S. 2831 contained identical text. As amended and passed by the House, H.R. 5751 contains notable differences from the bills as introduced. Changes to H.R. 5751 include:

- Clarifications to the definition of “historical crossing”;
- Clarifications related to the initial establishment and administration of Golden Spike National Historic Site;
- A requirement for a study to identify sites, facilities, and programs suitable for inclusion in the Transcontinental Railroad Network;
- A requirement to identify opportunities to enhance the recognition of immigrant laborers’ contributions to the history, construction, and legacy of the Transcontinental Railroad in carrying out the Transcontinental Railroad Network;
- A requirement for entering into a programmatic agreement with the Utah State Historic Preservation Office and other consulting parties and a Park-specific process for authorizing adjacent landowners to undertake certain activities in historical crossings; and
- Clarifications related to invasive species control.

We appreciate the changes the House made to H.R. 5751 after the bill’s introduction. However, the Department has additional concerns that remain unaddressed. As the Committee moves forward on this legislation, we would like to work with the Committee and the bills’ sponsors to resolve remaining issues.

With visitation at Golden Spike National Historic Site on the rise for several years now, the NPS looks forward to working with partners to host a grand and memorable 150<sup>th</sup> anniversary event. The sesquicentennial year presents unique opportunities to increase partnerships in support of the park, as well as increase awareness and understanding of the transcontinental railroad’s significant role in our nation’s history.

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