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WILSON'S CREEK NATIONAL BATTLEFIELD BOUNDARY ADJUSTMENT ACT OF 2004

SEPTEMBER 28, 2004.—Ordered to be printed

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

R E P O R T

[To accompany S. 2432]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2432) to expand the boundaries of Wilson's Creek Battlefield National Park, and for other purposes, having considered the same, reports favorably thereon without amendment and an amendment to the title and recommends that the bill, as amended, do pass.

The amendment is as follows:

Amend the title so as to read: "A bill to expand the boundaries of Wilson's Creek National Battlefield, and for other purposes.".

PURPOSE OF THE MEASURE

The purpose of S. 2432 is to expand the boundaries of Wilson's Creek National Battlefield in Missouri to include approximately 615 acres.

BACKGROUND AND NEED

The Battle of Wilson's Creek was one of the first significant battles of the Civil War. Fought on August 10, 1861, on open farmland located nine miles from Springfield, Missouri, the battle was the first major Civil War engagement west of the Mississippi River. The battle involved approximately 5,400 Union troops and 12,000 Confederates. By battle's end, 537 Union and Confederate soldiers had lost their lives and 2,500 soldiers were wounded.

The battle was the culmination of a campaign that pitted Union General Nathaniel Lyon against Confederate General Ben McCulloch and Major General Sterling Price of the Missouri Na-

tional Guard. Outnumbered nearly two-to-one, General Lyon split his force into two columns and surprised the Confederate armies in their camps at dawn. Although General Lyon's troops eventually retreated, the Union army considered themselves victorious. The outcome of the battle demoralized Missouri Confederates to such an extent that they never fully recovered.

Wilson's Creek National Battlefield was established in 1960 (Public Law 86–464). The battlefield's interpretive facilities include an automobile tour, walking trails, a visitor center and the John K. Hulston library. The library is one of the largest and most well respected research libraries in the National Park System. The battlefield consists of approximately 1,750 acres, but only 75 percent of the actual combat areas associated with the battle are within the current boundary. The battlefield's establishing legislation directs the Secretary of the Interior to acquire "the lands (together with any improvements thereon) comprising the Wilson's Creek Battlefield site near Springfield, Missouri, and any other lands adjacent to such site which in his opinion are necessary or desirable to carry out the purposes of this Act." The 2002 General Management Plan for Wilson's Creek National Battlefield also recommended that suitable areas adjacent to the Battlefield be considered for acquisition.

S. 2432 would authorize the addition of approximately 615 acres from willing sellers or by donation. With the addition of these parcels, nearly 99 percent of the battleground would lie within the battlefield's boundary. Of particular interest is General Sweeny's Museum of Civil War History, which houses a large collection of artifacts relating to the Civil War in Missouri and Arkansas. The museum contains more than 15,000 artifacts and displays, as well as thousands of Civil War documents. Acquisition of this material will make the Hulston Library the largest collection of original Civil War material in the National Park Service System.

LEGISLATIVE HISTORY

S. 2432 was introduced on May 18, 2004, by Senators Talent and Bond. A companion measure, H.R. 4481, was introduced by Representative Blunt and others on June 2, 2004. H.R. 4481 passed the House of Representatives on a voice vote on September 13, 2004. The Committee on Energy and Natural Resources' Subcommittee on National Parks held a hearing on S. 2432 on July 15, 2004. At the business meeting on September 15, 2004, the Committee on Energy and Natural Resources ordered S. 2432, as amended, favorably reported.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in an open business session on September 15, 2004, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 2432, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 2432, the Committee adopted an amendment to the title. The amendment reflects the correct title of Wilson's Creek National Battlefield.

SECTION-BY-SECTION ANALYSIS

Section 1 entitles the Act the "Wilson's Creek National Battlefield Boundary Adjustment Act of 2004."

Section 2(a) amends Public Law 86–434 (U.S.C. 430kk) by revising the boundary of the Wilson's Creek National Battlefield to include the land and interests in land of 6 parcels totaling 615 acres. The land is depicted on a map entitled "Wilson's Creek National Battlefield Proposed Boundary", numbered 410/80,037 and dated January 27, 2004. The map is to be made available for public inspection at appropriate offices of the National Park Service.

This section authorizes the Secretary to acquire the land, interests in land and personal property associated with and appropriate for interpreting the battlefield by donation, exchange or with appropriated funds.

Subsection (b) amends Public Law 86–434 (16 U.S.C. 430mm) by authorizing the appropriation of such funds as are necessary to carry out section 1(b) of that Act.

COST AND BUDGETARY CONSIDERATIONS

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

S. 2432—Wilson's Creek National Battlefield Boundary Adjustment Act of 2004

S. 2432 would expand by about 615 acres the boundary of the Wilson's Creek National Battlefield in Missouri. The legislation would authorize the National Park Service (NPS) to acquire the additional acreage and related personal property by purchase, donation, or exchange. Finally, S. 2432 would authorize the appropriation of whatever amounts are necessary for those purposes.

Assuming appropriation of the necessary amounts, CBO estimates that implementing S. 2432 would cost between $5 million and $10 million over the next five years. We expect that the NPS would first purchase a 20-acre parcel containing a Civil War museum, other improvements, and the museum contents, at a cost of between $3 million and $4 million. If the NPS later purchases some of the other 595 acres (or easements on that land), total acquisition costs could increase by up to $6 million over several years. We estimate that additional costs to operate the museum and to develop visitor facilities and interpretive materials would be less than $0.5 million annually. Enacting this legislation would not affect direct spending or revenues.

S. 2432 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.

On July 30, 2004, CBO transmitted a cost estimate for H.R. 4481, the Wilson's Creek National Battlefield Boundary Adjustment Act of 2004, as ordered reported by the House Committee on Resources. The estimated costs of H.R. 4481 and S. 2432 are identical.

The CBO staff contact for this estimate is Deborah Reis. This 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. 2432.

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. 2432.

EXECUTIVE COMMUNICATIONS

On July 6, 2004, 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. 2432. These reports had not been received when this report was filed. The testimony provided by the Department of the Interior at the Subcommittee hearing on S. 2432 follows:

STATEMENT OF A. DURAND JONES, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to testify on S. 2432, a bill to authorize the Secretary of the Interior to modify the boundaries of Wilson's Creek National Battlefield in the State of Missouri. The Department strongly supports enactment of S. 2432. The Administration transmitted a similar proposal to Congress on June 10.

Wilson's Creek National Battlefield lies 10 miles to the southwest of Springfield, Missouri, in one of the fastest growing areas of the country. The current acreage of the park is approximately 1,750 acres, but only 75 percent of the actual combat areas associated with the battle are within the park's boundaries. S. 2432 would provide permanent protection from development for significant resources that are integral to the historic events that the park was established to commemorate. It would add approximately 615 acres from six parcels of land that make up the remaining significant resources outside the park boundary that are directly related to the battle. This bill also authorizes the acquisition of the Sweeney Museum property and collections, one of the most complete private civil war artifacts collections in existence. This expansion was included as part of the General Management Plan, and is the number one acquisition priority for the National Park Service's Midwest Region. The operational cost of the Sweeney collection and land structures is estimated at $500,000.

In addition, the Act that established the park in 1960 stated "* * * the Secretary of the Interior shall acquire * * * the lands (together with any improvements thereon) comprising the Wilson's Creek Battlefield site near Spring-

field, Missouri, and any other lands adjacent to such site which in his opinion are necessary or desirable to carry out the purposes of this Act." These parcels would significantly increase the park's capability to interpret the important events surrounding the battle of August 10, 1861, in which over 537 Union and Confederate soldiers lost their lives and 2,500 were wounded.

There are six areas proposed for inclusion within the park's boundaries. Area 1 encompasses 20 acres including General Sweeney's Museum of Civil War History, a garage, and a house. The Sweeney museum is a private museum that houses one of the best privately owned Civil War collections in the United States. The collection includes 8,000–10,000 museum objects and numerous archives related to the Battle of Wilson's Creek and the Civil War in the Trans-Mississippi West. Acquisition of the entire Sweeney Archives & Collections is essential to enhance the interpretation and visitor experience of the park. It is anticipated that school groups, researchers, and traditional visitors will use the museum.

Area 2 includes 160 acres encompassing the hilltop where Colonel Franz Sigel began his bombardment of the Confederate encampment and his forces' route of approach to the Sharp stubble field. It also includes a portion of the historic Dixon farmstead that was used as a field hospital. The inclusion of the site would enhance interpretation of the impact of the battle on civilians who lived in the valley.

Area 3 includes 150 acres encompassing the ridge that became known in the aftermath of the battle as Bloody Hill. Bloody Hill was the core combat area of the Battle of Wilson's Creek. It was an area of intense fighting involving thousands of troops. Casualty rates, particularly among Union forces, proportionately were among the highest seen during the entire war.

Area 4 includes 200 acres encompassing the Guinn Farm, Moody's Spring, and the intersection of Telegraph and York Roads. The Guinn Farm was the site of a skirmish between a portion of Sigel's retreating forces and troops of the Missouri State Guard; a Union artillery piece was abandoned here. Moody's Spring provided a year-round water source for both Union and Confederate encampments during the Civil War. The Telegraph Road was critical as a means of linking transportation and communication with southwestern Missouri and St. Louis to the north and Arkansas and Fort Smith to the south. Colonel Sigel's troops also used both the Telegraph Road and the Little York Road during their retreat from the battle.

Area 5 includes 25 acres encompassing the approach of the Union forces under General Nathaniel Lyon. The first shots of the battle were fired here when Lyon's advance troops clashed with southern foragers. The anticipated construction of a trail in this area would allow visitors to retrace General Lyon's route to encounter the battlefield

as the main Union force did on the morning of August 10, 1861.

Finally, Area 6 encompasses 60 acres including the rallying point for Louisiana and Arkansas forces that had retreated from the Ray cornfield after nearly overwhelming advancing Union infantry in the opening stages of the battle.

Inclusion of these six areas would allow the National Park Service to more completely tell the story of the Civil War battle at Wilson's Creek while protecting the lands that played a prominent role in this encounter.

Once this legislation passes, the National Park Service will work cooperatively and collaboratively with the landowners. An appraisal of the properties has not yet been done; however, the total land acquisition cost for the six areas is estimated at $6.15–$7.38 million, which includes the estimated $2.5–$3.0 million to acquire the museum collection. Area 1, the Sweeney property, is a high priority in the National Park Service's Midwest Regional Office's land acquisition ranking system.

Mr. Chairman, thank you for the opportunity to comment. This concludes my prepared remarks and I will be happy to answer any questions you or other committee members might have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by S. 2432, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Public Law 86–434

AN ACT To provide for the establishment of the Wilson's Creek National Battlefield Park, in the State of Missouri, approved April 22, 1960 (74 Stat. 76)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That *(a)* the Secretary of the Interior shall acquire, by gift, purchase, condemnation, or otherwise, the lands (together with any improvements thereon) comprising the Wilson's Creek Battlefield site near Springfield, Missouri, and any other lands adjacent to such site which in his opinion are necessary or desirable to carry out the purposes of this Act.

(b)(1) The boundaries of the Wilson's Creek National Battlefield are revised to include land and interests in land consisting of 6 parcels totaling 615 acres and identified as parcels 1 through 6 on the map entitled 'Wilson's Creek National Battlefield Proposed Boundary', numbered 410/80,037 and dated January 27, 2004.

(2) The map referred to in paragraph (1) shall be maintained on file and available for public inspection in the appropriate offices of the National Park Service.

(3) The Secretary of the Interior may acquire by donation, purchase from willing sellers with donated or appropriated funds, or exchange—

(A) land and interests in land referred to in paragraph (1); and

(B) personal property associated with, and appropriate for, interpretation of the park designated under section 2. (16 U.S.C. § 430kk [Supp. II].)

SEC. 2. (a) The lands acquired under the first section of this Act shall be set aside as a public park for the benefit and enjoyment of the people of the United States and shall be designated as the Wilson's Creek National Battlefield Park. The National Park Service, under the direction of the Secretary of the Interior, shall administer, protect, and develop the park, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535).

(b) In order to provide for the proper development and maintenance of the park, the Secretary of the Interior shall construct and maintain therein such roads, trails, markers, buildings, and other improvements, and such facilities for the care and accommodation of visitors, as he may deem necessary. (16 U.S.C. § 430ll [Supp. II].)

SEC. 3. *(a)* For development of the Wilson's Creek National Battlefield, there are authorized to be appropriated not more than $2,285,000 (March 1969 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

(b) There are authorized to be appropriated such sums as are necessary to carry out subsection (b) of the first section.

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