

## Calendar No. 679

106TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
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### YUMA CROSSING NATIONAL HERITAGE AREA ACT OF 1999

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JULY 12, 2000.—Ordered to be printed

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

### REPORT

[To accompany S. 1998]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1998) to establish the Yuma Crossing National Heritage Area, 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 6, line 26, after “Heritage Area Board of Directors” insert “which shall include representatives from a broad cross-section of the individuals, agencies, organizations, and governments that have been involved in the planning and development of the Heritage Area to this point. The management entity should also reflect those who may have an interest in the purposes and objectives of the Heritage Area now and in the future.”.

#### PURPOSE OF THE MEASURE

The purpose of S. 1998 is to establish the Yuma Crossing National Heritage Area in Yuma, Arizona, and to designate the management entity as the Yuma Crossing National Heritage Area Board of Directors.

#### BACKGROUND AND NEED

Thousands of years ago, prehistoric tribes, searching for a way to cross the Colorado River, first came upon the Yuma Crossing, a formation of two massive granite outcroppings on the Colorado River. Years later, Spanish conquistadors planted their nation’s flag at the Yuma Crossing, almost 100 years before the Pilgrim’s landing at Plymouth Rock. As time passed, thousands more would rely on the Yuma Crossing as it became a focal point for the Na-

tion's westward migration, bringing travelers, trappers, soldiers, goldseekers and emigrants.

In recent years, various planning and development efforts have brought renewed interest and activity to the City of Yuma. In 1998 the Heritage Area Task Force was formed to develop a heritage plan, detailing its vision, design, and construction. The group developed a list of 150 cultural, historic, and natural resources within the heritage area. Designation of Yuma Crossing as a National Heritage Area would recognize the national significance of its resources and aid in their protection, preservation, and interpretation.

#### LEGISLATIVE HISTORY

S. 1998 was introduced by Senator McCain on November 19, 1999. Senator Kyl was added as a cosponsor on April 11, 2000. Testimony from witnesses on this bill was included in the record of the hearing held by the Subcommittee on National Parks, Historic Preservation, and Recreation on May 25, 2000. At its business meeting on June 7, 2000, the Committee on Energy and Natural Resources ordered S. 1998, as amended, favorably reported.

#### COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on June 7, 2000, by a unanimous vote of a quorum present, recommends that the Senate pass S. 1998, if amended as described herein.

#### COMMITTEE AMENDMENTS

During the consideration of S. 1998, the Committee adopted an amendment to establish criteria for membership of the Yuma Crossing National Heritage Area Board of Directors.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* designates the bill's short title.

*Section 2(a)* contains congressional findings.

Subsection (b) describes the purposes of the bill. The purposes are as follows: (1) to recognize the role of the Yuma Crossing in the development of the United States; (2) to promote, interpret, and develop the physical and recreational resources of the communities surrounding Yuma Crossing; (3) to foster a close working relationship between all levels of government and the local communities in the Yuma region; (4) to empower the community to conserve the heritage and natural resources of the region while pursuing economic opportunities; (5) to provide recreational opportunities; (6) to optimize the use of riverfront property; and (7) to improve the ability of the Yuma region to serve visitors and enhance the local economy through the completion of major projects in the Heritage Area.

*Section 3* defines the term "Management Entity" as the Yuma Crossing National Heritage Area Board of Directors, and provides definitions for other terms used in the bill.

*Section 4* establishes the Yuma Crossing National Heritage Area, describes the boundaries of the area, designates the Yuma Crossing National Heritage Area Board of Directors as the management entity, and establishes criteria for membership on the board.

*Section 5* directs the Secretary of the Interior to enter into a compact with the management entity that includes a discussion of the goals and objectives of the Heritage Area, an explanation of the proposed approach to conservation and interpretation, and an outline of the protection measures to which the management entity commits. The management entity is required to submit the proposed compact to the Secretary within 1 year after the date of enactment of this Act, and the Secretary is to either approve or disapprove the compact within 90 days of its submission. If the compact is disapproved, the Secretary must advise the management entity of the reasons why and provide recommendations for its revision. Upon receipt of the revised compact, the Secretary has 90 days to approve or disapprove the compact.

*Section 6(a)* directs the management entity to develop a management plan for the Heritage Area and describes 8 specific elements that must be included in the plan. The management entity is required to submit the plan to the Secretary within 3 years after the date of enactment of this Act, and the Secretary must either approve or disapprove the plan within 90 days of its submission. If the plan is disapproved, the Secretary must advise the management entity of the reasons why and provide recommendations for its revision. Upon receipt of the revised plan, the Secretary has 90 days to approve or disapprove the plan. Once the management plan has been approved, any substantial amendments to the plan must be reviewed and approved by the Secretary.

Subsection (b) describes the duties of the management entity. The duties are as follows: (1) implement the compact and the management plan; (2) assist governmental and other organizations in establishing and maintaining interpretive exhibits, developing recreational resources, increasing public awareness and appreciation for resources, and restoring historic buildings in the Heritage Area; (3) encourage economic viability consistent with the goals of the management plan; (4) encourage the adoption by local governments of policies consistent with the goals of the management plan; (5) consider the interests of governmental business, and nonprofit groups within the Heritage Area; (6) conduct quarterly public meetings; and (7) ensure that all records relating to the expenditure of Federal funds are made available for audit.

Subsection (c) authorizes the management entity to use Federal funds to make grants, enter into cooperative agreements, hire and compensate staff, and enter into contracts for goods and services.

Subsection (d) prohibits the management entity from using Federal funds received under this Act to acquire real property or any interest in real property.

Subsection (e) clarifies that nothing in this Act prohibits the management entity from using Federal funds from other sources.

Subsection (f) clarifies that the management entity may use Federal funds received under this Act to carry out activities on property that is not owned by the Federal Government.

*Section 7(a)* authorizes the Secretary to provide technical and financial assistance to the management entity.

Subsection (b) requires the Historic American Building Survey/ Historic American Engineering Record to conduct any study necessary to document the natural, cultural, historical, recreational, and scenic resources of the Heritage Area.

*Section 8* terminates the authority of the Secretary to make grants or provide assistance under this Act on September 30, 2015.

*Section 9* authorizes the appropriation of \$10 million, limited to \$1 million in any one fiscal year, subject to a 50 percent match of non-Federal funds.

#### COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 20, 2000.*

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. 1998, the Yuma Crossing National Heritage Area Act of 1999.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Deborah Reis and Ali Aslam (for federal costs) and Natalie Tawil (for the private-sector impact).

Sincerely,

STEVEN LIEBERMAN  
(For Dan L. Crippen, Director).

Enclosure.

#### *S. 1998—Yuma Crossing National Heritage Area Act of 1999*

S. 1998 would establish the Yuma Crossing National Heritage Area in the county and city of Yuma, Arizona. The bill would direct the Secretary of the Interior to enter into an agreement with the Yuma Crossing National Heritage Area Board of Directors, the designated management entity for the area, to conserve and interpret area resources. The board would develop a management plan that identifies activities and sources of funding to protect and manage the heritage area. In addition, the board would make grants to state and local agencies and other entities to implement the plan. For these purposes, the bill would authorize the appropriation of \$10 million, not to exceed \$1 million annually.

Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 1998 would cost \$10 million over the next 10 to 15 years. Such amounts would be used to cover a portion of the costs of establishing, operating, and interpreting the heritage area. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

S. 1998 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). The state of Arizona and local governments within the state might choose to participate in the planning for and management of the national heritage area and would incur some costs as a result. Such costs would be voluntary. Participating governments would be eligible to receive grants to cover a portion of the costs associated with those activities. S. 1998 would impose no costs on other state, local, or tribal governments.

The bill would impose private-sector mandates, but CBO estimates that the total direct costs of those mandates would fall well below the annual threshold established in UMRA (\$109 million in 2000, adjusted annually for inflation) during the first five years that the mandates are in effect.

S. 1998 would impose new private-sector mandates on the Yuma Crossing National Heritage Area Board of Directors, which the bill would designate as the management entity for the heritage area. The bill would require the board to submit a proposal for a compact with the federal government that addresses objectives and interpretation of the heritage area. The bill also would require the board to develop, and submit to the Secretary of the Interior for approval, a management plan for the heritage area. S. 1998 also would require the board to conduct public meetings regarding the plan and to assist local governments and other organizations in activities related to the purposes of the heritage area. Based on information provided by the Yuma Crossing National Heritage Area Task Force, CBO estimates that the total direct costs of mandates in the bill would fall well below the annual threshold established in UMRA in any of the first five years that the mandates would be in effect. The bill would authorize appropriations to cover up to 50 percent of the costs of developing and implementing the management plan and would direct the Secretary to provide technical assistance to the management entity upon request.

On June 20, 2000, CBO transmitted a cost estimate for H.R. 2833, the Yuma Crossing National Heritage Area Act of 2000, as ordered reported by the House Committee on Resources on June 7, 2000. These bills are very similar and our cost estimates are the same.

The CBO staff contacts are Deborah Reis and Ali Aslam (for federal costs), Susan Sieg Tompkins (for the state and local impact), and Natalie Tawil (for the private-sector impact). This estimate was approved by Peter H. Fontaine, 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. 1998. 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. 1998, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

On, May 23, 2000, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 1998. These reports had not been received at the time the report on S. 1998 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate.

The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF KATHERINE STEVENSON, ASSOCIATE DIRECTOR, CULTURAL RESOURCES STEWARDSHIP AND PARTNERSHIPS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you to present the position of the Department of the Interior on S. 1998, a bill to establish the Yuma Crossing National Heritage Area.

The Department supports S. 1998, with the amendment outlined in our testimony. Last month we testified on similar legislation, H.R. 2833, before the House Subcommittee on National Parks and Public Lands. At that hearing we recommended that the House bill be revised to incorporate some of the concepts found in S. 1998. The recommendations included defining the boundary and using a multi-agency approach to complete a master plan based upon studies that meet National Park Service criteria. We are pleased with the approach taken by S. 1998 which will ensure that the resources of the National Park Service as well as the proposed Heritage Area are efficiently used to focus and protect the important resources of this area.

S. 1998 would create the Yuma Crossing National Heritage Area in Yuma, Arizona, based on work that has been conducted for more than twenty years by the city and county of Yuma. This work culminated in an executive summary in 1999 prepared by the Heritage Task Force, a cross-section of citizens in the region. The report and previous work conducted in Yuma has also included organizations, agencies and potential partners in the creation and management of a National Heritage Area.

This bill calls for the Secretary of the Interior to enter into a compact with the Yuma Crossing National Heritage Area management entity for the purposes of further refining the area's goals and objectives and outlining the protection measures that will guide the management entity's efforts. S. 1998 calls for the development and approval of a management plan for the Heritage Area. If the plan is not submitted within three years, the Heritage Area becomes ineligible for Federal funding. The bill also outlines the duties of the management entity and prohibits it from using Federal funds to acquire real property or interests in real property. S. 1998 authorizes the management entity to spend Federal funds on non-federally owned property. At the request of the management entity, the Secretary would be authorized to provide technical and financial assistance to develop and implement the management plan. S. 1998 authorizes appropriations and limits Federal funding to 50 percent of the total cost of any assistance or grant and bars the Secretary from providing any assistance under this Act after September 30, 2015.

The National Park Service has defined a National Heritage Area as a place where natural, cultural, historic and

recreational resources combine to form a nationally distinctive landscape arising from patterns of human activity. Heritage conservation efforts are grounded in a community's pride in its history and traditions, and its interest in seeing them retained. Preserving the integrity of the cultural landscape and local stories means that future generations of the community will be able to understand and define who they are, where they come from, and what ties them to their home. Heritage areas are designed to protect large, regional landscapes and resources that tell the story of its residents.

The National Park Service testified before the House Subcommittee on National Parks and Public Lands last October 26 on H.R. 2532, a bill which would provide a process for the establishment of national heritage areas. We outlined four critical steps that needed to be completed prior to designation. Those steps are:

- (1) completion of a suitability/feasibility study;
- (2) public involvement in the suitability/feasibility study;
- (3) demonstration of widespread public support among heritage area residents for the proposed designation; and
- (4) commitment to the proposal from the appropriate players which may include governments, industry, and private, non-profit organizations, in addition to the local citizenry.

We believe S. 1998 meets a large portion of the intent and spirit of those steps.

Much of the work Yuma has done in studying and developing popular support for this proposal has been accomplished with minimal involvement of the National Park Service or a traditional suitability and feasibility study. However, it has built upon work, studies and reports which have identified natural, historic, and cultural resources representing a distinct, and yet familiar, story of the development and settlement of the West. These efforts have also identified new recreational and educational opportunities such as a river walk, and wetlands restoration projects. The studies and projects have incorporated the time and efforts of thousands of citizens, the City and Chamber of Commerce for Yuma, local Indian tribes, historical societies, state parks, community development groups, and members of the Cocopah Tribe. In essence, these groups have made great strides in accomplishing the goals of a National Park Service suitability study in a unique way.

More than 150 natural and cultural resources within the proposed boundary for the Yuma Crossing National Heritage Area have been identified. These resources tell the story of the growth and development of an area from ancient times to the present—all focused and based around the Colorado River and the natural crossing of that river that drew ancient and modern man alike to the place. Nearly 1,000 acres of wetlands have been identified for

protection and improvement for native vegetation and wildlife, which will enhance opportunities for birding and birding festivals. A natural history museum would focus interest and educational opportunities on the role this riparian environment plays in the middle of the Sonoran Desert. River walks would link parks, the historic Arizona Territorial State Prison, and downtown Yuma.

We recommend one amendment that would provide a broader definition or description of the management entity to ensure that it reflects the cross-section of agencies, organizations, citizens and governments essential to any heritage area's success. We have attached a copy of our proposed amendment to this testimony.

We believe that the natural and cultural resources protected in this proposal are well documented and retain integrity. They will provide for recreational and educational opportunities, and help tell the story of the development of the West, a critical part of this nation's heritage and identity.

I would be happy to respond to any questions that you may have.

PROPOSED AMENDMENT TO S. 1998, TO ESTABLISH THE  
YUMA CROSSING NATIONAL HERITAGE AREA

On page 6, line 26, insert "which shall include representatives from a broad cross-section of the I individuals, agencies, organizations, and governments that have been involved in the planning and development of the Heritage Area to this point. The management entity should also reflect those who may have an interest in the purposes and objectives of the Heritage Area now and in the future." after Heritage Area Board of Directors.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 1998, as ordered reported.