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110TH CONGRESS, 2d Session | SENATE | REPORT 110–311

LOWELL NATIONAL HISTORICAL PARK BOUNDARY ADJUSTMENT ACT

APRIL 10, 2008.—Ordered to be printed

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

REPORT

[To accompany H.R. 299]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 299) to adjust the boundary of Lowell National Historical Park, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE

The purpose of H.R. 299 is to amend the enabling legislation for Lowell National Historical Park in Massachusetts to modify the park boundary to include 5 small parcels of land totaling less than one acre.

BACKGROUND AND NEED

H.R. 299 authorizes the Secretary of the Interior to acquire five small tracts totaling less than one acre to add to the boundary at Lowell National Historical Park in Massachusetts. The tracts are needed to complete development of the Canalway, a linear park and walkway.

Acquisition of these tracts will provide the access points necessary for development, maintenance, and surveillance in order to complete the Canalway. Approximately two miles of walkway along the park's 5.61-mile historic power canal system remain incomplete. Funding for construction of the remaining portion of the system is being sought through partnership and grant programs. Acquisition rights and associated boundary changes are needed to ensure that park visitors will have access to the entire system.

69–010

LEGISLATIVE HISTORY

H.R. 299, sponsored by Congressman Meehan, passed the House of Representatives by a voice vote on March 5, 2007. Companion legislation, S. 867, was introduced by Senators Kennedy and Kerry on March 13, 2007. The Subcommittee on National Parks held hearings on both bills on September 27, 2007. (S. Hrg. 110–266.) The Committee on Energy and Natural Resources ordered H.R. 299 favorably reported without amendment on January 30, 2008.

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 H.R. 299.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title, the "Lowell National Historic Park Boundary Adjustment Act."

Section 2 modifies the boundary to include 5 parcels of land identified on the referenced map.

COST AND BUDGETARY CONSIDERATIONS

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

H.R. 299—Lowell National Historical Park Boundary Adjustment Act

H.R. 299 would modify the boundary of the Lowell National Historical Park in Massachusetts to include five new parcels of land totaling less than 1 acre. Assuming availability of the necessary amounts, CBO estimates that the National Park Service would spend less than $200,000 to acquire land within the expanded boundary. We estimate that additional administrative costs to manage the new properties would be minimal. Enacting H.R. 299 would not affect revenues or direct spending.

The bill contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). H.R. 299 would impose a private-sector mandate, as defined in the UMRA, if the Secretary of the Interior acquires any of the five parcels of land for inclusion in the Lowell National Historical Park by means of condemnation. The cost of that mandate would be equal to the value of the property. Since the aggregate value of the five parcels is about $200,000, CBO estimates that the cost of the mandate would fall well below the annual threshold established in UMRA for private-sector mandates ($136 million in 2008, adjusted annually for inflation).

The CBO staff contacts for this estimate are Deborah Reis (for federal costs), and MarDestinee C. Perez (for the private-sector impact). 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 and H.R. 299. 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. 299, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 299, 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 27, 2007 subcommittee hearing follows:

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

Mr. Chairman, members of the subcommittee, thank you for the opportunity to present the views of the Department of the Interior on S. 867 and H.R. 299, bills to adjust the boundary of Lowell National Historical Park, and for other purposes.

The Department supports enactment of these bills.

These bills would authorize the Secretary of the Interior to acquire five small tracts of land, totaling less than one acre, and to include these tracts in the boundary of the Lowell National Historical Park. These five small parcels are important to the park's operation.

Lowell National Historical Park preserves and interprets the nationally significant historic and cultural sites, structures and districts in Lowell, Massachusetts, that represent the most significant planned industrial city in the United States and symbolize, in physical form, the Industrial Revolution. The park tells the human story of the Industrial Revolution and the changing role of technology in a 19th and 20th century setting. The cultural heritage of many of the ethnic groups that immigrated to the United States during the 19th and early 20th century, and which continues today, is still preserved in Lowell's neighborhoods. The park provides a vehicle for economic progress in the community, encouraging creative and cooperative preservation and interpretive programs.

The tracts included in this bill are needed to complete development of the Canalway, a linear park and walkway along Lowell's 5.6-mile historic power canal system. The acquisition of these tracts will provide the access points necessary for development, maintenance, and visitor protection in order to complete the Canalway. Approximately two miles of the walkway along Lowell's 5.6-mile canal system remain incomplete. Acquisition rights and associated boundary changes are needed to ensure that park

visitors will have access to the entire system and to give the park the right to develop and maintain these canal walkways.

S. 867 and H.R. 299 would authorize the Secretary to acquire the tracts in fee, or by easement, purchase or donation, and if necessary, by means of condemnation. The original 1978 legislation establishing Lowell National Historical Park contains condemnation authority for the Secretary and the now defunct Lowell Historic Preservation Commission. The National Park Service (NPS) inherited the assets of the Commission when it ceased operations in 1995. Although condemnation authority has not been used in 20 years, it is needed now because NPS has been unable to obtain clear title to one of these small tracts through the usual means of title and record searches.

Dating back to the 1800s, tract ownership is uncertain and NPS has not been able to locate or determine the owners. The NPS would use condemnation authority to gain clear title only if owners of the parcels cannot be identified after further attempts through notice in local newspapers is unsuccessful. The Lowell City Council will be consulted and condemnation authority will be used only with its concurrence, as required in the park's enabling legislation. If the Lowell City Council would oppose our intention to use condemnation authority, the park would not proceed.

As has been the practice of the Lowell National Historical Park throughout its Canalway acquisition program, donated easements and fee acquisition will be sought as a first course of action. In the event that property owners are unwilling to donate fee or easement rights, funding for these acquisitions will be sought through public and private funding sources. This bill will not result in any increases to operational costs for the park.

The proposed legislation is supported by the Commonwealth of Massachusetts, the City of Lowell, the Lowell Historic Board, and the Lowell Plan/Lowell Development and Financial Corporation.

Mr. Chairman that concludes my testimony and I will be happy to answer any questions from you or members of the subcommittee.

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. 299 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 95–290, 95th Congress

AN ACT To provide for the establishment of the Lowell National Historical Park in the Commonwealth of Massachusetts, and for other purposes.

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

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SEC. 101.

(a)(1) To carry out the purpose of this Act, there is established as a unit of the National Park System in the city of Lowell, Massachusetts, the Lowell National Historical Park. There is further established in an area adjacent to the park the Lowell Historic Preservation District, which will be administered by the Secretary and by the Commission in accordance with this Act. The boundaries of the park and preservation district shall be the boundaries depicted on the map entitled "Lowell National Historical Park, Massachusetts", dated March 1978, and numbered "Lowe–80,008A". Such map shall be on file and available for inspection in the office of the National Park Service, Department of the Interior; and in the office of the city clerk, city of Lowell.

(2) The Secretary shall publish in the Federal Register, as soon as practicable after the date of the enactment of this Act, a detailed description and map of the boundaries established under paragraph (1) of this subsection.

(3) The boundaries of the park are modified to include five parcels of land identified on the map entitled 'Boundary Adjustment, Lowell National Historical Park,' numbered 475/81,424B and dated September 2004, and as delineated in section 202(a)(2)(G).

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ACQUISITION OF PROPERTY

SEC. 202.(a)(1) The Secretary is authorized to acquire the properties designated in paragraph (2) of this subsection, or any interest therein, by donation, purchase with donated or appropriated funds, condemnation, or otherwise. Any property or interest therein owned by the Commonwealth of Massachusetts or any political subdivision thereof may be acquired only by donation. The Secretary may initiate condemnation proceedings under this paragraph only after making every reasonable effort to acquire property through negotiations and purchase, and consulting with the Commission (if established) and the city council of Lowell.

(2) The properties referred to in paragraph (1) of this subsection are the following:

(A) The Linus Childs House. 63 Kirk Street.

(B) The H and H Paper Company (Commonly referred to as Boott Mill Boarding House), 42 French Street.

(C) Old City Hall, 226 Merrimack Street.

(D) Merrimack Gatehouse, 269 Merrimack Street.

(E) The Wannalancit Textile Company, 562 Suffolk Street.

(F) The Structures containing the Jade Pagoda and Solomon's Yard Goods, 210 and 200 Merrimack Street.

(G) The properties shown on the map identified in subsection (101)(a)(3) as follows:

(i) 91 Pevey Street.

(ii) The portion of 607 Middlesex Place.
(iii) Eagle Court.
(iv) The portion of 50 Payne Street.
(v) 726 Broadway.

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