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### HOPEWELL CULTURE NATIONAL HISTORICAL PARK BOUNDARY ADJUSTMENT ACT

—————  
JUNE 16, 2008.—Ordered to be printed  
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Mr. BINGAMAN, from the Committee on Energy and Natural Resources, submitted the following

### R E P O R T

[To accompany H.R. 2197]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 2197) to modify the boundary of the Hopewell Culture National Historical Park in the State of Ohio, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the Act to pass.

#### PURPOSE

The purpose of H.R. 2197 is to modify the boundary of the Hopewell Culture National Historical Park in the State of Ohio, to add approximately 304 acres to the park.

#### BACKGROUND AND NEED

The Hopewell Culture was a pre-European civilization now best known for the numerous mounds and earthworks, often built in geometric patterns, found throughout the Ohio Valley. The Mound City Group National Monument, located in south-central Ohio near Chillicothe, Ohio, was created in 1923 by presidential proclamation. Congress expanded the monument in 1980 (Public Law 96-607), adding a portion of the nearby Hopeton Earthworks, and in 1992 redesignated the monument as the Hopewell Culture National Historical Park (Public Law 102-294). H.R. 2197 would add two tracts, the approximately 180-acre Spruce Hill Works unit and a 174-acre addition to the existing Seip Earthworks unit, to the existing park boundary.

The Spruce Hill site was recently purchased by a coalition of archaeologists and Native American groups. This site was added to the National Register of Historic Places on February 23, 1972.

Of the 174 acres to be added to the Seip Earthworks unit, 69 acres are already owned by the National Park Service but lie outside the Congressionally established boundary of the park. The bill would adjust the boundary and include 39 acres owned by the Ohio Historical Society as well as 50 acres that may be acquired from willing sellers.

#### LEGISLATIVE HISTORY

H.R. 2197, sponsored by Representative Space, passed the House of Representatives by a voice vote on October 22, 2007. A companion measure, S. 1993, was introduced by Senator Brown on August 3, 2007. The Subcommittee on National Parks held a hearing on both bills on April 9, 2008.

At its business meeting on May 7, 2008, the Committee on Energy and Natural Resources ordered H.R. 2197 favorably reported, without amendment.

#### COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on May 7, 2008, by a voice vote of a quorum present, recommends that the Senate pass H.R. 2197.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* contains the short title, the “Hopewell Culture National Historical Park Boundary Adjustment Act”.

*Section 2* amends Public Law 102-294 to include the Spruce Hill Works unit and the addition to the existing Seip Earthworks unit to the existing park boundary. The Secretary is authorized to acquire lands added to the park by this section only from willing sellers.

#### COST AND BUDGETARY CONSIDERATIONS

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

##### *H.R. 2197—Hopewell Culture National Historical Park Boundary Adjustment Act*

H.R. 2197 would expand the boundaries of the Hopewell Culture National Historical Park in Ohio by nearly 360 acres. The National Park Service (NPS) could acquire that acreage (or lesser property interests such as easements) by purchase, donation, or exchange.

Based on information provided by the NPS, CBO estimates that implementing H.R. 2197 would cost about \$1 million over the next five years, assuming the availability of appropriated funds. We estimate that the NPS would spend about \$700,000 of this amount in the first year or two to purchase about 250 acres of private land, including nearly 180 acres at the Spruce Hill Works site and about 70 acres at the Seip Earthworks site. (We expect that 39 acres of land at the Seip Earthworks site would be donated by the Ohio Historical Society; the remaining 70 acres at that site are already

owned by the NPS.) We estimate that the NPS would spend \$300,000 over the following few years to construct visitor facilities for the two sites, including trails, parking lots, and wayside exhibits. Finally, we estimate that costs to manage the newly added areas would be minimal. Enacting H.R. 2197 would have no effect on direct spending or revenues.

H.R. 2197 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

On October 18, 2007, CBO transmitted a cost estimate for H.R. 2197 as ordered reported by the House Committee on Natural Resources on October 10, 2007. The two versions of H.R. 2197 are the same, as are the CBO cost estimates.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Theresa Gullo, Deputy 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 H.R. 2197. The Act 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 H.R. 2197, as ordered reported.

#### CONGRESSIONALLY DIRECTED SPENDING

H.R. 2197, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined by rule XLIV of the Standing Rules of the Senate.

#### EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the April 23, 2008, hearing on H.R. 2197 follows:

STATEMENT OF KATHERINE H. STEVENSON, ACTING ASSISTANT DIRECTOR, BUSINESS SERVICES, NATIONAL PARK SERVICE, 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. 993 and H.R. 2197, bills to authorize the Secretary of the Interior to modify the boundary of Hopewell Culture National Historical Park (NHP) at the Seip Earthworks unit to conform with recognizable property lines and landscape features, and to add the Spruce Hill Works unit to the park.

The Department supports S. 993 and H.R. 2197 as passed by the House. S. 993 and H.R. 2197 authorize the Secretary of the Interior (Secretary) to modify the bound-

aries of Hopewell Culture NHP and acquire lands only from willing sellers.

Spruce Hill is an interesting and unique monumental ceremonial archeological site built approximately 2,000 years ago by the Ohio Hopewell culture. The site encloses the top of a hill on the edge of the Appalachian Plateau and overlooks Paint Creek near the town of Bourneville in Ross County, Ohio. Of the forty or more large monumental Hopewell culture earthworks, less than a dozen are hilltop enclosures. Spruce Hill is one of the larger examples of a hilltop site; its walls enclose 140 acres. It is one of three Hopewellian earthwork sites in the Eastern Woodlands where stone is used to construct its enclosing walls. It also is the only hilltop enclosure in the extensive complex of Hopewell earthworks in the Scioto valley around modern-day Chillicothe. All of the other sites in the vicinity are built on the valley floors. The site also has "enigmatic iron pit furnaces," which continue to generate ardent discussions among archeologists.

The interest in preserving the Spruce Hill Works dates back to the 1970s. In 1972, the site was added to the National Register of Historic Places. In 1980, Public Law 96-607 added a threatened earthwork site to the park and called on the Secretary to study other Ohio Hopewell culture sites and recommend sites for inclusion in the park. Spruce Hill was considered in this comprehensive study; however, since there had been limited modern archeology done at the site, Spruce Hill was recommended for further study. As a result, when Public Law 102-294 established Hopewell Culture National Historical Park by combining the existing Mound City Group National Monument with three new units, it directed the Secretary to study several other prehistoric Hopewell culture sites as potential additions to the park, including Spruce Hill.

Between 1995 and 1998, NPS archeologists were allowed access to Spruce Hill by the landowner. They conducted investigations and prepared preliminary findings and a summary report by 1998. This report found the site significant and suitable for addition to the park. The report concluded that Spruce Hill is an outstanding example of a particular type of Hopewell culture monumental architecture, the hilltop enclosure, of which about a dozen are known and only one other, Fort Ancient State Memorial, a National Historic Landmark, compares to it in size. The site also is associated with early developments in American archeology and specifically with discussions of the origin and builders of the monumental earthworks in the eastern United States. The site has important natural resources as well, including vernal pools, breeding habitat for grassland birds whose populations are in decline in Ohio, and will help preserve the watershed of Paint Creek, a stream designated as Outstanding State Waters. The site offers outstanding opportunities to yield important scientific information on Hopewell hilltop sites, a type of feature that has not been well studied and is not represented in the park.

The estimated land acquisition cost for the Spruce Hill site is \$450,000 to \$600,000. The property was purchased on June 12, 2007 by a coalition of local and national conservation groups headed by the Arc of Appalachia Preserve and the Archaeological Conservancy. These partners are willing sellers. One of the partners, the Arc of Appalachia Preserve, is interested in holding the property outside of the earthworks and managing the site cooperatively with the NPS. This would reduce the acquisition cost for the government. Public facilities, including parking, hiking trails, and wayside exhibits, would be relatively inexpensive, with visitor center and museum needs being served by the Seip Earthworks unit. The cost to develop these facilities would be approximately \$250,000. The Ross County Parks Department has expressed an interest in cooperating with the development of these facilities. However, Federal funding for any new land acquisition and development would be subject to the budget prioritization process of the National Park Service.

S. 1993 and H.R. 2197 authorize boundary adjustments at the Seip Earthworks unit, allowing for alignment of the boundaries with features that are readily recognizable such as streams and fence lines. The boundary changes also would help preserve additional riparian habitat along Paint Creek, and forestall the need to surplus excess lands and provide easements across or near the principle resource of the park. Most of the land in the proposed boundary modification at the Seip earthwork has already been purchased by the Federal government as uneconomical remnants or is owned by the Ohio Historical Society. These changes would provide more opportunities for research into habitation and craft production archeological sites and provide the earthwork remains with a greater buffer. Also, inclusion of all of the Ohio Historical Society-owned land at Seip Mound State Memorial would facilitate joint management agreements with the Society. The estimated cost to purchase the remaining private properties is \$250,000 to \$300,000. These properties would be purchased from willing sellers.

Passage of S. 1993 and H.R. 2197 would allow the National Park Service to preserve these unique earthworks, a distinctive form of ceremonialism and monumental architecture that involved constructing long earthen walls to enclose very large spaces. These earthworks, developed by an American Indian culture in the Ohio River valley around 200 B.C. to A.D. 500, form a significant example of our nation's heritage.

That concludes my statement. I would be glad to answer any questions that you or other members of the subcommittee might have.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill H.R. 2197 as ordered reported, are shown as follows (existing law pro-

posed 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):

AN ACT To rename and expand the boundaries of the Mound City Group National Monument in Ohio

Public Law 102–294 (Approved May 27, 1992)

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

SECTION 1. The Mound City Group National Monument established by proclamation of the President and expanded by section 701 of Public Law 96–607 (94 Stat. 3540), shall, on and after the date of enactment of this Act, be known as the “Hopewell Culture National Historical Park”. Any reference to the Mound City Group National Monument in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Hopewell Culture National Historical Park.

SEC. 2. (a) IN GENERAL.—The boundaries of the Hopewell Culture National Historical Park (referred to as the “park”) are revised to include the lands within the areas marked for inclusion in the monument as generally depicted on—

(1) the map entitled “Hopeton Earthworks” numbered 353–80025 and dated July 1987;

(2) the map entitled “High Banks Works” numbered 353–80027 and dated July 1987;

(3) the map entitled “Hopewell Mound Group” numbered 353–80029 and dated July 1987; [and]

(4) the map entitled “Seip Earthworks” numbered 353–80033 and dated July 1987 [.]

(5) *the map entitled ‘Hopewell Culture National Historical Park, Ohio Proposed Boundary Adjustment’ numbered 353/80,049 and dated June, 2006.*

(b) PUBLIC INSPECTION OF MAPS.—Each map described in subsection (a) shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior.

(c) ADJUSTMENT OF BOUNDARIES.—The Secretary of the Interior (referred to as the “Secretary”) may, by notice in the Federal Register after receipt of public comment, make minor adjustments in the boundaries of areas added to the park by subsection (a) and other areas of the park: Provided, That any such minor boundary adjustments cumulatively shall not cause the total acreage of the park to increase more than 10 per centum above the existing acreage of Mound City Group National Monument, plus the acreage of the inclusions authorized under section 2(a).

(d) ACQUISITION OF LANDS.—(1) Subject to paragraph (2), the Secretary may acquire lands and interests in land within the areas added to the park by subsection (a) by donation, purchase with donated or appropriated funds, or exchange.

(2)(A) Lands and interests in land owned by the State of Ohio or a political subdivision thereof may be acquired only by donation or exchange.

(3) *The Secretary may acquire lands added by subsection (a)(5) only from willing sellers.*

(B) Lands and interests in land may be acquired by purchase at a price based on the fair market value thereof as determined by independent appraisal, consistent with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

SEC. 3. The Secretary may enter into a cooperative agreement with the Ohio Historical Society, the Archeological Conservancy, and other public and private entities for consultation and assistance in the interpretation and management of the park.

SEC. 4.

(a) AREAS ADDED BY THIS ACT.—The Secretary shall conduct archeological studies of the areas added to the park by section 2(a) and adjacent areas to ensure that the boundaries of those areas encompass the lands that are needed to provide adequate protection of the significant archeological resources of those areas.

(b) OTHER AREAS.—The Secretary shall conduct archeological studies of the areas described as the “Spruce Hill Works”, the “Harness Group”, and the “Cedar Bank Works”, and may conduct archeological studies of other areas significant to Hopewellian culture, to evaluate the desirability of adding them to the park, and shall report to Congress on any such areas that are recommended for addition to the park.

SEC. 5. There are authorized to be appropriated such sums as are necessary for the acquisition of lands and interests in land within the park, the conduct of archeological studies on lands within and adjacent to the park, and the development of facilities for interpretation of the park.