

MAJOR MANAGEMENT ISSUES/DECISIONS

BUREAU(S): National Park Service

ISSUE: Proposed North Shore Road Through Great Smoky Mountains National Park

BACKGROUND: In the 1920's and 30's the states of North Carolina and Tennessee purchased about 1,100 tracts of private land, displacing an estimated 5,700 people, to create Great Smoky Mountains National Park.

At the outbreak of World War II the Tennessee Valley Authority (TVA) purchased about 11,800 acres of land along the Little Tennessee for the purpose of constructing Fontana Dam to provide energy for Alcoa Aluminum as a vital part of the war effort. An additional 44,400 acres of occupied land between the planned lake and the existing Park boundary remained in private hands until July 1943, when the U.S. Department of the Interior (DOI) entered into a four-party agreement with Swain County, NC, the State of North Carolina, and Tennessee Valley Authority (TVA). Under that Agreement, TVA agreed to purchase the 44,400 acres of land because residents of those tracts would become "landlocked" as NC Highway 288, the sole road providing access to the area, would be flooded by the new lake. TVA transferred ownership of the north shore acreage to the Park. As part of the Agreement, the DOI agreed that, provided that Congress appropriated the funds, the DOI would build a new road through the Park along the north shore of Fontana Lake to replace NC 228.

Work began on this north shore road in the early 1960's and approximately 7 miles of the approximately 30-mile route within the Park were completed before the construction was halted for fiscal and environmental reasons, leaving the DOI commitment unfulfilled.

In 1980 Interior Secretary Cecil Andrus developed a proposal to satisfy the DOI commitment through a \$9.5 million cash payment to Swain County in lieu of further construction of the road and through a number of other measures, several of which were successfully accomplished. The amount of the Andrus settlement was based upon a formula, reimbursing Swain County for indebtedness incurred during the construction of Highway 288, adjusted for inflation. Congress has not satisfied the cash payment portion of the Agreement.

In June 1991, Senator Sanford attempted to implement the Andrus settlement plan through S1339, which would have provided a \$16 million cash payment to Swain County as compensation for the (re-adjusted) value of NC 228 as a full settlement of all claims arising out of the 1943 Agreement. Senator Helms introduced other bills, in 1991, 1993, 1995, and 1996 calling for building the road, as well as providing large cash payments to Swain County as compensation for loss of the flooded road. None made it out of committee.

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Since 1980 the NPS position has been to settle the claims arising from the 1943 agreement through a cash settlement to Swain County in lieu of the road. The Park's 1982 General Management Plan documents the decision not to build a road through the heart of the National Park. Environmental concerns center on the strong probability that road construction would expose extremely acidic Anakeesta rock, which produces acids and heavy metals that are leached by rainfall into streams and kill aquatic life. While recent road construction has occurred on nearby Forest Service lands, concerns remain regarding road construction through Anakeesta formations. Road building, when it occurs, also causes a reduction in wildlife, especially bears, in a natural area. The road would cross successive ridges in an area containing crumbling, faulted, and unstable rock which would require extensive cuts and fills. The proposed road would pass through one of the largest remaining roadless areas in the eastern United States.

CURRENT STATUS: In the U.S. Department of Transportation FY 2001 Appropriation Bill, \$16 million was provided to build the road although the funding was not requested by either the NPS or DOT. Neither agency was aware of the appropriation until after passage of the appropriations bill. Since the new funding became available the Park has received approximately 2,000 letters and emails in opposition to the road along with a handful in support of it. Support has come from some Swain County residents, Congressman Taylor, and Senator Helms. A newly formed group, the Citizens for the Economic Future of Swain County, is committed to negotiating a cash settlement in lieu of the road.

ACTION NEEDED (IF ANY): In partnership with the NPS, Federal Highway Administration (FHWA) will contract for preparation of an EIS to evaluate the feasibility of constructing the proposed road or to develop a settlement agreement that would be acceptable to Swain County. According to a schedule prepared by the FHWA the compliance and decision-making process is expected to be finished in summer 2004.

DATE OF ACTION(S): FHWA is in the final selection process to award the consulting contract.

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