

## Calendar No. 136

106TH CONGRESS }  
*1st Session* }

SENATE

{ REPORT  
106-66

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### LOESS HILLS PRESERVATION STUDY ACT OF 1999

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JUNE 7, 1999.—Ordered to be printed

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

### REPORT

[To accompany S. 776]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 776) to authorize the National Park Service to conduct a feasibility study for the preservation of the Loess Hills in western Iowa, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 3, line 6, following the words “conduct a”, insert the words “suitability and”.
2. On page 5, line 3, insert the words “not to exceed” after the word “Act”.

#### PURPOSE OF THE MEASURE

The purpose of S. 776 is to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of designating the Loess Hills in western Iowa as a unit of the National Park System, or such other appropriate designation, to protect and preserve the area’s natural, cultural, and historic resources.

#### BACKGROUND AND NEED

The Loess Hills of western Iowa form a distinctive topographic region that extends in a narrow band along the eastern border of the Missouri River valley from the Missouri state line to the Plymouth County area north of Sioux City. Loess is a wind-deposited sediment composed predominantly of silt-sized quartz grains. The deposits are as thick as 200 feet. Only in China are Loess deposits as thick as the Iowa deposits. Therefore, the Loess Hills represent

the best example of loess topography in the United States. Two sites in the Loess Hills were designated “National Natural Landmarks” in 1985. The Turin site contains 7,440 acres and the Little Sioux/Smith Lake site contains 2,980 acres. The Turin site contains the largest expanse of undisturbed prairie in Iowa and the Little Sioux/Smith Lake site is associated with a long history of scientific study of loess deposits.

The Iowa State Legislature, the Governor and the Loess Hills Alliance are all interested and supportive of efforts to preserve the area. On March 5, 1999 the Alliance adopted bylaws for the creation of a nonprofit organization to protect special natural and cultural resources while ensuring economic viability of the region through the creation of a common vision for Iowa’s Loess Hills.

#### LEGISLATIVE HISTORY

S. 776 was introduced by Senator Grassley and Senator Harkin on April 13, 1999. On April 15, 1999 the Subcommittee on National Parks, Historic Preservation and Recreation held a hearing on the following two bills regarding the Loess Hills in western Iowa:

(1) S. 589, a bill to require the National Park Service to undertake a study of the Loess Hills area in western Iowa to review options for the protection and interpretation of the area’s natural, cultural, and historical resources, introduced by Senator Harkin; and

(2) S. 591, a bill to authorize a feasibility study for the preservation of the Loess Hills in western Iowa, introduced by Senator Grassley.

Both bills are similar to S. 776.

At its business meeting on May 19, 1999, the Committee on Energy and Natural Resources ordered S. 776, favorably reported, as amended.

#### COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on May 19, 1999, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 776, as amended as described herein.

#### COMMITTEE AMENDMENT

The amendment made two technical and conforming changes to the bill.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* designates the bill’s short title as the “Loess Hills Preservation Study Act of 1999”.

*Section 2* lists the findings which state the Loess Hills encompasses 600,000 acres in western Iowa; the area is the largest Loess formation in the United States and one of the two largest in the world; portions remain undeveloped and protect and preserve an historic, rare and unique natural resource; a program to study the area can only be successful with the cooperation and participation of local governments and landowners; the Loess Hills area was designated a National Natural Landmark in 1986; increasing develop-

ment threatens the future stability and integrity of the area; and the Loess Hills area merits further study by the National Park Service, in cooperation with the State of Iowa, local governments and affected landowners. The purpose is to authorize the Secretary of the Interior to conduct a suitability and feasibility study to determine what measures should be taken.

*Section 3* defines key terms used in the bill.

*Section 4* (a) directs the Secretary to undertake a study of the Loess Hills area to review options for the protection and interpretation of the area's natural, cultural and historical resources. The study must include an analysis of the suitability and feasibility of designating the area as: a unit of the National Park System, a National Heritage Area or Heritage Corridor or such other designation as may be appropriate.

Subsection (b) states that the study is to examine the appropriateness and feasibility of cooperative protection and interpretive efforts between the United States, the State, its political subdivisions, and non-profit groups and interested parties.

Subsection (c) requires the Secretary to consult with State and local government entities, affected landowners and other interested public and private organizations and individuals.

Subsection (d) requires the study to be completed within one year after funds are made available. Within 30 days of its completion, a report of the study, along with recommendations, is to be sent to the Senate Energy and Natural Resources Committee and the House of Representatives Committee on Resources.

*Section 5* authorizes funds not to exceed \$275,000 to carry out the purposes of this Act.

#### COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, May 25, 1999.*

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

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 776, the Loess Hills Preservation Study Act of 1999.

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

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

*S. 776—Loess Hills Preservation Study Act of 1999*

S. 776 would direct the Secretary of the Interior to conduct a study of options to protect and interpret the Loess Hills area of Iowa. The study would analyze the suitability and feasibility of establishing the area as a unit of the National Park System (NPS),

a National Heritage Area or Heritage Corridor, or other similar designation. The bill would authorize the appropriation of up to \$275,000 to conduct the study, and it would require the Secretary to report on its findings and recommendations within one year of receiving funds.

Assuming appropriation of the authorized amount, CBO estimates that implementing S. 776 would cost the federal government \$275,000 over the next year to complete the required study and report. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. S. 776 contains no inter-governmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 776. The bill is not a regulatory measure in the sense of imposing Government-established standards of 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 enactment of S. 776, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

At the Subcommittee hearing a representative from the National Park Service testified in support of S. 589 and S. 591. Both bills are similar to S. 776. The Department's testimony follows:

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

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on S. 589, a bill to provide for a study of the Loess Hills in western Iowa to review options for the protection and interpretation of the area's natural, cultural, and historical resources, and S. 591, which would also authorize a feasibility study for the preservation of the Loess Hills in western Iowa. The National Park Service supports the purposes of both bills. We support S. 589 as drafted. With respect to S. 591, we would be pleased to work with the Subcommittee to provide technical and clarifying amendments.

Both S. 589 and S. 591 would authorize the Secretary of the Interior to undertake a study of the Loess Hills, which range across six counties in western Iowa. A study would determine whether the areas are suitable and feasible to

become a new addition to the National Park Service and would explore a partnership of non-Federal options for the protection and interpretation of the area's resources.

Loess is a wind-deposited sediment composed predominantly of silt-sized quartz grains derived from desert surfaces, alluvial valleys, or glacial outwash plains. Colder winter temperatures caused a seasonal reduction in meltwater discharge that enabled prevailing westerly winds to lift the exposed outwash sediments into great clouds of dust and carry the finer material eastward. Subsequent erosion of this unusual accumulation of loess has created a unique landscape reminiscent of the badlands. The deposits of quartz silt that compose the hills are loosely compacted and porous, light in weight, and quite cohesive when dry. Nearly vertical slopes are maintained where the hills are deeply eroded. A striking feature of many steeper slopes is uniform, step-like terraces, known as "catsteps," which appear to result from repeated downslope soil movement.

Iowa's Loess Hills, which form a distinctive topographic region that extends in a narrow band along the eastern border of the Missouri River valley from the Missouri state line to the Plymouth County area north of Sioux City, are unique in this nation. Hills of this type can be found in only one other country in the world, that being the Republic of China. In recognition of their national significance, a portion of the Loess Hills in Monona and Harrison counties was designated as a National Natural Landmark in 1985. The Loess Hills represent the best example of loess topography not only in the Central Lowlands Natural Region, but also in the United States.

In past years, the National Park Service has created its own priority list for special resources studies and the Loess Hills have been included as a priority for study. In accordance with Public Law 105-391, the National Park Service recently presented a priority list of studies to Congress for its consideration. This list includes the Loess Hills.

Secretary Babbitt personally visited the Loess Hills last year and agrees with the Park Service's long-standing position that this area merits study to identify the best way to protect this unique area.

Since 1996, the agency's Rivers and Trails Conservation Assistance Program (RTCA) has been working with local units of government and interest groups to develop a scenic by-way system in the Loess Hills. RTCA has agreed to assist the Loess Hills Alliance in a series of public meetings to discuss a variety of protection techniques for the area, including options that do not involve Federal or State ownership or management. These efforts will enable us to be fully inclusive of these partners in carrying out the study as proposed in S. 589.

This completes my statement. I will be pleased to answer any questions you or other members of the Subcommittee may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by S. 776, as ordered reported.

