

CEDAR CREEK AND BELLE GROVE NATIONAL HISTORICAL
PARK ACT

OCTOBER 1, 2002.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 4944]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4944) to designate the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park as a unit of the National Park System, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Cedar Creek and Belle Grove National Historical Park Act”.

SEC. 2. PURPOSE.

The purpose of this Act is to establish the Cedar Creek and Belle Grove National Historical Park in order to—

(1) help preserve, protect, and interpret a nationally significant Civil War landscape and antebellum plantation for the education, inspiration, and benefit of present and future generations;

(2) tell the rich story of Shenandoah Valley history from early settlement through the Civil War and beyond, and the Battle of Cedar Creek and its significance in the conduct of the war in the Shenandoah Valley;

(3) preserve the significant historic, natural, cultural, military, and scenic resources found in the Cedar Creek Battlefield and Belle Grove Plantation areas through partnerships with local landowners and the community; and

(4) serve as a focal point to recognize and interpret important events and geographic locations within the Shenandoah Valley Battlefields National Historic District 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.

SEC. 3. FINDINGS.

Congress finds the following:

(1) The Battle of Cedar Creek, also known as the battle of Belle Grove, was a major event of the Civil War and the history of this country. It represented the end of the Civil War's Shenandoah Valley campaign of 1864 and contributed to the reelection of President Abraham Lincoln and the eventual outcome of the war.

(2) 2,500 acres of the Cedar Creek Battlefield and Belle Grove Plantation were designated a national historic landmark in 1969 because of their ability to illustrate and interpret important eras and events in the history of the United States. The Cedar Creek Battlefield, Belle Grove Manor House, the Heater House, and Harmony Hall (a National Historic Landmark) are also listed on the Virginia Landmarks Register.

(3) The Secretary of the Interior has approved the Shenandoah Valley Battlefields National Historic District Management Plan and the National Park Service Special Resource Study, both of which recognized Cedar Creek Battlefield as the most significant Civil War resource within the historic district. The management plan, which was developed with extensive public participation over a 3-year period and is administered by the Shenandoah Valley Battlefields Foundation, recommends that Cedar Creek Battlefield be established as a new unit of the National Park System.

(4) The Cedar Creek Battlefield Foundation, organized in 1988 to preserve and interpret the Cedar Creek Battlefield and the 1864 Valley Campaign, has acquired 308 acres of land within the boundaries of the National Historic Landmark. The foundation annually hosts a major reenactment and living history event on the Cedar Creek Battlefield.

(5) Belle Grove Plantation is a Historic Site of the National Trust for Historic Preservation that occupies 383 acres within the National Historic Landmark. The Belle Grove Manor House was built by Isaac Hite, a Revolutionary War patriot married to the sister of President James Madison, who was a frequent visitor at Belle Grove. President Thomas Jefferson assisted with the design of the house. During the Civil War Belle Grove was at the center of the decisive battle of Cedar Creek. Belle Grove is managed locally by Belle Grove, Incorporated, and has been open to the public since 1967. The house has remained virtually unchanged since it was built in 1797, offering visitors an experience of the life and times of the people who lived there in the 18th and 19th centuries.

(6) The panoramic views of the mountains, natural areas, and waterways provide visitors with an inspiring setting of great natural beauty. The historic, natural, cultural, military, and scenic resources found in the Cedar Creek Battlefield and Belle Grove Plantation areas are nationally and regionally significant.

(7) The existing, independent, not-for-profit organizations dedicated to the protection and interpretation of the resources described above provide the foundation for public-private partnerships to further the success of protecting, preserving, and interpreting these resources.

(8) None of these resources, sites, or stories of the Shenandoah Valley are protected by or interpreted within the National Park System.

SEC. 4. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the Cedar Creek and Belle Grove National Historical Park Advisory Commission established by section 9.

(2) MAP.—The term "Map" means the map entitled "Boundary Map Cedar Creek and Belle Grove National Historical Park", numbered CECR-80,001, and dated September 2002.

(3) PARK.—The term "Park" means the Cedar Creek and Belle Grove National Historical Park established under section 5 and depicted on the Map.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 5. ESTABLISHMENT OF CEDAR CREEK AND BELLE GROVE NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—There is established the Cedar Creek and Belle Grove National Historical Park, consisting of approximately 3,000 acres, as generally depicted on the Map.

(b) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

SEC. 6. ACQUISITION OF PROPERTY.

(a) REAL PROPERTY.—The Secretary may acquire land or interests in land within the boundaries of the Park, from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange.

(b) BOUNDARY REVISION.—After acquiring land for the Park, the Secretary shall—

(1) revise the boundary map of the Park to include newly acquired land within the boundary; and

(2) administer newly acquired land subject to applicable laws (including regulations).

(c) **PERSONAL PROPERTY.**—The Secretary may acquire personal property associated with, and appropriate for, interpretation of the Park.

(d) **CONSERVATION EASEMENTS AND COVENANTS.**—The Secretary is authorized to acquire conservation easements and enter into covenants regarding lands in or adjacent to the Park from willing sellers only. Such conservation easements and covenants shall have the effect of protecting the scenic, natural, and historic resources on adjacent lands and preserving the natural or historic setting of the Park when viewed from within or outside the Park.

(e) **SUPPORT FACILITIES.**—The National Park Service is authorized to acquire from willing sellers, land outside the Park boundary but in close proximity to the Park, for the development of visitor, administrative, museum, curatorial, and maintenance facilities.

SEC. 7. ADMINISTRATION.

The Secretary shall administer the Park in accordance with this Act and the provisions of law generally applicable to units of the National Park System, including—

(1) the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1 et seq.); and

(2) the Act entitled “An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes”, approved August 21, 1935 (16 U.S.C. 461 et seq.).

SEC. 8. MANAGEMENT OF PARK.

(a) **MANAGEMENT PLAN.**—The Secretary, in consultation with the Commission, shall prepare a management plan for the Park. In particular, the management plan shall contain provisions to address the needs of owners of non-Federal land, including independent nonprofit organizations within the boundaries of the Park.

(b) **SUBMISSION OF PLAN TO CONGRESS.**—Not later than 3 years after the date of the enactment of this Act, the Secretary shall submit the management plan for the Park to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 9. CEDAR CREEK AND BELLE GROVE NATIONAL HISTORICAL PARK ADVISORY COMMISSION.

(a) **ESTABLISHMENT.**—There is established the Cedar Creek and Belle Grove National Historical Park Advisory Commission.

(b) **DUTIES.**—The Commission shall—

(1) advise the Secretary in the preparation and implementation of a general management plan described in section 8; and

(2) advise the Secretary with respect to the identification of sites of significance outside the Park boundary deemed necessary to fulfill the purposes of this Act.

(c) **MEMBERSHIP.**—

(1) **COMPOSITION.**—The Commission shall be composed of 15 members appointed by the Secretary so as to include the following:

(A) 1 representative from the Commonwealth of Virginia.

(B) 1 representative each from the local governments of Strasburg, Middletown, Frederick County, Shenandoah County, and Warren County.

(C) 2 representatives of private landowners within the Park.

(D) 1 representative from a citizen interest group.

(E) 1 representative from the Cedar Creek Battlefield Foundation.

(F) 1 representative from Belle Grove, Incorporated.

(G) 1 representative from the National Trust for Historic Preservation.

(H) 1 representative from the Shenandoah Valley Battlefields Foundation.

(I) 1 ex-officio representative from the National Park Service.

(J) 1 ex-officio representative from the United States Forest Service.

(2) **CHAIRPERSON.**—The Chairperson of the Commission shall be elected by the members to serve a term of one year renewable for one additional year.

(3) **VACANCIES.**—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(4) **TERMS OF SERVICE.**—

(A) **IN GENERAL.**—Each member shall be appointed for a term of 3 years and may be reappointed for not more than 2 successive terms.

(B) **INITIAL MEMBERS.**—Of the members first appointed under paragraph

(1), the Secretary shall appoint—

- (i) 4 members for a term of 1 year;
- (ii) 5 members for a term of 2 years; and
- (iii) 6 members for a term of 3 years.

(5) **EXTENDED SERVICE.**—A member may serve after the expiration of that member's term until a successor has taken office.

(6) **MAJORITY RULE.**—The Commission shall act and advise by affirmative vote of a majority of its members.

(7) **MEETINGS.**—The Commission shall meet at least quarterly at the call of the chairperson or a majority of the members of the Commission.

(8) **QUORUM.**—8 members shall constitute a quorum.

(d) **COMPENSATION.**—Members shall serve without pay. Members who are full-time officers or employees of the United States, the Commonwealth of Virginia, or any political subdivision thereof shall receive no additional pay on account of their service on the Commission.

(e) **TRAVEL EXPENSES.**—While away from their homes or regular places of business in the performance of service for the Commission, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(f) **HEARINGS; PUBLIC INVOLVEMENT.**—The Commission may, for purposes of carrying out this Act, hold such hearings, sit and act at such times and places, take such public testimony, and receive such evidence, as the Commission considers appropriate. The Commission may not issue subpoenas or exercise any subpoena authority.

SEC. 10. CONSERVATION OF CEDAR CREEK AND BELLE GROVE NATIONAL HISTORICAL PARK.

(a) **ENCOURAGEMENT OF CONSERVATION.**—The Secretary and the Commission shall encourage conservation of the historic and natural resources within and in proximity of the Park by landowners, local governments, organizations, and businesses.

(b) **PROVISION OF TECHNICAL ASSISTANCE.**—The Secretary may provide technical assistance to local governments, in cooperative efforts which complement the values of the Park.

(c) **COOPERATION BY FEDERAL AGENCIES.**—Any Federal entity conducting or supporting activities directly affecting the Park shall consult, cooperate, and, to the maximum extent practicable, coordinate its activities with the Secretary in a manner that—

- (1) is consistent with the purposes of this Act and the standards and criteria established pursuant to the general management plan developed pursuant to section 8;
- (2) is not likely to have an adverse effect on the resources of the Park; and
- (3) is likely to provide for full public participation in order to consider the views of all interested parties.

SEC. 11. ENDOWMENT.

(a) **IN GENERAL.**—In accordance with the provisions of subsection (b), the Secretary is authorized to receive and expend funds from an endowment to be established with the National Park Foundation, or its successors and assigns.

(b) **CONDITIONS.**—Funds from the endowment referred to in subsection (a) shall be expended exclusively as the Secretary, in consultation with the Commission, may designate for the interpretation, preservation, and maintenance of the Park resources and public access areas. No expenditure shall be made pursuant to this section unless the Secretary determines that such expenditure is consistent with the purposes of this Act.

SEC. 12. COOPERATIVE AGREEMENTS.

(a) **IN GENERAL.**—In order to further the purposes of this Act, the Secretary is authorized to enter into cooperative agreements with interested public and private entities and individuals (including the National Trust for Historic Preservation, Belle Grove, Inc., the Cedar Creek Battlefield Foundation, the Shenandoah Valley Battlefields Foundation, and the Counties of Frederick, Shenandoah, and Warren), through technical and financial assistance, including encouraging the conservation of historic and natural resources within and near the Park.

(b) **TECHNICAL AND FINANCIAL ASSISTANCE.**—The Secretary may provide to any person, organization, or governmental entity technical and financial assistance for the purposes of this Act, including the following:

- (1) Preserving historic structures within the Park.
- (2) Maintaining the natural or cultural landscape of the Park.
- (3) Local preservation planning, interpretation, and management of public visitation for the Park.

(4) Furthering the goals of the Shenandoah Valley Battlefields Foundation related to the Park.

SEC. 13. ROLES OF KEY PARTNER ORGANIZATIONS.

(a) **IN GENERAL.**—In recognition that central portions of the Park are presently owned and operated for the benefit of the public by key partner organizations, the Secretary shall acknowledge and support the continued participation of these partner organizations in the management of the Park.

(b) **PARK PARTNERS.**—Roles of the current key partners include the following:

(1) **CEDAR CREEK BATTLEFIELD FOUNDATION.**—The Cedar Creek Battlefield Foundation may—

(A) continue to own, operate, and manage the lands acquired by the Foundation within the Park;

(B) continue to conduct reenactments and other events within the Park; and

(C) transfer ownership interest in portions of their land to the National Park Service by donation, sale, or other means that meet the legal requirements of National Park Service land acquisitions.

(2) **NATIONAL TRUST FOR HISTORIC PRESERVATION AND BELLE GROVE INCORPORATED.**—The National Trust for Historic Preservation and Belle Grove Incorporated may continue to own, operate, and manage Belle Grove Plantation and its structures and grounds within the Park boundary. Belle Grove Incorporated may continue to own the house and grounds known as Bowman's Fort or Harmony Hall for the purpose of permanent preservation, with a long-term goal of opening the property to the public.

(3) **SHENANDOAH COUNTY.**—Shenandoah County may continue to own, operate, and manage the Keister park site within the Park for the benefit of the public.

(4) **PARK COMMUNITY PARTNERS.**—The Secretary shall cooperate with the Park's adjacent historic towns of Strasburg and Middletown, Virginia, as well as Frederick, Shenandoah, and Warren counties in furthering the purposes of the Park.

(5) **SHENANDOAH VALLEY BATTLEFIELDS FOUNDATION.**—The Shenandoah Valley Battlefields Foundation may continue to administer and manage the Shenandoah Valley Battlefields National Historic District in partnership with the National Park Service and in accordance with the Management Plan for the District in which the Park is located.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this Act.

Amend the title so as to read:

A bill to designate the Cedar Creek and Belle Grove National Historical Park as a unit of the National Park System, and for other purposes.

PURPOSE OF THE BILL

The purpose of H.R. 4944 as ordered reported is to designate the Cedar Creek and Belle Grove National Historical Park as a unit of the National Park System.

BACKGROUND AND NEED FOR LEGISLATION

In 1996, Congress directed the National Park Service to study whether the Shenandoah Valley Battlefields National Historic District or components thereof meet the criteria for designation as a unit of the National Park System (Public Law 104–333). On April 12, 2001, the National Park Service submitted a letter to Congress stating that the entire District is nationally significant, but does not meet the suitability and feasibility criteria. However, of the battlefields included in the District, Cedar Creek Battlefield was identified as meeting the criteria. The battle of Cedar Creek, also known as the Battle of Belle Grove, was the site of the last battle of the 1864 Civil War Shenandoah Valley campaign.

H.R. 4944 was introduced to establish the new park unit. The park's boundary includes approximately 3,000 acres in Frederick, Shenandoah, and Warren Counties in Virginia. No land within the boundary will be condemned or taken by eminent domain. The National Park Service will only be able to acquire land from willing owners. The new park would preserve and interpret the rich story of Shenandoah Valley history from early settlement through the Civil War and beyond and protect the historic landscape.

COMMITTEE ACTION

H.R. 4944 was introduced on June 13, 2002, by Congressman Frank Wolf (R-VA). The bill was referred to the Committee on Resources and within the Committee to the Subcommittee on National Parks, Recreation, and Public Lands. On September 12, 2002, the Full Resources Committee met to consider the bill. The Subcommittee on National Parks, Recreation, and Public Lands was discharged from further consideration of H.R. 4944 by unanimous consent. Congressman George Radanovich (R-CA) offered an amendment in the nature of a substitute that made the following changes to the original text: (1) changed the name of the designated site to the Cedar Creek and Belle Grove National Historical Park; (2) removed the Federal Advisory Committee Act exemption for the Advisory Commission; (3) clarified what assistance will be provided by the National Park Service through cooperative agreements; and (4) corrected the referenced map name and number cited in the bill. The amendment was adopted by unanimous consent. The bill as amended was then 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.

FEDERAL ADVISORY COMMITTEE STATEMENT

The functions of the proposed advisory committee authorized in the bill are not currently being nor could they be performed by one or more agencies, an advisory committee already in existence or by enlarging the mandate of an existing advisory committee.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants 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, credit authority, or an increase or decrease in expenditures. The Congressional Budget Office has concluded that enactment of this bill “could result in additional revenues and direct spending (from accepting and using contributions from the National Park Foundation). CBO estimates, however, that such transactions would have no net budgetary impact over several years.”

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 designate the Cedar Creek and Belle Grove National Historical Park as a unit of the National Park System.

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:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 30, 2002.

Hon. JAMES V. HANSEN,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4944, the Cedar Creek and Belle Grove National Historical Park Act.

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

Sincerely,

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

Enclosure.

H.R. 4944—Cedar Creek and Belle Grove National Historical Park Act

H.R. 4944 would establish the Cedar Creek and Belle Grove National Historical Park (NHP) on about 3,000 acres in Virginia. Assuming appropriation of the necessary amounts, CBO estimates that implementing the legislation would cost between \$20 million and \$25 million over the next five years and about \$1.5 million annual thereafter. It is possible that an additional \$5 million to \$10 million could be spent to acquire property within the park boundary after 2007 (also assuming appropriation of the necessary amounts), but the timing and amount of such spending is uncertain. H.R. 4944 could result in additional revenues and direct spending (from accepting and using contributions from the National Park Foundation). CBO estimates, however, that such transactions would have no net budgetary impact over several years.

The bill 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 governments.

H.R. 4944 would direct the National Park Service (NPS) to manage the new national historical park in partnership with local non-profit organizations and local governments. For that purpose, the bill also would establish an advisory commission for the new NHP. The commission would consist of 15 members representing federal, state, local, nonprofit, and private interests. It would advise the NPS on planning and operational issues, and the agency would in turn provide technical and financial assistance to the member agencies and organizations, many of which would continue to own and operate sites within the NHP. The NPS would be authorized to acquire real and personal property within the park by donation, purchase, or exchange.

CBO expects that the federal government would acquire about 2,000 acres within the new park's boundary at a cost of between \$5 million and \$10 million over the next five years. The range in property acquisition costs represents the possibility that some property could be protected by purchasing less expensive conservation easements. We estimate that development costs over the first five years, primarily to develop federally owned property within the park, would be about \$10 million and that costs for planning, studies, and assistance to NPS partners would be about \$5 million over the 2003–2007 period. After 2007, we expect that administering the park would cost \$1.5 million a year, including assistance to partners, payments to local governments in lieu of taxes, and operating to park during the start-up period. This estimate is based on information provided by the NPS and local nonprofits and assumes appropriation of the necessary amounts.

H.R. 4944 could increase both revenues and direct spending by authorizing the NPS to accept and spend contributions from the National Park Foundation. CBO has no basis for estimating how much the foundation may contribute to the NPS for this park, but we expect that the net budgetary impact would be zero over several years.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Robert A. Sunshine, 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

If enacted, this bill would make no changes in existing law.

