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SENATE

{ REPORT
{ 114-308

PETERSBURG NATIONAL BATTLEFIELD BOUNDARY MODIFICATION

AUGUST 30, 2016.—Ordered to be printed

Filed, under authority of the the order of the Senate of July 14, 2016

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

R E P O R T

[To accompany S. 718]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 718) to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes, 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 1, line 8, insert “Proposed” before “Boundary”.
2. On page 1, line 9, strike “June 2007” and insert “March 2016”.
3. On page 2, strike line 3 and insert the following:
 - (b) ACQUISITION OF PROPERTIES.—
 - (1) AUTHORITY.—The Secretary of
4. On page 2, between lines 8 and 9, insert the following:
 - (2) TECHNICAL CORRECTION.—Section 313(a) of the National Parks and Recreation Act of 1978 (Public Law 95-625; 92 Stat. 3479) is amended by striking “twenty-one” and inserting “23”.
5. On page 3, line 6, strike “May 2011” and insert “March 2016”.
6. On page 3, strike lines 15 through 20 and insert the following:
 - (B) MANAGEMENT.—
 - (i) LAND TRANSFERRED TO THE SECRETARY OF THE ARMY.—The land transferred to the Secretary of the Army under paragraph (1)(A)

shall be excluded from the boundary of the Petersburg National Battlefield.

(ii) LAND TRANSFERRED TO THE SECRETARY.—The land transferred to the Secretary under paragraph (1)(B) shall—

(I) be included within the boundary of the Petersburg National Battlefield; and

(II) be administered as part of the Petersburg National Battlefield, in accordance with applicable laws (including regulations).

PURPOSE

The purpose of S. 718 is to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia to include approximately 7,238 acres.

BACKGROUND AND NEED

The Battle of Petersburg during the Civil War holds the distinction as the longest siege in American history. The campaign lasted 292 days; involved 108 separate battles and engagements; involved more than 180,000 soldiers; and produced some 60,000 casualties. While not a classic siege, it was a precursor to the trench warfare that would be seen in World War I. The campaign was also significant for the contributions of some 16,000 African Americans, the largest corps of the United States Colored Troops.

In 1926, Congress created the Petersburg National Military Park to commemorate the campaign and siege and defense of Petersburg, Virginia in 1864 and 1865 and to preserve for historical purposes the breastworks, earthworks, walls, or other defenses or shelters used by the armies during the Petersburg campaign (Public Law 69-467). At the time, only a portion of the 26 major battles of the Petersburg Campaign was included in the park boundary. Petersburg National Military Park was transferred to the National Park Service (NPS) in 1949, and renamed the Petersburg National Battlefield in 1962. S. 718 authorizes the expansion of the Petersburg National Battlefield by 7,238 acres to allow for the protection of additional sites and resources key to the Petersburg Campaign not currently within the park boundary.

The lands identified for inclusion make up several parcels where key engagements occurred during the siege. These sites are not currently within the National Battlefield boundary and are exposed to surrounding development and significant growth taking place in the region. In addition, the 1993 Civil War Sites Advisory Commission Report on the Nation's Civil War Battlefields identified Petersburg as a Priority I battlefield with critical need for protection.

In addition to the boundary modification, the bill also transfers an equal amount of acreage between the Department of the Army and the Department of the Interior near the Battlefield. The Department of the Army will acquire 1.17 acres of land that includes a gated entrance to Fort Lee in exchange for transferring 1.17 acres of land historically relevant to the Battlefield to the NPS. This would authorize NPS to acquire a complete parcel of land and potentially facilitate a land exchange that would allow NPS to dis-

pose of land that does not add to the Battlefield's mission or enhance interpretation of the site.

LEGISLATIVE HISTORY

S. 718 was introduced by Senators Warner and Kaine on March 11, 2015. The Subcommittee on National Parks held a hearing on S. 718 on March 17, 2016.

In the 113th Congress, Senators Warner and Kaine introduced a similar bill to S. 718, S. 1718, on November 18, 2013. The Subcommittee on National Parks held a hearing on S. 1718 on July 23, 2014 (S. Hrg. 113-493). Representative Forbes introduced a similar bill, H.R. 2634, on August 29, 2013 that was referred to the House Committee on Natural Resources and the House Committee on Armed Services.

Representative Forbes introduced a similar bill, H.R. 1621, on March 25, 2015. A hearing was held on H.R. 1621 in the House Natural Resources Subcommittee on Federal Lands on February 11, 2016. H.R. 1621 was ordered reported by the Committee on Natural Resources on May 11, 2016.

The Committee on Energy and Natural Resources met in open business session on July 13, 2016, and ordered S. 718 favorably reported as amended.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on July 13, 2016, by a majority voice vote of a quorum present, recommends that the Senate pass S. 718, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 718, the Committee adopted amendments to modify certain map dates and make a clarifying correction relating to the maximum acreage for Eppes Manor.

SECTION-BY-SECTION ANALYSIS

Section 1. Petersburg National Battlefield boundary modification.

Section 1(a) modifies the boundary of the Petersburg National Boundary to include the land and interests in the land as generally depicted on the map titled, "Petersburg National Battlefield Proposed Boundary Expansion," numbered 325/80,080, and dated March 2016, which shall be on file for public inspection.

Subsection (b) authorizes the Secretary of the Interior to acquire land and interests in land, as described in subsection (a), from willing sellers only, by donation, purchase with donated or appropriated funds, exchange, or transfer. This section also provides for a technical correction that increases the cap on NPS lands at the City Points Unit from 21 acres to 23 acres to allow for a land transfer and disposition.

Subsection (c) authorizes the Secretary to administer the lands or interest in lands acquired under subsection (b) as part of the Petersburg National Battlefield in accordance with applicable laws and regulations.

Subsection (d) transfers administrative jurisdiction from the Secretary of the Interior to the Secretary of the Army over the approximately 1.170 acre parcel of land depicted on the map as “Area to be transferred to Fort Lee Military Reservation.” This section also transfers administrative jurisdiction from the Secretary of the Army to the Secretary of the Interior over the approximately 1.171 acre parcel of land described as “Area to be transferred to Petersburg National Battlefield” on the map. The map is titled “Petersburg National Battlefield Proposed Transfer of Administrative Jurisdiction,” numbered 325/80,801A and dated March 2016 and is directed to be on file and available for public inspection. The transfer of administrative jurisdiction is subject to the following conditions: no reimbursement or consideration; land transferred to the Secretary of the Army shall be excluded from the boundary of the Petersburg National Battlefield; and land transferred to the Secretary of the Interior shall be included within the boundary of the Petersburg National Battlefield.

COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 9, 2016.

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

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 718, a bill to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes.

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

Sincerely,

KEITH HALL, *Director.*

Enclosure.

S. 718—A bill to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes

S. 718 would revise the boundary of the Petersburg National Battlefield in Virginia to include 12 additional Civil War battlefield areas over approximately 7,200 acres. The bill stipulates that the National Park Service (NPS) may acquire the additional land through a donation, with donated funds, with appropriated amounts, or through a land exchange. The bill also would exchange administrative jurisdiction over two small parcels of land between the Department of the Army and the Department of the Interior and would raise from 21 acres to 23 acres a limitation on the acreage NPS can acquire from a specific parcel.

Based on recent sales prices of comparable tracts of land and information from NPS, CBO estimates that the cost to acquire and administer the additional sites would be between \$15 million and

\$30 million over the 2017–2021 period. Total costs would depend on the average price per acre which, according to land transactions data, could range from \$2,000 per acre to \$4,000 per acre.

Because enacting S. 718 would not affect direct spending or revenues, pay-as-you-go procedures do not apply. CBO estimates that enacting S. 718 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

S. 718 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 April 26, 2016, CBO transmitted a cost estimate for H.R. 1621, as ordered reported by the House Committee on Natural Resources on March 16, 2016. The two pieces of legislation are similar and CBO's estimates of their budgetary effects are the same.

The CBO staff contact for this estimate is Jon Sperl. The estimate was approved by H. Samuel Papenfuss, 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. 718. 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. 718, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 718, 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 testimony provided by the National Park Service at the March 17, 2016, Subcommittee on National Parks hearing on S. 718 follows:

STATEMENT OF PEGGY O'DELL, DEPUTY DIRECTOR FOR OPERATIONS, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the views of the Department of the Interior on S. 718, a bill to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes.

The Department supports S. 718 with amendments described later in this statement.

S. 718 has two components. First, the bill would expand the authorized boundary of Petersburg National Battlefield

by approximately 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 2004. Second, the bill would effect a land exchange between the Secretary of the Interior and the Secretary of the Army involving approximately one acre.

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 experiencing significant development pressures impacting areas immediately adjacent to the park and unprotected battlefield sites. This development 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 boundary. The additional lands proposed to be added to the park by S. 718 would 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 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 found 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 orga-

nization-owned parcels. Agricultural and conservation easements will be the preferred method of acquisition for most parcels. 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, other acquisition methods, such as donation and fee simple acquisition from willing sellers based on available funding, will be utilized for battlefield preservation.

Under a 2008 estimate, the total estimated cost of purchasing in fee simple all of the 7,238 acres would be \$29.7 million. Protection of land through easements and donations, which is anticipated for a large portion of the lands, would likely significantly lower acquisition costs and is the Department's preferred method of protection. The estimated cost for capital expenses (trails, wayside exhibits, rehabilitation of existing visitor contact station, etc.) and expansion-related costs (surveys, hazardous materials studies, etc.) is \$1.9 million. Development of visitor services and interpretation at these new battlefield locations would be minimal and include small parking areas, wayside exhibits, and trails and other enhancements to the sites. The annual increase in park operation and maintenance is estimated to be \$531,000. Development and operational numbers are in 2014 dollars. All funds would be subject to NPS priorities and the availability of appropriations.

Public response to the General Management Plan and the proposed boundary expansion has been 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 bill would also effect a transfer of administrative jurisdiction between the Secretary of the Army and the Secretary of the Interior involving two small parcels of land. Following the attacks of September 11, 2001, the Army was required to erect a perimeter fence around the Fort Lee Military Reservation, located adjacent to Petersburg National Battlefield. The fence intruded slightly into the boundary of the park. Effective upon enactment of this bill, the Army would receive administrative jurisdiction over the 1.170 acres of park land where the perimeter fence is located and the National Park Service would receive 1.171 acres of land at Fort Lee. The Secretary of the Army is supportive of this provision. There is no cost associated with this authorization.

We recommend amending S. 718 to increase the acreage ceiling at the City Point unit from 21 acres to 25 acres. In 1978, Petersburg National Battlefield was authorized to acquire the Eppes family property at City Point in Hopewell, provided that the amount of land acquired did not ex-

ceed 21 acres [Public Law 95–625]. The Conservation Fund owns land adjacent to the park property at the City Point unit that was purchased for the battlefield, and that land would be added to the park boundary under this bill. However, the addition of that land would exceed the 21-acre limit on land the park is authorized to acquire at City Point. Raising that limit to 25 acres would ensure that there is no conflict between the 1978 authority and this bill. In addition, ensuring clear legal authority for the park’s acquisition of the Conservation Fund land would facilitate a potential land exchange that would enable the NPS to dispose of a portion of the park’s property at City Point that has no relevance to the park’s mission or interpretive themes.

In addition, due to the need for technical corrections in both of the maps that are referenced in the bill, we recommend amending both of the map references to reflect the updated maps. We also recommend language that specifies that the land transferred to the Army be excluded from the park boundary. We will provide the committee with the revised maps and suggested amendments.

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

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 the original bill, as 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):

NATIONAL PARKS AND RECREATION ACT OF 1978

Public Law 95–625

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TITLE III—BOUNDARY CHANGES

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ADDITION OF EPPES MANOR TO PETERSBURG NATIONAL BATTLEFIELD

SEC. 313. (a) The Secretary is authorized to acquire the historic Eppes Manor, and such other lands adjacent thereto, not to exceed **[twenty-one]** 23 acres for addition to the Petersburg National Battlefield, as generally depicted on the map entitled “Petersburg Na-

tional Battlefield, Virginia”, numbered APMA 80,001, and dated May 1978.

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