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OCMULGEE MOUNDS NATIONAL HISTORICAL PARK BOUNDARY REVISION ACT OF 2017

MAY 9, 2017.—Ordered to be printed

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

R E P O R T

[To accompany H.R. 538]

[Including cost estimate from the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (H.R. 638) to redesignate Ocmulgee National Monument in the State of Georgia and revise its boundary, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ocmulgee Mounds National Historical Park Boundary Revision Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) HISTORICAL PARK.—The term “Historical Park” means the Ocmulgee Mounds National Historical Park in the State of Georgia, as redesignated by section 3(a)(1).

(2) MAP.—The term “map” means the map entitled “Ocmulgee National Monument Proposed Boundary Adjustment”, numbered 363/125996, and dated January 2016.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) STUDY AREA.—The term “study area” means the Ocmulgee River corridor between the cities of Macon, Georgia, and Hawkinsville, Georgia.

SEC. 3. OCMULGEE MOUNDS NATIONAL HISTORICAL PARK.

(a) REDESIGNATION.—

(1) IN GENERAL.—The Ocmulgee National Monument, established pursuant to the Act of June 14, 1934 (48 Stat. 958, chapter 519), shall be known and designated as the “Ocmulgee Mounds National Historical Park”.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the “Ocmulgee National Monument” shall be deemed to be a reference to the “Ocmulgee Mounds National Historical Park”.

(b) BOUNDARY ADJUSTMENT.—

(1) IN GENERAL.—The boundary of the Historical Park is revised to include approximately 2,100 acres of land, as generally depicted on the map.

(2) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) LAND ACQUISITION.—

(1) IN GENERAL.—The Secretary may acquire land and interests in land within the boundaries of the Historical Park by donation, purchase from a willing seller with donated or appropriated funds, or exchange.

(2) LIMITATION.—The Secretary may not acquire by condemnation any land or interest in land within the boundaries of the Historical Park.

(d) ADMINISTRATION.—The Secretary shall administer any land acquired under subsection (c) as part of the Historical Park in accordance with applicable laws (including regulations).

SEC. 4. OCMULGEE RIVER CORRIDOR SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—The Secretary shall conduct a special resource study of the study area.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the study area;

(2) determine the suitability and feasibility of designating the study area as a unit of the National Park System;

(3) consider other alternatives for preservation, protection, and interpretation of the study area by the Federal Government, State or local government entities, or private and nonprofit organizations;

(4) consult with interested Federal agencies, State or local governmental entities, private and nonprofit organizations, or any other interested individuals; and

(5) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives.

(c) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with section 100507 of title 54, United States Code.

(d) REPORT.—Not later than 3 years after the date on which funds are first made available to carry out the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the results of the study; and

(2) any conclusions and recommendations of the Secretary.

PURPOSE

The purpose of H.R. 538 is to redesignate the Ocmulgee National Monument in the State of Georgia as the Ocmulgee Mounds National Historical Park and to revise its boundary.

BACKGROUND AND NEED

Ocmulgee National Monument in Macon, Georgia, was authorized by Congress in 1934 and created by land donations in 1936 to protect Native American antiquities in an area known as the Ocmulgee Old Fields at Macon. The park commemorates Native Americans who first arrived in the area during the Paleo-Indian period hunting Ice Age mammals. Different cultures occupied this land for thousands of years. The Mississippian culture arrived here around A.D. 900, farming the river’s floodplain terraces and constructing earthen mounds for their elite. The mounds still remain today for all to see. The National Trust for Historic Preservation has identified the Old Fields as being among the nation’s richest archaeological landscapes.

At the time Ocmulgee National Monument was authorized and created in the mid-1930s, the nation was struggling and suffering

under the Great Depression. The deep economic downturn was long-lasting and had an impact on every aspect of human and economic life. The Great Depression also had an effect on Ocmulgee National Monument, as preservation of much of the cultural landscape was not completed, leaving significant portions of the ancient archaeology unprotected.

H.R. 538 is needed to redesignate the Ocmulgee National Monument as the Ocmulgee Mounds National Historical Park and to expand the park boundaries by 2,100 acres to include additional archaeologically significant sites.

LEGISLATIVE HISTORY

Representatives Sanford Bishop and Austin introduced H.R. 538 on January 13, 2017. On January 30, 2017, H.R. 538 passed the House of Representatives on a vote of 396–8.

On January 12, 2017, similar legislation, S. 135, was introduced by Senators Isakson and Perdue in the Senate.

In the 114th Congress, similar legislation, S. 1696, was introduced by Senators Isakson and Perdue on June 25, 2015. The Subcommittee on National Parks held a hearing on the measure on June 15, 2016. The Committee on Energy and Natural Resources met in open business session on July 13, 2016, and ordered S. 1696 favorably reported as amended (S. Rept. 114–318).

Representatives Sanford Bishop and Austin introduced similar legislation, H.R. 482, in the House of Representatives, on January 22, 2015. H.R. 482 was reported by the Committee on Natural Resources on March 2, 2016 (H. Rept. 114–442), and passed the House of Representatives by voice vote on March 22, 2016.

In the 113th Congress, Representative Bishop introduced H.R. 4991 on June 26, 2014. Senators Isakson and Chambliss introduced similar legislation, S. 2580, on July 10, 2014.

The Committee on Energy and Natural Resources met in open business session on March 30, 2017, and ordered H.R. 538 favorably reported as amended.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on March 30, 2017, by a majority voice vote of a quorum present, recommends that the Senate pass H.R. 538, if amended as described herein.

COMMITTEE AMENDMENTS

During its consideration of H.R. 538, the Committee on Energy and Natural Resources adopted an amendment in the nature of a substitute to eliminate buffer zone and land acquisition language and modify special resource study language. The amendment is further described in the section-by-section analysis.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 contains the short title.

Section 2. Definitions

Section 2 contains key definitions.

Section 3. Ocmulgee Mounds National Historical Park

Section 3(a) redesignates the Ocmulgee National Monument as the Ocmulgee Mounds National Historical Park and requires that any reference in a regulation, law, map, document, paper, or other record of the United States to Ocmulgee National Monument be deemed to be a reference to Ocmulgee Mounds National Historical Park.

Subsection (b)(1) revises the boundary to include approximately 2,100 additional acres of land. Subsection (b)(2) directs the map to be on file in appropriate National Park Service (NPS) offices and available for public inspection.

Subsection (c)(1) authorizes the Secretary to acquire land or interests in land within the boundary of the Historical Park by donation, purchase from a willing seller with donated or appropriate funds, or exchange.

Subsection (c)(2) prohibits acquisition of land and interest in land by condemnation.

Subsection (d) designates the Secretary to administer any acquired land in accordance with applicable laws and regulations.

Section 4. Ocmulgee River Corridor Special Resource Study

Subsections (a) and (b) of section 4 direct the Secretary to conduct a special resource study of the Ocmulgee River corridor between the cities of Macon, Georgia, and Hawkinsville, Georgia to determine the national significance of the study area; the suitability and feasibility of designating the land in the study area to the National Park System; and the methods and means for interpretation and protection of the study area by the NPS, other Federal, State, or local government entities, or private or nonprofit organizations.

Subsection (c) requires the study to be conducted in accordance with applicable law.

Subsection (d) directs the Secretary to submit a report on the study, including any recommendations, to the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources within three years after the funds are made available to carry out the study.

COST AND BUDGETARY CONSIDERATIONS

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

H.R. 538 would redesignate the Ocmulgee National Monument in Georgia as the Ocmulgee Mounds National Historical Park, authorize the expansion of the newly designated park's boundaries, and authorize a special resource study of the Ocmulgee River corridor.

The legislation stipulates that the National Park Service (NPS) may acquire approximately 2,100 acres of additional land through a donation, with donated funds, with appropriated amounts, or through a land exchange. Based on recent sale prices of comparable tracts of land in the areas where land would be purchased, and information from the NPS, CBO estimates that the cost to acquire and administer the land would be about \$2 million over the 2018–2022 period, assuming the land was acquired with appropriated funds over the next five years. Total costs would depend on the av-

erage price per acre which, according to local property sales records, could range from \$500 per acre to \$1,500 per acre. Based on information from the NPS, CBO estimates that developing the resource study would have an insignificant cost.

Enacting H.R. 538 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 538 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 538 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.

The CBO staff contact for this estimate is Jon Sperl. The estimate was approved by H. Samuel Papenfuss, Deputy 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. 538. 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. 538, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 538, 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

Because H.R. 538 is similar to legislation considered by the Committee in the 114th Congress, the Committee did not request Executive Agency views. The testimony provided by the National Park Service at the hearing before the Subcommittee on National Parks on June 15, 2016, follows:

STATEMENT OF DR. STEPHANIE TOOTHMAN, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, PARTNERSHIPS AND SCIENCE, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the Department of the Interior's testimony regarding H.R. 482 and S. 1696, bills to redesignate Ocmulgee National Monument in the State of Georgia and revise its boundary, and for other purposes.

The Department supports S. 1696 and would support H.R. 482 if amended in accordance with this testimony. This legislation has three components: it would redesignate the national monument, expand the monument's

boundaries, and authorize a special resource study of the Ocmulgee River corridor in Georgia from Macon to Hawkinsville. With respect to the special resource study, the Department feels that priority should be given to the 24 previously authorized studies for potential units of the National Park System, potential new National Heritage Areas, and potential additions to the National Trails System and National Wild and Scenic River System that have not yet been transmitted to Congress.

Ocmulgee National Monument, authorized by Congress in 1934 and established by Presidential proclamation in 1936 after the purchase of lands by local citizens, encompasses 701 acres in two separate units. The Main Unit (656 acres), includes seven prehistoric mounds, a funeral mound, a reconstructed earth lodge, prehistoric trenches, and numerous archeological features. This unit also includes the site of a British colonial trading post dating to 1690 (which the Creek Indians frequented), the historic Dunlap House, an Art Moderne visitor center, Civil War earthworks, substantial urban green space, six miles of hiking trails, and a picnic area. The smaller Lamar Mounds Unit (45 acres), named for a Late Mississippian agricultural society, is located about two and one-half miles southeast of the Main Unit. Both sites are part of a larger archeological area known as the Ocmulgee Old Fields.

In 1999, the Ocmulgee Old Fields was listed on the National Register of Historic Places as a "traditional cultural property," the first location in the eastern United States to receive this designation. The monument and surrounding area is the site of one of the largest archeological investigations in North American history. The investigation and recovery of artifacts and information in this area was instrumental in the development of scientific archeology. The traditional cultural property extends well beyond the current boundaries of the monument to encompass areas traditionally associated with the cultural beliefs and practices of the Muscogee (Creek) Nation and related tribes.

REDESIGNATION

H.R. 482 and S. 1696 would redesignate Ocmulgee National Monument as "Ocmulgee Mounds National Historical Park", a more appropriate name for the site. For generations, Middle Georgians have known Ocmulgee National Monument simply as "the Indian mounds." The addition of the word "mounds" to the name would not only clarify the identity of the site for residents of the region, it would also give all potential visitors a better idea of the principal resource of the site. In addition, the title "National Historical Park" recognizes the complexity of the site and the fact that it is much more than a collection of Indian mounds. The proposed title also provides better identification of the site as a unit of the National Park System.

BOUNDARY ADJUSTMENT

H.R. 482 and S. 1696 would also expand the boundary of the Ocmulgee National Monument consistent with the preferred alternative of a boundary study the National Park Service completed in 2014. The study evaluated lands that were part of the Ocmulgee Old Fields and found that approximately 2,100 acres of these lands were suitable and feasible for inclusion in the monument. These additional lands would link Ocmulgee's Main Unit and the Lamar Unit and create a contiguous park unit of approximately 2,800 acres.

Of the 2,100 acres proposed for inclusion in the monument, approximately 707 acres (34% of expansion area) would likely be acquired by donation. The remaining lands, approximately 1,350 acres (66% of expansion area) would likely be acquired through purchase from willing sellers. Based on tax assessments, the value of the private tracts that would be purchased is just under \$2 million, but actual acquisition costs could be higher. Costs would eventually be incurred to demolish non-historic structures. Some relatively low-cost improvements for recreational enhancement are anticipated, such as trailhead kiosks, maintenance of old roadbeds for biking/hiking trails, and installation of canoe launching facilities. Funding for these activities would be subject to the availability of appropriations.

The proposed boundary expansion enjoys strong community support. Resolutions in favor of the expansion have been passed by the Board of Commissioners of Wilkinson County, the Macon-Bibb County Commission, the Historic Macon Foundation, Inc., the Georgia Small Business Lender Board of Directors, and the Hawkinsville-Pulaski County Chamber of Commerce. Other organizations and governmental entities have also expressed support for the expansion, including Altamaha River Keeper, the Georgia Conservancy, Main Street Macon, New Town Macon, the Macon Chamber of Commerce, the Middle Georgia Regional Commission Council, the Macon-Bibb County Convention and Visitors Bureau, the Mayor and City Council for the City of Perry, the Georgia River Network, the National Trust for Historic Preservation, Save our Rivers INC. and the Macon-Bibb County Urban Development Authority.

SPECIAL RESOURCE STUDY

H.R. 482 and S. 1696 would also authorize the Secretary to conduct a special resource study of the Ocmulgee River corridor between Macon and Hawkinsville, a distance of about 50 miles and an area encompassing approximately 70,000 acres. Although the study area would be contiguous with Ocmulgee National Monument, the size of the area and the complexity of resources warrant the authorization of a special resource study, rather than another boundary study. The study area would encompass a patchwork of

privately and publicly owned land, including the Bond Swamp National Wildlife Refuge and two State of Georgia wildlife management areas. It would also include much of the Ocmulgee Old Fields Traditional Cultural Property not already included in the national monument or the proposed expansion of the monument. We estimate that this study would cost approximately \$350,000 to \$500,000. Funding for this proposed study would need to be allocated from the set amount of funding that Congress appropriates for all special resource studies.

The Department supports S. 1696 as introduced and would support H.R. 482 as passed by the House if amended to conform to the language in S. 1696. As passed by the House, H.R. 482 makes the establishment of the expanded boundary subject to the written consent of the owners of properties that would be included within the new boundary. This places landowners, rather than Congress or the Administration, in the position of determining the boundary of a federal park, which we believe is inappropriate. This provision has the potential to create legal and practical confusion over the boundary since it is possible that a landowner could give consent, then change his or her mind and withdraw consent or convey the property to another owner who withdraws consent. If the intent of this language is to ensure that no land is included within the park boundary without the consent of the landowner, we recommend amending the bill to provide that the park boundary shall not be adjusted unless and until a specified property is acquired for the park. By waiting to include land in the boundary until it is acquired by the federal government, this approach avoids entirely the potential problems we see with the approach used in the House bill. Our recommended approach has precedent in other park laws.

H.R. 482 allows land acquisition by donation or exchange only, not purchase. At this time, only about one third of the land in the proposed boundary adjustment area is anticipated to be donated. We support allowing the purchase from a willing seller with donated or appropriated funds, as provided by S. 1696. This language would also render unnecessary the prohibition on condemnation included in H.R. 482.

H.R. 482 also includes language that says that an activity outside the boundary shall not be precluded because it can be heard or seen inside the park boundary. The Department has concerns about this language. It is misleading, as it suggests that the NPS may have authority to preclude activities outside the boundaries, which it does not. Of even greater concern, however, is that the language could discourage park managers from addressing threats to park resources from external sources. Even though the NPS does not control what happens outside of its boundaries, park managers have a responsibility under the NPS Organic Act and other laws to work with owners of properties outside of park boundaries to resolve problems that

could negatively impact the resources the NPS is responsible for protecting.

Finally, we note that S. 1696 as introduced has blank lines for references for a map that would depict the boundaries of the expanded and redesignated Ocmulgee Mounds National Historical Park. The National Park Service has developed a map to accompany this bill and we would be happy to submit the map to the bill's sponsor and the committee.

Mr. Chairman, this concludes my testimony. I would be happy to answer any questions that you or other 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 as ordered reported.

