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REPORT
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# SHILOH NATIONAL MILITARY PARK BOUNDARY ADJUSTMENT AND PARKER'S CROSSROADS BATTLEFIELD DESIGNATION ACT

SEPTEMBER 6, 2016.—Ordered to be printed

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

## R E P O R T

[To accompany S. 1943]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1943) to modify the boundary of the Shiloh National Military Park located in the States of Tennessee and Mississippi, to establish Parker's Crossroads Battlefield as an affiliated area of the National Park System, and for other purposes, 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 2, line 18, strike "April 2012" and insert "July 2014".
2. On page 3, line 11, strike "April 2012" and insert "July 2014".

### PURPOSE

The purpose of S. 1943 is to modify the boundary of the Shiloh National Military Park located in the States of Tennessee and Mississippi, to establish Parker's Crossroads Battlefield as an affiliated area of the National Park System.

### BACKGROUND AND NEED

The Civil War battle of Shiloh was fought from April 6 to 7 in 1862. The Federal Army of the Tennessee, under the command of Major General U.S. Grant, was surprised by an attack led by Confederate General Albert Sidney Johnston, and after General Johnston's fatal wound, General P.G.T. Beauregard. General Grant had led his Army into Tennessee, and was waiting to join forces with the Army of the Ohio under General Don Carlos Buell. Initial Con-

federate attacks inflicted large losses on Grant's troops, but they were able to hold a defensive line until reinforcements from the Army of the Ohio joined to force the retreat of the Confederate army.

Shiloh was the bloodiest battle in American history to that date. The savagery of the battle shocked observers and the casualties totaled more than 23,000 soldiers. The following day, General Grant ordered General Sherman to locate the Confederate forces to determine whether they were regrouping to attack again. Approaching the Confederate Camp, the infantry troops under General Sherman were nearly ambushed trying to get through a field of fallen timbers. Losing roughly 100 men, General Sherman was able to push through and confirm that the Confederates were on the retreat.

Shiloh National Military Park currently preserves 5,442 acres of the battlefield and is considered to be one of the best preserved battlefields in the United States. This site does not include the entire area of the battle, the Fallen Timbers Battlefield, or the line of march of the Federals and Confederate forces.

S. 1943 would add 2,100 acres to the 5,442 acres that comprise Shiloh National Military Park, and would incorporate some pivotal areas of the Battle of Shiloh that currently lack adequate preservation, including the battlefields at Fallen Timbers, Russell House, and Davis Bridge. The bill would establish the Parker's Crossroads Battlefield as an affiliated site of the National Park System. S. 1943 also would establish an affiliation of the National Park System of nearly 350 acres of land where the December 31, 1862 Battle of Parker's Crossroads occurred between Confederate forces under General Forrest and two Federal brigades under the command of General Sullivan.

## LEGISLATIVE HISTORY

S. 1943 was introduced by Senator Alexander on August 5, 2015. The Subcommittee on National Parks held a hearing on S. 1785 on March 17, 2016.

A companion bill, H.R. 87, was introduced in the House of Representatives by Representative Blackburn on January 6, 2015. The Subcommittee on Federal Lands held a hearing on H.R. 87 on February 11, 2016. The House Natural Resources Committee reported H.R. 87, as amended, on March 16, 2016, and the House of Representatives passed the bill as amended, by voice vote on June 7, 2016. H.R. 87 was referred to the Senate Committee on Energy and Natural Resources on June 8, 2016.

In the 113th Congress, Senator Alexander introduced S.1785, on December 10, 2013. The Subcommittee on National Parks held a hearing on the bill on July 23, 2014 (S. Hrg. 113–493). A companion bill, H.R. 63, was introduced in the House of Representatives by Representative Blackburn on January 3, 2013, and was referred to the Subcommittee on Public Lands and Environmental Regulation on January 31, 2013.

The Committee on Energy and Natural Resources met in open business session on July 13, 2016, and ordered S. 1943 favorably reported as amended.

## COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on July 13, 2016, by a majority voice vote of a quorum present, recommends that the Senate pass S. 1943, if amended and described herein.

## COMMITTEE AMENDMENTS

During its consideration of S. 1943, the Committee on Energy and Natural Resources adopted two amendments to modify the dates of two maps used to describe the acquisition.

## SECTION-BY-SECTION ANALYSIS

*Section 1. Short title*

Section 1 provides a short title for the measure.

*Section 2. Definitions*

Section 2 provides the definitions of key terms.

*Section 3. Areas to be added to Shiloh National Military Park*

Section 3(a) modifies the boundary of the Shiloh National Military Park to include the Fallen Timbers, Russel House, and Davis Bridge Battlefields.

Subsection (b) authorizes the Secretary to acquire the land by donation, purchase from willing sellers with donated or appropriated funds, or exchange.

Subsection (c) directs that the acquired lands shall be administered as a part of the Park.

*Section 4. Establishment of affiliated area*

Section 4(a) establishes Parker's Crossroads Battlefield as an affiliated area of the National Park System.

Subsection (b) provides a map-based description of the affiliated area.

Subsection (c) authorizes the management associated with the addition of the affiliated area.

Subsection (d) deems the City of Parkers Crossroads and the Tennessee Historical Commission to be the joint management entity for the affiliated area.

Subsection (e) authorizes the Secretary to provide technical assistance and enter into cooperative agreements with the management entity.

Subsection (f) clarifies that the Act does not authorize the Secretary to acquire property at the affiliated area or to assume overall financial responsibility for the affiliated area.

Subsection (g) directs the Secretary, in consultation with the management entity to develop a general management plan for the affiliated area and to transmit that plan to the Congressional committees of jurisdiction within three years of receiving funding to carry out the 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, August 5, 2016.*

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

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1943, the Shiloh National Military Park Boundary Adjustment and Parker's Crossroads Battlefield Designation Act.

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

Sincerely,

MARK P. HADLEY
(For Keith Hall).

Enclosure.

*S. 1943—Shiloh National Military Park Boundary Adjustment and Parker's Crossroads Battlefield Designation Act*

S. 1943 would revise the boundary of the Shiloh National Military Park in Mississippi to include three additional Civil War battlefield areas over approximately 2,100 acres. The bill stipulates that the National Park Service (NPS) may acquire the additional land through donation, with donated funds, with appropriated amounts, or through a land exchange. The bill also would designate Parker's Crossroads Battlefield in Henderson County, Tennessee, as an affiliated area of the National Park System and would direct the NPS to develop a management plan for the area.

Based on recent sale prices of comparable tracts of land in the areas where land would be purchased, and information from the NPS, CBO estimates that implementing the legislation would cost $2 million to $5 million over the 2017–2021 period, assuming the land was acquired with appropriated funds over the next five years. Based on information from the NPS, the cost of developing the management plan required by the legislation would be insignificant.

Because enacting S. 1943 would not affect direct spending or revenues, pay-as-you-go procedures do not apply. CBO estimates that enacting S. 1943 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

S. 1943 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would benefit the City of Parker's Crossroads and the Tennessee Historical Commission by authorizing federal assistance for the management of an historic battlefield. Any costs incurred by those entities under cooperative agreements with the NPS would result from participation in a voluntary federal program.

On April 21, 2016, CBO transmitted a cost estimate for H.R. 87, the Shiloh National Military Park Boundary Adjustment and Parker's Crossroads Battlefield Designation Act, as ordered reported by the House Committee on Natural Resources on March 16, 2016. The two pieces of legislation are similar and CBO's estimates of their budgetary effects are the same.

The CBO staff contact for this estimate is Jon Sperl. The estimate was approved by Theresa Gullo, 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. 1943. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1943, as ordered reported.

## CONGRESSIONALLY DIRECTED SPENDING

S. 1943, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

## EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the March 17, 2016, Subcommittee on National Parks hearing on S. 1943 follows:

STATEMENT OF PEGGY O'DELL, DEPUTY DIRECTOR FOR OPERATIONS, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to present the views of the Department of the Interior on S. 1943, a bill to modify the boundary of Shiloh National Military Park in the States of Tennessee and Mississippi, to establish Parker's Crossroads Battlefield in the state of Tennessee as an affiliated area of the National Park System, and for other purposes.

The Department supports S. 1943 with technical amendments.

S. 1943 would add three sites related to the Siege and Battle of Corinth to the boundary of Shiloh National Military Park. In 1991, the "Siege and Battle of Corinth Sites" was designated a National Historic Landmark. The Corinth Battlefield Protection Act of 2000 (Public Law 106–271) authorized the creation of the Corinth Unit, as part of Shiloh National Military Park, to "interpret the Siege and Battle of Corinth and other Civil War actions in the area in and around the city of Corinth, Mississippi." The legislation defined a large partnership role with state, local, and private park partners in the planning, development and interpretation of the unit. The law also authorized a special resource study to identify and determine any other areas that would be appropriate for inclusion in the unit.

The "Corinth Special Resource Study and Boundary Adjustment Environmental Assessment," completed in 2004, identified 18 sites that have a high degree of integrity and significant resources that would provide opportunities for public enjoyment, and recommended that these be included in the boundary of the Corinth Unit of Shiloh National Military Park. In 2007, Congress amended the Corinth Battlefield Protection Act of 2000 (Public Law 110–161, Section 127) to expand the boundary of the Corinth Unit of Shiloh National Military Park to include 12 of those sites.

S. 1943 would modify the boundary of Shiloh National Military Park to include three of the six remaining sites identified in the 2004 special resource study. These three sites—the battlefields of Fallen Timbers, Russell House, and Davis Bridge—would contribute significantly to telling the remarkable story of the United States Army's Mississippi Valley Campaign during the Civil War, especially the Battle of Shiloh, Tennessee, and the Siege of Corinth, Mississippi. The Mississippi Valley Campaign was a major milestone on the road that led to the final success of the Union Army in the war and the ultimate reunification of the nation.

The first battlefield that S. 1943 would include in Shiloh's authorized boundary is Fallen Timbers. On April 8, 1862, after two days of fierce fighting at Shiloh, Major General Ulysses S. Grant dispatched Brigadier General William T. Sherman on a reconnaissance to investigate Confederate intentions. Sherman encountered a large Confederate field hospital protected by a force of Southern cavalry under Lieutenant Colonel Nathan Bedford Forrest in an area called Fallen Timbers. Sherman advanced against the Confederate force and captured the field hospital with its surgeons and about 250 wounded Southern soldiers and about 50 wounded U.S. soldiers that had been previously captured by the Confederates. After this engagement, the Confederates retreated to Corinth and Sherman returned to Shiloh Church. Thus, the final shots of the Battle of Shiloh were fired at Fallen Timbers. A cautious and methodical U.S. Army advance would mark the beginning of the advance upon, and siege of Corinth.

The Fallen Timbers Battlefield site consists of 468 acres of agricultural and forested land, a small portion of which is developed. The Civil War Trust has acquired approximately 270 acres of this land with the intention of donating it to the federal government. The remaining 198 acres that would be included in the boundary are in private ownership.

The second battlefield that S. 1943 would include in Shiloh's authorized boundary is the Russell House. On May 17, 1862, during the advance upon Corinth, U.S. forces, led by Major General Sherman, fought a Confederate brigade and compelled the Southern force to abandon its strong outpost at the Russell House situated on the Tennessee-Mississippi state line. Because the position pos-

sessed a great natural strength, Sherman's men lost no time fortifying it and driving the enemy further south toward Corinth.

The pastoral setting of the Russell House Battlefield retains a high degree of integrity, contains the extant remains of field fortifications, and has high potential for archeological survey and research. The approximately 666-acre tract that would be included in the boundary is in private ownership.

The third battlefield that S. 1943 would include in Shiloh's authorized boundary is Davis Bridge. On October 5, 1862, U.S. troops attacked a retreating Confederate force at Davis Bridge on the Hatchie River. The Federals drove the Confederates back across the river, seized the bridge, and charged into a thicket east of the river. Confederates defending the heights overlooking the crossing to the east inflicted heavy casualties on the Federals and checked their further advance, thereby permitting the defeated Confederate force to retreat south into Mississippi. The engagement at Davis Bridge was the last Confederate offensive in Mississippi.

In 1998, a 598-acre portion of the Davis Bridge Battlefield was listed in the National Register of Historic Places. The bridge across the Hatchie River has long since washed away and the banks of the river have undergone erosion, but the 1,090 acres proposed to be included in the park boundary retain a high degree of integrity with much of the acreage remaining in agricultural cultivation or woodlands. The State of Tennessee owns approximately 845 of these acres. An approximately five-acre plot, which is a contributing property to the Siege and Battle of Corinth National Historic Landmark, has been donated to the National Park Service by the Davis Bridge Memorial Foundation.

If this legislation is enacted, we anticipate that we would acquire the majority of land by donation and that we would not develop visitor services or facilities at the three sites for the foreseeable future. Therefore, land acquisition and development costs would be minimal. Our current estimate for administrative costs associated with land donation at the three sites is $60,000 to cover title searches, environmental site assessments, and closing actions, subject to the availability of appropriations.

S. 1943 would also establish Parker's Crossroads Battlefield in the State of Tennessee as an affiliated area of the National Park System. The bill designates the city of Parkers Crossroads and the Tennessee Historical Commission as the management entity for the affiliated area and authorizes the Secretary of the Interior to provide technical assistance and enter into cooperative agreements with the management entity for the purpose of providing financial assistance for the marketing, marking, interpretation, and preservation of the affiliated area. As an affiliated area, Parker's Crossroads Battlefield would continue under nonfederal ownership and management, but the owner would

be required to administer the site consistent with laws applicable to units of the National Park System.

Affiliated areas comprise a variety of locations in the United States that preserve significant properties outside of the National Park System. Some of these have been designated by Acts of Congress and others have been designated administratively. All draw on technical assistance or financial aid from the National Park Service.

The Parker's Crossroads Battlefield is listed in the National Register of Historic Places and is significant for its role in the military history of the Civil War and its archeological potential to yield information concerning the battle. The Parker's Crossroads Battlefield was the final engagement of Confederate now-Brigadier General Nathan Bedford Forrest's West Tennessee raid of December, 1862, which resulted in the disruption of Major General Ulysses S. Grant's supply lines as his army advanced towards Vicksburg. Forrest's raid and the simultaneous destruction of Grant's supply depot at Holly Spring, Mississippi, caused Grant to end his overland campaign against Vicksburg.

Since the battle, the area has remained largely in agricultural fields and forests consistent with its appearance in 1862, and the site retains a high degree of integrity. It is likely that the site contains physical remnants of the battle that can provide information concerning troop movements and areas where primary fighting occurred. The site is known to contain the remains of soldiers who were killed during the fighting and other burials may have also occurred there.

We recommend amending both of the dates of the map referenced in S. 1943 to allow for more current maps to be substituted. Those amendments are attached.

Mr. Chairman, this concludes my statement. I would be happy to answer any questions you or any members of the subcommittee may have.

PROPOSED AMENDMENTS TO S. 1943, SHILOH NATIONAL MILITARY PARK BOUNDARY ADJUSTMENT AND PARKER'S CROSSROADS BATTLEFIELD DESIGNATION ACT

On page 2, line 18, strike "April 2012" and insert "July 2014".

On page 3, line 11, strike "April 2012" and insert "July 2014".

*Explanation*

The above amendments would update the map references to more current maps.

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 the bill as ordered reported.

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