

VIRGINIA PARKS

JULY 11, 1995.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources, submitted the following

R E P O R T

[To accompany H.R. 1091]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1091) to improve the National Park System in the Commonwealth of Virginia, having considered the same, report favorably thereon with an amendment and recommend that the bill 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. MODIFICATION OF BOUNDARY.

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

“SECTION 1. (a) In order to preserve the site of the 1862 Peninsula Campaign and the 1864–65 battle of Richmond, in the vicinity of Richmond, Virginia, as a national battlefield park for the benefit and inspiration of the people of the United States, there is hereby established, subject to existing rights, the Richmond National Battlefield Park (hereinafter in this Act referred to as the ‘Park’).

“(b) The Park shall consist of—

“(1) lands, waters, and interests therein within the area generally depicted on the map entitled ‘Richmond National Battlefield Park, Land Status Map’, numbered 367/92,000, and dated September 1993; and

“(2) upon donation of title acceptable to the Secretary of the Interior (and acceptance by the Secretary), the following tracts: a tract of 750 acres at Malvern Hill, a tract of 15 acres at Beaver Dam Creek, a tract of 100 acres at Cold Harbor, and a tract of 42 acres at Bethesda Church.

“(c) As soon as practicable, the Secretary of the Interior shall complete a boundary map (including tracts referred to in subsection (b)(2)) for the Park. The map required by this subsection and the map referred to in subsection (b)(1) shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior.

“(d) The Congress recognizes the national significance of the Battle of New Market Heights and declares it to be in the public interest to ensure the preservation of the New Market Heights Battlefield so that an important aspect of American history can be interpreted to the public. The Congress directs the Secretary to work cooperatively with the Commonwealth of Virginia, the county of Henrico, Virginia, and property owners within or impacted by the battlefield area to develop alternatives to ensure implementation of these goals. The Secretary shall submit a report outlining such alternatives to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate no later than June 1, 1996.”.

SEC. 102. REPEAL OF PROVISION REGARDING PROPERTY ACQUISITION.

The Act of March 2, 1936 (Chapter 113; 49 Stat. 1155), is amended by striking section 2.

SEC. 103. ADMINISTRATION.

Section 3 of the Act of March 2, 1936 (Chapter 113; 49 Stat. 1156), is redesignated as section 2 and 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 hereby modified to include only those lands and interests therein that, on the day before the date of the enactment of this Act, 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 herewith is hereby repealed.

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

(1) **MINOR BOUNDARY ADJUSTMENTS.**—The Secretary is authorized to make minor adjustments to the boundary of Shenandoah National Park, as modified by this title, to make essential improvements to facilitate access to trailheads to the park that exist on the day before the date of the enactment of this title, in cases in which there are no practicable alternatives to such adjustments.

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

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

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

(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 county 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; 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.

(c) **MITIGATION OF IMPACTS AT ACCESS POINTS.**—The Secretary shall take all reasonable actions to mitigate the impacts associated with visitor use at trailheads 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 subsection.

SEC. 202. REQUIREMENT OF TRANSFER OF COUNTY ROAD CORRIDORS.

(a) **STATEMENT OF PURPOSE.**—It is the purpose of this section to permit the Commonwealth of Virginia to maintain and provide for safe public use of certain roads

that the Commonwealth donated to the Federal Government at the time of the establishment of Shenandoah National Park.

(b) REQUIREMENT OF TRANSFER.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Interior shall transfer to the Commonwealth of Virginia, without consideration or reimbursement, all right, title, and interest of the United States in and to all county road corridors that were located within the Shenandoah National Park on the day before the date of the enactment of this Act and are removed from such Park by the boundary modification made by section 201.

(c) REVERSION.—Each transfer pursuant to this section shall be made subject to the condition that if, at any time, any county road corridor so transferred is no longer used as a public roadway, all right, title, and interest in the county road corridor shall revert to the United States.

(d) DEFINITIONS.—For purposes of this section:

(1) COUNTY ROAD CORRIDOR.—The term “county road corridor” means a corridor that is comprised of any Shenandoah county road together with an amount of land, which is contiguous with the road and which is selected by the Secretary of the Interior in consultation with the Governor of the Commonwealth of Virginia, such that the total width of the corridor is 50 feet.

(2) SHENANDOAH COUNTY ROAD.—The term “Shenandoah county road” means any portion of a road that is open to public vehicle usage and that, on the date of the enactment of this Act, constitutes part of—

- (A) Madison County Route 600;
- (B) Rockingham County Route 624;
- (C) Rockingham County Route 625;
- (D) Rockingham County Route 626;
- (E) Warren County Route 604;
- (F) Page County Route 759;
- (G) Page County Route 611;
- (H) Page County Route 682;
- (I) Page County Route 662;
- (J) Augusta County Route 611;
- (K) Augusta County Route 619;
- (L) Albemarle County Route 614;
- (M) Augusta County Route 661;
- (N) Rockingham County Route 663;
- (O) Rockingham County Route 659;
- (P) Page County Route 669;
- (Q) Rockingham County Route 661;
- (R) Criser Road (to Town of Front Royal); or
- (S) the government-owned parcel connecting Criser Road to the Warren County School Board parcel.

TITLE III—COLONIAL NATIONAL HISTORICAL PARK

SEC. 301. MODIFICATION OF BOUNDARY.

Notwithstanding the provisions of the Act of June 28, 1938 (52 Stat. 1208; 16 U.S.C. 81b, 81d), limiting the average width of the Colonial Parkway, the Secretary of the Interior (hereinafter in this title referred to as the “Secretary”) is authorized to include within the Colonial National Historical Park, and to acquire by donation or exchange, lands and interests in lands (with or without improvements) within the areas depicted on the map dated August 1993, numbered 333/80031A, and entitled “Page Landing Addition to Colonial National Historical Park”. Such map shall be on file and available for inspection in the offices of the National Park Service at Colonial National Historical Park and in Washington, District of Columbia.

SEC. 302. TRANSFER OF SEWAGE DISPOSAL SYSTEM AND RIGHTS-OF-WAY.

(a) IN GENERAL.—The Secretary is authorized to transfer, without reimbursement (except as provided in subsection (c)), to York County, Virginia, any portion of the existing sewage disposal system, including related improvements and structures, that is owned by the United States and located within the Colonial National Historical Park, together with such rights-of-way as the Secretary determines to be necessary to maintain and operate such system.

(b) REPAIR AND REHABILITATION OF SYSTEM.—The Secretary is authorized to enter into a cooperative agreement with York County, Virginia, under which the Secretary

will pay a portion, not to exceed \$110,000, of the costs of repair and rehabilitation of the sewage disposal system referred to in subsection (a).

(c) EFFECT OF AGREEMENT ON CHARGES, IMPACT, AND ALTERATIONS.—In consideration for the rights-of-way granted under subsection (a), in recognition of the contribution authorized under subsection (b), and as a condition of the transfer authorized by subsection (a), the cooperative agreement under subsection (b) shall provide for a reduction in, or the elimination of, the amounts charged to the National Park Service for its sewage disposal with respect to the Colonial National Historical Park, shall provide for minimizing the impact of the park's sewage disposal system on the park and its resources, and shall provide that such system may not be enlarged or substantially altered without the concurrence of the director of the National Park Service.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

TITLE IV—SHENANDOAH VALLEY BATTLEFIELDS

SEC. 401. SHORT TITLE.

This title may be cited as the “Shenandoah Valley Battlefields Partnership Act of 1995”.

SEC. 402. 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 of Civil War sites within a regional framework requires cooperation among local property owners and Federal, State, and local government entities; and
- (6) 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 the Civil War battlefields and related sites in the Shenandoah Valley.

SEC. 403. STATEMENT OF 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. 404. DEFINITIONS.

For purposes of this title:

- (1) BATTLEFIELD.—The term “battlefield” means 1 of 15 battlefields in the Shenandoah Valley, as identified in the report.
- (2) COMMISSION.—The term “Commission” means the Shenandoah Valley Battlefields Commission established by section 409.

(3) **HISTORIC CORE.**—The term “historic core” means the area that is so defined in the report, encompasses important components of a battle, and provides a strategic context and geographic setting for understanding the battle.

(4) **HISTORIC PARK.**—The term “historic park” means the Shenandoah Battlefields National Historic Park established under section 405(b).

(5) **PLAN.**—The term “plan” means the Shenandoah Valley Battlefields plan approved by the Secretary under section 406.

(6) **REPORT.**—The term “report” means the report prepared by the Secretary pursuant to the Civil War Sites Study Act of 1990 (Public Law 101–628; 16 U.S.C. 1a–5 note).

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

(8) **SHENANDOAH VALLEY.**—The term “Shenandoah Valley” means the Shenandoah Valley in the Commonwealth of Virginia.

SEC. 405. SHENANDOAH VALLEY BATTLEFIELDS NATIONAL HISTORIC PARK.

(a) **AUTHORIZATION.**—To carry out the purposes of this title, there is hereby authorized to be established the Shenandoah Valley Battlefields National Historic Park in the Commonwealth of Virginia. The Secretary shall establish in the Shenandoah Valley an administrative office and a location to provide information and interpretation with respect to the battlefields.

(b) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—The Shenandoah Valley Battlefields National Historic Park is hereby established upon publication by the Secretary in the Federal Register that—

(A) the Secretary has determined that the historic core of one or more of the battlefields is protected adequately to ensure the long-term preservation of the historic core in accordance with the plan; and

(B) the Secretary accepts administrative jurisdiction of such historic core.

(2) **CONTENTS OF HISTORIC PARK.**—The historic park shall consist of each historic core with respect to which the Secretary publishes a notice under paragraph (1).

(c) **ADMINISTRATION.**—The Secretary shall administer the historic park 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; 16 U.S.C. 1, 2, 3, 4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467). The Secretary shall protect, manage, and administer the historic park for the purposes of preserving and interpreting its natural, cultural, and historic resources and of providing for public understanding and appreciation of the battlefields, in such a manner as to perpetuate these qualities and values for future generations.

(d) **LAND ACQUISITION.**—If a historic core is included in the historic park—

(1) the Secretary may accept title from any private entity to any lands or interests therein within the historic core; and

(2) the Secretary may acquire from any willing seller lands and interests therein within the boundary of the historic core if the Secretary determines that such acquisition is essential to avoid significant changes to land use which the Secretary determines would have a significant adverse effect on the historic character of the historic core.

(e) **LIVING HISTORY DEMONSTRATIONS AND BATTLEFIELD ENACTMENTS.**—The Secretary shall allow, at any location in the historic park, 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 date of the enactment of this Act. The Secretary may allow, at any location in the historic park, any living history demonstration or battlefield reenactment that is not described in the preceding sentence but that the Secretary determines to be appropriate.

SEC. 406. SHENANDOAH VALLEY BATTLEFIELDS PLAN.

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

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

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

(2) identification of the historic cores that are appropriate for administration by the Secretary;

(3) a determination of the level of protection that is adequate to ensure the long-term preservation of each of the historic cores that is identified under paragraph (2) and measures recommended to accomplish such protection, which

may include (but need not be limited to) conservation easements, local zoning, transfer of development rights, or ownership by an entity dedicated to preservation of the historic resources of the battlefields;

(4) recommendations to the Commonwealth of Virginia (and political subdivisions thereof) regarding the management, protection, and interpretation of the natural, cultural, and historical resources of the battlefields;

(5) 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);

(6) 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;

(7) proposed locations for visitor contact and major interpretive facilities;

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

(9) 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 and contribute to the understanding of the battlefields; and

(10) 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) **IN GENERAL.**—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) **ADDITIONAL REQUIREMENTS.**—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 newspapers 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. 407. 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 with other Federal, State, or local agencies and private persons or organizations.

(b) **HISTORIC MONUMENTS.**—The Secretary may enter into an agreement with the owner of property that is located in the battlefields and on which an historic monument or tablet commemorating a relevant battle has been erected prior to the date of the enactment of this Act. 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.

(c) **AGREEMENTS AND PARTNERSHIPS NOT DEPENDENT ON INCLUSION IN HISTORIC PARK.**—The Secretary may establish a partnership or enter into an agreement under this section with respect to a battlefield regardless of whether or not the historic core area of the battlefield is included in the historic park.

SEC. 408. TECHNICAL ASSISTANCE PROGRAM.

(a) **TECHNICAL ASSISTANCE TO PROPERTY OWNERS.**—The Secretary may provide technical assistance to owners of property located within the battlefields to provide for the preservation and interpretation of the natural, cultural, and historical resources within the battlefields.

(b) **TECHNICAL ASSISTANCE TO GOVERNMENTAL ENTITIES.**—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.

(c) ASSISTANCE NOT DEPENDENT ON INCLUSION IN PARK.—The Secretary may provide assistance under this section with respect to a battlefield or historic core area regardless of whether or not the battlefield or historic core area is included in the Park.

SEC. 409. SHENANDOAH VALLEY BATTLEFIELDS COMMISSION.

(a) ESTABLISHMENT.—There is hereby established the Shenandoah Valley 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 (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) 1 member from a list of recommendations made by the Governor of Virginia.

(6) 1 member representing the interests of the National Park Service.

(c) APPOINTMENTS.—Members shall be appointed for the life of the Commission.

(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 title.

(m) MAILS.—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 upon the expiration of the 45-day period beginning on the date on which the Secretary approves the plan under section 406(d).

SEC. 410. DUTIES OF THE COMMISSION.

The Commission shall—

(1) develop the plan and draft plan referred to in section 406, in consultation with the Secretary;

(2) advise the Secretary with respect to 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 battlefields, 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 by landowners, local governments, organizations, and businesses.

SEC. 411. TERMINATION OF INCLUSION IN HISTORIC PARK.

(a) **IN GENERAL.**—A historic core that becomes part of the historic park shall continue to be included in the historic park unless—

(1) the Secretary determines that the protection of the historic core no longer meets the requirements of section 405(b)(1)(A); and

(2) after making a determination referred to in paragraph (1), the Secretary submits to the Congress notification that the historic core should cease to be included in the historic park.

(b) **PUBLIC HEARING.**—Before the Secretary makes a determination referred to in subsection (a)(1) regarding a historic core, the Secretary or a designee shall hold a public hearing within the vicinity of the historic core.

(c) **TIME OF TERMINATION OF INCLUSION.**—

(1) **IN GENERAL.**—A historic core shall cease to be included in the historic park upon the expiration of 90 legislative days after the Secretary submits to the Congress the notification referred to in subsection (a)(2) regarding the historic core.

(2) **LEGISLATIVE DAY.**—For purposes of this subsection, the term “legislative day” means any calendar day on which both Houses of the Congress are in session.

SEC. 412. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated not more than \$5,000,000 for development of the historic park, not more than \$2,000,000 for land acquisition pursuant to this title, not more than \$500,000 to carry out the purposes of sections 407 and 408, and not more than \$250,000 for any fiscal year for the operation of the Commission.

TITLE V—CUMBERLAND GAP NATIONAL HISTORICAL PARK

SEC. 501. ADDITION OF LANDS.

(a) **AUTHORITY.**—Notwithstanding the Act of June 11, 1940 (16 U.S.C. 261 et seq.), the Secretary of the Interior is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange not to exceed 10 acres of land or interests in land, which shall consist of those necessary lands for the establishment of trailheads to be located at White Rocks and Chadwell Gap.

(b) **ADMINISTRATION.**—Lands and interests in lands acquired pursuant to subsection (a) shall be added to and administered as part of Cumberland Gap National Historical Park.

PURPOSE OF THE BILL

The purpose of H.R. 1091 is to address a number of long-standing concerns 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.

BACKGROUND AND NEED FOR LEGISLATION

Shenandoah National Park. Shenandoah National Park was authorized in 1926. At the time it was authorized, the Federal Government did not conduct land acquisition for park purposes. Rather, Congress stipulated a 521,000-acre boundary and provided that after the Commonwealth of Virginia acquired the lands within the boundary and donated them to the Federal Government, the park would be established.

Virginia was never able to acquire all the lands originally envisioned by the Interior Department, and Congress ultimately reduced the minimum park size to 160,000 acres. In 1935, the park was established when Virginia donated about 190,000 acres to the Federal Government. The park now has about 196,000 acres in Federal ownership, but retains the 521,000-acre authorized boundary and can accept any donations of land within the overall larger boundary. Non-federal lands within the authorized boundary are either not necessary for park purposes or no longer contain park qualities. Additionally, the current boundary is a source of continual 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.

When Virginia donated the land to the Federal Government for the park, they donated portions of 19 county roads. The National Park Service (NPS) recently told Virginia that the Commonwealth could no longer maintain these county roads, since they did not serve a park purpose.

Richmond National Battlefield. The battlefield, which was authorized in 1936 to commemorate the siege of Richmond, also has a unique boundary arrangement. The authorizing statute permits the NPS 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 the lands included in the park in 1936. However, the existing law specifies that acquisition can only occur with donated funds (i.e. no funds may be appropriated for land acquisition). The park boundary encompasses about 250,000 acres of which the NPS administers 780. These boundaries pose problems identical to those relating to the boundary at Shenandoah National Park.

Colonial National Parkway. Colonial National Historic Park was established in 1930 to include Jamestown Island, site of the first permanent English settlement; Yorktown, site of the culminating battle of the American Revolution in 1781; a Civil War cemetery; and a 23-mile long parkway.

The Act establishing the unit precludes expanding the width of the existing parkway, and therefore legislation is required to effect this boundary change. The proposed acquisition is necessary to acquire the single location along the parkway where development could impact the view from the road. The bill also provides for transfer to the county of an existing sewer line which serves park inholders. This provision would eliminate NPS responsibility for this non-park use and allow private property owners to be served.

Shenandoah Valley Civil War Battlefields. In 1990, Congress enacted the Civil War Sites Study Act (section 1204 of Public Law 101-628). That law directed the Secretary of the Interior to prepare a study of Civil War sites within the Shenandoah Valley in Virginia. The study was completed in September of 1992 and transmitted to Congress in the summer of 1993.

The study notes that "the battlefields identified in this study collectively appear to meet criteria for national significance. The study shows that the Shenandoah Valley represents a unique geographic and historic resource: that it possesses tremendous scenic beauty and exceptional potential for interpreting aspects of the Civil War

that are currently not represented in the National Park System; * * * and that many portions of the Valley retain a high degree of historic, rural, and scenic integrity.”

Until recently, most of the Shenandoah Valley had remained in the same type of agricultural use since the Civil War. However, increasing development within the valley has begun to threaten the integrity of many of the key battlefield sites. H.R. 1091 would protect many of these through authorization of a unit of the National Park System, while encouraging partnerships with local governments, the Commonwealth, private landowners, and other interested entities to protect the historical resources of the Valley.

Cumberland Gap National Historical Park. When Cumberland Gap National Historic Park was authorized in 1940, it was authorized to include an unspecified 50,000-acre area in four countries in three different States. While the park currently consists of about 20,300 acres, a legislative boundary for the park has never been established. The 1940 Act also precludes the use of appropriated funds for the purpose of adding lands to the park. Therefore, unless special legislation is enacted, as has happened twice in the history of the park, lands may only be added to the park by donation. Donation is not always a feasible manner in which to preserve lands needed for park purposes.

COMMITTEE ACTION

H.R. 1091 was introduced on March 1, 1995, by Congressman Bliley. The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Forests and Lands. On March 9, 1995, the Subcommittee held a hearing on H.R. 1091, where Federal, State and local elected officials testified in support of the bill. On March 29, 1995, the Subcommittee met to mark up H.R. 1091. An amendment in the nature of a substitute was offered by Congressman Hansen. Congressman Richardson offered an amendment to strike the modification of the boundary of the Shenandoah National Park; the amendment was defeated by voice vote. Congressman Richardson offered an amendment to retain the existing boundary for the Richmond National Battlefield Park and strike the authority to condemn land for the park using donated funds; this amendment was defeated on a roll-call vote of 6–11, as follows:

Members	Yea	Nay	Present	Members	Yea	Nay	Present
Mr. Hansen, Chairman		X	.....	Mr. Richardson	X	.....	.....
Mr. Duncan	Mr. Rahall	X	.....	.....
Mr. Hefley		X	.....	Mr. Vento	X	.....	.....
Mr. Doolittle		X	.....	Mr. Kildee	X	.....	.....
Mr. Allard		X	.....	Mr. Williams .....		.....	.....
Mr. Pombo		X	.....	Mr. Faleomavaega	X	.....	.....
Mr. Torkildsen	Mr. Studds .....		.....	.....
Mr. Hayworth		X	.....	Mr. Romero-Barcelo .....		.....	.....
Mrs. Cubin		X	.....	Mr. Deal .....		.....	.....
Mr. Cooley		X	.....	Mr. Hinchey	X	.....	.....
Mrs. Chenoweth		X	.....	Mr. Underwood .....		.....	X
Mrs. Smith		X	.....			
Mr. Radanovich				
Mr. Shadegg		X	.....			

Congressman Richardson offered a third amendment to strike the establishment of the Shenandoah Valley Battlefields Partnership Act of 1995, which was defeated on a rollcall vote of 2–14–2, as follows:

Members	Yea	Nay	Present	Members	Yea	Nay	Present
Mr. Hansen, Chairman		X		Mr. Richardson	X		
Mr. Duncan				Mr. Rahall		X	
Mr. Hefley		X		Mr. Mr. Vento			X
Mr. Doolittle		X		Mr. Kildee			X
Mr. Allard		X		Mr. Williams			
Mr. Pombo		X		Mr. Faleomavaega		X	
Mr. Torkildsen		X		Mr. Studds			
Mr. Hayworth		X		Mr. Romero-Barcelo			
Mrs. Cubin		X		Mr. Deal			
Mr. Cooley		X		Mr. Hinchey	X		
Mrs. Chenoweth		X		Mr. Underwood			
Mrs. Smith		X					
Mr. Radanovich							
Mr. Shadegg		X					

The Hansen amendment in the nature of a substitute was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the Full Committee in the presence of a quorum.

On June 14, 1995, the Full Resources Committee met to consider H.R. 1091. An amendment in the nature of a substitute was offered by Congressman Hansen. Congressman Richardson offered an amendment to delete portions of the substitute pertaining to Richmond National Battlefield Park and Shenandoah National Park. The amendment failed on a rollcall vote of 12–19 as follows:

Members	Yeas	Nays	Present	Members	Yeas	Nays	Present
Mr. Young (Chairman)				Mr. Miller	X		
Mr. Hansen		X		Mr. Rahall			
Mr. Saxton		X		Mr. Vento			
Mr. Gallegly				Mr. Kildee	X		
Mr. Duncan		X		Mr. Williams	X		
Mr. Hefley		X		Mr. Gejdenson	X		
Mr. Doolittle		X		Mr. Richardson	X		
Mr. Allard		X		Mr. DeFazio			
Mr. Gilchrest				Mr. Faleomavaega			
Mr. Calvert		X		Mr. Johnson	X		
Mr. Pombo		X		Mr. Abercrombie	X		
Mr. Torkildsen		X		Mr. Studds	X		
Mr. Hayworth		X		Mr. Tauzin			
Mr. Cremeans		X		Mr. Ortiz			
Mrs. Cubin				Mr. Pickett		X	
Mr. Cooley		X		Mr. Pallone	X		
Mrs. Chenoweth		X		Mr. Dooley	X		
Mrs. Smith		X		Mr. Romero-Barcelo			
Mr. Radanovich		X		Mr. Hinchey			
Mr. Jones				Mr. Underwood	X		
Mr. Thornberry				Mr. Farr	X		
Mr. Hastings		X					
Mr. Metcalf							
Mr. Longley							
Mr. Shadegg		X					
Mr. Ensign		X					

Congressman Miller of California offered an amendment to change title IV of the bill from an authorization of a new park to a heritage area. This amendment was defeated by voice vote.

Congressman Pombo offered an amendment to limit the authority of the Secretary to acquire a 15-acre parcel for addition to Colonial National Historical Park to donation or exchange only. The amendment was agreed to on a rollcall of 17–14 as follows:

Members	Yeas	Nays	Present	Members	Yeas	Nays	Present
Mr. Young (Chairman)				Mr. Miller			
Mr. Hansen	X			Mr. Rahall			
Mr. Saxton		X		Mr. Vento			
Mr. Gallegly				Mr. Kildee		X	
Mr. Duncan	X			Mr. Williams		X	
Mr. Hefley		X		Mr. Gejdenson			
Mr. Doolittle	X			Mr. Richardson		X	
Mr. Allard	X			Mr. DeFazio			
Mr. Gilchrest				Mr. Faleomavaega			
Mr. Calvert	X			Mr. Johnson			
Mr. Pombo	X			Mr. Abercrombie		X	
Mr. Torkildsen		X		Mr. Studds			
Mr. Hayworth	X			Mr. Tauzin	X		
Mr. Creameans	X			Mr. Ortiz			
Mrs. Cubin	X			Mr. Pickett		X	
Mr. Cooley	X			Mr. Pallone		X	
Mrs. Chenoweth	X			Mr. Dooley		X	
Mrs. Smith	X			Mr. Romero-Barcelo		X	
Mr. Radanovich				Mr. Hinchey			
Mr. Jones				Mr. Underwood		X	
Mr. Thornberry				Mr. Farr		X	
Mr. Hastings	X						
Mr. Metcalf	X						
Mr. Longley		X					
Mr. Shadegg	X						
Mr. Ensign	X						

The Hansen amendment in the nature of a substitute, as amended, was adopted by voice vote, and the bill as amended was then ordered favorably reported by voice vote to the House of Representatives in the presence of a quorum.

SECTION-BY-SECTION ANALYSIS

TITLE I—RICHMOND NATIONAL BATTLEFIELD

Section 101. Modification of boundary

Section 101 provides a new boundary for Richmond National Battlefield Park. The current authorized boundary of nearly 250,000 acres contains substantial lands with no relationship to the purposes for which Richmond National Battlefield Park was established. The Committee heard testimony about how these unrealistic park boundaries have caused uncertainty for local citizens and governments. The newly authorized park boundary consists of a total of nearly 1700 acres, more than double the current area administered by the Secretary of the Interior. The Secretary would be authorized to accept approximately 907 acres through donation of four separate tracts of land in Henrico and Hanover Counties.

The Committee understands that the NPS is currently conducting a general management plan for the park which includes a review of the existing park boundary. The Committee believes that the NPS should complete that study. In fact, the bill directs the NPS to work with the Commonwealth, local governments and pri-

vate property owners to develop alternatives for protection of the New Market Battlefield.

If further boundary modifications are warranted based on the results of ongoing studies, they would be considered at a later date. However, the Committee strongly believes that further modifications to the boundary at Richmond National Battlefield Park should be made through the congressional process rather than by the park superintendent.

Section 102. Repeal of provision regarding property acquisition

Section 102 conforms the original park establishment legislation to the newly authorized park boundary.

Section 103. Administration

Section 103 clarifies that Richmond National Battlefield Park is to be managed in accord with the Historic Sites Act of 1935.

TITLE II—SHENANDOAH NATIONAL PARK

Section 201. Modification of boundary

Section 201 provides for establishment of a new boundary for Shenandoah National Park. The Shenandoah National Park boundary of 521,000 acres was authorized in 1926. The Federal Government currently administers only about 196,500 acres within the authorized boundary. In the 70 years since the park boundary was established, many of the lands within the original boundary have been developed, making them no longer suitable for inclusion in the park. In addition, the existence of the larger park boundary has led to considerable uncertainty on behalf of park neighbors with respect to the future of their private property. The Committee is aware of no serious support for retaining the 521,000-acre park boundary.

The Committee did not receive any testimony that the current lands administered by the NPS are inadequate to achieve the purposes of the park. The Committee is aware that the NPS is currently conducting a review of whether additional lands should be added to the park. However, based on past history, it appears that it will be many years before a consensus is achieved on any new park boundary. The Committee strongly believes that future boundary modifications should be made at this park through the congressional process, rather than by the superintendent.

Section 201(b) provide authority to make future minor boundary adjustments to ensure continued public access to Shenandoah National Park at existing trailheads.

All minor boundary adjustments accomplished pursuant to this authority shall be by donation. Further, it is the intent of the Committee that such boundary adjustments only be pursued if there are no other practicable alternatives. If providing additional needed parking on existing Federal lands is a feasible solution to overcrowding of parking lots, such a solution must be pursued prior to adding to any additional land to the park.

The Committee is aware that park visitor use is having negative impacts on communities and private property owners adjacent to the park. This is particularly true at Old Rag Mountain. The Com-

mittee intends for the NPS to aggressively pursue resolution to these concerns through efforts including but not limited to: providing adequate and appropriately sited parking, increased staffing during peak visitation times, providing adequate public sanitation, redirecting visitors to less congested trailheads and working with local jurisdictions to manage illegal parking.

Section 202. Requirement of transfer of county road corridors

Section 202 provides for the transfer, without consideration, of 19 road corridors from the Federal government to the Commonwealth of Virginia. These roads were originally donated by the Commonwealth to the Federal Government, but are currently managed by the Commonwealth under permit. The Committee believes that direct ownership and management of these lands by the Commonwealth would best serve the interests of the local users, and therefore supports this transfer. The Committee supports the transfer of a road corridor of 50 feet in width to permit essential maintenance and safety modification of the roads. It is the understanding of the Committee that this provision will transfer a total of about 16 acres from the Federal Government to the Commonwealth.

TITLE III—COLONIAL NATIONAL HISTORICAL PARK

Section 301. Modification of boundary

Section 301 provides for a modification of the boundary at Colonial National Historical Park order to acquire approximately 20 acres in the Page Landing Development immediately adjoining the Colonial Parkway. This land is currently owned by the Conservation Fund.

Colonial National Historical Park consists of Jamestown, site of the 1607 English colony; Yorktown, site of the British surrender that marked the end of the American Revolution; and the 23 mile long Colonial Parkway that links those two sites and Colonial Williamsburg. The Colonial Parkway, built in the 1930's, winds through the Virginia tidewater and provides a scenic route designed to enhance the visitor's experience and to highlight the natural surrounding the early colonists found.

In most areas of the parkway, the NPS owns a 500-foot wide corridor, 250 feet on either side of the centerline. In one area, it only owns a 200-foot wide corridor which recently has been threatened with residential development. If housing developed on this tract, there would be some impact on the vistas from the road. The land in question was identified in the park's General Management Plan as appropriate for acquisition. The bill provides that these lands may only be added to the park by donation or exchange.

Section 302. Transfer of sewage disposal system and rights-of-way

Section 302 transfer a sewage disposal system from the NPS to York County, Virginia. In 1948 and 1956 Congress directed the NPS to construct two sewer systems, in Yorktown and to the Moore House, part of Colonial National Park. The 1948 law directed that a fair and reasonable proportionate share of the cost of construction and of the annual cost incidental to its maintenance and operation be charged to the private owners. The 1956 Department View justi-

fied the action because of the increased needs and “extenuating circumstances” associated with the 350th anniversary celebration of the founding of Jamestown but stated “this Department is reluctant to become further involved in the operation and maintenance of public utilities in the Yorktown areas.” The NPS constructed and operated the two lines until 1986 when maintenance (and use fees) were transferred to York County. There are 36 private residences on the Moore House sewer line. York County estimates that rehabilitation of the line would cost \$203,000 and has passed a resolution that it would not accept the line without sure rehabilitation.

Section 302(a) authorizes the Secretary to transfer without reimbursement that portion of the existing sewage disposal system located within the Colonial National Historical Park to York County, Virginia.

Section 302(b) authorizes the Secretary to enter into a cooperative agreement to pay a portion of the costs of repair and rehabilitation of the sewage disposal system not to exceed \$110,000. The total estimated cost of the upgrade is \$203,000. The Committee believes this cost sharing equitable given the public and private uses of the sewage disposal system.

Section 302(c) provides that the cooperative agreement with York County, Virginia, will provide for a reduction in, or elimination of, the amounts charged to the NPS for its sewage disposal. It directs that the cooperative agreement shall provide for minimizing the impact of the sewage disposal system on the park and its resources, and that it shall not be enlarged or substantially altered without NPS concurrence. The reduction or elimination in the fees charged to the National Park System is in compensation for access being given to park land for purposes that are partially private. The language in this section in no way precludes normal maintenance and repair activities.

Section 303. Authorization of appropriations

This section authorizes appropriations of such sums as may be necessary.

TITLE IV—SHENANDOAH VALLEY BATTLEFIELDS

Section 401. Short title

Section 401 provides that this title can be cited as the “Shenandoah Valley Battlefields Partnership Act of 1995”.

Section 402. Congressional findings

This section provides findings for the title.

Section 403. Statement of purpose

This section provides a purpose for the title.

Section 404. Definitions

This section defines “battlefield”, “commission”, “historic core”, “historic park”, “plan”, “report”, “Secretary”, and “Shenandoah Valley”.

Section 405. Shenandoah Valley Battlefields National Historic Park

This section authorizes the establishment of Shenandoah Valley Battlefields National Historic Park. In 1992, the NPS completed a study of the important Civil War engagements which occurred in the Shenandoah Valley in the Commonwealth of Virginia. The NPS study found these battlefields to be nationally significant, and found that they were a suitable and feasible addition of the NPS.

The NPS found that there were 15 primary battlefields dating from Stonewall Jackson's 1862 Valley Campaign and General Sheridan's 1864 campaign. Of the 85,000 acres within the battlefields, approximately 29,000 acres comprise the historic core areas consisting of the primary areas of armed conflict.

Despite the significance of these resources, the Committee is generally concerned about establishing new units of the NPS, at a time when the agency lacks funds necessary to carry out its mission of resource management and visitor services at existing park areas. Therefore, the Committee has adopted an approach which requires a partnership among all levels of government, and the private sector, to ensure adequate preservation of these important resources in the Shenandoah Valley.

Upon enactment of the legislation, the Secretary would be directed to open an administrative office and visitor contact point in the Shenandoah Valley, however the park would not be established until local and private interests have combined to ensure the long term protection of one or more of the battlefield core areas.

Section 405(b) provides that the park would not be established until the Secretary finds that one or more of the historic core areas is adequately protected. The number of historic core areas which could ultimately be included in the park would be determined by the Secretary.

Section 405(c) provides that once established, the area shall be administered as a unit of the National Park System.

Section 405(d) specifies the manner in which lands can be added to the park. The Secretary may accept donations of land only from private property owners. In the spirit of cooperation envisioned under this legislation, other public lands will remain the responsibility of other levels of government. The Secretary's acquisition authority is limited to willing sellers only, and can only be exercised when uses are being considered which would have a significant adverse impact on park values. Only \$2 million is authorized for Federal land acquisition, since the approach envisioned for protection of resource values at this park indicates a very limited role for Federal acquisition.

Section 406. Shenandoah Valley Battlefields Plan

Section 406 provides for the preparation of the Shenandoah Valley Battlefield Plan. The key provisions in this plan provide for: (1) determining an adequate level of protection to ensure the long term preservation of any historic core area and (2) core areas are appropriate for administration by the Secretary.

Section 407. Cooperative agreements

Section 407 provides for the Secretary to enter into cooperative agreements to advance the purposes of the plan prepared subject

to section 406. The Committee encourages the use of such agreements to reduce the costs of plan implementation.

Section 408. Technical Assistance Program

Section 408 provides for the Secretary to provide technical and financial assistance to further the purposes of the plan. The Committee envisions less use of this authority than cooperative agreements and has only provided a \$500,000 ceiling under this authority.

Section 409. Shenandoah Valley Battlefields Commission

Section 409 provides for the establishment of the Shenandoah Valley Battlefield Commission. The primary duty of the 19-member commission is the preparation of the plan. The commission shall terminate 45 days after the plan is approved by the Secretary.

Section 410. Duties of the Commission

This section provides the duties for the Commission, which include the preparation of the plan and draft plan under section 406, advise the Secretary regarding the battlefields, assist the Commonwealth of Virginia, take appropriation action to encourage protection of the battlefields by landowners, local governments, organizations, and businesses.

Section 411. Termination of inclusion in historic park

Section 411 provides a process for de-authorization of any historic core, if the Secretary determines that it is no longer adequately protected. The long term preservation of historic core areas to be included in this park is likely to rely to some degree on the efforts of park partners. The Committee has no reason to expect that potential cooperators will not be just as protective of resource values as the Federal Government. However, if the historic core area is altered to the point where its integrity is no longer protected, the Secretary would be authorized to revise the park boundary accordingly.

Section 412. Authorization of appropriations

Section 412 provides for the authorization of funding to carry out the purposes of the Act.

TITLE V—CUMBERLAND GAP NATIONAL HISTORICAL PARK

Section 501. Addition of lands

Section 501 provides for the acquisition of land at two trailheads at Cumberland Gap National Historical Park. A total of 10 acres is authorized for acquisition to ensure the opportunity for continued public access to the Virginia portion of this park.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(l)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(l) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 1091 will have no significant inflationary impact on prices and costs in the operation of the national economy.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 1091 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. With respect to the requirement of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 1091.

3. With respect to the requirement of clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 1091 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 5, 1995.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 1091, a bill to improve the National Park System in the Commonwealth of Virginia, as ordered reported by the House Committee on Resources on June 14, 1995. Assuming appropriation of the necessary amounts, we estimate that implementing this bill would cost the federal government \$2.1 million over the next four years (including new annual operating costs between \$0.1 million and \$0.2 million beginning in 1996). Depending on the outcome of plans developed under Title IV, and depending on the appropriation of the necessary amounts, discretionary spending would increase after 1999 by \$3.5 million and \$7.5 million to acquire and develop new park resources, and by \$0.2 million to \$1 million per year to manage those new resources. H.R. 1091 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

Bill Purpose. H.R. 1091 would adjust the boundaries of four national parks. In conjunction with each boundary modification, the bill would amend the existing authority of the National Park Service (NPS) to acquire and/or convey land and other property. The affected parks are:

Richmond National Battlefield Park and Shenandoah National Park: The bill would limit the size of these parks to the number

of acres already in federal ownership, plus (for Richmond) four new tracts currently scheduled to be donated to the NPS under existing authority. For both parks, the bill would repeal or restrict the agency's existing acquisition authority. In addition, Title II would direct the Secretary of the Interior to transfer (without reimbursement) to Virginia several county road corridors that the commonwealth had previously donated to the federal government.

Colonial National Historical Park: Title III would authorize the NPS to include within the park a 20-acre strip of land along the Colonial Parkway. The agency could only acquire the property by donation. This title also would authorize the NPS to transfer (without reimbursement) to York County a portion of a sewage disposal system located within the park. Section 302 would authorize the agency to contribute up to \$110,000 toward the cost of rehabilitating the system.

Cumberland Gap National Historical Park: Title V would authorize the NPS to purchase or otherwise acquire up to 10 acres of land in Virginia and Tennessee, which would then be added to the historical park.

Finally, Title IV would authorize the Secretary of the Interior to establish the Shenandoah Valley Battlefields National Historic Park. This title would create a Shenandoah Valley Battlefields Commission, which would have three years to develop a management plan for significant Civil War battlefields in Virginia. The plan would identify appropriate partnerships between the NPS and other organizations that could be used to limit the federal government's role in managing some or all of the battlefields. Within this context, the commission would: (1) identify historic core areas of battlefields appropriate for federal administration, (2) determine the level of protection needed to ensure long-term preservation of those areas, and (3) recommend measures to facilitate such preservation, including conservation easements, local zoning, and private involvement. Pending completion of the commission's plan, federal involvement to protect and interpret the battlefields would be limited to operating a visitor contact center and administrative office, which the NPS would establish soon after the bill is enacted. Once the plan has been completed, the NPS would determine which if any of 15 historic core sites warrant direct federal management. Upon acquiring an interest in one or more historic cores, the agency would establish the national park. Title IV would authorize the NPS to acquire land within the park by donation and (when necessary to protect the historic integrity of resources) purchase from willing sellers. Other provisions of this title would authorize the NPS to provide technical and financial assistance to local property owners, government agencies, and other interested parties.

Section 412 would authorize appropriations to carry out Title IV, including: (1) \$2 million for land acquisition, (2) \$5 million for park development, (3) \$0.5 million for local assistance, and (4) \$0.25 million annually for commission expenses.

Costs to the Federal Government. The cost estimate has three components. First, CBO estimates that the NPS and the battlefields commission would spend a total of about \$1.3 million over the next four years to prepare the battlefields plan and complete other needed studies and reports. Other one-time costs of imple-

menting Title IV would depend on the battlefields plan, which would probably not be finalized until 1999. If no national park is established at the time, further federal investment probably would be limited to the \$0.5 million authorized for local assistance (some of which might be spent before 1999). If, on the other hand, at least one of the 15 sites becomes a national park, we estimate that the NPS would spend an additional \$3 million to \$5 million to construct a permanent visitor center and develop interpretive programs. Land acquisition costs would range from none to \$2 million, depending on the number (if any) of privately owned sites that would have to be purchased. Most spending for these purposes would occur after fiscal year 1999.

Second, the NPS would spend \$0.06 million during the 1996–1999 period to establish and operate a leased administrative office and visitor contact station in the Shenandoah Valley. Operating costs in later years would depend on whether a national park is established and on the number and acreage of sites therein. Annual spending would range from \$0.2 million (to continue operating an administrative office, in the event that no park is established) to more than \$3 million (to operate all 15 sites). Because CBO believes that the park would comprise no more than a few sites, we estimate that operating costs would probably be less than \$1 million per year.

Third, implementing Titles III and V of H.R. 1091 would cost about \$0.2 million, assuming appropriation of the necessary sums. Of this amount, about half would be paid to York County for sewer rehabilitation in 1996 and the rest would be used to purchase land at Cumberland Gap over the next year or two.

For purposes of these estimates, CBO has assumed that H.R. 1091 will be enacted late in fiscal year 1995 and that the necessary amounts will be appropriated as needed over the following fiscal years. All estimates were developed on the basis of information provided by the NPS, local organizations, and property owners.

Enactment of this bill would have no impact on the budgets of states or local governments.

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

Sincerely,

PAUL VAN DE WATER
(For June E. O'Neill, Director).

DEPARTMENTAL REPORTS

The Committee received the following departmental report on H.R. 1091.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, May 22, 1995.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: In the near future the Committee on Resources will mark up H.R. 1091, a bill concerning various national parks in the Commonwealth of Virginia. We have serious concerns

regarding H.R. 1091 and request that the bill be amended as discussed below.

TITLE I: RICHMOND NATIONAL BATTLEFIELD PARK

Title I would modify the boundary and limit the size of the Richmond National Battlefield Park (RNBP) to the land the National Park Service currently owns and to four parcels which are in the process of being donated to RNBP. Current authorities to acquire land by donation or by purchase using donated funds and the RNBP's eminent domain authority would be eliminated. Any future acquisition would require Congressional action and approval. We oppose enactment of Title I because it would unduly restrict our ability to protect the integrity of sites currently a part of the RNBP and would prevent us from even accepting as a donation other sites with significant resources that are currently unprotected. We request that the Congress defer action on this title for 6 months so we can complete our planning process and provide the Congress a recommendation for a revised boundary based on a plan that will have been subject to public review and comment.

Richmond National Battlefield Park's enabling legislation allowed the Secretary of the Interior to assemble lands, structures, or other properties in the military battlefield area within 5 miles of the city limits of Richmond (an area of approximately 350 square miles in size) to create the RNBP. When established in 1936, most of the lands and resources associated with the RNBP were located outside the city's suburban perimeter, were relatively well-protected and did not face development pressures. During the last 20 years extensive population growth expanding development throughout the Richmond area threatens these sites.

As mandated by Congress, the National Park Service has been involved in a planning process to determine the significant resources associated with the RNBP and how best to protect those resources. We currently are in the final stages of this process. We have determined that the military battlefield area encompasses approximately 32,000 acres, of which about 6,000 acres meet the criteria for addition to the National Park System. Public meetings, scheduled for this summer, will discuss protection alternatives, including proposals for State, local and private involvement.

We would support amendments to the RNBP's enabling legislation to modify the language that defines the area in which land may be acquired for the RNBP. Revised language should take into consideration the resources associated with the Battlefield and the original purposes for its establishment. A more definitive limitation would be welcome but it should be based on sound research regarding the extent and the integrity of the resources at RNBP, not just their current availability.

TITLE II: SHENANDOAH NATIONAL PARK

Title II has two parts. The first part, Section 201, 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 enact-

ment of Section 201 as currently written and recommended that this section be modified.

We clearly understand the need to modify the legislated boundary within which land can be acquired (only through donation) for Shenandoah National Park. However, limiting the National Park Service's ability to acquire land only 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. 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 already made provisions to donate land to the park or may desire to 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 possible inclusion. This study will be completed in the next 2 years. After the study is completed we can then prepare a recommendation for a boundary modification. We request that the Congress defer action on a boundary modification until that recommendation is completed. If congressional action is essential at this time, we recommend that the enabling legislation be amended to limit the ability of the park to acquire land through donation only in situations that satisfy the restrictions stated in Section 201(B).

Part two (Section 202) would transfer a group of secondary road segments from the National Park Service to the Commonwealth of Virginia. We do not object to the transfer of the road corridors as they currently exist. However, we do object to the transfer of 50-foot wide corridors in addition to the existing road corridors. We recognize that the purpose of transferring these roads is to ensure the continued upkeep and maintenance and, where necessary for safety reasons, the upgrading of the existing road prisms. However, the goal should be to maintain the roads as they are currently used, not to create wider road corridors that would change the nature of the park.

These roads are adjacent to, or in some instances cross through, the park. Many significant resources, both natural (e.g. streams), and in some instances cultural (e.g. Civil War sites), are adjacent to the roads and would be within the 50-foot corridors. Although maintenance of the current secondary roads is compatible with the park, significant expansion of the roads into the 50-foot corridors would have a negative impact on park resources and would change the nature of the roads and the character of the park in their vicinity.

TITLE III: COLONIAL NATIONAL HISTORICAL PARK

Title III provides for a boundary modification at Colonial National Historical Park and for a transfer of existing sewage treatment systems from the National Park Service to York County, Virginia. We support enactment of this title and recommend that it be removed from H.R. 1091 and reported as an independent bill. It would resolve a number of problems at Colonial and will improve management of the park. A similar bill has been reported out of the Senate Committee on Energy and Natural Resources.

TITLE IV: SHENANDOAH VALLEY BATTLEFIELDS

Title IV would establish a new unit of the National Park System, the Shenandoah Valley Battlefields National Historical Park. The National Park Service recognizes that many of the resources in the Shenandoah Valley are significant and deserve some kind of protection. However, we do not feel that the bill as drafted will protect them adequately as a national park. We recognize that many people in the Shenandoah Valley support the idea of a national park. The idea of creating a national park in the valley is one of five alternatives the National Park Service studied. In our study we recommended instead that the National Park Service "play a role in planning and interpretation within a Partnership Park or National Heritage Corridor framework."

As currently drafted, the bill would set up the heritage corridor concept, but then create a national park unit that would be administered as are other units of the system. We believe the Shenandoah Valley should be a national heritage area and not a unit of the National Park System. Two similar bills, H.R. 1280 and H.R. 1301, would create a national heritage system. Both bills would establish a mechanism for nationally recognizing and assisting in the protection of resources such as those in the Shenandoah Valley. We believe that heritage area designation would be a more appropriate way to bring together the resources of the National Park Service with those of the State and local governments and the private sector to develop strategies to protect and interpret resources on predominantly non-Federal lands. This would give citizens within the heritage area the long-term responsibility to implement and carry out the plans to protect those resources and build on those plans as integral parts of the community's future growth and development.

Given the scattered location of the sites, the small acreage of the sites, and the fact that the long-term protection of the sites and their integrity will be dependent on local and private land-use decisions outside the control of the National Park Service, we believe that the appropriate mechanism for recognizing and protecting the resources of the Shenandoah Valley is through a national heritage area designation. To justify the description of national significance, a protected area must be sufficiently large to encompass the full experience of the historical events giving rise to the site. Without full land-use controls of adjacent private lands, and arising from enforceable planning and zoning, many of the areas contemplated for inclusion in a park would not be of national significance.

The National Park Service faces serious challenges as the protector of the Nation's significant natural and cultural resources. When park units were established in the 1930's the development pressures were very different than those of today. The purposes for which parks were established and the values that they were designed to protect and preserve are as real today as they were then. We request that H.R. 1091 be amended to reflect our concerns or that action be deferred until such time that the National Park Service can make recommendations on park boundaries based on planning decisions that consider the parks' integrity and long-term protection. We also ask that you consider designating the Shenandoah Valley Battlefields as a national heritage area to assist State, local and private efforts in the protection and interpretation of such areas where these resources are best protected through a partnership strongly dependent on local initiative and decision making.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

GEORGE T. FRAMPTON, Jr.,
Assistant Secretary for Fish and Wildlife and Parks.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the 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):

ACT OF MARCH 2, 1936

AN ACT To provide for the establishment of the Richmond National Battlefield Park, in the State of Virginia, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That when title to all such lands, structures, and other property in the military battlefield area or areas in the city of Richmond, Virginia, or within five miles of the city limits of said city or within five miles of the boundary of the present Richmond Battlefield State Park, as shall be designated by the Secretary of the Interior, in the exercise of his discretion as necessary or desirable for national battlefield park purposes, shall have been vested in the United States, such area or areas shall be, and they are hereby, established, dedicated, and set apart as a public park for the benefit and inspiration of the people and shall be known as the "Richmond National Battlefield Park": *Provided,* That such area or areas shall include, at least, the Richmond Battlefield Parks now belonging to the State of Virginia.

[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, interest 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 ac-

quired 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.】

SECTION 1. (a) In order to preserve the site of the 1862 Peninsula Campaign and the 1864–65 battle of Richmond, in the vicinity of Richmond, Virginia, as a national battlefield park for the benefit and inspiration of the people of the United States, there is hereby established, subject to existing rights, the Richmond National Battlefield Park (hereinafter in this Act referred to as the “Park”).

(b) The Park shall consist of—

(1) lands, waters, and interests therein within the area generally depicted on the map entitled “Richmond National Battlefield Park, Land Status Map”, numbered 367/92,000, and dated September 1993; and

(2) upon donation of title acceptable to the Secretary of the Interior (and acceptance by the Secretary), the following tracts: a tract of 750 acres at Malvern Hill, a tract of 15 acres at Beaver Dam Creek, a tract of 100 acres at Cold harbor, and a tract of 42 acres at Bethesda Church.

(c) As soon as practicable, the Secretary of the Interior shall complete a boundary map (including tracts referred to in subsection (b)(2)) for the Park. The map required by this subsection and the map referred to in subsection (b)(1) shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior.

(d) The Congress recognizes the national significance of the Battle of New Market Heights and declares it to be in the public interest to ensure the preservation of the New Market Heights Battlefield so that an important aspect of American history can be interpreted to the public. The Congress directs the Secretary to work cooperatively with the Commonwealth of Virginia, the county of Henrico, Virginia, and property owners within or impacted by the battlefield area to develop alternatives to ensure implementation of these goals. The Secretary shall submit a report outlining such alternatives to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate no later than June 1, 1996.

SEC. [3.] 2. 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).