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SENATE

{ REPORT  
110-102

### NEWTONIA CIVIL WAR BATTLEFIELDS STUDY, MISSOURI

JUNE 26, 2007.—Ordered to be printed

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

### R E P O R T

[To accompany H.R. 376]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 376) to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefields and related sites of the First and Second Battles of Newtonia, Missouri, during the Civil War as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a separate unit of the National Park System, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

#### PURPOSE OF THE MEASURE

The purpose of H.R. 376 is to authorize the Secretary of the Interior to conduct a special resources study to determine the suitability and feasibility of including the battlefields and related sites of the First and Second Battles of Newtonia, Missouri, during the Civil War as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a separate unit of the National Park System.

#### BACKGROUND AND NEED

Newtonia, Missouri was the scene of two significant battles in the Civil War, one on September 30, 1862, and the other on October 28, 1864. The battles were fought in and around the town of Newtonia, an area that today retains much of its character from almost a century and a half ago. The September 30, 1862, battle involved Native American soldiers directly fighting each other, and

the October 28, 1864, battle was the last Civil War battle fought within the borders of the State of Missouri and the culmination of Confederate Major General Sterling Price's 1864 Missouri Expedition.

Newtonia was important as a centralized location to lead mines and the communities of Mt. Vernon (which housed a Union garrison), Sarcoxie, and Neosho, making it a priority for both sides seeking control of the Spring River and its fertile valley.

Both battles are explained in greater detail in the National Park Service's testimony, which is printed later in this report. H.R. 376 will authorize the National Park Service to conduct a special resource study to determine whether the site is appropriate for addition to the National Park System.

#### LEGISLATIVE HISTORY

H.R. 376, sponsored by Representative Blunt, passed the House of Representatives by voice vote on March 5, 2007. The Subcommittee on National Parks held a hearing on the bill on May 15, 2007. At its business meeting on May 23, 2007, the Committee on Energy and Natural Resources ordered the bill favorably reported, without amendment.

#### COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in an open business session on May 23, 2007, by a unanimous voice vote of a quorum present, recommends that the Senate pass H.R. 376.

#### SECTION-BY-SECTION ANALYSIS

*Section 1(a)* authorizes the Secretary of the Interior to conduct a special resource study relating to two Civil War battles that took place in Newton County, Missouri, in 1862 and 1864.

Subsection (b) requires the Secretary, in conducting the study, to evaluate the national significance of the Newtonia battlefields and their related sites; consider the findings and recommendations prepared in 2004 by the Newtonia Battlefields Protection Association; evaluate the suitability and feasibility of adding the battlefields and related sites to the Wilson's Creek National Battlefield in Missouri, as a unit of the National Park System; analyze the impact of possible park designation on adjacent privately-owned lands; consider alternatives for preservation; and estimate likely costs.

Subsection (c) states the study requirements contained in section 8 of Public Law 91-383 shall apply to the study.

Subsection (d) requires that the study be transmitted to Congress no later than three years after the date funds are first made available for the study.

#### COST AND BUDGETARY CONSIDERATIONS

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

JUNE 4, 2007.

Hon. JEFF BINGAMAN,  
*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 H.R. 376, an act to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefields and related sites of the First and Second Battles of Newtonia, Missouri, during the Civil War as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a separate unit of the National Park System, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Deborah Reis and David Reynolds.

Sincerely,

PETER R. ORSZAG.

Enclosure.

*H.R. 376—An act to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefields and related sites of the First and Second Battles of Newtonia, Missouri, during the Civil War as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a separate unit of the National Park System, and for other purposes*

H.R. 376 would direct the Secretary of the Interior to conduct a special resource study of sites in Missouri relating to the First and Second Battles of Newtonia, to determine the suitability and feasibility of including them in the National Park System. The act would authorize the appropriation of whatever amounts are necessary for the study and would require the department to report on its findings and recommendations within three years of receiving funds.

Based on information provided by the National Park Service and assuming availability of appropriated funds, CBO estimates that it would cost \$300,000 over the next 3 years to complete the required study and report. Enacting H.R. 376 would not affect revenues or direct spending.

The legislation 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.

The CBO staff contacts for this estimate are Deborah Reis and David Reynolds. The estimate was approved by Peter H. Fontaine, Deputy Assistant Director of the Budget Analysis Division.

#### 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. 376. 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. 376, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the May 15, 2007 Subcommittee hearing on H.R. 376 follows:

#### STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on H.R. 376, a bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefields and related sites of the First and Second Battles of Newtonia, Missouri, during the Civil War as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a separate unit of the National Park System.

The Department supports H.R. 376 as passed by the House. However, we believe that priority should be given to the 37 previously authorized studies for potential units of the National Park System, potential new National Heritage Areas, and potential additions to the National Trails System and National Wild and Scenic River System that have not yet been transmitted to the Congress.

H.R. 376 would authorize the Secretary to carry out a special resource study to determine the national significance of sites in Newton County, Missouri associated with the Civil War. The Secretary would evaluate the national significance of the battlefields and their related sites and analyze the potential impact that their inclusion in the National Park System is likely to have on Wilson's Creek National Battlefield.

A special resource study would provide alternatives for the appropriate way to preserve, to protect, and to interpret these sites and resources. Those alternatives would include recommendations on whether the area could be included as a new unit of the National Park System, as part of the Wilson's Creek National Battlefield, or determine if the Federal government is the most appropriate entity to manage the site. We estimate that the costs of completing this study would be approximately \$250,000 to \$300,000.

Newtonia was the scene of two significant battles in the Civil War, one on September 30, 1862 and the other on October 28, 1864. The battles were fought in and around the town of Newtonia, an area that today retains much of its character from almost a century and a half ago. The September 30, 1862 battle involved Native American soldiers directly fighting each other, and the October 28, 1864 battle was the last Civil War battle fought within the borders of the State of Missouri and the culmination of Confed-

erate Major General Sterling Price's 1864 Missouri Expedition.

Newtonia was important as a centralized location to lead mines and the communities of Mt. Vernon (which housed a Union garrison), Sarcoxie, and Neosho, making it a tempting area for both sides for control of the Spring River and its fertile valley. Confederate Colonel Douglas Cooper had arrived in Newtonia on September 27 and had taken over the area. On September 30 Union troops under General James Blunt appeared before Newtonia and the fighting began by 7:00 a.m. The Federals began driving the enemy away from their positions; but thanks to timely Confederate reinforcements, the Federals had to give way and retreat. As the Union forces were retreating, they received reinforcements and renewed their attack, threatening the enemy right flank. The Union 3rd Indian Battalion was heavily engaged during the attack on the right flank as were the Confederate 1st Choctaw and Chickasaw Regiment; in fact the two units engaged each other directly in a desperate melee. But once again Confederate reinforcements arrived and pushed the Federals back and into what quickly became an all out retreat. Some Union forces retreated all the way to Sarcoxie, some 10 miles away. Although the Confederates won the battle, they were unable to maintain themselves in the area due to the superior numbers of Union troops, and most retreated into north-west Arkansas.

In the last days of October 1864, Newtonia again took center stage. Confederate Major General Sterling Price had launched his "Missouri Expedition" in September of 1864 in an effort to retake Missouri for the Confederacy. His mission was failing miserably by October of 1864; and after sound defeats at the Battle of Westport on October 21-23 and the Battle of Mine Creek, Kansas on October 25, he was desperately trying to make his way back to Confederate Territory. Major General Price made one last stand at Newtonia on October 28, 1864. Most of his army continued across the Arkansas River into Texas. Troops under the command of General Jo Shelby slowed the Union advance of General James Blunt and held the Union forces at bay until darkness overtook the area and allowed Shelby's men to join the rest of the comrades in retreating to Texas. Confederate forces would not seriously threaten to cross the Arkansas River and invade Missouri again.

Currently the Newtonia Battlefields Protection Association owns and maintains 25 plus acres of the Battlefields. This includes the Ritchey Mansion and the "Old Newtonia Cemetery" or the "Civil War Cemetery" as it is locally known, with one battle participant, Captain Richard Christian, buried in it. There are approximately 200 graves, marked only by rough sandstone or field stones, which are almost certainly graves of Confederate dead.

The Newtonia Battlefields Protection Association was instrumental in having the sites of the 1862 and the 1864

battles listed on the National Register of Historic Places. The Ritchey Mansion was previously listed on the National Register, and the Association revised that application after they purchased the Mansion in 2002. The Association applied for and received three grants from the American Battlefield Protection Program (ABPP) of the National Park Service. Two of those studies were archeological studies, “Engaged the Enemy Again—An Assessment of the 1862 and 1864 Civil War Battles at Newtonia, Missouri,” (Fryman 1995) and “Newtonia Battlefields and Archeological Survey” (White Star 1998). Also in 2000, “A Preservation Plan for the Civil War Battlefields of Newtonia, Missouri” was funded by the ABPP and completed by Gray & Pape, Inc.

That concludes my testimony. I would be happy 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 the Act H.R. 376, as ordered reported.

