

108TH CONGRESS
1ST SESSION

S. 211

To establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 23, 2003

Mr. BINGAMAN (for himself and Mr. DOMENICI) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish the Northern Rio Grande National Heritage Area in the State of New Mexico, 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 “Northern Rio Grande
5 National Heritage Area Act”.

6 **SEC. 2. CONGRESSIONAL FINDINGS.**

7 The Congress finds that—

8 (1) northern New Mexico encompasses a mosaic
9 of cultures and history, including eight Pueblos and

1 the descendants of Spanish ancestors who settled in
2 the area in 1598;

3 (2) the combination of cultures, languages, folk
4 arts, customs, and architecture make northern New
5 Mexico unique;

6 (3) the area includes spectacular natural, sce-
7 nic, and recreational resources;

8 (4) there is broad support from local govern-
9 ments and interested individuals to establish a Na-
10 tional Heritage Area to coordinate and assist in the
11 preservation and interpretation of these resources;

12 (5) in 1991, the National Park Service study
13 Alternative Concepts for Commemorating Spanish
14 Colonization identified several alternatives consistent
15 with the establishment of a National Heritage Area,
16 including conducting a comprehensive archaeological
17 and historical research program, coordinating a com-
18 prehensive interpretation program, and interpreting
19 a cultural heritage scene; and

20 (6) establishment of a National Heritage Area
21 in northern New Mexico would assist local commu-
22 nities and residents in preserving these unique cul-
23 tural, historical and natural resources.

24 **SEC. 3. DEFINITIONS.**

25 As used in this Act—

1 (1) the term “heritage area” means the North-
2 ern Rio Grande Heritage Area; and

3 (2) the term “Secretary” means the Secretary
4 of the Interior.

5 **SEC. 4. NORTHERN RIO GRANDE NATIONAL HERITAGE**
6 **AREA.**

7 (a) ESTABLISHMENT.—There is hereby established
8 the Northern Rio Grande National Heritage Area in the
9 State of New Mexico.

10 (b) BOUNDARIES.—The heritage area shall include
11 the counties of Santa Fe, Rio Arriba, and Taos.

12 (c) MANAGEMENT ENTITY.—

13 (1) The Northern Rio Grande National Herit-
14 age Area, Inc., a non-profit corporation chartered in
15 the State of New Mexico, shall serve as the manage-
16 ment entity for the heritage area.

17 (2) The Board of Directors for the management
18 entity shall include representatives of the State of
19 New Mexico, the counties of Santa Fe, Rio Arriba
20 and Taos, tribes and pueblos within the heritage
21 area, the cities of Santa Fe, Espanola and Taos, and
22 members of the general public. The total number of
23 Board members and the number of Directors rep-
24 resenting State, local and tribal governments and in-
25 terested communities shall be established to ensure

1 that all parties have appropriate representation on
2 the Board.

3 **SEC. 5. AUTHORITY AND DUTIES OF THE MANAGEMENT EN-**
4 **TITY.**

5 (a) MANAGEMENT PLAN.—

6 (1) Not later than 3 years after the date of en-
7 actment of this Act, the management entity shall de-
8 velop and forward to the Secretary a management
9 plan for the heritage area.

10 (2) The management entity shall develop and
11 implement the management plan in cooperation with
12 affected communities, tribal and local governments
13 and shall provide for public involvement in the devel-
14 opment and implementation of the management
15 plan.

16 (3) The management plan shall, at a min-
17 imum—

18 (A) provide recommendations for the con-
19 servation, funding, management, and develop-
20 ment of the resources of the heritage area;

21 (B) identify sources of funding.

22 (C) include an inventory of the cultural,
23 historical, archaeological, natural, and rec-
24 reational resources of the heritage area;

1 (D) provide recommendations for edu-
2 cational and interpretive programs to inform
3 the public about the resources of the heritage
4 area; and

5 (E) include an analysis of ways in which
6 local, State, Federal, and tribal programs may
7 best be coordinated to promote the purposes of
8 this Act.

9 (4) If the management entity fails to submit a
10 management plan to the secretary as provided in
11 paragraph (1), the heritage area shall no longer be
12 eligible to receive Federal funding under this Act
13 until such time as a plan is submitted to the Sec-
14 retary.

15 (5) The Secretary shall approve or disapprove
16 the management plan within 90 days after the date
17 of submission. If the Secretary disapproves the man-
18 agement plan, the Secretary shall advise the man-
19 agement entity in writing of the reasons therefore
20 and shall make recommendations for revisions to the
21 plan.

22 (6) The management entity shall periodically
23 review the management plan and submit to the Sec-
24 retary any recommendations for proposed revisions
25 to the management plan. Any major revisions to the

1 management plan must be approved by the Sec-
2 retary.

3 (b) AUTHORITY.—The management entity may make
4 grants and provide technical assistance to tribal and local
5 governments, and other public and private entities to carry
6 out the management plan.

7 (c) DUTIES.—The management entity shall—

8 (1) give priority in implementing actions set
9 forth in the management plan;

10 (2) coordinate with tribal and local governments
11 to better enable them to adopt land use policies con-
12 sistent with the goals of the management plan;

13 (3) encourage by appropriate means economic
14 viability in the heritage area consistent with the
15 goals of the management plan; and

16 (4) assist local and tribal governments and non-
17 profit organizations in—

18 (A) establishing and maintaining interpre-
19 tive exhibits in the heritage area;

20 (B) developing recreational resources in
21 the heritage area;

22 (C) increasing public awareness of, and ap-
23 preciation for, the cultural, historical, archae-
24 ological and natural resources and sits in the
25 heritage area;

1 (D) the restoration of historic structures
2 related to the heritage area; and

3 (E) carrying out other actions that the
4 management entity determines appropriate to
5 fulfill the purposes of this Act, consistent with
6 the management plan.

7 (d) PROHIBITION ON ACQUIRING REAL PROPERTY.—
8 The management entity may not use Federal funds re-
9 ceived under this Act to acquire real property or an inter-
10 est in real property.

11 (e) PUBLIC MEETINGS.—The management entity
12 shall hold public meetings at least annually regarding the
13 implementation of the management plan.

14 (f) ANNUAL REPORTS AND AUDITS.—

15 (1) For any year in which the management en-
16 tity receives Federal funds under this Act, the man-
17 agement entity shall submit an annual report to the
18 Secretary setting forth accomplishments, expenses
19 and income, and each entity to which any grant was
20 made by the management entity.

21 (2) The management entity shall make avail-
22 able to the Secretary for audit all records relating to
23 the expenditure of Federal funds and any matching
24 funds. The management entity shall also require, for
25 all agreements authorizing expenditure of Federal

1 funds by other organizations, that the receiving or-
2 ganization make available to the Secretary for audit
3 all records concerning the expenditure of those
4 funds.

5 **SEC. 6. DUTIES OF THE SECRETARY.**

6 (a) **TECHNICAL AND FINANCIAL ASSISTANCE.**—The
7 Secretary may, upon request of the management entity,
8 provide technical and financial assistance to develop and
9 implement the management plan.

10 (b) **PRIORITY.**—In providing assistance under sub-
11 section (a), the Secretary shall give priority to actions that
12 facilitate—

13 (1) the conservation of the significant natural,
14 cultural, historical, archaeological, scenic, and rec-
15 reational resources of the heritage area; and

16 (2) the provision of educational, interpretive,
17 and recreational opportunities consistent with the re-
18 sources and associated values of the heritage area.

19 **SEC. 7. SAVINGS PROVISIONS.**

20 (a) **NO EFFECT ON PRIVATE PROPERTY.**—Nothing
21 in this Act shall be construed—

22 (1) to modify, enlarge, or diminish any author-
23 ity of Federal, State, or local governments to regu-
24 late any use of privately owned lands; or

1 (2) to grant the management entity any author-
2 ity to regulate the use of privately owned lands.

3 (b) TRIBAL LANDS.—Nothing in this Act shall re-
4 strict or limit a tribe from protecting cultural or religious
5 sites on tribal lands.

6 (c) AUTHORITY OF GOVERNMENTS.—Nothing in this
7 Act shall—

8 (1) modify, enlarge, or diminish any authority
9 of Federal, State, tribal, or local governments to
10 manage or regulate any use of land as provided for
11 by law or regulation; or

12 (2) authorize the management entity to assume
13 any management authorities over such lands.

14 (d) TRUST RESPONSIBILITIES.—Nothing in this Act
15 shall diminish the Federal Government’s trust responsibil-
16 ities or government-to-government obligations to any fed-
17 erally recognized Indian tribe.

18 **SEC. 8. SUNSET.**

19 The authority of the Secretary to provide assistance
20 under this Act terminates on the date that is 15 years
21 after the date of enactment of this Act.

22 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) IN GENERAL.—There are authorized to be appro-
24 priated to carry out this Act \$10,000,000, of which not

1 more than \$1,000,000 may be authorized to be appro-
2 priated for any fiscal year.

3 (b) COST-SHARING REQUIREMENT.—The Federal
4 share of the total cost of any activity assisted under this
5 Act shall be not more than 50 percent.

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