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SENATE

{ REPORT
105-328

WEIR FARM NATIONAL HISTORIC SITE ESTABLISHMENT ACT OF 1990

SEPTEMBER 14, 1998.—Ordered to be printed

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

REPORT

[To accompany S. 1718]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1718) to amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriation of additional amounts for the acquisition of real and personal property, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

On page 2, strike line 21, through page 3, line 11 and insert in lieu thereof the following:

“(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).”.

PURPOSE OF THE MEASURE

The purpose of S. 1718, as ordered reported, is to amend the enabling Act for Weir Farm national historic Site to authorize the Secretary of the Interior to purchase approximately 15 acres of land and to increase the authorization ceiling from \$1,500,000 to \$4,000,000.

BACKGROUND AND NEED

J. Alden Weir, an American impressionist painter, summered at Weir Farm, near Wilton, Connecticut, for nearly 40 years. The 60-

acre site includes Weir's home, studio, barns, a visitor center and a second studio built by sculptor, Mahonri Young. The landscape that surrounds the area served as subject matter for many of Weir's paintings. Visitors can now stand where the artist set up his easel and compare paintings with the scenes that inspired him. Weir Farm National Historic Site was established by an Act of Congress (Public Law 101-485) on October 31, 1990.

This legislation would authorize the National Park Service to purchase, through donated or appropriated funds, 15 acres which are adjacent to the existing park boundary. The acreage is privately-owned and mostly undeveloped except for one house which, under park plans, would be converted to a new visitor center, administrative facilities and art gallery. The park's General Management Plan identified this 15-acre tract as an appropriate site to build facilities while maintaining the integrity of the surrounding landscape. The addition of the property and facilities would provide the National Park Service with the opportunity to display, for the public, paintings by Weir and other artists.

LEGISLATIVE HISTORY

S. 1718 was introduced by Senators Lieberman and Dodd on March 5, 1998 and referred to the Committee on Energy and Natural Resources. The Subcommittee on National Parks, Historic Preservation, and Recreation held a hearing on S. 1718 on July 16, 1998.

At its business meeting on July 29, 1998, the Committee on Energy and Natural Resources ordered S. 1718, favorably reported, as amended.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on July 29, 1998, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 1718, if amended as described herein.

COMMITTEE AMENDMENT

During the consideration of S. 1718, the Committee adopted an amendment which removes the statutory limits on the number of parking spaces, the restrictions on the nature of allowable retail items, and the prohibition against selling food.

SUMMARY OF S. 1718

S. 1718 amends Public Law 101-485 (the enabling Act for the Weir Farm National Historic Site) to authorize the Secretary of the Interior to purchase up to 15 acres of privately-owned lands to develop a visitor center and administrative facilities. The park's boundary would be expanded to include these lands. S. 1718 directs the Secretary to keep the development of the property to a minimum in order to maintain a natural and undeveloped landscape; and enter into one or more agreements with the towns of Ridgefield and Wilton, Connecticut prior to development of any facilities.

The Committee understands that the town of Ridgefield and the National Park Service have worked closely together to ensure that the development of the visitor center will not unduly impact the town and local traffic. The Committee notes that the Park Service and town have agreed to several specific conditions for the development, including limitations on parking and food sales. It is the Committee's understanding that the Park Service will incorporate these agreements into its development plan for the visitor center.

S. 1718 increases the park's land acquisition authorization ceiling from \$1,500,000 to \$4,000,000.

COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 13, 1998.

Hon. FRANK H. MURKOWSKI,
*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 S. 1718, a bill to amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriation of additional amounts for the acquisition of real and personal property.

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

Sincerely,

JUNE E. O'NEIL, *Director.*

Enclosure.

S. 1718—A bill to amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriation of additional amounts for the acquisition of real and personal property

Assuming appropriation of the necessary amounts, CBO estimates that implementing S. 1718 would cost the federal government between \$4 million and \$9 million over the next five years and less than \$500,000 annually thereafter. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. S. 1718 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.

S. 1718 would authorize the National Park Service (NPS) to acquire up to 15 acres of land near the Weir Farm National Historic Site to construct visitor and administrative facilities. The acquired land would be added to the boundary of the historic site. The bill

would require that the NPS, before developing this land, execute agreements with local authorities for providing parking and managing bus traffic. Finally, the bill would increase the limit on appropriations for land acquisition at the site from \$1.5 million to \$4 million.

CBO estimates that purchasing additional land near Weir Farm would cost between \$0.8 million and \$2 million, depending on the number of acres the NPS chooses to acquire and on the property's value, which will be determined by future appraisals. We estimate that the cost of constructing visitor and administrative facilities on the acquired site would be about \$7 million. According to the NPS, private organizations could finance as much as one-half of this amount; if so, the federal share of the project would be about \$3.5 million. Federal receipts would probably not be affected because these organizations would likely provide their contribution to the project directly or in kind. CBO estimates that annual costs to operate the new facilities would be between \$300,000 and \$400,000, beginning after fiscal year 2003. These estimates are based on information provided by the NPS and assume appropriation of the necessary amounts.

The CBO staff contact is Deborah Reis. This estimate was approved by Robert A. Sunshine, 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. 1718. The bill is not a regulatory measure in the sense of imposing Government-established standards of 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 enactment of S. 1718, as ordered reported.

EXECUTIVE COMMUNICATIONS

The testimony of the Department of the Interior at the Subcommittee hearing follows:

STATEMENT OF DENIS GALVIN, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 1718, a bill to amend the Weir Farm National Historic Site Establishment Act of 1990. We support enactment of S. 1718 with two amendments outlined in our testimony.

Weir Farm was established in 1990 to protect and to preserve the home and studio of J. Alden Weir. Of the 238 acres originally owned by Weir, the historic site is composed of 60 acres of the most significant property. The land and structures are integral to the historic landscapes that

inspired the artist. It is inappropriate to use this prime, historic setting for administrative purposes.

Open for only a few years, Weir Farm is already a popular cultural tourism destination. To serve visitors while protecting the historic integrity of its cultural landscape, Weir Farm needs modest off-site administrative and visitor facilities. The recently adopted general management plan identified approximately 15 acres of suitable nearby lands, available from willing sellers. The National Park Service has subsequently analyzed several of these parcels in detail, and has developed a preliminary site plan for the new facilities, which would adaptively reuse a 1950s era house and property. Visitor traffic would be intercepted at this site, much closer to the main approach road, thus nearly eliminating visitor traffic from the narrow, winding road that continues on to the historic site. The quiet pastoral landscape of this artist's retreat will not be spoiled by cars and tour buses parking along a narrow road bordered by stone walls. Details of the site plan have been developed in full consultation with neighbors and appropriate local regulatory bodies.

The National Park Service and the townspeople of neighboring Ridgefield, Connecticut have developed a strategy for accommodating visitor and administrative services. Many elements of that strategy are contained in this legislation. This effort is the result of extensive work between Park Service staff and the citizens of a small town. It represents an excellent cooperative relationship with a gateway community.

Weir Farm's General Management Plan (GMP) was adopted after a full environmental impact study and consultation process. This legislation enables implementation of this carefully conceived GMP.

In addition to authorizing the acquisition of additional land, S. 1718 would require that an agreement be established between the Secretary and the town of Ridgefield for the purpose of developing parking and facilities, and managing bus traffic to the site, consistent with the development objectives of the town.

The bill is specific in these details, in part, because the surrounding community wants to be assured that its values are respected in the resulting development. There is understandable concern that traffic and the flow of visitors not adversely affect the surrounding neighborhood.

It is important to note that while all of these limitations are consistent with the General Management Plan, we feel that detailed issues of parking capacity and bus flow should be addressed in the above-referenced agreement with the town, rather than the legislation. Consequently, we recommend that the language specifying the details of parking lot size, bus traffic and sale of food be deleted.

We have two reasons for this amendment. One, we want to avoid the necessity of coming back to Congress to request minor changes in parking and traffic management

that both the town and the Park Service may agree are necessary in the future. Two, we do not want to set a precedent for other NPS areas, where future legislation would dwell on minute details of park management. Times change, visitor-use trends change and protection strategies require even-higher levels of sophistication. Casting detailed provisions for park management in law impedes our ability to respond effectively as conditions evolve.

There are always incremental decisions and adjustments when a project like this is constructed in a sensitive area. To try to legislate all of this in advance is neither practical nor necessary.

This point can be illustrated by making a clarifying observation regarding parking capacity. Our ongoing understanding with the town envisions a 30-space *visitor* parking area, with an additional administrative parking area. The bill before us requires that any parking area constructed for the visitor and administrative facilities shall not exceed 30 spaces. We believe this is an inadvertent error, as original language, forwarded from the town of Ridgefield to the delegation recognized provision for the administrative spaces.

We also recommend that S. 1718 include an amendment to remove a restriction contained in the 1990 enabling legislation, prohibiting the use of federal funds to buy art at Weir Farm. This is the only enabling legislation that prohibits government purchase of related art.

At Saint Gaudens National Historic Site, the only other park in the system with the primary purpose of preserving an American artist's home and studio, federal funds have been used very sparingly over the decades to help generate many important gifts of Saint Gaudens' work that have come to the site.

By design, the art collection at Weir Farm will be developed largely through donations by the primary nonprofit park-operating partner, the Weir Farm Heritage Trust. However, it is important to the purposes of this historical park to be able to leverage significant private donations with the use of modest federal funding.

Displaying art produced at Weir Farm, or by its artist residents, is central to the park mission and a significant feature of the General Management Plan.

Mr. Chairman, that concludes our written testimony. I will be glad to answer any questions you may 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. 1718, 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, October 31, 1990)

* * * * *

SEC. 4. ESTABLISHMENT OF WEIR FARM NATIONAL HISTORIC SITE.

* * * * *

(b) DESCRIPTION.—The historic site shall consist of—

(1) the approximately 2 acre core parcel containing the Weir house, studio, and barn; and

(2) the approximately 60 acres and improvements thereon owned by the State of Connecticut; both as generally depicted on a map entitled “Land Ownership Map, Weir Farm Historic Site”, Figure 5, dated October 1989, as contained in the National Park Service Weir Farm Suitability/Feasibility Study, February, 1990. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

* * * * *

(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).*

(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).*

(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 1 or more agreements with the appropriate zoning authority of the town of Ridgefield, Connecticut, and the town of Wilton, Connecticut, 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.*

* * * * *

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purpose of this Act, except that not more

than (\$1,500,000 may) \$4,000,000 be appropriated for the acquisition of real and personal property.

