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SENATE

{ REPORT
110-289

WEIR FARM NATIONAL HISTORIC SITE AMENDMENT ACT

APRIL 10, 2008.—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 S. 1247]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1247) to amend the Weir Farm National Historic Site Establishment Act of 1990 to limit the development of any property acquired by the Secretary of the Interior for the development of visitor and administrative facilities for the Weir Farm National Historic Site, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Weir Farm National Historic Site Amendment Act”.

SEC. 2. LOCATION OF VISITOR AND ADMINISTRATIVE FACILITIES FOR WEIR FARM NATIONAL HISTORIC SITE.

Section 4(d) of the Weir Farm National Historic Site Establishment Act of 1990 (16 U.S.C. 461 note) is amended—

(1) in paragraph (1)(B), by striking “contiguous to” and all that follows and inserting “within Fairfield County.”;

(2) by amending paragraph (2) to read as follows:

“(2) DEVELOPMENT.—

“(A) MAINTAINING NATURAL CHARACTER.—The Secretary shall keep development of the property acquired under paragraph (1) to a minimum so that the character of the acquired property will be similar to the natural and undeveloped landscape of the property described in subsection (b).

“(B) TREATMENT OF PREVIOUSLY DEVELOPED PROPERTY.—Nothing in subparagraph (A) shall either prevent the Secretary from acquiring property under paragraph (1) that, prior to the Secretary’s acquisition, was developed in a manner inconsistent with subparagraph (A), or require the Secretary to remediate such previously developed property to reflect the natural character described in subparagraph (A).”; and

(3) in paragraph (3), in the matter preceding subparagraph (A), by striking “the appropriate zoning authority” and all that follows through “Wilton, Connecticut,” and inserting “the local governmental entity that, in accordance with applicable State law, has jurisdiction over any property acquired under paragraph (1)(A)”.

2. Amend the title so as to read: “A bill to amend the Weir Farm National Historic Site Establishment Act of 1990, and for other purposes.”.

PURPOSE

The purpose of S. 1247 is to amend the Weir Farm National Historic Site Establishment Act of 1990 to limit the development of any property acquired by the Secretary of the Interior for the development of visitor and administrative facilities for the Weir Farm National Historic Site.

BACKGROUND AND NEED

Public Law 101–485 established the Weir Farm National Historic Site to preserve the historic structures and landscapes associated with American Impressionist artist J. Alden Weir, and maintain “the integrity of a setting that inspired artistic expression.” The park’s 1995 General Management Plan determined that all administrative and operational support functions should be located in off-site facilities, and in 1998, Public Law 105–363 authorized a boundary expansion of 15 acres. Using this authority, the National Park Service purchased nine acres in the town of Ridgefield, Connecticut, for the construction of the maintenance, curatorial and headquarters building.

Public Law 105–363 required the National Park Service to reach agreement with the local communities of Ridgefield and Wilton, Connecticut, to coordinate the planning of the facility. Local concerns were raised about the construction of the 10,000 square foot “support” facility in a residential neighborhood. In addition, cost estimates for construction of the facility had increased substantially.

Currently, the park leases 5,000 square feet of curatorial and maintenance space at the Georgetown Wire Mill. The National Park Service would like to exchange all or part of the nine acres it currently owns for 12,000 square feet of finished space at the Wire Mill, thereby reducing the projected construction, operating and maintenance costs for a maintenance and administrative facility. Since the Park Service would use all or part of the nine acres currently owned to exchange for the space at Georgetown Wire Mill, no acquisition funds are required. If appraisals indicate that the space at the Georgetown Wire Mill exceeds the value of the National Park Service land, the owners, Georgetown Land Corporation, would donate the difference per agreement.

S. 1247 amends the enabling legislation for the Weir Farm National Historic Site to expand the geographic area in which the National Park Service could develop the administrative and maintenance facility for the park.

LEGISLATIVE HISTORY

S. 1247 was introduced by Senator Lieberman on April 26, 2007. The Subcommittee on National Parks held a hearing on the bill on

September 11, 2007 (S. Hrg. 110–213). At its business meeting on September 11, 2007, the Committee on Energy and Natural Resources ordered S. 1247 favorably reported, with an amendment in the nature of a substitute.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on January 30, 2008, by a voice vote of a quorum present, recommends that the Senate pass S. 1247, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 1247, the Committee adopted an amendment in the nature of a substitute. The amendment simplifies and clarifies the amendments to the underlying law establishing the Weir Farm National Historic Site. The amendment is explained in detail in the section-by-section analysis, below.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title, the “Weir Farm National Historic Site Amendment Act.”

Section 2 amends section 4(d) of the Weir Farm National Historic Site Establishment Act to allow development of an administrative and maintenance facility within Fairfield County, Connecticut. The original law required that the development be contiguous or in close proximity to the park. The section also adds language directing the Secretary of the Interior to keep development of the acquired property to a minimum, except that existing development of the acquired property is permitted.

COST AND BUDGETARY CONSIDERATIONS

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

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S. 1247 would expand the area that the National Park Service (NPS) may consider to construct visitor and administrative facilities for the Weir Farm National Historic Site. Under current law, NPS may acquire up to 15 acres of land for such purpose; however, the land must be contiguous or close in proximity to the historic site. The bill would allow NPS to consider all potential sites in Fairfield County, Connecticut, including land that has been previously developed from its original state.

Because the legislation would not authorize additional funds for the acquisition of land or for the construction of facilities, CBO estimates that implementing S. 1247 would have no significant effect on the federal budget. Furthermore, based on information from NPS, CBO expects that any land acquired under the bill would be done through exchange.

The bill 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 contact for this estimate is Daniel Hoople. 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 S. 1247. 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. 1247, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 1247, as 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 September 11, 2007 Subcommittee hearing on S. 1247 follows:

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

Mr. Chairman and members of the committee, thank you for the opportunity to appear before Farm National Historic Site Establishment Act of 1990, and for other purposes.

The Department supports S. 1247, but would like to work with the committee to simplify the language in the bill.

S. 1247 would amend the Weir Farm National Historic Site Establishment Act of 1990 (as amended by Public Law 105-363) to expand the geographic area in which the park could acquire up to 15 acres to develop visitor and administrative facilities. Public Law 105-363 required that the acquisition be "in close proximity or contiguous to the park." Furthermore, by requiring a planning agreement with the towns of Ridgefield and Wilton, Connecticut before building a facility, Public Law 105-363 appears to authorize land acquisition only within these two towns. S. 1247 would expand the National Park Service's authority so that it can consider the acquisition of property in all of Fairfield County, Connecticut, including a building in nearby Redding, Connecticut, that the park has leased for over 13 years for park curatorial and maintenance functions. This expanded authority would reduce the cost of building support facilities and would address concerns that local towns have expressed about the location of administrative facilities in residential neighborhoods.

Weir Farm National Historic Site was established on October 31, 1990 to preserve the historic structures and landscapes associated with American Impressionist artist Julian Alden Weir. The park's authorizing legislation identifies one of the park's purposes as "to maintain the integrity of a setting that inspired artistic expression." In keeping with this purpose, the park's 1995 General Management Plan determined that all administrative and operational support functions should be located in off-site facilities. In 1998, Public Law 105-363 authorized a boundary expansion of up to 15 acres, and in 2000, the National Park Service purchased nine acres in the town of Ridgefield, Connecticut under this authority.

Public Law 105-363 required the National Park Service to enter into agreement with the towns of Ridgefield and Wilton, Connecticut, prior to building a facility. During discussions, concerns were raised about locating a 10,000 square foot facility in a residential neighborhood. In addition, cost estimates for building a facility on the newly acquired property had increased from \$3.4 million to \$5.9 million.

To address local concerns and rising costs, the National Park Service would like to consider alternative sites, including space at the Georgetown Wire Mill (Mill), a 55-acre brownfield development site listed on the National Register of Historic Places and located less than 2 miles from the park, in the town of Redding, Connecticut. Currently, the park leases 5,000 square feet of curatorial and maintenance space at the Mill. S. 1247 would allow the park to acquire 12,000 square feet of finished space at the Wire Mill in exchange for all or part of the nine acres acquired by the park in Ridgefield, Connecticut. This acquisition would reduce construction, operating, and maintenance costs for the park. Since the National Park Service would use all or part of the nine acres currently owned to exchange for the space at Georgetown Wire Mill, no acquisition funds are required. If appraisals indicate that the Georgetown Land Corporation (Corporation) building exceeds the value of the National Park Service land, the Corporation has agreed to donate the difference to the National Park Service.

Environmental sustainability would be another benefit of the Mill site. Within the next two years, the Mill is expected to be certified as a Leadership in Energy and Environmental Design (LEED) village center with residential and commercial services and subsidies for artist housing.

The language in S. 1247 that amends paragraph 2 of section 4(d) of Public Law 101-485 is complex. Without changing the substance of the bill, the Department would like to work with the committee to make the language simpler and clearer.

Mr. Chairman, this concludes my testimony. I would be happy to answer any questions 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 S. 1247 as ordered 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):

Public Law 101-485

AN ACT To establish the Weir Farm National Historic Site in the State of Connecticut

(Approved October 31, 1990; 104 Stat. 1171)

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Weir Farm National Historic Site Establishment Act of 1990”.

* * * * *

(d) ACQUISITION OF LAND FOR VISITOR AND ADMINISTRATIVE FACILITIES; LIMITATIONS.—**(1) ACQUISITION.—**

(A) **IN GENERAL.**—To preserve and maintain the historic setting and character of the historic site, the Secretary may acquire not more than 15 additional acres for the development of visitor and administrative facilities for the historic site.

(B) **PROXIMITY.**—The property acquired under this subsection shall be [contiguous to or in close proximity to the property described in subsection (b)] *within Fairfield County.*

(C) **MANAGEMENT.**—The acquired property shall be included within the boundary of the historic site and shall be managed and maintained as part of the historic site.

[(2) DEVELOPMENT.—The Secretary shall keep development of the property acquired under paragraph (1) to a minimum so that the character of the acquired property will be similar to the natural and undeveloped landscape of the property described in subsection (b).]

(2) DEVELOPMENT.—

(A) **MAINTAINING NATURAL CHARACTER.**—*The Secretary shall keep development of the property acquired under paragraph (1) to a minimum so that the character of the acquired property will be similar to the natural and undeveloped landscape of the property described in subsection (b).*

(B) **TREATMENT OF PREVIOUSLY DEVELOPED PROPERTY.**—*Nothing in subparagraph (A) shall either prevent the Secretary from acquiring property under paragraph (1) that, prior to the Secretary’s acquisition, was developed in a manner inconsistent with subparagraph (A), or require the Secretary to remediate such previously developed property*

to reflect the natural character described in subparagraph (A).

(3) AGREEMENTS.—Prior to and as a prerequisite to any development of visitor and administrative facilities on the property acquired under paragraph (1), the Secretary shall enter into one or more agreements with **【the appropriate zoning authority of the town of Ridgefield, Connecticut, and the town of Wilton, Connecticut,】** *the local governmental entity that, in accordance with applicable State law, has jurisdiction over any property acquired under paragraph (1)(A) for the purposes of—*

(A) developing the parking, visitor, and administrative facilities for the historic site; and

(B) managing bus traffic to the historic site and limiting parking for large tour buses to an offsite location.

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