
NATIONAL PARK SYSTEM IN THE COMMONWEALTH OF
VIRGINIA

SEPTEMBER 30, 1996.—Ordered to be printed

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

REPORT

[To accompany H.R. 1091]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 1091) to improve the National Park System in the Commonwealth of Virginia, having considered the same, reports favorably thereon with an amendment and recommends that the Act, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

TITLE I.—RICHMOND NATIONAL BATTLEFIELD PARK

SEC. 101 FINDINGS AND PURPOSE.

“(a) Findings.—The Congress finds that—

“(1) in 1936 the Congress established the Richmond National Battlefield Park in and around the City of Richmond, Virginia. The park’s boundary was established to permit the inclusion of all military battlefield areas related to the battles fought during the Civil War in defense of and against the City of Richmond. The park originally included the area then known as the Richmond Battlefield State Park;

“(2) the total acreage of the area identified in 1936 for consideration for inclusion in the Richmond National Battlefield Park encompasses approximately 225,000 acres in and around the City of Richmond, Virginia. A study undertaken by the Congressionally authorized Civil War Sites Advisory Commission determined that within those 225,000 acres, the historically significant areas in and around Richmond relating to the campaigns against and in defense of Richmond encompass approximately 38,000 acres. The National Park Service, through its general management planning process for Richmond National Battlefield Park, has identified approximately 7,121 acres which satisfy the National Park Service criteria of significance, integrity, feasibility, and suitability for inclusion in Richmond National Battlefield Park.

“(3) there is national interest in protecting and preserving sites of historic significance associated with the Civil War and Richmond; and

“(4) the Commonwealth of Virginia and its local units of government have authority to prevent or minimize adverse use of these historic resources and can play a significant role in the protection of the historic resources related to the battles of Richmond.

“(b) PURPOSES.—Therefore, it is the purpose of this title:

“(1) to establish a revised boundary for the Richmond National Battlefield Park based on the findings of the Civil War Sites Advisory Commission and the National Park Service; and

“(2) direct the Secretary of the Interior to work in cooperation with the Commonwealth of Virginia, the City of Richmond and other political subdivisions of the Commonwealth, other public entities, and the private sector in the management, protection, and interpretation of the resources associated with the Civil War and the Battles of Richmond in and around the City of Richmond, Virginia.”

SEC. 102. MODIFICATION OF BOUNDARY.

Section 2 of the Act of March 2, 1936 (Chapter 113; 49 Stat. 1155), is amended to read as follows:

“SEC. 2. BOUNDARY.—The boundary of the Richmond National Battlefield Park (hereinafter in this Act referred to as the ‘park’ shall hereinafter comprise the lands, waters and interests in lands therein, comprising approximately 7,121 acres, within the boundary generally depicted as “Park Boundary” on the map entitled “Richmond National Battlefield Park Boundary Map”, numbered 367–NEFA 80026 and dated August, 1996, which shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior.”.

SEC. 103. LAND ACQUISITION.

The Act of March 7, 1936 (Chapter 113; 49 Stat. 1155), is amended by adding a new section 4 as follows:

“SECTION 4. LAND ACQUISITION.—The Secretary is authorized to acquire lands and interests in lands within the park’s boundary as depicted on the map identified in Section 2 by donation, purchase with donated or appropriated funds, exchange, or otherwise. Privately owned lands or the interests therein may be acquired only with the consent of the property owner. In acquiring lands and interests in lands under this Act, the Secretary shall acquire the minimum Federal interests necessary to achieve the objectives of the park.”.

SEC. 104. PARK MANAGEMENT AND ADMINISTRATION.

The Act of March 7, 1936 (Chapter 113; 49 Stat. 1155), is amended by adding a new section 5 as follows:

“SEC. 5. PARK MANAGEMENT AND ADMINISTRATION.

“(a) In administering the park, the Secretary shall interpret, for the benefit of visitors to the park and the general public, the Battles of Richmond in the larger context of the Civil War and American history, including the causes and consequences of the Civil War and the effects of the war on all the American people.

“(b) The Secretary is directed to work with the Commonwealth of Virginia, its political subdivisions, including the City of Richmond, private property owners, and the private sector to develop mechanisms to protect and interpret the resources identified within the boundary as depicted on the map identified in Section 2 of this title. In order to carry out this section the Secretary is authorized to enter into cooperative agreements with the public and private sectors to carry out the purposes of this title, and to find means of protecting and interpreting the historic resources for the benefit of present and future generations in a manner that would allow for continued private ownership and use where compatible with the purposes of the park. The Secretary is also authorized to provide technical assistance to governmental entities, nonprofit organizations and private property owners in the development of comprehensive plans, land use guidelines, and other activities which are consistent with conserving the historic, cultural, natural, and scenic resources found within the park boundary.

SEC. 105.

Section 3 of the Act of March 2, 1936 (Chapter 113; 49 Stat. 1156) is amended by striking the period and inserting “, and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).”.

TITLE II.—SHENANDOAH NATIONAL PARK

SEC. 201. MODIFICATION OF BOUNDARY.

(a) **IN GENERAL.**—The boundary of Shenandoah National Park is modified to include only those lands and interests in lands that, on the day before enactment of this title, were in Federal ownership and were administered by the Secretary of the Interior (hereinafter in this title referred to as the “Secretary”) as part of the park. So much of the Act of May 22, 1926 (Chapter 363; 44 Stat. 616) as is inconsistent with this title is hereby repealed.

(b) **BOUNDARY ADJUSTMENTS AND LAND ACQUISITION.**—

(1) **MINOR BOUNDARY ADJUSTMENTS.**—

(A) **IN GENERAL.**—The Secretary may make minor boundary adjustments to the boundary of Shenandoah National Park; as modified by this title to allow the acceptance of a donation of adjacent land.

(B) **RELATED LANDS STUDY.**—If an applicable Related Lands Study has been completed on the date of an adjustment under subparagraph (A), the Secretary shall follow the recommendations of the Related Lands Study to ensure access to trailheads and other areas that will resolve conflicts with adjacent property owners.

(2) **LIMITATIONS OF LAND ACQUISITION.**—

(A) **IN GENERAL.**—Except as otherwise provided in this section, the Secretary may acquire lands and interests therein under this section only—

- (i) by donation, purchase with donated funds, or exchange; and
- (ii) with the consent of the owner.

(B) **ADDITIONAL RESTRICTIONS.**—When acting under this section—

- (i) the Secretary may add to the Shenandoah National Park only lands and interests therein that are contiguous with Federal lands administered by the Secretary as part of the park;
- (ii) prior to accepting title to any lands or interests therein, the Secretary shall hold a public meeting in the country in which such lands and interests are located;
- (iii) the Secretary shall not alter the primary means of access of any private landowner to the lands owned by such landowner without the consent of the landowner; and
- (iv) the Secretary shall not cause any property owned by a private individual, or any group of adjacent properties owned by private individuals, to be surrounded on all sides by land administered by the Secretary as part of the park without the consent of the landowner thereof.

(C) **PUBLIC LAND.**—Land or an interest in land located within the boundaries of a park owned by the Commonwealth of Virginia or a political subdivision of the Commonwealth of Virginia may be acquired by the Secretary under this title only by donation or exchange.

(D) **NO CONDEMNATION.**—Under this title, the Secretary may not accept a donation of land or an interest in land that was acquired through condemnation.

(c) **MITIGATION OF IMPACTS AT ACCESS POINTS.**—The Secretary shall take all reasonable actions to mitigate the impacts associated with visitor use at trailheads and other visitor access points around the perimeter of Shenandoah National Park. The Secretary shall enlist the cooperation of the State and local jurisdictions, as appropriate, in carrying out this title.

TITLE III.—SHENANDOAH VALLEY NATIONAL BATTLEFIELDS

SEC. 301. CONGRESSIONAL FINDINGS.

The Congress finds that—

- (1) there are situated in the Shenandoah Valley in the Commonwealth of Virginia the sites of several key Civil War battles;
- (2) certain sites, battlefields, structures, and districts in the Shenandoah Valley are collectively of national significance in the history of the Civil War;
- (3) in 1990, the Congress enacted legislation directing the Secretary of the Interior to prepare a comprehensive study of significant sites and structures associated with Civil War battles in the Shenandoah Valley;
- (4) the study, which was completed in 1992, found that many of the sites within the Shenandoah Valley possess national significance and retain a high degree of historical integrity;

(5) the preservation and interpretation of these sites will make a vital contribution to the understanding of the heritage of the United States;

(6) the preservation of Civil War sites within a regional framework requires cooperation among local property owners and Federal, State, and local government entities; and

(7) partnerships between Federal, State, and local governments, the regional entities of such governments, and the private sector offer the most effective opportunities for the enhancement and management of Civil War battlefields and related sites in the Shenandoah Valley.

SEC. 302. STATEMENT AND PURPOSE.

The purposes of this title are to—

(1) preserve, conserve, and interpret the legacy of the Civil War in the Shenandoah Valley;

(2) recognize and interpret important events and geographic locations representing key Civil War battles in the Shenandoah Valley, including those battlefields associated with the Thomas J. (Stonewall) Jackson campaign of 1862 and the decisive campaigns of 1864;

(3) recognize and interpret the effect of the Civil War on the civilian population of the Shenandoah Valley during the war and postwar reconstruction period; and

(4) create partnerships among Federal, State, and local governments, the regional entities of such governments, and the private sector to preserve, conserve, enhance, and interpret the nationally significant battlefields and related sites associated with the Civil War in the Shenandoah Valley.

SEC. 303. DEFINITIONS.

As used in this title:

(1) The term “battlefields” means the Shenandoah Valley National Battlefields established by section 304.

(2) The term “Commission” means the Shenandoah Valley National Battlefields Commission established by section 308.

(3) The term “historic core” means the area that surrounds each unit of the battlefields, is depicted on the map referred to in section 304(a), encompasses important components of a conflict, and provides a strategic context and geographic setting for understanding the conflict.

(4) The term “plan” means the Shenandoah Valley National Battlefields plan approved by the Secretary under section 305.

(5) The term “Secretary” means the Secretary of the Interior.

(6) The term “Shenandoah Valley” means the Shenandoah Valley in the Commonwealth of Virginia.

SEC. 304. SHENANDOAH VALLEY NATIONAL BATTLEFIELDS.

(a) ESTABLISHMENT.—(1) To carry out the purposes of this title, there is hereby established the Shenandoah Valley National Battlefields in the Commonwealth of Virginia. The battlefields consist of approximately 1,863 acres of lands and interest therein as generally depicted on the map entitled “Shenandoah Valley National Battlefields”, numbered SHVA/80,000, and dated April, 1994, comprising units at Cedar Creek, Cross Keys, Fisher’s Hill, McDowell, New Market, Opequan, Port Republic, Second Kernstown, Second Winchester, and Tom’s Brook.

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

(3) The Secretary may, with the advice of the Commission and following an opportunity for public comment, make minor revisions to the boundaries of the battlefields.

(4) ADMINISTRATION.—The Secretary shall administer the battlefields in accordance with this title and with provisions of law generally applicable to the National Park System, including the Act of August 25, 1916 (39 Stat. 535; U.S.C. 1, 2, 3, 4) and the Act of August 21, 1935 (49 Stat. 666; U.S.C. 461–467). The Secretary shall protect, manage, and administer the battlefields for the purposes of preserving and interpreting their national, cultural, and historic resources and for providing public understanding and appreciation of the battlefields, in such a manner as to perpetuate these qualities and values for future generations.

(b) LAND ACQUISITION.—(1) Except as otherwise provided in this subsection, the Secretary is authorized to acquire lands and interests therein within the boundaries of the battlefields by donation, purchase with donated or appropriated funds, or exchange, except that no lands or interests therein may be acquired under this title except with the consent of the owner thereof.

(2) Lands or interests therein that are located within the battlefields or a historic core area and are owned by the Commonwealth of Virginia, or a political subdivision thereof, may be acquired by the Secretary under this title only by donation or exchange.

(3) The Secretary may not accept, under this title, donations of lands or interests therein acquired through condemnation.

(c) LIVING HISTORY DEMONSTRATIONS AND BATTLEFIELD REENACTMENTS.—The Secretary shall allow, at any location in the battlefields, any living history demonstration or battlefield reenactment that is the same as or substantially similar to a demonstration or reenactment that occurred at such location at any time during the 12 month period ending on the same date of the enactment of this Act. The secretary may allow, at any location in the battlefields, any living history demonstration or battlefield reenactment that is not described in the preceding sentence but that the Secretary determines to be appropriate.

SEC. 305. SHENANDOAH VALLEY NATIONAL BATTLEFIELDS PLAN.

(a) IN GENERAL.—The battlefields shall be managed by the Secretary pursuant to this title and the Shenandoah Valley National Battlefields plan developed by the Commission and approved by the Secretary, as provided in this section.

(b) SPECIFIC PROVISIONS.—The plan shall include—

(1) recommendations of potential boundary modifications to the battlefields, including modifications to the boundaries of the historic core of each unit, and the potential addition of new units to the battlefields;

(2) provisions for the management, protection, and interpretation of the natural, cultural, and historical resources of the battlefields, consistent with the purposes of this title;

(3) recommendations to the Commonwealth of Virginia (and political subdivisions thereof) for the management, protection, and interpretation of the natural, cultural, and historical resources of the historic core areas;

(4) the information described in section 12(b) of Public Law 91–383 (16 U.S.C. 1a–7(b)) (pertaining to the preparation of general management plans);

(5) identification of appropriate partnerships between the Secretary, Federal, State, and local governments and regional entities, and the private sector, in furtherance of the purposes of this title;

(6) proposed locations for visitor contact and major interpretive facilities, including proposals for one interpretive facility in the upper Shenandoah Valley and one in the lower Shenandoah Valley;

(7) provisions for implementing a continuing program of interpretation and visitor education concerning the resources and values of the battlefields and historic core areas;

(8) provisions for a uniform valley-wide historical marker and wayside exhibit program, including a provision for marking, with the consent of the owner, historic structures and properties that are contained within the historic core areas and contribute to the understanding of the battlefields; and

(9) recommendations for means of ensuring continued local involvement and participation in the management, protection, and development of the battlefields.

(c) PREPARATION OF DRAFT PLAN.—(1) Not later than 3 years after the date on which the Commission conducts its first meeting, the Commission shall submit to the Secretary a draft plan that meets the requirements of subsection (b).

(2) Prior to submitting the draft plan to the Secretary, the Commission shall ensure that—

(A) the Commonwealth of Virginia, and any political subdivision thereof that would be affected by the plan, receives a copy of the draft plan;

(B) adequate notice of the availability of the draft plan is provided through publication in appropriate local newspaper in the area of the battlefields; and

(C) at least one public hearing in the vicinity of the battlefields in the upper Shenandoah Valley and one public hearing in the vicinity of the battlefields in the lower Shenandoah Valley is conducted by the Commission with respect to the draft plan.

(d) REVIEW OF PLAN BY THE SECRETARY.—The Secretary shall review the draft plan submitted under subsection (c) and, not later than 90 days after the date on which the draft plan is submitted, shall either—

(1) approve the draft plan as the plan; or

(2) reject the draft plan and recommend to the Commission modifications that would make the draft plan acceptable.

SEC. 306. COOPERATIVE AGREEMENTS.

(a) **IN GENERAL.**—In furtherance of the purposes of this title, the Secretary may establish partnerships and enter into cooperative agreements concerning lands, and interests therein, within the battlefields and historic core areas with other Federal, State, or local agencies, and private persons and organizations.

(b) **HISTORIC MONUMENTS.**—The Secretary may enter into an agreement with the owner of property that is located in the battlefields, or in a historic core area, and on which a historic monument or tablet commemorating a relevant battle has been erected prior to the date of the enactment of this Title. The Secretary may make funds available for the maintenance, protection, and interpretation of the monument or tablet, as the case may be, pursuant to the agreement.

SEC. 307. GRANT PROGRAM.

(a) **In General.**—The Secretary may award grants and provide technical assistance, to owners of property located within the battlefields and historic core areas, to provide for the preservation and interpretation of the natural, cultural, and historical resources within the battlefields and historic core areas.

(1) The Secretary, after consultation with the Commission, may award grants and provide technical assistance to governmental entities to assist with the planning, development, and implementation of comprehensive plans, land use guidelines, regulations, ordinances, or other appropriate documents, that are consistent with and designed to protect the historic character of the battlefields and historic core areas.

(2) The Commission shall conduct a regular review of plans, guidelines, regulations, ordinances, and documents with respect to which the Secretary has awarded a grant under this paragraph. If the Commission finds that any such plan, guideline, regulation, ordinance, or document, or the implementation thereof, is no longer consistent with the protection of the historic character of the battlefields and historic core areas the Commission may recommend, after consultation with the affected governmental entity, that the Secretary suspend any grant awarded pursuant to this paragraph with respect to the plan, guideline, regulation, ordinance, or document.

(3) The Secretary, after consultation with the Commission, shall suspend any grant awarded under this paragraph if the Secretary has determined that the plan, guideline, regulation, ordinance, or document with respect to which the grant is awarded is modified in a manner that is inconsistent with protection of the historic character of the battlefields and historic core areas.

(b) **COST SHARE.**—The Federal share of any grant made under this section may not exceed the amount of non-Federal funds provided for the preservation, interpretation, planning, development, or implementation with respect to which the grant is awarded.

(c) **ADDITIONAL CONDITIONS.**—The Secretary may require such additional terms and conditions before awarding any grant under this section as the Secretary determines to be necessary.

SEC. 308. SHENANDOAH VALLEY NATIONAL BATTLEFIELDS COMMISSION.

(a) **ESTABLISHMENT.**—There is hereby established the Shenandoah Valley National Battlefields Commission.

(b) **MEMBERSHIP.**—The Commission shall be composed of 19 members, to be appointed by the Secretary as follows:

(1) 5 members representing local governments of communities in the vicinity of the battlefields, appointed after the Secretary considers recommendations made by appropriate local governing bodies.

(2) 10 members representing property owners within the battlefields or historic core areas (1 member within each unit of the battlefields).

(3) 1 member with demonstrated expertise in historic preservation.

(4) 1 member who is a recognized historian with expertise in Civil War history.

(5) The Governor of Virginia, or a designee of the Governor, *ex officio*.

(6) The Director of the National Park Service, or a designee of the Director, *ex officio*.

(c) **APPOINTMENTS.**—Members of the Commission shall be appointed for staggered terms of 3 years, as designated by the Secretary at the time of the initial appointment. Any member of the Commission appointed for a definite term may serve after the expiration of the term until the successor of the member is appointed.

(d) **ELECTION OF OFFICERS.**—The Commission shall elect one of its members as Chairperson and one as Vice Chairperson. The terms of office of the Chairperson and Vice Chairperson shall be 2 years. The Vice Chairperson shall serve as Chairperson in the absence of the Chairperson.

(e) **VACANCY.**—Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made, except that the Secretary shall fill any vacancy within 30 days after the vacancy occurs.

(f) **QUORUM.**—A majority of the Commission shall constitute a quorum.

(g) **MEETINGS.**—The Commission shall meet at the call of the Chairperson or a majority of the members of the Commission, but not less than quarterly. Notice of Commission meetings and agendas for the meetings shall be published in local newspapers that have a distribution throughout the Shenandoah Valley. Commission meetings shall be held at various locations throughout the Shenandoah Valley and in a manner that ensures adequate public participation.

(h) **STAFF OF THE COMMISSION.**—The Commission shall have the power to appoint and fix the compensation of such staff as may be necessary to carry out its duties.

(i) **ADMINISTRATIVE SUPPORT SERVICES.**—The Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(j) **FEDERAL AGENCIES.**—Upon request of the Commission, the head of any Federal agency may detail to the Commission, on a reimbursable basis, personnel of the agency to assist the Commission in carrying out its duties.

(k) **SUBPOENAS.**—The Commission may not issue subpoenas or exercise any subpoena authority.

(l) **EXPENSES.**—Members of the Commission shall serve without compensation, but the Secretary may reimburse members for expenses reasonably incurred in carrying out the responsibilities of the Commission under this Act.

(m) **MAIL.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(n) **GIFTS.**—The Commission may, for purposes of carrying out the duties of the Commission, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services, received from any source.

(o) **TERMINATION.**—The Commission shall terminate at the expiration of the 45-day period beginning on the date on which the Secretary approves the plan under section 305(d).

SEC. 309. DUTIES OF THE COMMISSION.

(a) **IN GENERAL.**—The Commission shall—

(1) develop the plan and draft plan referred to in section 305, in consultation with the Secretary;

(2) advise the Secretary on the administration of the battlefields;

(3) assist the Commonwealth of Virginia, and any political subdivision thereof, in the management, protection, and interpretation of the natural, cultural, and historical resources within the historic core areas, except that the Commission shall in no way infringe upon the authorities and policies of the Commonwealth of Virginia or any political subdivision thereof; and

(4) take appropriate action to encourage protection of the natural, cultural, and historic resources within the battlefields and historic core areas by landowners, local governments, organizations, and businesses.

(b) **ASSISTANCE TO NONPROFIT ORGANIZATIONS.**—The Commission may assist any nonprofit organization in the management, protection, and interpretation of the natural, cultural, and historical resources within the historic core areas.

SEC. 310. AUTHORIZATION OF APPROPRIATIONS.

(a) **AUTHORIZATION.**—There are authorized to be appropriated such sums as may be necessary to carry out this title, except that not more than \$250,000 may be appropriated for any fiscal year for the establishment and operation of the Commission.

(b) **AVAILABILITY OF FUNDS.**—Funds made available under subsection (a) shall remain available until expended.

PURPOSE OF THE MEASURE

The purpose of H.R. 1091 is to address a number of long-standing issues at areas administered by the National Park Service in the Commonwealth of Virginia and to provide for the authorization of the Shenandoah Valley Battlefield National Historic Park.

Title I of the bill would authorize a new boundary for Richmond Battlefield National Park and would direct the Secretary of the Interior to provide technical assistance and work cooperatively with

State and local governments, and private property owners in order to preserve resources within the Park boundary.

Title II of the bill would authorize the Secretary of the Interior to make future minor boundary adjustments to ensure continued public access to Shenandoah National Park at existing trail heads.

Title III of the bill would authorize the establishment of the Shenandoah Valley National Battlefields in the Commonwealth of Virginia as a unit of the National Park System. This title would direct the Secretary of the Interior to prepare a Shenandoah Valley Battlefield Plan, to enter into cooperative agreements, and to render technical and financial assistance to further the purposes of the plan. This title would also establish the Shenandoah Valley Battlefield Commission.

BACKGROUND AND NEED

SHENANDOAH NATIONAL PARK

When Shenandoah National Park was authorized in 1926, Congress authorized a boundary of 521,000 acres. The legislation stated that the Federal Government could only acquire land within this boundary through donation. This land acquisition was primarily the responsibility of the Commonwealth of Virginia.

In 1935, the Commonwealth of Virginia donated 160,000 acres of land and Shenandoah National Park was established. The Park now has about 196,000 acres of land in Federal ownership, but still retains the Congressionally authorized boundary of 521,000 acres. Proponents of this legislation believe that non-Federal lands within the authorized boundary are either not necessary for park purposes or do not contain park qualities. Additionally, the current boundary is a source of continuous concern for private property owners and local governments who strongly believe that boundary modifications should be on the basis of Congressional action, not the action of Federal park managers.

RICHMOND NATIONAL BATTLEFIELD

The battlefield was authorized in 1936 to commemorate the Siege of Richmond. The authorizing statute permits the National Park Service to acquire from willing sellers, or by condemnation with donated funds, any lands within five statute miles of the city of Richmond or within five statute miles of lands included in the park in 1936. Under the existing law, no funds may be appropriated for land acquisition. The Park boundary encompasses about 250,000 acres of which the National Park Service administers 780 acres. The boundaries pose problems similar to those relating to the boundary issue at Shenandoah National Park. The National Park Service, through its general management planning process, has identified approximately 7,121 acres which satisfy the National Park Service criteria for significance, integrity, feasibility and suitability for inclusion in Richmond National Battlefield Park.

SHENANDOAN VALLEY CIVIL WAR BATTLEFIELD

In 1990, Congress enacted the Civil War Sites Study Act (section 1204 of Public Law 101-628). The law directed the Secretary of the Interior to prepare a study of Civil War sites within the Shen-

andoah Valley in Virginia. The study was completed in September of 1992 and transmitted to Congress in the summer of 1993.

The study noted that many of the sites in the battlefields sites identified in the study possess national significance. The study states that the Shenandoah Valley represents a unique geographic and historic resource, possessing tremendous scenic beauty and exceptional potential for interpreting aspects of the Civil War that are currently not represented in the National Park System. In addition, the study concluded that many portions of the valley retain a high degree of historic, rural, and scenic integrity.

Until recently, most of the Shenandoah Valley was devoted to agricultural use. Proponents of the bill believe that increasing development within the valley has begun to threaten the integrity of many of the key battlefield sites.

LEGISLATIVE HISTORY

H.R. 1091 was introduced by Congressman Bliley on March 1, 1995. A hearing was held in the House Subcommittee on National Parks, Forests and Lands on March 9, 1995, and the House Committee on Resources reported the bill on July 11, 1995. The bill passed the House on September 19, 1995.

Similar provisions are included in S. 305, introduced by Senators Warner and Robb on January 31, 1995. Senator Jeffords cosponsored S. 305 on February 24, 1995. This legislation is similar to S. 1033, introduced during the 103rd Congress by Senators Warner, Robb and Jeffords. S. 1033 was reported by the Senate Committee on Energy and Natural Resources on May 18, 1994 and passed the Senate on June 8, 1994. No action was taken in the House.

H.R. 1091 was referred to the Senate Energy and Natural Resources Committee on September 20, 1995. Reports from the Department of the Interior and Office of Management and Budget were requested on March 20, 1996. A hearing on H.R. 1091 and S. 305 was held by the Subcommittee on Parks, Historic Preservation and Recreation on March 21, 1996. At the business meeting on September 12, 1996, the Committee on Energy and Natural Resources ordered H.R. 1091 reported, as amended.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in an open business session on September 12, 1996, by a unanimous voice vote of quorum present, recommends that the Senate pass H.R. 1091, if amended as described herein.

COMMITTEE AMENDMENT

During the consideration of H.R. 1091, the Committee adopted an amendment in the nature of a substitute. The amended bill eliminates the section in the original bill pertaining to the transfer of county road corridors and at Shenandoah National Park. This provision was included as Section 349 of Public Law 104-59, the National Highway Systems Designation Act of 1995. The amended bill also eliminates a section pertaining to the transfer of a sewage disposal system and right-of-way at Colonial National Historic Park, and a section pertaining to the addition of lands at Cum-

berland Gap National Historical Park. These provisions are addressed in other bills pending in the Committee (S. 115 and H.R. 694 respectively).

The amended bill authorizes a new boundary for Richmond Battlefield National Park. This boundary adjustment is based on recommendations contained in the Richmond Battlefield National Park general management plan, which was completed by the National Park Service in August, 1996. The amended bill incorporated the Shenandoah Valley National Battlefields language from S. 305.

SECTION-BY-SECTION ANALYSIS

TITLE I—RICHMOND NATIONAL BATTLEFIELD PARK

Section 101(a) contains the Congressional findings related to Richmond National Battlefield Park.

Section 101(b) states the purposes of the title as: (1) establishing a new boundary for the Richmond National Battlefields Park; and (2) directing the Secretary of the Interior (Secretary) to work in cooperation with State, city, and other organizations in the management, protection and interpretation of the resources associated with the Civil War and the Battles of Richmond.

Section 102 establishes a new boundary for Richmond National Battlefield Park as described on a map.

Section 103 authorizes the Secretary to acquire lands and interests within the Park's boundary by donation, purchase with donated funds, exchange or otherwise. The section specifies that privately owned lands may only be acquired with the consent of the landowner. The section directs the Secretary to acquire the minimum Federal interests necessary to achieve the objectives of the Park.

Section 104 amends the Park's enabling Act by adding a new section which directs the Secretary to interpret the Battles of Richmond in the larger context of the Civil War and American history. The section directs the Secretary to work with the State and city government, as well as private property owners, and authorizes the Secretary to provide technical assistance to government entities, nonprofit organizations and private property owners.

Section 105 amends the Park's enabling Act to conform with United State Code.

TITLE II—SHENANDOAH NATIONAL PARK

Section 201(a) modifies the boundary of Shenandoah National Park to include only those lands and interests that were in Federal ownership and were administered by the Secretary as part of the Park on the day before the enactment of the title.

Section 201(b)(1) authorizes the Secretary to make minor boundary adjustments in order to allow for the acceptance of donations of adjacent lands, and directs the Secretary to follow the recommendations of a Related Lands Study in making the boundary adjustments.

Section 201(b)(2)(A) authorizes the Secretary to acquire lands and interests from willing sellers by donation, purchase with donated funds or exchange.

Section 201(b)(2)(B) places additional restrictions on the Secretary regarding the acquisition of land, stating that the Secretary may only acquire lands which are contiguous with Federal lands administered as part of the Park; requiring that the Secretary hold a public meeting prior to accepting lands; stipulating that the primary access by landowners to their property may not be altered; and stating that private property may not be surrounded on all sides by land administered by the Park without the consent of the landowner.

Section 201(b)(2)(C) states that public land within the boundaries of the Park may be acquired by the Secretary of the Interior by donation or exchange.

Section 201(b)(2)(D) states that the Secretary may not accept a donation of land or an interest in land that was acquired through condemnation.

Section 201(c) directs the Secretary to take all reasonable actions to mitigate the impacts associated with visitor use at the trail heads around the perimeter of Shenandoah National Park.

TITLE III—SHENANDOAH VALLEY BATTLEFIELDS

Section 301 contains the Congressional findings relating to the Shenandoah Valley Battlefields.

Section 302 states the purposes of the title as: (1) preserving, conserving, and interpreting the legacy of the Civil War in the Shenandoah Valley; (2) recognizing and interpreting the important events and geographic locations representing key Civil War battles in the Shenandoah Valley; (3) recognizing and interpreting the effects the Civil War has on the civilian population during the war and postwar reconstruction period; and (4) creating partnerships in order to preserve the Battlefields and related sites.

Section 303 provides definitions for terms throughout the title.

Section 304(a) establishes the Shenandoah Valley National Battlefields in the Commonwealth of Virginia as described on a map. The section provides that the map be available for public inspection, and authorizes the Secretary to make minor boundary revisions after public comment. The section directs the Secretary to administer the Battlefields in accordance with laws pertaining to units of the National Park System.

Section 304(b) specifies the manner in which lands may be added to the park. The Secretary is authorized to acquire lands and interests within the boundaries of the Battlefields from willing sellers by donation, purchase with donated or appropriated funds, or exchange. Lands owned by the Commonwealth of Virginia may only be acquired by donation or exchange. No lands may be acquired through condemnation.

Section 304(c) directs the Secretary to allow existing living history demonstrations and battlefield reenactment presentations at any location within the battlefields to continue, and authorizes the Secretary to permit future living history demonstrations and battlefield reenactments as determined to the Secretary to be appropriate.

Section 305(a) directs the Secretary to manage the battlefields pursuant to the title and the Shenandoah Valley National Battle-

fields plan, developed by the Commission and approved by the Secretary.

Section 305(b) contains specific provisions for what the plan must include.

Section 305(c) directs the Commission to submit a draft plan within three years for the Secretary's review, and outlines a system to ensure review of the plan on the State and local level.

Section 305(d) directs the Secretary to review the plan and approve it or reject it with suggestions for modifications within 90 days.

Section 306(a) authorizes the Secretary to establish partnerships and enter into cooperative agreements to advance the purposes of the plan.

Section 306(b) contains a provision for the maintenance, protection and interpretation of existing historic monuments located on private property.

Section 307(a) authorizes the Secretary to award grants and provide technical assistance to owners of private property located within the battlefields or historic core areas, and also, after consultation with the Commission, to government entities for the purpose of protecting the historic character of the battlefields and historic core area. The section contains provisions for the review and suspension for grants.

Section 307(b) contains a cost share provision, stating that the Federal share of the grants may not exceed the amount of non-Federal funds provided.

Section 307(c) authorizes the Secretary to require additional terms and conditions as necessary before awarding a grant.

Section 308 establishes the Shenandoah Valley National Battlefields Commission. The section outlines the membership, terms of appointment, procedures and authorities of the 19-member Commission. The section states that the Commission shall terminate 45 days after the Shenandoah Valley Battlefields plan is approved by the Secretary.

Section 309(a) outlines the duties of the Commission.

Section 309(b) authorizes the Commission to assist any non-profit organization in the management, protection, and interpretation of the resources with the historic core areas.

Section 310 authorizes appropriated sums as necessary to carry out the title, except that not more than \$250,000 may be appropriated in any fiscal year for the operation of the Commission. Funds authorized under the subsection will remain available until expended.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

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. 1091. 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. 1091, as ordered reported.

EXECUTIVE COMMUNICATIONS

On September 13, 1996, 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 H.R. 1091. These reports had not been received at the time the report on H.R. 1091 was filed. When these reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate.

STATEMENT OF KATHERINE H. STEVENSON, ASSOCIATE DIRECTOR, CULTURAL RESOURCE STEWARDSHIP AND PARTNERSHIPS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, I appreciate the opportunity to appear today to present the position of the Department of the Interior.

H.R. 1091, VIRGINIA PARKS

Due to the complexity of this bill, I will address each title individually.

Title I, Richmond National Battlefield Park. Mr. Chairman, we support revision of the boundary of Richmond National Battlefield Park, but not in the manner which it is being done through this title. The current boundary far exceeds what is suitable and feasible for inclusion in the Richmond National Battlefield Park. As we testified in the House of Representatives in March, 1995, we were completing a general management plan for Richmond which would include a recommendation for a revised boundary. Since then we have continued to work on the plan and are in the final stages of its completion. The remaining tasks involve incorporation of final comments into the plan, printing and distributing of the plan, and notification in the Federal Register of the plan's completion and availability. We have selected our preferred alternative and have developed our position for a revised boundary. We recommend that the Committee consider these recommendations in making any amendments to Richmond's enabling legislation.

The enabling legislation for Richmond National Battlefield allows the Secretary of the Interior to assemble lands, structures, or other properties in the military battlefield area within five miles of Richmond's city limits to create the Richmond National Battlefield Park. The area encompassed by that language takes in approximately 225,000 acres in and around the City of Richmond. It has been determined through both our planning process and the Civil War Sites Advisory Commission's report that the area of historical significance within that larger area covers approximately 38,000 acres. Applying the National Park Service's criteria of significance, integrity, feasibility, and suitability, we have determined that approximately 7,010 acres of those 38,000 acres meet those criteria and qualify for inclusion in the park. We recommend that the Committee revise the boundary of Richmond National Battlefield Park and limit it to the lands identified in the general management plan that make up those approximately 7,010 acres. We will be happy to work with the Committee to develop language that would accomplish this.

As part of the boundary modification we would recommend that the park's authority to acquire land also be modified. We suggest that the National Park Service be granted authority to acquire land by donation, purchase with appropriated or donated funds, exchange, or otherwise, with the limitation that acquisition of privately owned lands or interests therein may occur only with the consent of the property owner. We also believe that protection of the 7,010 acres does not have to be entirely the responsibility of the Federal government, and request that the Committee authorize the National Park Service to enter into cooperative agreements with other public entities, individual property owners and private organizations to protect, interpret and manage these lands.

Title I allows for the donation of four properties totalling approximately 910 acres. These four properties are identified in the general management plan and are included in the 7,010 acre recommendation. With regard to the site of the Battle of New Market Heights, we have completed as part of the general management plan a study regarding the site's significance and integrity. We would be more than happy to work with the Commonwealth of Virginia, Henrico County officials and the property owners to develop a plan that would adequately protect this site so that this important aspect of American history, commemorating the story of fourteen African American recipients of the Congressional Medal of Honor, can be interpreted to the public.

We look forward to working with the Committee on alternative language that would revise the boundary of Richmond National Battlefield Park and allow the National Park Service to work in partnership with state and local officials, the private sector and private property owners in carrying out the recommendations of our general manage-

ment plan to protect significant Civil War resources in and around Richmond.

Title II, Shenandoah National Park. Mr. Chairman, Section 201 of Title II would modify the boundary of Shenandoah National Park to include only those lands currently in federal ownership but would permit minor boundary adjustments to improve public access points to the park. It would also define the circumstances under which land could be acquired to resolve public access problems. We oppose the enactment of Section 201. As with Richmond National Battlefield, we recognize the need for a revised boundary at Shenandoah National Park and recommend that the Congress defer action on a boundary modification until we have completed a study of Shenandoah National Park's boundary.

We clearly understand the need to modify the legislated boundary within which land can be acquired (currently only through donation) for Shenandoah National Park. However, limiting the National Park Service's land acquisition authority to minor boundary adjustments that resolve public access problems is inadequate. Shenandoah National Park is surrounded by development that is not always harmonious with the natural systems of the park, and new development is occurring on all sides of the park. There are resources not currently a part of the park that have natural and cultural significance that should possibly be included in the park. Limiting the National Park Service's ability to modify the boundary of the park to resolve access problems can compromise the integrity of those resources and the purpose for which Shenandoah National Park was established. Further, it would affect the ability of those individuals who have made provisions to donate land to the park or may desire to do so in the future.

We are currently involved in a related-lands study which will determine those areas adjacent to the park that have significant value and might be suitable for inclusion in the park. The study will also address those areas within the legislated boundary that are not appropriate for inclusion. This study can be completed in the next two years. After the study is completed, we can recommend a boundary modification. We request that the Congress defer action on a boundary modification until that study and recommendations are completed. If Congressional action is essential at this time, we recommend that interim restrictions be imposed that limit the ability of the park to acquire land until the study is completed and the boundary is revised by the Congress. We would be happy to work with Committee in drafting language that would address both the matter of a boundary revision and interim restrictions on land acquisition at Shenandoah National Park.

As stated in my opening remarks, Section 202 of Title II, that would transfer secondary roads currently owned by the National Park Service to the Commonwealth of Virginia, has been enacted into law by this Congress. We

have begun the process of the transfer and are working with the Commonwealth of Virginia to see that the transfer occurs in a timely manner with the goal of completing the transfer by the end of this summer.

Title III, Colonial National Historical Park. Title III calls for a modification of the boundary of Colonial National Historical Park and the transfer of existing sewage treatment systems from the National Park Service to York County, Virginia. It also limits the amount the National Park Service may spend on lands to be acquired in the boundary modification to \$830,000. Mr. Chairman, we support the enactment of this title with a minor amendment.

The boundary modification would override the current limitation on the width of the corridor for the Colonial Parkway in the area between Mill Creek and Neck O'Land Road in order to protect parkway scenery from subdivision development. This legislation is necessary to authorize the Secretary to acquire the existing land—mostly wooded—along the parkway. In 1993 the parkway's beauty would have been marred by the construction of 16 to 20 houses within 85 feet of the roadway. The area in question could not be adequately screened. Fortunately, The Conservation Fund, a non-profit organization, purchased the property just before construction was to begin. The total acquisition cost of the lots purchased by The Conservation Fund, which includes a 3.2-acre archeological site, is \$915,000. Modification of the boundary would allow the National Park Service to acquire the land from The Conservation Fund and thus ensure the scenic quality of the Colonial Parkway.

We request that the dollar limitation of \$830,000 for the boundary modification be dropped. Without a boundary modification the National Park Service could not acquire the property at the time it was being developed. The Conservation Fund acquired the property to prevent it from being developed. The expenses incurred by The Conservation Fund for acquisition and maintenance since the property was acquired exceed the \$830,000 limitation. The dollar limitation may prevent the Service from acquiring this important piece of property along the Colonial Parkway. We recommend that the limitation be dropped so that the land may be acquired by the National Park Service.

The transfer of the existing sewage disposal systems owned by the United States and located within Colonial National Historical Park, together with such rights-of-way as are necessary to maintain and operate the system, would release the National Park Service from its current obligation to maintain sewer systems for Yorktown, Virginia. The title would also permit the Secretary to pay a portion, not to exceed \$110,000, of the cost of repair and rehabilitation of the system.

In 1948 and 1956, Congress directed the National Park Service to design and construct sewer systems to serve federal and non-federal properties in the area of Yorktown, a

community within and adjacent to Colonial National Historical Park. At that time, York County was a rural area with limited financial resources. The County now has a fully functioning Department of Environmental Services, which operates sewer systems throughout the remainder of the County.

In the mid-1970s, the National Park Service provided York County with approximately \$73,500 to improve the Yorktown system and take over its maintenance and operation. However, the portion of the system that serves the Moore House subdivision was not upgraded and is in need of approximately \$203,000 to rehabilitate it to current county standards. Discussions with the County indicate that the National Park Service share of the upgrade would not exceed \$110,000. York County is willing to accept the sewer system, if the Moore House subdivision portion is upgraded prior to transfer. The National Park Service is willing to share the cost of the upgrade, subject to the availability of funds. Such expense is cost-effective relative to the cost of long-term capital improvements and operation and maintenance that would be required if the National Park Service were to retain ownership of the systems. A letter and a copy of a resolution from York County verifying its interest are attached to this statement for inclusion in the record.

Further, the proposed legislation provides for a cooperative agreement with the County for rehabilitation of the sewage disposal system that would reduce, or eliminate, the amounts charged to the NPS for its sewage disposal. This agreement would also provide for minimizing the impact of the sewage disposal system on the park and its resources.

Title IV, Shenandoah Valley Battlefields. We provided comments on S. 305 earlier in this testimony. Those comments are applicable to this title of H.R. 1091.

Title V, Cumberland Gap National Historical Park. Mr. Chairman, this title would allow the National Park Service to acquire up to 10 acres of land or interests in land for trailheads to be located at White Rocks and Chadwell Gap in Cumberland Gap National Historical Park in Virginia. We support this provision. Current authority restricts the park's expansion. This provision would enable the National Park Service to acquire land in an area of the park where access problems exist.

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 bill H.R. 1091, 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):

Section 2 of the Act of March 2, 1936 (Chapter 113; 49 Stat. 1155)

【SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to accept in behalf of the United States donations of lands, interests in lands, buildings, structures and other property within the boundaries of the said park as herein authorized and donations of funds for the purchase and/or maintenance thereof, the title and evidence of title to lands purchased or otherwise acquired to be satisfactory to the Secretary of the Interior: Provided, That he may acquire on behalf of the United States out of any donated funds, by purchase at prices deemed by him reasonable, or by condemnation under the provisions of the Act of August 1, 1888, such tracts of land within the said national battlefield park as may be necessary for the completion thereof.】

“SEC. 2. BOUNDARY.—*The boundary of the Richmond National Battlefield Park (hereinafter in this Act referred to as the ‘park’) shall hereinafter be comprise the lands, waters and interests in lands therein, comprising approximately 7,121 acres, within the boundary generally depicted as “Park Boundary” on the map entitled “Richmond National Battlefield Park Boundary Map”, numbered 367-NEFA 80026 and dated August 1996, which shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior.”.*

* * * * *

The Act of March 2, 1936 (Chapter 113; 49 Stat. 1155)

“SECTION 4. LAND ACQUISITION.—*The Secretary is authorized to acquire lands and interests in lands and interests in lands within the park’s boundary as depicted on the map identified in Section 2 by donation, purchase with donated or appropriated funds, exchange, or otherwise. Privately owned lands or the interests therein may be acquired only with the consent of the property owner. In acquiring lands and interests in lands under this Act, the Secretary shall acquire the minimum Federal interests necessary to achieve the objectives of the park.”.*

* * * * *

The Act of March 2, 1936 (Chapter 113; 49 Stat. 1155)

“SECTION 5. PARK MANAGEMENT AND ADMINISTRATION.

(a) *In administering the park, the Secretary shall interpret, for the benefit of visitors to the park and the general public, the Battles of Richmond in the larger context of the Civil War and American History, including the causes and consequences of the Civil War and the affects of the War on all the American people.*

(b) *The Secretary is directed to work with the Commonwealth of Virginia, its political subdivisions, including the City of Richmond, private property owners and the private sector to develop mechanisms to protect and interpret the resources identified within the boundary as depicted on the map identified in Section 2 of this title. In order to carry out this section the Secretary is authorized to enter into cooperative agreements with the public and private sectors to carry out the purposes of this title, and to find means of protecting and interpreting the historic resources for the benefit of present and future generations in a manner that would allow for continued private ownership and use where compatible with the purposes of the park. The Secretary is also authorized to provide technical assistance to governmental entities, nonprofit organizations and private*

property owners in the development of comprehensive plans, land use guidelines, and other activities which are consistent with conserving the historic, cultural, natural, and scenic resources found within the park boundary.”

* * * * *

The Act of March 2, 1936 (Chapter 113; 49 Stat. 1155)

SEC. 3. The administration, protection, and development of the aforesaid national battlefield park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the Act of August 25, 1916, entitled “An Act to establish a National Park Service, and for other purposes”, as amended “, and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).”

* * * * *

In addition to the changes in existing law listed above, Section 201 of H.R. 1091 contains language stating that so much of the Act of May 22, 1926 (Chapter 363; 44 Stat. 616) as is inconsistent with this title is hereby repealed.

