

BRIEFING STATEMENT

Great Smoky Mountains National Park Proposed North Shore Road October 2, 2007

Background: Debate over whether a 34-mile road should be constructed dates back to World War II when an agreement was signed in 1943, between the Department of the Interior, the State of North Carolina, Swain County North Carolina, and the Tennessee Valley Authority. Under terms of this “1943 Agreement,” a new road to replace NC 288, which was flooded during construction of TVA’s Fontana Dam, would be built if Congress appropriated the funding. In the 1960’s the NPS constructed approximately 7 miles of the road before abandoning the effort due to environmental impacts and engineering problems. No further federal funding was received for the road until 2001 when \$16 million was appropriated to resume work on the project, triggering the current Environmental Impact Statement (EIS) process.

Public meetings to develop the EIS began in February 2003. The scoping process resulted in five alternatives: 1) No Action (i.e., no road – no resolution); 2) a monetary settlement agreement to replace the 1943 Agreement; 3) construction of a picnic area near the end of the current road Branch; 4) constructing 4 to 8 miles of new road to terminate at a recreational and educational facility along Fontana Lake at Bushnell; and, 5) building 29 to 38 miles of new road along a North Shore Corridor as called for by the 1943 Agreement.

A Draft EIS was released in January 2006. The DEIS did not include a Preferred Alternative, but stated that the Environmentally Preferred Alternative is to resolve the 1943 Agreement through payment of a monetary settlement in lieu of any further construction. Over 76,000 comments were received on the DEIS with the vast bulk being form emails/faxes generated by conservation groups opposed to the Road.

Interested Parties/Interests: On March 28, 2007, Representative Heath Shuler, in whose district the road would be built, sent a letter to Secretary Kempthorne supporting the monetary settlement alternative in lieu of further construction. The letter was co-signed by a bi-partisan group of 16 other members of the Tennessee and North Carolina delegations which included Senators Alexander, Corker and Dole and Representative David Davis. The letter further urged the NPS to complete its EIS within 90 days, asked the Administration to support re-programming the remainder of the \$16 million from the 2001 USDOT appropriation as an initial payment to Swain County, and to include another installment towards the settlement in its 2009 budget request.

Since the beginning of the EIS process two of the four parties to the 1943 Agreement - the Swain County Commission and the Governor of North Carolina – expressed support for a monetary settlement in lieu of the road. TVA agreed that the NPS identified the correct Environmentally Preferred Alternative but did not support any agency alternative.

Current Status: On May 25 the NPS announced that preparation of a Final Environmental Impact Statement (FEIS) had begun and that it would recommend a monetary settlement to Swain County as the National Park Service’s Agency Preferred Alternative. The Park published a Notice of Availability of the FEIS in the *Federal Register* on October 2. The FEIS also recommends the monetary settlement alternative. A Record of Decision may be published not less than 30 days after FEIS is released.

Next Steps/Strategy: If a Record of Decision is published which calls for the monetary settlement the NPS will meet with Swain County, the State of North Carolina and, potentially, Tennessee Valley Authority, to negotiate a new agreement to replace the “1943 Agreement”. Funding for a settlement would be subject to appropriation. In September 2007 the Senate approved a provision within the U.S Department of Transportation Appropriations bill that would allow the unspent portion of the \$16 million appropriation to be made available to implement the Agency Record of Decision.

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