

WILSON'S CREEK NATIONAL BATTLEFIELD BOUNDARY  
ADJUSTMENT ACT OF 2004

SEPTEMBER 7, 2004.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,  
submitted the following

R E P O R T

[To accompany H.R. 4481]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4481) to amend Public Law 86-434 establishing Wilson's Creek National Battlefield in the State of Missouri to expand the boundaries of the park, and for other purposes, 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 all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Wilson's Creek National Battlefield Boundary Adjustment Act of 2004".

**SEC. 2. EXPANSION OF BOUNDARIES, WILSON'S CREEK NATIONAL BATTLEFIELD, MISSOURI.**

(a) **BOUNDARY EXPANSION; PRIVATE PROPERTY PROTECTIONS.**—The first section of Public Law 86-434 (16 U.S.C. 430kk) is amended—

(1) by striking "That the Secretary" and inserting the following:

**"SECTION 1. WILSON'S CREEK NATIONAL BATTLEFIELD: ESTABLISHMENT AND ACQUISITION OF LANDS.**

"(a) **ESTABLISHMENT, INITIAL BOUNDARIES.**—The Secretary"; and

(2) by adding at the end the following new subsections:

"(b) **EXPANSION OF BOUNDARIES.**—(1) The boundaries of the Wilson's Creek National Battlefield are revised to include lands and interests therein consisting of six parcels totaling 615 acres and identified as parcels '1, 2, 3, 4, 5, and 6' on the map entitled 'Wilson's Creek National battlefield Proposed Boundary', numbered 410/80,037 and dated January 27, 2004. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

"(2) The Secretary is authorized to acquire the lands referred to in paragraph (1) by donation, by purchase from willing sellers with donated or appropriated funds, or by exchange. The Secretary may acquire by the same methods personal property associated with, and appropriate for, interpretation of the park.

“(c) ACCESS TO PRIVATE PROPERTY.—Nothing in this Act shall be construed to—

“(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

“(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

“(d) LIABILITY.—The revision of the boundaries of the Wilson’s Creek National Battlefield by subsection (b) shall not be considered to create any liability for, or to have any effect on any liability under any other law of, any owner of private property with respect to any person injured on that private property.

“(e) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this Act shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

“(f) PARTICIPATION OF PRIVATE PROPERTY OWNERS.—Nothing in this Act shall be construed to require the owner of any private property located within the boundaries of the Wilson’s Creek National Battlefield to participate in, or be associated with, the National Battlefield.

“(g) EFFECT OF EXPANSION.—The boundaries of the Wilson’s Creek National Battlefield, as revised by subsection (b), represent the area within which Federal funds appropriated for the purpose of this Act may be expended. The boundary revision shall not be construed to provide any nonexisting regulatory authority on land use within the National Battlefield or its viewshed by the Secretary or the National Park Service.”

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 3 of such Act (16 U.S.C. 430mm) is amended by adding at the end the following new sentence: “There are authorized to be appropriated such sums as may be necessary to carry out section 1(b).”

#### PURPOSE OF THE BILL

The purpose of H.R. 4481 is to amend Public Law 86–434 establishing Wilson’s Creek National Battlefield in the State of Missouri to expand the boundaries of the park, and for other purposes.

#### BACKGROUND AND NEED FOR LEGISLATION

The Wilson’s Creek National Battlefield was established as a national park on April 22, 1960, to preserve and commemorate the Battle of Wilson’s Creek, the site of the second battle of the Civil War and first major battle west of the Mississippi River. The battle took place on August 10, 1861, and involved approximately 5,400 Union troops and 12,000 Confederates. Nathaniel Lyon, the first Union general to be killed in combat, died at Wilson’s Creek. The park contains 50 archeological sites, numerous historic structures, cultural landscapes, and artifacts related to the battle.

The park reported 186,654 recreational visits for Fiscal Year (FY) 2003, and its FY 2004 annual budget is \$1.798 million. The park’s authorized boundary encompasses 1,750 acres, 75 percent of the actual combat areas associated with the Battle of Wilson’s Creek. The proposed expansion would incorporate an additional six parcels of land totaling 615 acres. The lands currently lie outside of the park’s authorized boundaries and include sites significant to the battle.

As part of the general management planning process, the National Parks Service identified and evaluated boundary adjustments that may be necessary or desirable to carry out the parks purposes. These adjustments were included in the final General Management Plan/Environmental Impact Statement (GMP) in 2003. The GMP was completed following a three year planning period and public participation process. H.R. 4481 will implement part of the GMP’s recommendations.

## COMMITTEE ACTION

H.R. 4481 was introduced on June 2, 2004, by Congressman Roy Blunt (R–MO). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Recreation and Public Lands. On June 15, 2004, the Subcommittee held a hearing on the bill. On July 14, 2004, the Full Resource Committee met to consider the bill. By unanimous consent, the Subcommittee on National Parks, Recreation and Public Lands was discharged from further consideration of the bill. Chairman Richard Pombo (R–CA) offered amendment in the nature of a substitute adding a new section on private property. The amendment was agreed to by unanimous consent. The bill as amended was ordered favorably reported to the House of Representatives by unanimous consent.

## COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

## CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

## COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to amend Public Law 86–434 establishing Wilson's Creek National Battlefield in the State of Missouri to expand the boundaries of the park, and for other purposes.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII 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 this bill from the Director of the Congressional Budget Office:

*H.R. 4481—Wilson’s Creek National Battlefield Boundary Adjustment Act of 2004*

H.R. 4481 would expand by about 615 acres the boundary of the Wilson’s Creek National Battlefield in Missouri. The bill would authorize the National Park Service (NPS) to acquire the additional acreage and related personal property by purchase, donation, or exchange. Finally, the bill would authorize the appropriation of whatever amounts are necessary for these purposes.

Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 4481 would cost between \$5 million and \$10 million over the next five years. We expect that the NPS would first purchase a 20-acre parcel containing a Civil War, museum, other improvements, and the museum contents, at a cost of between \$3 million and \$4 million. If the NPS later purchases some of the other 595 acres (or easements on that land), total acquisition costs could increase by up to \$6 million over several years. We estimate that additional costs to operate the museum and to develop visitor facilities and interpretive materials would be less than \$0.5 million annually. Enacting the bill would not affect direct spending or revenues.

H.R. 4481 contains no intergovernmental 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 government.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) 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 APRIL 22, 1960**

(Public Law 86–434)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That the Secretary]*

**SECTION 1. WILSON’S CREEK NATIONAL BATTLEFIELD: ESTABLISHMENT AND ACQUISITION OF LANDS.**

*(a) ESTABLISHMENT, INITIAL BOUNDARIES.—The Secretary of the Interior shall acquire, by gift, purchase, condemnation, or otherwise, the lands (together with any improvements thereon) comprising the Wilson’s Creek Battlefield site near Springfield, Mis-*

souri, and any other lands adjacent to such site which in his opinion are necessary or desirable to carry out the purposes of this Act.

(b) *EXPANSION OF BOUNDARIES.*—(1) *The boundaries of the Wilson’s Creek National Battlefield are revised to include lands and interests therein consisting of six parcels totaling 615 acres and identified as parcels “1, 2, 3, 4, 5, and 6” on the map entitled “Wilson’s Creek National Battlefield Proposed Boundary”, numbered 410/80,037 and dated January 27, 2004. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.*

(2) *The Secretary is authorized to acquire the lands referred to in paragraph (1) by donation, by purchase from willing sellers with donated or appropriated funds, or by exchange. The Secretary may acquire by the same methods personal property associated with, and appropriate for, interpretation of the park.*

(c) *ACCESS TO PRIVATE PROPERTY.*—*Nothing in this Act shall be construed to—*

(1) *require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or*

(2) *modify any provision of Federal, State, or local law with regard to public access to or use of private property.*

(d) *LIABILITY.*—*The revision of the boundaries of the Wilson’s Creek National Battlefield by subsection (b) shall not be considered to create any liability for, or to have any effect on any liability under any other law of, any owner of private property with respect to any person injured on that private property.*

(e) *RECOGNITION OF AUTHORITY TO CONTROL LAND USE.*—*Nothing in this Act shall be construed to modify the authority of Federal, State, or local governments to regulate land use.*

(f) *PARTICIPATION OF PRIVATE PROPERTY OWNERS.*—*Nothing in this Act shall be construed to require the owner of any private property located within the boundaries of the Wilson’s Creek National Battlefield to participate in, or be associated with, the National Battlefield.*

(g) *EFFECT OF EXPANSION.*—*The boundaries of the Wilson’s Creek National Battlefield, as revised by subsection (b), represent the area within which Federal funds appropriated for the purpose of this Act may be expended. The boundary revision shall not be construed to provide any nonexistent regulatory authority on land use within the National Battlefield or its viewshed by the Secretary or the National Park Service.*

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SEC. 3. For development of the Wilson’s Creek National Battlefield, there are authorized to be appropriated not more than \$5,640,000. *There are authorized to be appropriated such sums as may be necessary to carry out section 1(b).*