

Briefing Statement: Valley Forge NHP and the American Revolution Center

Overview

Public Law 106-86 of 1999 authorized the United States Secretary of the Interior to enter into a partnership with the American Revolution Center (ARC) to construct a museum on federal land within the boundary of Valley Forge National Historical Park. The National Park Service (NPS) subsequently worked in partnership with ARC toward the goal of building a museum of the American Revolution that would feature the collections of both partners. The partners chose a site for the museum adjacent to the current park Welcome Center, developed the interpretive and educational underpinning for the museum, planned and designed the museum, and assessed environmental impacts of the museum. NPS staff also curated ARC's collection during that time. Over 2.5 million in federal funds and thousands of hours of NPS staff time were devoted to advancing the project.

In 2005 ARC terminated the partnership. In 2006 ARC requested to restart negotiations for a partnership, and NPS concurred. Negotiation proceeded until January 2007, when ARC suddenly terminated them. ARC subsequently acquired 78-acre park in-holding and announced plans to develop the land with a museum and commercial uses.

Background on Loss of In-holding:

In order to preserve scenic and historic resources associated with the Continental Army Encampment, the United States Congress established an amended boundary for Valley Forge NHP in 1980 which included 800 acres of land in Lower Providence Township, north of the Schuylkill River. These lands comprise 25% of the national park. Most of the land within the amended boundary has been acquired by the park through the years. The ability for the federal government to acquire land within the park's boundary depends on the concurrent availability both of willing sellers and also of federal land acquisition funds.

The 78-acre parcel is open land that was part of the Continental Army's Valley Forge winter encampment of 1777-78 and that has been farmland for over three centuries. It has been the park's first priority for land acquisition for many years. A federal / local partnership to acquire it stalled in 2006 when the federal government was unable to provide its share of funds. With the acquiescence of the NPS, ARC took over the federal interest in fall 2006, having stated in writing that it would build a museum on the land and "remove 78 acres within the park's legislated boundary from probable commercial development."

In June 2007, however, ARC introduced a proposed ordinance in Lower Providence Township to rezone the property to allow extensive commercial development. The rezoning was approved on September 6, 2007. ARC acquired the property on September 7, 2007.

Current Status:

In spring 2008, ARC submitted a development application to the township. NPS and others provided comments that detailed concerns over the adverse cultural and

environmental impacts the development plans pose to park lands, which surround the site on 96% of its boundary. Although no modifications were made to the plans, Lower Providence Township granted preliminary approval to the entire plan, final approval to a portion of the plan, and a conditional use approval to fill wetlands. (The plans are available for review at www.lowerprovidence.org.) Five township residents and the National Parks Conservation Association filed a challenge to the zoning ordinance in federal court, contending that the ordinance is spot zoning and that it precludes NPS' ability to appropriately manage its lands. In early April, the judge remanded the case to Commonwealth Court. The plaintiffs have not announced whether they will continue the suit.

In mid-April ARC announced that it would observe a 15-year moratorium on construction of non-museum buildings. No written definition of the moratorium was offered. Two days later, however, ARC filed an application to the township for a building permit for the "trail-head building" and an extensive amount of underground utilities to serve the future museum and conference center. The Pennsylvania Department of Environmental Protection determined that ARC must comply with federal and state water quality regulations and secure a National Pollution Discharge Elimination System (NPDES) permit for the entire development, prior to issuance of a building permit for any phase of the development. That process, which generally takes several months, includes the ability of the public to review and comment on storm water management proposals. Because current ARC proposals would appreciably degrade park wetlands and the adjacent waters of the Schuylkill River, Valley Forge NHP will actively participate in the review.

Concerns about the Adverse Impacts of the Development Plan

NPS continues to express its concerns to the reviewing/permitting agencies on the development plans that have now been approved by the township. NPS concerns include:

- The destruction of an existing cultural landscape and the loss of archeological resources on the in-holding
- The high visibility of the buildings, parking lots, roads and service drives, storm water facilities, etc. from the park
- The dumping of storm water runoff into streams which feed wetlands on park property
- The extensive light pollution that will be created by the immense glass wall of the museum, the hundreds of windows in the conference center and hotel, and the hundreds of light fixtures in the parking lots, roads, and paths—all visible from within the park
- The lack of performance guarantees for storm water management, light pollution prevention, and vegetative screening
- Absence of any consultation with the park on the trail connections and emergency access from the inholding which township approvals will trigger
- The loss of 78 acres of habitat at the center of the park's most productive habitat area
- The loss of the quiet, undeveloped values for which this part of the park is appreciated by visitors

Concerns about the Zoning Ordinance:

NPS established a record of comment during the township's public process noting that the agency could concur with the construction of a museum alone but that the additional development permitted by the new zoning ordinance will cause irreparable harm to the site and to the park. The ordinance permits numerous uses in addition to a museum, including a conference center, lodging, restaurants, bars, a camp ground, fast food, retail stores, parking garages and parking lots.

The development plan approved by the township includes only a portion of the construction that is permitted by-right under the new ordinance, and that could be added to the site through additional development proposals in the future. The enacted ordinance:

- allows 25% impervious coverage—19.5 acres
- allows a building footprint of over a half million square feet
- allows an unlimited amount of sidewalks, plazas, and pervious paving, including parking lots
- allows these areas to be counted as “open space”
- allows a conference center and unlimited ancillary commercial uses to be built whether or not a museum is constructed;
- provides no upward limits for the sizes of structures;
- provides inadequate setbacks and screening of parking, roads, and structures from adjacent boundaries with the park;
- provides no screening for views to the development from higher elevations in the park south of the river
- provides inadequate and, in most cases, no performance standards for protection from light pollution and glare;
- allows a structure(s) up to 130' tall.

The federally owned lands of the park surround this parcel on four of its five sides, or 96% of its boundary. As NPS has consistently stated, the degree of development permitted by the ordinance will destroy the historic, archeological, natural, open space, and scenic values of the in-holding. In addition to the destruction of historic and natural resources on the site itself, development of the parcel will adversely affect resources and visitors within the park. The proposed facilities on this site will be fully visible from both the north and south sides of the park. The integrity and value of the open space and the wildlife habitat in this area will be lost.

Options Looking Ahead

A decision memo with options to be considered by NPS and DOI was forwarded to WASO in March. A decision is pending.

The park's recently completed General Management Plan called for expansion of the park Welcome Center, including expansions of the museum gallery, educational programs, and visitor services spaces. This project has received initial funding and will commence in mid-2009.

Contact

Mike Caldwell, Superintendent

610-772-3853

Updated 5-04-09