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### PETERSBURG NATIONAL BATTLEFIELD BOUNDARY MODIFICATION ACT

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SEPTEMBER 27, 2010.—Ordered to be printed

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

### R E P O R T

[To accompany H.R. 3388]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 3388) to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

#### PURPOSE

The purpose of H.R. 3388 is to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, adding approximately 7,238 acres to the battlefield.

#### BACKGROUND AND NEED

The Petersburg National Battlefield, originally established as the Petersburg National Military Park in 1926, was transferred to the National Park Service (NPS) in 1962. It is located in Petersburg, Virginia, with outlying components in Hopewell, Dinwiddie, and Prince George Counties.

The Petersburg Campaign was a series of Civil War battles around Petersburg fought from June 9, 1864, to March 25, 1865. The railroad supply lines running from Petersburg to the Confederate capital of Richmond were crucial to the supply of Confederate General Robert E. Lee's army and Richmond. During the nine months of the campaign, numerous raids were conducted, 30 miles of trench lines constructed, and battles fought in attempts to cut off these lines. Lee finally abandoned both cities in April 1865, leading to his retreat and surrender in the Appomattox Campaign.

In recent years, the Petersburg National Battlefield has experienced threats to its park borders from residential, commercial and industrial development; portions of nationally significant battlefields related to the Petersburg Campaign have already been lost due to the development of an industrial park, a steel recycling plant, and residential housing. Concerned about these losses, the NPS developed an Assessment of Integrity Report that identified nationally significant battlefield lands critical to the park's mission that lie outside its current boundaries, including twelve battlefields totaling approximately 7,238 acres, which met NPS criteria for integrity, interpretability, suitability, and feasibility for protection. The NPS completed a Final General Management Plan in 2005 to guide the future management of the park. It recommends the full 7,238-acre boundary expansion identified in the Assessment of Integrity Report to protect significant core battlefield areas.

#### LEGISLATIVE HISTORY

H.R. 3388 was introduced by Representative Forbes on July 29, 2009, and was passed by the House of Representatives, as amended, on December 7, 2009, by a voice vote (H. Rept. 111-359). Senators Webb and Warner introduced a similar bill (S. 2953) on January 26, 2010. The Subcommittee on National Parks held a hearing on the bills on May 19, 2010.

The Committee considered H.R. 3388 at its business meeting on July 22, 2010, at which time it rejected an amendment offered by Senator Murkowski to prohibit the use of Federal funds to acquire lands from willing sellers for the Petersburg National Battlefield. At its business meeting on August 5, 2010, the Committee on Energy and Natural Resources ordered H.R. 3388 favorably reported without amendment.

#### COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on August 5, 2010, by a voice vote of a quorum present, recommends that the Senate pass H.R. 3388.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* contains the short title, the "Petersburg National Battlefield Boundary Modification Act".

*Section 2(a)* modifies the boundary of the park to include properties depicted on the map, "Petersburg National Battlefield Boundary Expansion", numbered 325/80,080, and dated June 2007.

Subsection (b) authorizes the Secretary of the Interior (Secretary) to acquire the lands or interests in land from willing sellers only by donation, purchase with donated or appropriated funds, exchange, or transfer.

Subsection (c) directs the Secretary to administer the acquired lands or interests in land as part of Petersburg National Battlefield, in accordance with applicable laws and regulations.

*Section 3(a)* authorizes the Secretaries of the Interior and the Army to transfer the administrative jurisdiction for approximately 1.171 acres under the jurisdiction of the Department of the Interior within the boundary of the Petersburg National Battlefield in exchange for approximately 1.170 acres under the jurisdiction of the

Department of the Army within the boundary of the Fort Lee Military Reservation adjacent to the Battlefield.

Subsection (b) defines the land to be transferred as that depicted on the map titled, "Petersburg National Battlefield Proposed Transfer of Administrative Jurisdiction", numbered 325/80,081, and dated October 2009.

Subsection (c) sets forth the conditions of the transfer, including that no reimbursement or consideration shall be given. The transfer is to occur no later than 120 days after funds are made available and that the land transferred to the Secretary shall be administered as part of Petersburg National Battlefield, in accordance with applicable laws and regulations.

#### COST AND BUDGETARY CONSIDERATIONS

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

#### *H.R. 3388—Petersburg National Battlefield Boundary Modification Act*

H.R. 3388 would expand the area of the Petersburg National Battlefield in Virginia by more than 7,000 acres. The act would authorize the National Park Service (NPS) to acquire the land by purchase, easement, exchange, or donation from private and nonprofit landowners, and through a land transfer from the Department of the Army.

Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 3388 would cost about \$5 million over the 2011–2015 period, mostly to acquire some of the 7,000 acres proposed to be included in the National Battlefield. Currently NPS estimates that the entire parcel has a value of about \$30 million and would take 15 to 20 years to acquire. Based on information provided by the agency, CBO expects that more than half of the property would be acquired through purchase (at a cost of about \$20 million over the next 15 to 20 years.), while the rest would be acquired through easements and donations. In addition, CBO estimates that NPS would spend less than \$500,000 annually for new trails, exhibits, surveys, and studies as the new acreage is acquired. Finally, we estimate that NPS would need about \$500,000 annually for operations and management costs. Enacting H.R. 3388 would have no effect on direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

On November 23, 2009, CBO transmitted a cost estimate for H.R. 3388 as ordered reported by the House Committee on Natural Resources on November 18, 2009. The two versions of the legislation are very similar, and CBO estimates their costs would be the same.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Theresa Gullo, 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 H.R. 3388.

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 H.R. 3388, as ordered reported.

#### CONGRESSIONALLY DIRECTED SPENDING

H.R. 3388, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

#### EXECUTIVE COMMUNICATIONS

The views of the Department of the Interior were included in testimony received by the Committee at a hearing on S. 2953 and H.R. 3388 on May 19, 2010, which is printed below:

#### STATEMENT OF STEPHEN E. WHITESELL, ASSOCIATE DIRECTOR, PARK PLANNING, FACILITIES, AND LANDS, NATIONAL PARK SERVICE

Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the views of the Department of the Interior on S. 2953 and H.R. 3388, bills that would modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia.

The Department supports S. 2953 and H.R. 3388. The Department previously testified in support of H.R. 3388, on November 5, 2009, before the House Subcommittee on National Parks, Forests and Public Lands.

S. 2953 and H.R. 3388 are identical bills that would authorize two modifications to the boundary of Petersburg National Battlefield in the Commonwealth of Virginia. First, the bills would expand the currently authorized boundary of Petersburg National Battlefield by an additional 7,238 acres. The boundary expansion proposal results from an analysis of "core battlefields" and a subsequent boundary adjustment study conducted as part of Petersburg National Battlefield's General Management Plan completed in 2005. Second, the bill authorizes a transfer of administrative jurisdiction between the Secretary of the Interior and the Secretary of the Army for a 1.7 acre parcel of land to accommodate a security perimeter fence at Fort Lee Military Reservation.

The City of Petersburg lies in the corridor of intensive growth from Washington, D.C., to south of Richmond, Virginia. The region surrounding Petersburg National Battlefield has been and is currently experiencing significant development pressures impacting areas immediately adjacent to the park and unprotected battlefield sites. This develop-

ment not only threatens park resources and public enjoyment, but also the core portions of the battlefields.

The park commemorates the Petersburg Campaign, the longest sustained combative military front on American soil, in both time and distance. When Congress created the park in 1926, only a fraction of the battlefield acreage associated with the 26 major battles of the Petersburg Campaign was included in the original boundary. These additional battlefields proposed to be added to the park will allow the public to better understand the size, complexity, and duration of the 9½ month Petersburg Campaign and siege while offering protection to existing park resources.

In January 2002, in response to significant development pressures in the region surrounding the park and as part of its General Management Plan process, Petersburg National Battlefield undertook a detailed assessment of battlefields in the Petersburg Campaign cited in the Civil War Sites Advisory Commission (CWSAC) report of 1993 entitled "Report on the Nation's Civil War Battlefields." The CWSAC report identified 100,000 acres of the Petersburg battlefields as "core battlefields" encompassing all of the critical phases defined for a battle. Of the 100,000 acres cited, 23,000 acres were determined to retain historic integrity.

During its more detailed analyses of the 23,000 acres, the park concentrated on those portions of the battlefields that were south of the Appomattox River and directly associated with the siege or defense of Petersburg, and that were identified as Class A (decisive) and Class B (major) by the CWSAC. Additionally, the park used historical maps and documentation to further refine the acreage to that constituting the portion of the battlefield on which both armies were engaged directly and that had a bearing on the outcome for each battle. Park staff further analyzed the integrity of these areas and their potential for public access and interpretation. The analyses disclosed that 7,238 acres met the criteria for integrity and interpretability.

The estimated time period for acquisition of the 7,238 acres of these nationally significant lands is 15–20 years. Virtually all of the land subject to the boundary adjustment represents a mixture of private and non-profit organization-owned parcels. Agricultural and conservation easements will be the preferred method of acquisition for most parcels, particularly for those owned by nonprofit organizations. Easements enable protection of these battlefields from inappropriate development while retaining private ownership and compatible use of the land. Where easements are not possible, and there is interest by the landowners, a range of acquisition methods, such as donation, and fee simple acquisition from willing sellers based on available funding, will be utilized for battlefield preservation.

If all the lands were acquired by the National Park Service through fee simple means, the total estimated cost

would be \$29.7 million. However, if the boundary expansion is enacted, the park will be pursuing partnership efforts through easements and donations that will likely significantly lower acquisition costs. The estimated costs for capital expenses (trails, wayside exhibits, rehabilitation of existing visitor contact station, etc.) and expansion-related costs (surveys, hazardous materials studies, etc.) are an additional \$1.74 million. Development of visitor services and interpretation at these new battlefield locations would be minimal and include small parking areas, wayside exhibits, and trail and other enhancements to the sites. The annual increase in operations and management is estimated to be approximately \$484,000. All numbers are in 2008 dollars. All funds are subject to NPS priorities and the availability of appropriations.

Public response to the General Management Plan and the proposed boundary expansion have been uniformly favorable among local governments, organizations, and individuals. The Dinwiddie County Board of Supervisors adopted a resolution supporting future legislation to expand the boundary of the park as outlined in the General Management Plan. Many civic organizations in the Petersburg region have also indicated support for the proposal.

The second main provision of the bill would authorize a transfer of administrative jurisdiction between the Secretary of the Army and the Secretary of the Interior for a 1.7 acre parcel of land. Following September 11, 2001, the Army was required to erect a perimeter fence around Fort Lee Military Reservation, located adjacent to Petersburg National Battlefield. The fence intruded slightly into the boundary of the park. The land exchange would transfer to the Army the 1.7 acre of land where the perimeter fence is located, in return for a 1.7 acre of the military reservation to be added to the park. The Secretary of the Army is supportive of this provision. There is no cost associated with this authorization.

Mr. Chairman, that concludes my statement. I would be happy to answer any questions that you or other members of the subcommittee may have regarding the proposed boundary expansions.

#### 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 Act H.R. 3388, as ordered reported.

APPENDIX



