

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

# H. R. 760

To establish a program and criteria for National Heritage Areas in the United States, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2005

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

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## A BILL

To establish a program and criteria for National Heritage Areas in the United States, 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; TABLE OF CONTENTS.**

4       (a) **SHORT TITLE.**—This Act may be cited as the  
5 “National Heritage Partnership Act”.

6       (b) **TABLE OF CONTENTS.**—The table of contents of  
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. National Heritage Areas program.
- Sec. 4. Studies.
- Sec. 5. Management plans.
- Sec. 6. Local coordinating entities.
- Sec. 7. Relationship to other Federal agencies.

Sec. 8. Private property and regulatory protections.

Sec. 9. Authorization of appropriations.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) LOCAL COORDINATING ENTITY.—The term  
4 “local coordinating entity” means the entity des-  
5 ignated by Congress—

6 (A) to develop, in partnership with others,  
7 the management plan for a National Heritage  
8 Area; and

9 (B) to act as a catalyst for the implemen-  
10 tation of projects and programs among diverse  
11 partners in the National Heritage Area.

12 (2) MANAGEMENT PLAN.—The term “manage-  
13 ment plan” means the plan prepared by the local co-  
14 ordinating entity for a National Heritage Area des-  
15 ignated by Congress that specifies actions, policies,  
16 strategies, performance goals, and recommendations  
17 to meet the goals of the National Heritage Area, in  
18 accordance with section 5.

19 (3) NATIONAL HERITAGE AREA.—The term  
20 “National Heritage Area” means an area designated  
21 by Congress that is nationally important to the her-  
22 itage of the United States and meets the criteria es-  
23 tablished under section 4(a).

1           (4) NATIONAL IMPORTANCE.—The term “na-  
2           tional importance” means possession of—

3                   (A) unique natural, historical, cultural,  
4                   educational, scenic, or recreational resources of  
5                   exceptional value or quality; and

6                   (B) a high degree of integrity of location,  
7                   setting, or association in illustrating or inter-  
8                   preting the heritage of the United States.

9           (5) PROGRAM.—The term “program” means  
10           the National Heritage Areas program established  
11           under section 3(a).

12           (6) PROPOSED NATIONAL HERITAGE AREA.—  
13           The term “proposed National Heritage Area” means  
14           an area under study by the Secretary or other par-  
15           ties for potential designation by Congress as a Na-  
16           tional Heritage Area.

17           (7) SECRETARY.—The term “Secretary” means  
18           the Secretary of the Interior.

19           (8) STUDY.—The term “study” means a study  
20           conducted by the Secretary, or conducted by 1 or  
21           more other interested parties and reviewed by the  
22           Secretary, in accordance with the criteria and proc-  
23           esses established under section 4, to determine  
24           whether an area meets the criteria to be designated  
25           as a National Heritage Area by Congress.

1 **SEC. 3. NATIONAL HERITAGE AREAS PROGRAM.**

2 (a) IN GENERAL.—The Secretary shall establish a  
3 National Heritage Areas program under which the Sec-  
4 retary shall provide technical and financial assistance to  
5 local coordinating entities to support the establishment of  
6 National Heritage Areas.

7 (b) DUTIES.—Under the program, the Secretary  
8 shall—

9 (1)(A) conduct studies, as directed by Congress,  
10 to assess the suitability and feasibility of designating  
11 proposed National Heritage Areas; or

12 (B) review and comment on studies undertaken  
13 by other parties to make such assessment;

14 (2) provide technical assistance, on a reimburs-  
15 able or non-reimbursable basis (as determined by the  
16 Secretary), for the development and implementation  
17 of management plans for designated National Herit-  
18 age Areas;

19 (3) enter into cooperative agreements with in-  
20 terested parties to carry out this Act;

21 (4) provide information, promote under-  
22 standing, and encourage research on National Herit-  
23 age Areas in partnership with local coordinating en-  
24 tities;

25 (5) provide national oversight, analysis, coordi-  
26 nation, and technical assistance and support to en-

1       sure consistency and accountability under the pro-  
2       gram; and

3               (6) submit annually to the Committee on Re-  
4       sources of the House of Representatives and the  
5       Committee on Energy and Natural Resources of the  
6       Senate a report describing the allocation and ex-  
7       penditure of funds for activities conducted with re-  
8       spect to National Heritage Areas under this Act.

9       **SEC. 4. STUDIES.**

10       (a) CRITERIA.—In conducting or reviewing a study,  
11       the Secretary shall apply the following criteria to deter-  
12       mine the suitability and feasibility of designating a pro-  
13       posed National Heritage Area:

14               (1) An area—

15                       (A) has an assemblage of natural, historic,  
16                       cultural, educational, scenic, or recreational re-  
17                       sources that together are nationally important  
18                       to the heritage of the United States;

19                       (B) represents distinctive aspects of the  
20                       heritage of the United States worthy of recogni-  
21                       tion, conservation, interpretation, and con-  
22                       tinuing use;

23                       (C) is best managed as such an assemblage  
24                       through partnerships among public and private  
25                       entities at the local or regional level;

1 (D) reflects traditions, customs, beliefs,  
2 and folklife that are a valuable part of the her-  
3 itage of the United States;

4 (E) provides outstanding opportunities to  
5 conserve natural, historical, cultural, or scenic  
6 features;

7 (F) provides outstanding recreational or  
8 educational opportunities; and

9 (G) has resources and traditional uses that  
10 have national importance.

11 (2) Residents, business interests, nonprofit or-  
12 ganizations, and governments (including relevant  
13 Federal land management agencies) within the pro-  
14 posed area are involved in the planning and have  
15 demonstrated significant support through letters and  
16 other means for National Heritage Area designation  
17 and management.

18 (3) The local coordinating entity responsible for  
19 preparing and implementing the management plan is  
20 identified.

21 (4) The proposed local coordinating entity and  
22 units of government supporting the designation are  
23 willing and have documented a significant commit-  
24 ment to work in partnership to protect, enhance, in-

1        interpret, fund, manage, and develop resources within  
2        the National Heritage Area.

3            (5) The proposed local coordinating entity has  
4        developed a conceptual financial plan that outlines  
5        the roles of all participants (including the Federal  
6        Government) in the management of the National  
7        Heritage Area.

8            (6) The proposal is consistent with continued  
9        economic activity within the area.

10           (7) A conceptual boundary map has been devel-  
11        oped and is supported by the public and partici-  
12        pating Federal agencies.

13        (b) CONSULTATION.—In conducting or reviewing a  
14        study, the Secretary shall consult with the managers of  
15        any Federal land within the proposed National Heritage  
16        Area and secure the concurrence of the managers with the  
17        findings of the study before making a determination for  
18        designation.

19        (c) TRANSMITTAL.—On completion or receipt of a  
20        study for a National Heritage Area, the Secretary shall—

21            (1) review, comment, and make findings (in ac-  
22        cordance with the criteria specified in subsection (a))  
23        on the feasibility of designating the National Herit-  
24        age Area;

1           (2) consult with the Governor of each State in  
2           which the proposed National Heritage Area is lo-  
3           cated; and

4           (3) transmit to the Committee on Resources of  
5           the House of Representatives and the Committee on  
6           Energy and Natural Resources of the Senate, the  
7           study, including—

8                   (A) any comments received from the Gov-  
9                   ernor of each State in which the proposed Na-  
10                  tional Heritage Area is located; and

11                   (B) a finding as to whether the proposed  
12                  National Heritage Area meets the criteria for  
13                  designation.

14           (d) DISAPPROVAL.—If the Secretary determines that  
15           any proposed National Heritage Area does not meet the  
16           criteria for designation, the Secretary shall include within  
17           the study submitted under subsection (c)(3) a description  
18           of the reasons for the determination.

19           (e) DESIGNATION.—The designation of a National  
20           Heritage Area shall be—

21                   (1) by Act of Congress; and

22                   (2) contingent on the prior completion of a  
23                  study and an affirmative determination by the Sec-  
24                  retary that the area meets the criteria established  
25                  under subsection (a).

1 **SEC. 5. MANAGEMENT PLANS.**

2 (a) **REQUIREMENTS.**—The management plan for any  
3 National Heritage Area shall—

4 (1) describe comprehensive policies, goals, strat-  
5 egies, and recommendations for telling the story of  
6 the heritage of the area covered by the National  
7 Heritage Area and encouraging long-term resource  
8 protection, enhancement, interpretation, funding,  
9 management, and development of the National Her-  
10 itage Area;

11 (2) include a description of actions and commit-  
12 ments that governments, private organizations, and  
13 citizens will take to protect, enhance, interpret, fund,  
14 manage, and develop the natural, historical, cultural,  
15 educational, scenic, and recreational resources of the  
16 National Heritage Area;

17 (3) specify existing and potential sources of  
18 funding or economic development strategies to pro-  
19 tect, enhance, interpret, fund, manage, and develop  
20 the National Heritage Area;

21 (4) include an inventory of the natural, histor-  
22 ical, cultural, educational, scenic, and recreational  
23 resources of the National Heritage Area related to  
24 the national importance and themes of the National  
25 Heritage Area that should be protected, enhanced,  
26 interpreted, managed, funded, and developed;

1           (5) recommend policies and strategies for re-  
2           source management, including the development of  
3           intergovernmental and interagency agreements to  
4           protect, enhance, interpret, fund, manage, and de-  
5           velop the natural, historical, cultural, educational,  
6           scenic, and recreational resources of the National  
7           Heritage Area;

8           (6) describe a program for implementation for  
9           the management plan, including—

10                   (A) performance goals;

11                   (B) plans for resource protection, enhance-  
12                   ment, interpretation, funding, management, and  
13                   development; and

14                   (C) specific commitments for implementa-  
15                   tion that have been made by the local coordi-  
16                   nating entity or any government agency, organi-  
17                   zation, business, or individual;

18           (7) include an analysis of, and recommenda-  
19           tions for, means by which Federal, State, and local  
20           programs may best be coordinated (including the  
21           role of the National Park Service and other Federal  
22           agencies associated with the National Heritage  
23           Area) to further the purposes of this Act; and

24           (8) include a business plan that—

1 (A) describes the role, operation, financing,  
2 and functions of the local coordinating entity  
3 and of each of the major activities contained in  
4 the management plan; and

5 (B) provides adequate assurances that the  
6 local coordinating entity has the partnerships  
7 and financial and other resources necessary to  
8 implement the management plan for the Na-  
9 tional Heritage Area.

10 (b) DEADLINE.—

11 (1) IN GENERAL.—Not later than 3 years after  
12 the date on which funds are first made available to  
13 develop the management plan after designation as a  
14 National Heritage Area, the local coordinating entity  
15 shall submit the management plan to the Secretary  
16 for approval.

17 (2) TERMINATION OF FUNDING.—If the man-  
18 agement plan is not submitted to the Secretary in  
19 accordance with paragraph (1), the local coordi-  
20 nating entity shall not qualify for any additional fi-  
21 nancial assistance under this Act until such time as  
22 the management plan is submitted to and approved  
23 by the Secretary.

24 (c) APPROVAL OF MANAGEMENT PLAN.—

1           (1) REVIEW.—Not later than 180 days after re-  
2           ceiving the plan, the Secretary shall review and ap-  
3           prove or disapprove the management plan for a Na-  
4           tional Heritage Area on the basis of the criteria es-  
5           tablished under paragraph (3).

6           (2) CONSULTATION.—The Secretary shall con-  
7           sult with the Governor of each State in which the  
8           National Heritage Area is located before approving  
9           a management plan for the National Heritage Area.

10          (3) CRITERIA FOR APPROVAL.—In determining  
11          whether to approve a management plan for a Na-  
12          tional Heritage Area, the Secretary shall consider  
13          whether—

14                (A) the local coordinating entity represents  
15                the diverse interests of the National Heritage  
16                Area, including governments, natural and his-  
17                toric resource protection organizations, edu-  
18                cational institutions, businesses, recreational or-  
19                ganizations, community residents, and private  
20                property owners;

21                (B) the local coordinating entity—

22                       (i) has afforded adequate opportunity  
23                       for public and governmental involvement  
24                       (including through workshops and hear-

1           ings) in the preparation of the manage-  
2           ment plan; and

3                   (ii) provides for at least semiannual  
4           public meetings to ensure adequate imple-  
5           mentation of the management plan;

6           (C) the resource protection, enhancement,  
7           interpretation, funding, management, and de-  
8           velopment strategies described in the manage-  
9           ment plan, if implemented, would adequately  
10          protect, enhance, interpret, fund, manage, and  
11          develop the natural, historic, cultural, edu-  
12          cational, scenic, and recreational resources of  
13          the National Heritage Area;

14          (D) the management plan would not ad-  
15          versely affect any activities authorized on Fed-  
16          eral land under public land laws or land use  
17          plans;

18          (E) the local coordinating entity has dem-  
19          onstrated the financial capability, in partner-  
20          ship with others, to carry out the plan;

21          (F) the Secretary has received adequate  
22          assurances from the appropriate State and local  
23          officials whose support is needed to ensure the  
24          effective implementation of the State and local  
25          elements of the management plan; and

1 (G) the management plan demonstrates  
2 partnerships among the local coordinating enti-  
3 ty, Federal, State, and local governments, re-  
4 gional planning organizations, nonprofit organi-  
5 zations, or private sector parties for implemen-  
6 tation of the management plan.

7 (4) DISAPPROVAL.—

8 (A) IN GENERAL.—If the Secretary dis-  
9 approves the management plan, the Secretary—

10 (i) shall advise the local coordinating  
11 entity in writing of the reasons for the dis-  
12 approval; and

13 (ii) may make recommendations to the  
14 local coordinating entity for revisions to  
15 the management plan.

16 (B) DEADLINE.—Not later than 180 days  
17 after receiving a revised management plan, the  
18 Secretary shall approve or disapprove the re-  
19 vised management plan.

20 (5) AMENDMENTS.—

21 (A) IN GENERAL.—An amendment to the  
22 management plan that substantially alters the  
23 purposes of the National Heritage Area shall be  
24 reviewed by the Secretary and approved or dis-

1 approved in the same manner as the original  
2 management plan.

3 (B) IMPLEMENTATION.—The local coordi-  
4 nating entity shall not use Federal funds au-  
5 thorized by this Act to implement an amend-  
6 ment to the management plan until the Sec-  
7 retary approves the amendment.

8 **SEC. 6. LOCAL COORDINATING ENTITIES.**

9 (a) DUTIES.—To further the purposes of the Na-  
10 tional Heritage Area, the local coordinating entity shall—

11 (1) prepare a management plan for the Na-  
12 tional Heritage Area, and submit the management  
13 plan to the Secretary, in accordance with section 5;

14 (2) submit an annual report to the Secretary  
15 for each fiscal year for which the local coordinating  
16 committee receives Federal funds under this Act,  
17 specifying—

18 (A) the specific performance goals and ac-  
19 complishments of the local coordinating com-  
20 mittee;

21 (B) the expenses and income of the local  
22 coordinating committee;

23 (C) the amounts and sources of matching  
24 funds;

1 (D) the amounts leveraged with Federal  
2 funds and sources of the leveraging; and

3 (E) grants made to any other entities dur-  
4 ing the fiscal year;

5 (3) make available for audit for each fiscal year  
6 for which the local coordinating entity receives Fed-  
7 eral funds under this Act, all information pertaining  
8 to the expenditure of the funds and any matching  
9 funds; and

10 (4) encourage economic viability and sustain-  
11 ability that is consistent with the purposes of the  
12 National Heritage Area.

13 (b) AUTHORITIES.—For the purposes of preparing  
14 and implementing the approved management plan for the  
15 National Heritage Area, the local coordinating entity may  
16 use Federal funds made available under this Act to—

17 (1) make grants to political jurisdictions, non-  
18 profit organizations, and other parties within the  
19 National Heritage Area;

20 (2) enter into cooperative agreements with or  
21 provide technical assistance to political jurisdictions,  
22 nonprofit organizations, Federal agencies, and other  
23 interested parties;

24 (3) hire and compensate staff, including individ-  
25 uals with expertise in—

1 (A) natural, historical, cultural, edu-  
2 cational, scenic, and recreational resource con-  
3 servation;

4 (B) economic and community development;  
5 and

6 (C) heritage planning;

7 (4) obtain funds or services from any source,  
8 including other Federal laws or programs;

9 (5) contract for goods or services; and

10 (6) support activities of partners and any other  
11 activities that further the purposes of the National  
12 Heritage Area and are consistent with the approved  
13 management plan.

14 (c) PROHIBITION ON ACQUISITION OF REAL PROP-  
15 erty.—The local coordinating entity may not use Federal  
16 funds authorized under this Act to acquire any interest  
17 in real property.

18 **SEC. 7. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

19 (a) IN GENERAL.—Nothing in this Act affects the au-  
20 thority of a Federal agency to provide technical or finan-  
21 cial assistance under any other law.

22 (b) CONSULTATION AND COORDINATION.—The head  
23 of any Federal agency planning to conduct activities that  
24 may have an impact on a National Heritage Area is en-  
25 couraged to consult and coordinate the activities with the

1 Secretary and the local coordinating entity to the max-  
2 imum extent practicable.

3 (c) OTHER FEDERAL AGENCIES.—Nothing in this  
4 Act—

5 (1) modifies, alters, or amends any law or regu-  
6 lation authorizing a Federal agency to manage Fed-  
7 eral land under the jurisdiction of the Federal agen-  
8 cy;

9 (2) limits the discretion of a Federal land man-  
10 ager to implement an approved land use plan within  
11 the boundaries of a National Heritage Area; or

12 (3) modifies, alters, or amends any authorized  
13 use of Federal land under the jurisdiction of a Fed-  
14 eral agency.

15 **SEC. 8. PRIVATE PROPERTY AND REGULATORY PROTEC-**  
16 **TIONS.**

17 Nothing in this Act—

18 (1) abridges the rights of any property owner  
19 (whether public or private), including the right to re-  
20 frain from participating in any plan, project, pro-  
21 gram, or activity conducted within the National Her-  
22 itage Area;

23 (2) requires any property owner to permit pub-  
24 lic access (including access by Federal, State, or  
25 local agencies) to the property of the property

1 owner, or to modify public access or use of property  
2 of the property owner under any other Federal,  
3 State, or local law;

4 (3) alters any duly adopted land use regulation,  
5 approved land use plan, or other regulatory author-  
6 ity of any Federal, State or local agency, or conveys  
7 any land use or other regulatory authority to any  
8 local coordinating entity;

9 (4) authorizes or implies the reservation or ap-  
10 propriation of water or water rights;

11 (5) diminishes the authority of the State to  
12 manage fish and wildlife, including the regulation of  
13 fishing and hunting within the National Heritage  
14 Area; or

15 (6) creates any liability, or affects any liability  
16 under any other law, of any private property owner  
17 with respect to any person injured on the private  
18 property.

19 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) STUDIES.—There is authorized to be appro-  
21 priated to conduct and review studies under section 4  
22 \$750,000 for each fiscal year, of which not more than  
23 \$250,000 for any fiscal year may be used for any indi-  
24 vidual study for a proposed National Heritage Area.

25 (b) LOCAL COORDINATING ENTITIES.—

1           (1) IN GENERAL.—There is authorized to be  
2 appropriated to carry out section 6 \$15,000,000 for  
3 each fiscal year, of which not more than—

4           (A) \$1,000,000 may be made available for  
5 any fiscal year for any individual National Her-  
6 itage Area, to remain available until expended;  
7 and

8           (B) a total of \$10,000,000 may be made  
9 available for all such fiscal years for any indi-  
10 vidual National Heritage Area.

11           (2) TERMINATION DATE.—

12           (A) IN GENERAL.—The authority of the  
13 Secretary to provide financial assistance to an  
14 individual local coordinating entity under this  
15 Act (excluding technical assistance and admin-  
16 istrative oversight) shall terminate on the date  
17 that is 15 years after the date of the initial re-  
18 ceipt of the assistance by the local coordinating  
19 committee.

20           (B) DESIGNATION.—A National Heritage  
21 Area shall retain the designation as a National  
22 Heritage Area after the termination date pre-  
23 scribed in subparagraph (A).

24           (3) ADMINISTRATION.—Not more than 5 per-  
25 cent of the amount of funds made available under

1 paragraph (1) for a fiscal year may be used by the  
2 Secretary for technical assistance, oversight, and ad-  
3 ministrative purposes.

4 (c) MATCHING FUNDS.—

5 (1) IN GENERAL.—As a condition of receiving a  
6 grant under this Act, the recipient of the grant shall  
7 provide matching funds in an amount that is equal  
8 to the amount of the grant.

9 (2) ADMINISTRATION.—The recipient matching  
10 funds—

11 (A) shall be derived from non-Federal  
12 sources; and

13 (B) may be made in the form of in-kind  
14 contributions of goods or services fairly valued.

○