

United States Senate

June 9, 2016

COMMITTEES:
ENVIRONMENT AND PUBLIC WORKS
FINANCE
FOREIGN RELATIONS
SMALL BUSINESS

COMMISSION ON SECURITY
AND COOPERATION IN EUROPE

The Honorable Jonathan B. Jarvis
Director
National Park Service
U.S. Department Of The Interior
1849 C Street, Nw
Washington, D.C. 20240

Dear Director Jarvis:

Thank you for your longstanding service to America's National Park System. I am writing to request that your Office provide written clarification on the National Park Service's management, land use, administration, and land acquisition procedures for the newly established Harriet Tubman Underground Railroad National Historical Park (NHP) on Maryland's Eastern Shore. Specifically, I would like explanations of the following National Park Service's Commitments:

- Interpretation on the limits of its legal authority to acquire lands, or interests in land, for the NHP;
- Intention to preserve specific land uses significant to the historic character of the Tubman and Underground Railroad landscape;
- An explanation of the administration of the Harriet Tubman National Monument (NM) and how the NM effects the management of the Blackwater National Wildlife Refuge (Blackwater); and
- The Interior Department's ability and intention to acquire lands, or interests in land, outside the Authorized Acquisition Area of the National Historical Park Boundary, but within the National Monument Boundary, as National Monument lands.

As you know, I sponsored the legislation establishing the Harriet Tubman Underground Railroad National Historical Park in the United States Senate. I worked with congressional colleagues, community stakeholders, the U.S. Fish and Wildlife Service, and the National Park Service to make important modifications to the final version of the legislation that was ultimately incorporated into the National Defense Authorization Act of 2015. The unique non-contiguous landscape of the authorized acquisition areas for the Harriet Tubman Underground Railroad National Historical Park, combined with the Harriet Tubman National Monument designation overlaying a large area of the surrounding region, motivated me to more clearly legislate how the National Park Service must carry out the operation and management of the NHP. This letter aims to explain the congressional intent of the legislation on some of the locally sensitive issues surrounding the establishment and management of the NHP.

The law prescribes explicit authorities for establishing the NHP to ensure its establishment and development is in accordance with the interests of the surrounding community. The land acquisition provision of the law describes strict authorities granted to the Secretary of the Interior to acquire land or interests in land within the authorized acquisition area of the NHP. The law did not repeal the National Monument, though seeing as how most of the lands within the Harriet Tubman National Monument boundary are either within the authorized acquisition area of the National Historical Park or the Blackwater National Wildlife Refuge, it is my hope and expectation that any lands the Secretary of the Interior is authorized to acquire would be done so by the Interior agency with acquisition primacy. Meaning, if the Interior Department pursues acquisition of lands within the authorized boundary of the Blackwater National Wildlife Refuge, then those lands would come under the management of the United States Fish and Wildlife Service and the rules and regulations of the USFWS would apply to those lands, while also operating under the NPS and USFWS interagency agreement governing the National Monument's effect on USFWS managed lands. Similarly, if the Secretary is pursuing acquisition of lands within the authorized acquisition area of the NHP, that those lands would be acquired and managed by NPS in accordance with Harriet Tubman Underground Railroad National Historical Park, Maryland (Sec. 3035 – PL 113-291) of the National Defense Authorization Act of 2015. Given the broad scope of lands eligible for acquisition either as part of the NHP or Blackwater, I would strongly encourage the Interior Department to not pursue acquisition of any lands solely as National Monument lands that are already approved for acquisition by FWS, unless they are essential to the Tubman story like the Anthony Thompson farm. I would appreciate the Interior Department addressing this issue in its response.

The existence of the National Monument, in conjunction with the NHP and Blackwater, has created confusion about its meaning and effect. This is especially the case with respect to how, or whether, the National Monument effects land uses and activities on private land within the National Monument boundary and on lands within Blackwater. Part of this confusion has arisen from inconsistent explanations offered by different Interior Department officials over the last few years. It would be very helpful if the Interior Department could explain the purpose and effect of the National Monument, particularly with respect to activities like hunting and farming, as it was in the legislation's "Purpose" statement, which indicates that "the National Historical is to preserve and interpret for the benefit of present and future generations the historical, cultural and natural resources associated with the life of Harriet Tubman and the Underground Railroad." Hunting, trapping, farming, and silviculture are all activities that should be "preserved" as a means of maintaining the historical and cultural character of the lands comprising the National Historical Park because these activities were taking place on these lands during Harriet Tubman's life on the Eastern Shore.

Safely managing these activities in the Harriet Tubman Underground Railroad National Historical Park lands is critical to maintaining the landscape so that it best resembles the appearance and function of the time period the Park aims to preserve. The law's "Land use agreements" provision permits the National Park Service to enter into agreements that permits these activities. I would like an explanation as to how the National Park Service aims to maintain the agrarian character of the Park's lands and manage activities that are historically and culturally significant. Local residents desire to know what opportunities there will be for them,

not only to participate in the decision making process, but also to partake in permissible activities.

The ultimate goal, which I hope the Interior Department shares, is to broaden and build consensus on the management plan for the National Historical Park, and to ensure that all stakeholders have the same understanding as to how the Interior Department will be managing the varied public lands on Maryland's Eastern Shore.

Thank you for your willingness and interest in providing these clarifications. I look forward to receiving your response.

Sincerely,



Benjamin L. Cardin
United States Senator

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