

**STATEMENT OF MICHAEL A. CALDWELL, ASSOCIATE DIRECTOR, PARK PLANNING, FACILITIES AND LANDS, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENERGY AND NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, CONCERNING S. 4209, A BILL TO PROVIDE GREATER REGIONAL ACCESS TO THE KATAHDIN WOODS AND WATERS NATIONAL MONUMENT IN THE STATE OF MAINE, AND FOR OTHER PURPOSES.**

**MAY 15, 2024**

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Chairman King, Ranking Member Daines, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on S. 4209, a bill to provide greater regional access to the Katahdin Woods and Waters National Monument in the State of Maine, and for other purposes.

The Department supports S. 4209 with technical amendments.

S. 4209 would authorize the Secretary of the Interior to acquire lands or interests in lands from willing sellers for addition to the Katahdin Woods and Waters National Monument (monument). The lands authorized for acquisition include two parcels adjacent to the monument and roads leading to the monument from the south totaling approximately 2,500 acres. The bill would ensure that outdoor recreation activity, including hunting and fishing, that was in existence before the land was acquired would continue without change.

S. 4209 would also permit the gathering of fiddlehead ferns in the monument for noncommercial personal use. The bill would require the Secretary to collaborate with local communities and Tribal governments on educating the public about the monument's natural environment and history. It would allow the Secretary to conduct noncommercial timber harvests in the monument. In addition, it would require the Secretary to provide safety information and collaborate with stakeholders to ensure safe interactions between visitors and logging trucks, equipment, and operations on roads in or adjacent to the monument. The bill would also authorize the Secretary to acquire or lease not more than 10 acres of land outside the monument boundaries for monument administration and visitor services.

Katahdin Woods and Waters National Monument was established by Proclamation 9476 on August 24, 2016, by President Obama. The monument consists of approximately 87,500 acres within a larger landscape where much land is conserved by public and private efforts but where logging remains active. The monument contains extraordinary natural and cultural landscapes including the mountains, woods, and waters east of Baxter State Park, where the east branch of the Penobscot River and its tributaries run freely. The scenery, geology, flora, fauna, and night skies continue to attract people to this area. Native Americans continue to engage with these resources. By authorizing the acquisition of additional lands for the monument and establishing important new authorities, S. 4209 would set the stage for several positive developments for the monument. We would like to recommend further improvements to the bill.

The Department supports the bill's intent to facilitate visitor access from the southern side of the monument, enhancing access from the communities of Millinocket, East Millinocket, and Medway. However, the committee should be aware of potential challenges the NPS might encounter if it sought to acquire the roads authorized for acquisition. The subject roads are part of a larger 2004 Crossing Rights Agreement between upward of 30 groups of local landowners for commercial land management, timber harvesting, and transportation of forest products. Each landowner is responsible for the maintenance and improvement of the roads and is obligated to indemnify and hold the other landowners harmless in the event of damages occurring from the exercise of the crossing rights. Unless a current landowner or another third-party entity agrees to retain those obligations under the Crossing Rights Agreement, NPS may be prevented from acquiring the roads and assuming those maintenance or indemnification obligations because doing so would commit future funding outside of existing appropriations in violation of the Antideficiency Act. Additionally, should a third party retain ownership of the roads and the NPS were able to agree to terms of a lease, there would be opportunities for federal grants that could help with routine road maintenance and repair. The NPS looks forward to working with all parties involved to coordinate ownership interests in a way that ensures NPS has any needed indemnifications before potentially acquiring the land or interest in the land.

The Department appreciates the intent of the bill to maintain existing recreational uses, including hunting and fishing, where those uses currently exist, if lands with those uses are acquired by the NPS. We would like to work with the bill's sponsor and the committee on amendments to provide the NPS with the flexibility to be able to respond to changing circumstances over time in order to allow for consistent management and to reduce confusion for the public.

The Department also appreciates the bill's intent to ensure safe interactions between visitors and logging trucks, equipment, and operations on roads in or adjacent to the monument. We would like to work with the bill's sponsor and the Committee to further clarify the specific limitations on the duties that the bill intends to impose on NPS for ensuring safety on the southern roads that are currently subject to the Crossing Rights Agreement.

We would be happy to work with the sponsor and the Committee to develop these amendments.

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