

## Calendar No. 752

106TH CONGRESS }  
2d Session }

SENATE

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### EFFIGY MOUNDS NATIONAL MONUMENT ADDITIONS ACT

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AUGUST 25, 2000.—Ordered to be printed

Filed under authority of Senate of July 26, 2000

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Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

### REPORT

[To accompany S. 1643]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1643) to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 3, line 2, strike “approximately 15 acres” and insert “approximately 50 acres”.
2. On page 3, at the end of line 21, add the following: “Any parcel included within the boundary pursuant to this subsection shall be administered by the Secretary as part of the national monument.”.
3. On page 4, line 3, strike “\$750,000” and insert “\$1,000,000”.

#### PURPOSE OF THE MEASURE

The purpose of S. 1643 is to authorize the Secretary of the Interior to acquire approximately 1,100 acres of land on five parcels abutting Effigy Mounds National Monument, and to direct the Secretary to modify the boundaries of the site to include the acquired lands.

#### BACKGROUND AND NEED

Effigy Mounds National Monument, located in the State of Iowa, was established by presidential proclamation in 1949, and currently includes 1,481 acres in three units. The site preserves outstanding examples of a significant phase of the prehistoric Amer-

ican Indian mound building culture, and protects wildlife and scenic and other natural values of the area.

During the early 1990's the planning process for the monument's General Management Plan considered several tracts of land adjacent to the site for inclusion within the boundary. Although the public favored acquisition of the lands, the NPS at the time determined that the properties were not essential to preserve and interpret, and were not likely to be under severe development pressure. In the 1999 amendment to the General Management Plan, the NPS reassessed its view in light of new studies that shed light on the significance of the resources located on the adjacent lands, recent economic development trends in northeastern Iowa, and the failure of efforts by other parties to secure the lands for long-term preservation.

The 1,054 acre Ferguson/Kistler tract is the largest of the five properties and contains a number of prehistoric mounds, archeological sites, and historical sites, as well as a variety of wildlife, including State-listed threatened and endangered species. In order to prevent the tract from being lost to development, the Iowa Natural Heritage Foundation has signed a contract to purchase the land with the intent to sell it to the National Park Service. Of the remaining 80 acres on the other four tracts, the State of Iowa owns 30 acres, and 50 acres are privately owned.

S. 1643 authorizes the Secretary of the Interior to acquire approximately 1,100 acres of land of five parcels abutting Effigy Mounds National Monument, and directs the Secretary to modify the boundaries of the site to include the acquired lands. The measure authorizes the appropriation of \$1,000,000.

#### LEGISLATIVE HISTORY

S. 1643 was introduced by Senators Grassley and Harkin on September 27, 1999. A hearing was held before the Subcommittee on National Parks, Historic Preservation and Recreation on June 22, 2000. At the business meeting on July 13, 2000, the Committee on Energy and Natural Resources ordered S. 1643 favorably reported, as amended.

#### COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on July 13, 2000, by a majority vote of a quorum present, recommends that the Senate pass S. 1643, if amended as described herein.

#### COMMITTEE AMENDMENTS

During the consideration of S. 1643, the Committee adopted three amendments. The first corrects an error concerning the size of one of the tracts of land. The second directs the Secretary of the Interior to administer the acquired parcels as part of the monument. The third increases the authorization of appropriations from \$750,000 to \$1 million.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* designates the bill's short title as "Effigy Mounds National Monument Additions Act".

*Section 2* defines terms used in the Act.

*Section 3* authorizes the Secretary of the Interior to acquire, from willing sellers only, five specific parcels of land as described in subsection (b). The secretary is authorized to modify the boundary of Effigy Mounds National Monument to include each parcel once it is acquired. There is authorized to be appropriated \$1,000,000 to carry out the purposes of the legislation.

#### COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, July 19, 2000.*

Hon. FRANK H. MURKOWSKI,  
*Chairman, Committee on Energy and Natural Resources,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S.1643, the Effigy Mounds National Monument Additions Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

#### *S. 1643—Effigy Mounds National Monument Additions Act*

S. 1643 would authorize the Secretary of the Interior to purchase five parcels of land totaling about 1,130 acres to be added to the Effigy Mounds National Monument in Iowa. For this purpose, the bill would authorize the appropriation of \$1 million.

Assuming appropriation of the necessary amounts and based on information provided by the National Park Service, CBO estimates that implementing S. 1643 would cost the federal government about \$2 million over the next five years. Of this amount, \$1 million would be used to purchase the five parcels authorized for inclusion in the monument's boundaries and \$0.5 million would be used to construct a visitor contact station on the largest parcel, the Ferguson/Kistler tract. Finally, annual costs to operate the monument would increase by about \$250,000 as a result of the bill.

S. 1643 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation

of the regulatory impact which would be incurred in carrying out S. 1643. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1643, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

On June 23, 2000, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 1643. These reports had not been received at the time the report on S. 1643 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing follows:

#### STATEMENT OF STEPHEN SAUNDERS, DEPUTY ASSISTANT SECRETARY FOR FISH, WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before the subcommittee to present the views of the Department of the Interior on S. 1643, a bill to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa.

S. 1643 would authorize the Secretary of the Interior to acquire approximately 1,100 acres on five tracts of land abutting Effigy Mounds National Monument. The Department of the Interior supports enactment of this legislation with amendments to correct the size of the Riverfront tract from 15 acres to 50 acres and to increase the authorization of appropriations from \$750,000 to \$1 million. This increase would ensure sufficient funds are authorized for the purchase of all of the tracts in the long term.

This position is consistent with the park's August 1999 general management plan (GMP) amendment and environmental assessment (EA) and a June 1999 boundary review. The largest tract, the approximately 1,054-acre Ferguson/Kistler property, has been in the State forest reserve program for the past 20 years and therefore has not been on the county tax rolls. The Iowa Natural Heritage Foundation has recently signed a contract to purchase this land for approximately \$1.2 million with the intent to sell this property to the National Park Service for \$750,000. Of the remaining 80 acres on the other four tracts, the State of Iowa owns 30 acres and 50 acres are privately owned.

Effigy Mounds National Monument was established by presidential proclamation in 1949. It was established to preserve a representative and outstanding example of a significant phase of the prehistoric American Indian mound building culture, to protect wildlife, scenic and

other natural values of the area and to provide for scientific study of its features.

Indian burial mounds are found in a large part of the United States; however, effigy mounds are found only in a relatively small area in northeastern Iowa, southeastern Minnesota, and eastern Wisconsin. Effigy Mounds National Monument includes 1,481 acres in three units; the north and south units which overlook the Mississippi River, and the Sny Magill unit, which lies on the river bottom land. These three areas preserve over 200 mound sites and represent three known mound building cultures. There are four distinct mound types including outstanding examples of effigy mounds, or mounds in the shape of birds and bears. The monument's "Marching Bears Mound Group" is one of the finest in the country and the Sny Magill contains the largest extant concentration of Indian mounds (about 100) in the United States. The mounds are a legacy of the belief systems and practices of prehistoric, indigenous peoples.

The landscape of the monument reveals evidence of a continuum of cultures and their relationships to the environment over a span of at least 2,500 years. The monument's varied landforms and habitats, characteristic of the unglaciated "driftless zone," provide exceptional diversity of plant and animal species. These natural resources are important both for understanding past lifeways that depended on them and monitoring the health of present ecosystems.

During the planning process for the GMP in the early 1990s, several tracts of land adjacent to the monument were considered for inclusion within the boundary. Public response from organizations such as the Allamakee County Tourism and Economic Development Commission and the Audubon Society favored the acquisition of these tracts. However, at that time it was decided that the properties were not essential to preserve and interpret, were not likely to be under severe development pressure in the next ten years, and could be preserved through other means. Today, ten years later, the NPS has reassessed this view in light of studies assessing the significance of resources on these lands, recent economic development trends in northeast Iowa, and the failure of serious efforts by other parties to secure important parcels for long-term preservation.

The 1,054 acre Ferguson/Kistler tract, which is adjacent to the park, is a key property. This land contains a number of prehistoric mounds; two bear effigy mounds in very good condition which have a rare orientation of the bears, which are lying on their left side; Iowa state recorded archaeological sites; historical sites including potential village sites; rock shelters and the Jefferson Davis Sawmill. Natural resources present include river otters and jeweled shooting stars, both on Iowa's threatened species list, and red-shoulder hawks, which is on the state endangered list. To prevent this tract from being lost for use of forest resources, second-home development, or new agri-industrial

facilities, which are intensifying in northeast Iowa, the Iowa Natural Heritage Foundation has signed a contract for this property.

Management objectives for Effigy Mounds National Monument emphasize preservation of the cultural and natural resources, and the historic scene of the monument. In the GMP amendment and EA are plans that address the visitor use, interpretation and development of each unit of the park. Ultimately, the Ferguson/Kistler tract will have appropriate provisions for visitor access to the tract, including trails leading to the effigy mounds. With cooperative efforts among public land managers and local jurisdictions, this area could provide recreational trails and new canoeing, camping, birding and wildlife viewing opportunities. A small increase in base funding (less than \$250,000) would be needed to provide maintenance, interpretive, resources protection and resource management services for the acquired areas. National Park Service funds for land acquisition would be subject to the availability of appropriations and National Park Service priorities.

As seen from the blufftop viewpoints, the panorama of the undeveloped Ferguson/Kistler property appears to be a seamless extension of the cultural and natural landscape represented within the monument. Both the resources and the viewshed are significant to the mission and purpose of Effigy Mounds National Monument and this property will help ensure that the visual and historical integrity of the site is maintained. Also, this acquisition, which is one of the largest remaining blocks of unbroken forest in Northeast Iowa, will connect Effigy Mounds National Monument with Yellow River State Forest, with over 4,000 acres and 7.8 river miles of the Yellow River in public trust. This linkage would enable the public to enjoy recreation opportunities not available within the monument while protecting ecosystems with endangered and threatened species, cultural landscapes and a viewshed critical to the monument.

This concludes my testimony. I would be happy to answer any questions that you or members of the subcommittee may have.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 1643, as ordered reported.