

STATEMENT OF WILLIAM SHADDOX, CHIEF OF LAND RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE SUBCOMMITTEE ON PUBLIC LANDS AND ENVIRONMENTAL REGULATION, OF THE COMMITTEE ON NATURAL RESOURCES, CONCERNING H.R. 5162, A BILL TO AMEND THE ACT ENTITLED “AN ACT TO ALLOW A CERTAIN PARCEL OF LAND IN ROCKINGHAM COUNTY, VIRGINIA, TO BE USED FOR A CHILD CARE CENTER” TO REMOVE THE USE RESTRICTION, AND FOR OTHER PURPOSES.

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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. 5162, a bill to amend the Act entitled “An Act to allow a certain parcel of land in Rockingham County, Virginia, to be used for a child care center” to remove the use restriction, and for other purposes.

The Department opposes H.R. 5162 because it would result in a net loss of public park and recreation land in Rockingham County, and a financial loss to the federal government. The desire of Rockingham County to use this public land for other purposes can be addressed administratively. We would like to have the opportunity to work with the county toward that end.

H.R. 5162 would require the removal of all deed restrictions imposed by the transfer of the surplus federal property formerly known as the Broadway Work Center A-VA-681 in Rockingham County, Virginia, under the terms of the National Park Service’s Federal Lands to Parks (FLP) Program. In 1989, the National Park Service (NPS) conveyed this 3.03-acre property at no cost to Rockingham County under the authority of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 550(b) and (e)) on the condition that it be used in perpetuity for public park and recreation purposes. Sixteen months after the property was transferred to the county, Congress passed P.L. 101-479 to allow the use of buildings and up to 3,500 square feet of land for a child care center. H.R. 5162 would release county from the terms of the deed and from the requirements of P.L. 101-479, allowing the county to use the entire property unconditionally for any purpose.

The purpose of the FLP program is to help communities increase opportunities for public recreation by increasing park and recreation areas. By conveying this land at no cost, the federal government provided a public benefit to the citizens of Rockingham County by increasing the quantity of the county’s public park land. Because of P.L. 101-479, the county is already allowed a special use for the property that other recipients of FLP program lands are not permitted.

The release of the deed restrictions would allow the county to sell the property or use it for other commercial purposes, which was not intended under the transferring authority. It would mean that the county would be acquiring the land with no conditions attached and with no reimbursement to the federal government, which is contrary to federal land disposal laws. The result would be a loss of public parks and recreation for the county, a financial loss for the

federal government, and a bad precedent for the FLP program and the federal land disposal process.

The NPS is aware that recipients of park land through the FLP program occasionally have a need to use the transferred property for purposes other than public parks and recreation. Consequently, there are administrative options available to accommodate changing local land needs. The NPS, along with the General Services Administration (GSA), which is the agency that oversees the Federal land disposal process, has developed a land exchange process to enable some flexibility to communities when local needs and circumstances change.

A land exchange would require the replacement of the parcel with land of equal fair market value in order to protect the federal government's financial interest. The land must also have recreational value and usefulness to avoid a net loss of recreational opportunity locally. The NPS would like to work with Rockingham County to explore the possibility of an exchange of this parcel of land for other county land that has the same or greater value and recreational utility. The NPS has successfully facilitated such land exchanges in other similar cases. In addition, the county has two other administrative options: reimbursing the federal government for the fair market value of the property, or allowing the property to revert to the federal government.

As introduced, H.R. 5162 would require the Secretary of the Interior to issue a new fee simple deed for the property. If the committee decides to move forward with this legislation, we would recommend that the bill be amended to require the Secretary, instead, to execute and record an instrument releasing the property from the use restrictions imposed by the April 11, 1989 deed. This would be a better way, legally, to accomplish the bill's stated goal.

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