

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1188

To provide for the preservation of the coal mining heritage of southern West Virginia, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 1995

Mr. RAHALL introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To provide for the preservation of the coal mining heritage of southern West Virginia, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This act may be cited as the “National Coal Heritage  
5 Area Act of 1995”.

6 **SEC. 2. FINDINGS.**

7 (a) FINDINGS.—The Congress finds that:

8 (1) Certain events that led to the development  
9 of southern West Virginia’s coalfields during the lat-  
10 ter part of the 19th Century and the early part of

1 the current century are of national historic and cul-  
2 tural significance in terms of their contribution to  
3 the industrialization of the United States, the orga-  
4 nization of workers into trade unions and the unique  
5 culture of the Appalachian Region.

6 (2) It is in the national interest to preserve and  
7 protect physical remnants of this era for the edu-  
8 cation and benefit of present and future generations.

9 (3) There is a need to provide assistance for the  
10 preservation and promotion of those vestiges of  
11 southern West Virginia's coal heritage which have  
12 outstanding cultural, historic, and architectural val-  
13 ues.

14 **SEC. 3. ESTABLISHMENT.**

15 (A) IN GENERAL.—For the purpose of preserving  
16 and interpreting for the educational and inspirational ben-  
17 efit of present and future generations certain lands and  
18 structures with unique and significant historic and cul-  
19 tural values associated with the coal mining heritage of  
20 the State of West Virginia and the Nation there is hereby  
21 established the National Coal Heritage Area (hereinafter  
22 in this Act referred to as the “Area”).

23 (b) BOUNDARIES.—The Area shall be comprised of  
24 the counties in the State of West Virginia that are the  
25 subject of the study by the National Park Service, dated

1 1993, entitled “A Coal Mining Heritage Study: Southern  
2 West Virginia” conducted pursuant to title VI of Public  
3 Law 100–699

4 (c) ADMINISTRATION.—The Area shall be adminis-  
5 tered in accordance with this Act.

6 **SEC. 4. CONTRACTUAL AGREEMENT.**

7 The Secretary of the Interior (hereinafter referred to  
8 as the “Secretary”) is authorized to enter into a contrac-  
9 tual agreement with the Governor of the State of West  
10 Virginia, acting through the Division of Culture and His-  
11 tory and the Division of Tourism and Parks, pursuant to  
12 which the Secretary shall assist the State of West Vir-  
13 ginia, its units of local government, and non-profit organi-  
14 zations in each of the following:

15 (1) The development and implementation of in-  
16 tegrated cultural, historical, and land resource man-  
17 agement policies and programs in order to retain,  
18 enhance, and interpret the significant values of the  
19 lands, waters, and structures of the Area.

20 (2) The preservation, restoration, maintenance,  
21 operation, interpretation, and promotion of build-  
22 ings, structures, facilities, sites, and points of inter-  
23 est for public use that possess cultural, historical,  
24 and architectural values associated with the coal  
25 mining heritage of the Area.

1           (3) The coordination of activities by Federal,  
2           State and local governments and private businesses  
3           and organizations in order to further historic preser-  
4           vation and compatible economic revitalization.

5           (4) The development of guidelines and stand-  
6           ards for projects, consistent with standards estab-  
7           lished by the National Park Service, for the preser-  
8           vation and restoration of historic properties, includ-  
9           ing interpretive methods, that will further history  
10          preservation in the region.

11          (5) The acquisition of real property, or interests  
12          in real property, for public use by donation or by  
13          purchase, that possess cultural, historical, and archi-  
14          tectural values associated with the coal mining herit-  
15          age of the Area from a willing seller with donated  
16          or appropriated funds.

17          (6) The assistance referred to in section 7(d).

18 **SEC. 5. ELIGIBLE RESOURCES.**

19          The resources eligible for the assistance under para-  
20          graphs (2) and (5) of section 4 shall include those set  
21          forth in appendix D of the study by the National Park  
22          Service, dated 1993, entitled “A Coal Mining Heritage  
23          Study: Southern West Virginia” conducted pursuant to  
24          title VI of Public Law 100-699. Priority consideration  
25          shall be given to those sites listed as “Conservation Prior-

ities” and “Important Historic Resources” as depicted on the map entitled “Study Area: Historic Resources” in such study.

**SEC. 6. COAL HERITAGE MANAGEMENT PLAN.**

(a) IN GENERAL.—Pursuant to the contractual agreement referred to in section 4, within two years after the date of enactment of this Act, the Governor of the State of West Virginia, acting through the Division of Culture and History and the Division of Tourism and Parks, shall submit to the Secretary a Coal Heritage Management Plan for the Area. The plan shall at a minimum—

(1) set forth the integrated cultural, historic, and land resource management policies and programs referred to in section 4;

(2) describe the guidelines and standards for projects referred to in section 4;

(3) set forth the responsibilities of the State of West Virginia, units of local government, non-profit entities or of the Secretary to administer any properties acquired pursuant to section 4; and

(4) provide for the restoration, preservation, interpretation, and administration of the historic, cultural, and architectural resources of the Bramwell National Historic Site.

1 (b) PLAN APPROVAL.—The Secretary shall approve  
2 the plan submitted under subsection (a) unless he deter-  
3 mines that it would not meet the objectives of this Act.

4 **SEC. 7. DESIGNATION OF BRAMWELL NATIONAL HISTORIC**  
5 **SITE.**

6 (a) IN GENERAL.—In order to preserve, restore, and  
7 interpret the unique historical, cultural, and architectural  
8 values of Bramwell, West Virginia, there is hereby estab-  
9 lished the Bramwell National Historic Site (hereinafter re-  
10 ferred to as the “Site”).

11 (b) AREA INCLUDED.—The Site shall consist of the  
12 lands and interests therein within the corporate limits of  
13 the town of Bramwell.

14 (c) ADMINISTRATION.—The Site shall be adminis-  
15 tered by the State of West Virginia, an appropriate unit  
16 of local government, or a non-profit organization as deter-  
17 mined by the management plan referred to in section 6.

18 (d) DUTIES OF THE SECRETARY.—To carry out the  
19 purposes of this section, the Secretary shall assist in the  
20 implementation of the management plan referred to in sec-  
21 tion 6. Such assistance shall include, but necessarily be  
22 limited to—

23 (1) facilitating the restoration, preservation, and  
24 interpretation of the historic, cultural, and architec-  
25 tural resources of the Site;

1           (2) offsetting the costs of operating and main-  
2           taining the Site; and

3           (3) providing for the acquisition of land or in-  
4           terests in land within the boundaries of the Site  
5           from willing sellers.

6           (e) PROPERTY OWNER RIGHTS.—(1) Nothing in this  
7           section may be construed as authorizing access to private  
8           residential property within the Site for the purpose of con-  
9           ducting visitors through such property, or for any other  
10          purpose, without the advice and consent of the owner of  
11          such property.

12          (2) The entity referred to in subsection (c) may mark,  
13          interpret, restore, and provide technical assistance for the  
14          preservation and interpretation of properties with historic  
15          or cultural significance within the Site only pursuant to  
16          cooperative agreements with the owners of such prop-  
17          erties.

18          **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

19          There is hereby authorized to be appropriated such  
20          sums as may be necessary to carry out the purposes of  
21          this Act, to remain available until expended.

1 **SEC. 9. DESIGNATION OF MINERS' MARCH TRAIL AS A**  
2 **STUDY TRAIL.**

3 Section 5(c) of the National Trails System Act (16  
4 U.S.C. 1244(c)) is amended by adding at the end the fol-  
5 lowing new paragraph:

6 “( ) The route from Lens Creek near Marmet to  
7 Blair Mountain in West Virginia traveled by coal miners  
8 dramatizing the need for social justice between August 20,  
9 1921, and September 4, 1921, during what is commonly  
10 known as the Battle of Blair Mountain.”

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