

109TH CONGRESS
1ST SESSION

S. 163

To establish the National Mormon Pioneer Heritage Area in the State of Utah, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 25, 2005

Mr. BENNETT introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish the National Mormon Pioneer Heritage Area in the State of Utah, 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 Mormon Pio-
5 neer Heritage Area Act”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the historical, cultural, and natural heritage
9 legacies of Mormon colonization and settlement are
10 nationally significant;

1 (2) in the area starting along the Highway 89
2 corridor at the Arizona border, passing through
3 Kane, Garfield, Piute, Sevier, Wayne, and Sanpete
4 Counties in the State of Utah, and terminating in
5 Fairview, Utah, there are a variety of heritage re-
6 sources that demonstrate—

7 (A) the colonization of the western United
8 States; and

9 (B) the expansion of the United States as
10 a major world power;

11 (3) the great relocation to the western United
12 States was facilitated by—

13 (A) the 1,400 mile trek from Illinois to the
14 Great Salt Lake by the Mormon pioneers; and

15 (B) the subsequent colonization effort in
16 Nevada, Utah, the southeast corner of Idaho,
17 the southwest corner of Wyoming, large areas
18 of southeastern Oregon, much of southern Cali-
19 fornia, and areas along the eastern border of
20 California;

21 (4) the 250-mile Highway 89 corridor from
22 Kanab to Fairview, Utah, contains some of the best
23 features of the Mormon colonization experience in
24 the United States;

1 (5) the landscape, architecture, traditions, be-
2 liefs, folk life, products, and events along Highway
3 89 convey the heritage of the pioneer settlement;

4 (6) the Boulder Loop, Capitol Reef National
5 Park, Zion National Park, Bryce Canyon National
6 Park, and the Highway 89 area convey the compel-
7 ling story of how early settlers—

8 (A) interacted with Native Americans; and

9 (B) established towns and cities in a
10 harsh, yet spectacular, natural environment;

11 (7) the colonization and settlement of the Mor-
12 mon settlers opened up vast amounts of natural re-
13 sources, including coal, uranium, silver, gold, and
14 copper;

15 (8) the Mormon colonization played a signifi-
16 cant role in the history and progress of the develop-
17 ment and settlement of the western United States;
18 and

19 (9) the artisans, crafters, innkeepers, outfitters,
20 historic landscape, customs, national parks, and ar-
21 chitecture in the Heritage Area make the Heritage
22 Area unique.

23 (b) PURPOSE.—The purpose of this Act is to estab-
24 lish the Heritage Area to—

1 (1) foster a close working relationship with all
2 levels of government, the private sector, residents,
3 business interests, and local communities in the
4 State;

5 (2) empower communities in the State to con-
6 serve, preserve, and enhance the heritage of the
7 communities while strengthening future economic
8 opportunities;

9 (3) conserve, interpret, and develop the histor-
10 ical, cultural, natural, and recreational resources
11 within the Heritage Area; and

12 (4) expand, foster, and develop heritage busi-
13 nesses and products relating to the cultural heritage
14 of the Heritage Area.

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

17 (1) **ALLIANCE.**—The term “Alliance” means
18 the Utah Heritage Highway 89 Alliance.

19 (2) **BOARD.**—The term “Board” means the
20 Board of Directors of the Alliance.

21 (3) **HERITAGE AREA.**—The term “Heritage
22 Area” means the National Mormon Pioneer Herit-
23 age Area established by section 4(a).

1 (4) MANAGEMENT PLAN.—The term “manage-
2 ment plan” means the plan developed by the Board
3 under section 6(a).

4 (5) SECRETARY.—The term “Secretary” means
5 the Secretary of the Interior.

6 (6) STATE.—The term “State” means the State
7 of Utah.

8 **SEC. 4. NATIONAL MORMON PIONEER HERITAGE AREA.**

9 (a) ESTABLISHMENT.—There is established the Na-
10 tional Mormon Pioneer Heritage Area.

11 (b) BOUNDARIES.—

12 (1) IN GENERAL.—The boundaries of the Herit-
13 age Area shall include areas in the State that are—

14 (A) related to the corridors—

15 (i) from the Arizona border northward
16 through Kanab, Utah, and to the intersec-
17 tion of Highway 89 and Highway 12, in-
18 cluding Highway 12 and Highway 24 as
19 those highways loop off Highway 89 and
20 rejoin Highway 89 at Sigurd;

21 (ii) from Highway 89 at the intersec-
22 tion of Highway 12 through Panguitch,
23 Junction, Marysvale, and Sevier County to
24 Sigurd;

1 (iii) continuing northward along High-
2 way 89 through Axtell and Sterling,
3 Sanpete County, to Fairview, Sanpete
4 County, at the junction with Utah High-
5 way 31; and

6 (iv) continuing northward along High-
7 way 89 through Fairview and Thistle
8 Junction, to the junction with Highway 6;
9 and

10 (B) located in the following communities:

11 Kanab, Mt. Carmel, Orderville, Glendale, Alton,
12 Cannonville, Tropic, Henrieville, Escalante,
13 Boulder, Teasdale, Fruita, Hanksville, Torrey,
14 Bicknell, Loa, Hatch, Panquitch, Circleville,
15 Antimony, Junction, Marysvale, Koosharem,
16 Sevier, Joseph, Monroe, Elsinore, Richfield,
17 Glenwood, Sigurd, Aurora, Salina, Mayfield,
18 Sterling, Gunnison, Fayette, Manti, Ephraim,
19 Spring City, Mt. Pleasant, Moroni, Fountain
20 Green, and Fairview.

21 (2) MAP.—The Secretary shall prepare a map
22 of the Heritage Area, which shall be on file and
23 available for public inspection in the office of the Di-
24 rector of the National Park Service.

1 (3) NOTICE TO LOCAL GOVERNMENTS.—The
2 Alliance shall provide to the government of each city,
3 town, and county that has jurisdiction over property
4 proposed to be included in the Heritage Area written
5 notice of the proposed inclusion.

6 (c) ADMINISTRATION.—The Heritage Area shall be
7 administered in accordance with this Act.

8 **SEC. 5. DESIGNATION OF ALLIANCE AS MANAGEMENT EN-**
9 **TITY.**

10 (a) IN GENERAL.—The Alliance shall be the manage-
11 ment entity for the Heritage Area.

12 (b) FEDERAL FUNDING.—

13 (1) AUTHORIZATION TO RECEIVE FUNDS.—The
14 Alliance may receive amounts made available to
15 carry out this Act.

16 (2) DISQUALIFICATION.—If a management plan
17 is not submitted to the Secretary as required under
18 section 6 within the time period specified in that sec-
19 tion, the Alliance may not receive Federal funding
20 under this Act until a management plan is sub-
21 mitted to the Secretary.

22 (c) USE OF FEDERAL FUNDS.—The Alliance may,
23 for the purposes of developing and implementing the man-
24 agement plan, use Federal funds made available under
25 this Act—

1 (1) to make grants and loans to the State, po-
 2 litical subdivisions of the State, nonprofit organiza-
 3 tions, and other persons;

4 (2) to enter into cooperative agreements with or
 5 provide technical assistance to the State, political
 6 subdivisions of the State, nonprofit organizations,
 7 and other organizations;

8 (3) to hire and compensate staff;

9 (4) to obtain funds from any source under any
 10 program or law requiring the recipient of funds to
 11 make a contribution in order to receive the funds;
 12 and

13 (5) to contract for goods and services.

14 (d) PROHIBITION OF ACQUISITION OF REAL PROP-
 15 ERTY.—The Alliance may not use Federal funds received
 16 under this Act to acquire real property or any interest in
 17 real property.

18 **SEC. 6. MANAGEMENT OF THE HERITAGE AREA.**

19 (a) HERITAGE AREA MANAGEMENT PLAN.—

20 (1) DEVELOPMENT AND SUBMISSION FOR RE-
 21 VIEW.—Not later than 3 years after the date of en-
 22 actment of this Act, the Board, with public partici-
 23 pation, shall develop and submit for review to the
 24 Secretary a management plan for the Heritage Area.

25 (2) CONTENTS.—The management plan shall—

1 (A) present comprehensive recommenda-
2 tions for the conservation, funding, manage-
3 ment, and development of the Heritage Area;

4 (B) take into consideration Federal, State,
5 county, and local plans in effect on the date of
6 enactment of this Act;

7 (C) involve residents, public agencies, and
8 private organizations in the Heritage Area;

9 (D) include a description of actions that
10 units of government and private organizations
11 are recommended to take to protect the re-
12 sources of the Heritage Area;

13 (E) specify existing and potential sources
14 of Federal and non-Federal funding for the
15 conservation, management, and development of
16 the Heritage Area; and

17 (F) include—

18 (i) an inventory of resources in the
19 Heritage Area that—

20 (I) includes a list of property in
21 the Heritage Area that should be con-
22 served, restored, managed, developed,
23 or maintained because of the histor-
24 ical, cultural, or natural significance
25 of the property as the property relates

1 to the themes of the Heritage Area;
2 and

3 (II) does not include any prop-
4 erty that is privately owned unless the
5 owner of the property consents in
6 writing to the inclusion;

7 (ii) a recommendation of policies for
8 resource management that consider the ap-
9 plication of appropriate land and water
10 management techniques, including policies
11 for the development of intergovernmental
12 cooperative agreements to manage the his-
13 torical, cultural, and natural resources and
14 recreational opportunities of the Heritage
15 Area in a manner that is consistent with
16 the support of appropriate and compatible
17 economic viability;

18 (iii) a program for implementation of
19 the management plan, including plans for
20 restoration and construction;

21 (iv) a description of any commitments
22 that have been made by persons interested
23 in management of the Heritage Area;

24 (v) an analysis of means by which
25 Federal, State, and local programs may

1 best be coordinated to promote the pur-
2 poses of this Act; and

3 (vi) an interpretive plan for the Herit-
4 age Area.

5 (3) APPROVAL OR DISAPPROVAL OF THE MAN-
6 AGEMENT PLAN.—

7 (A) IN GENERAL.—Not later than 180
8 days after submission of the management plan
9 by the Board, the Secretary shall approve or
10 disapprove the management plan.

11 (B) DISAPPROVAL AND REVISIONS.—

12 (i) IN GENERAL.—If the Secretary
13 disapproves the management plan, the Sec-
14 retary shall—

15 (I) advise the Board, in writing,
16 of the reasons for the disapproval; and

17 (II) make recommendations for
18 revision of the management plan.

19 (ii) APPROVAL OR DISAPPROVAL.—

20 The Secretary shall approve or disapprove
21 proposed revisions to the management plan
22 not later than 60 days after receipt of the
23 revisions from the Board.

1 (b) PRIORITIES.—The Alliance shall give priority to
2 the implementation of actions, goals, and policies set forth
3 in the management plan, including—

4 (1) assisting units of government, regional plan-
5 ning organizations, and nonprofit organizations in—

6 (A) conserving the historical, cultural, and
7 natural resources of the Heritage Area;

8 (B) establishing and maintaining interpre-
9 tive exhibits in the Heritage Area;

10 (C) developing recreational opportunities in
11 the Heritage Area;

12 (D) increasing public awareness of and ap-
13 preciation for the historical, cultural, and nat-
14 ural resources of the Heritage Area;

15 (E) restoring historic buildings that are—

16 (i) located within the boundaries of
17 the Heritage Area; and

18 (ii) related to the theme of the Herit-
19 age Area; and

20 (F) ensuring that clear, consistent, and en-
21 vironmentally appropriate signs identifying ac-
22 cess points and sites of interest are put in place
23 throughout the Heritage Area; and

24 (2) consistent with the goals of the manage-
25 ment plan, encouraging economic viability in the af-

1 fected communities by appropriate means, including
2 encouraging and soliciting the development of herit-
3 age products.

4 (c) CONSIDERATION OF INTERESTS OF LOCAL
5 GROUPS.—In developing and implementing the manage-
6 ment plan, the Board shall consider the interests of di-
7 verse units of government, businesses, private property
8 owners, and nonprofit organizations in the Heritage Area.

9 (d) PUBLIC MEETINGS.—The Board shall conduct
10 public meetings at least annually regarding the implemen-
11 tation of the management plan.

12 (e) ANNUAL REPORTS.—For any fiscal year in which
13 the Alliance receives Federal funds under this Act or in
14 which a loan made by the Alliance with Federal funds
15 under section 5(c)(1) is outstanding, the Alliance shall
16 submit to the Secretary an annual report that describes—

- 17 (1) the accomplishments of the Alliance;
18 (2) the expenses and income of the Alliance;
19 and
20 (3) the entities to which the Alliance made any
21 loans or grants during the year for which the report
22 is made.

23 (f) COOPERATION WITH AUDITS.—For any fiscal
24 year in which the Alliance receives Federal funds under
25 this Act or in which a loan made by the Alliance with Fed-

1 eral funds under section 5(c)(1) is outstanding, the Alli-
 2 ance shall—

3 (1) make available for audit by Congress, the
 4 Secretary, and appropriate units of government all
 5 records and other information relating to the ex-
 6 penditure of the Federal funds and any matching
 7 funds; and

8 (2) require, with respect to all agreements au-
 9 thorizing expenditure of the Federal funds by other
 10 organizations, that the receiving organizations make
 11 available for audit all records and other information
 12 relating to the expenditure of the Federal funds.

13 (g) DELEGATION.—

14 (1) IN GENERAL.—The Alliance may delegate
 15 the responsibilities and actions under this section for
 16 each area identified in section 4(b)(1).

17 (2) REVIEW.—All delegated responsibilities and
 18 actions are subject to review and approval by the Al-
 19 liance.

20 **SEC. 7. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.**

21 (a) TECHNICAL ASSISTANCE AND GRANTS.—

22 (1) IN GENERAL.—The Secretary may provide
 23 technical assistance and, subject to the availability
 24 of appropriations, grants to—

1 (A) units of government, nonprofit organi-
2 zations, and other persons, at the request of the
3 Alliance; and

4 (B) the Alliance, for use in developing and
5 implementing the management plan.

6 (2) PROHIBITION OF CERTAIN REQUIRE-
7 MENTS.—The Secretary may not, as a condition of
8 the award of technical assistance or grants under
9 this section, require any recipient of the technical
10 assistance or a grant to enact or modify any land
11 use restriction.

12 (3) DETERMINATIONS REGARDING ASSIST-
13 ANCE.—The Secretary shall determine whether a
14 unit of government, nonprofit organization, or other
15 person shall be awarded technical assistance or
16 grants and the amount of technical assistance—

17 (A) based on the extent to which the as-
18 sistance—

19 (i) fulfills the objectives of the man-
20 agement plan; and

21 (ii) achieves the purposes of this Act;

22 and

23 (B) after giving special consideration to
24 projects that provide a greater leverage of Fed-
25 eral funds.

1 (b) PROVISION OF INFORMATION.—In cooperation
 2 with other Federal agencies, the Secretary shall provide
 3 the public with information concerning the location and
 4 character of the Heritage Area.

5 (c) OTHER ASSISTANCE.—The Secretary may enter
 6 into cooperative agreements with public and private orga-
 7 nizations for the purposes of implementing this section.

8 (d) DUTIES OF OTHER FEDERAL AGENCIES.—A
 9 Federal entity conducting any activity directly affecting
 10 the Heritage Area shall—

11 (1) consider the potential effect of the activity
 12 on the management plan; and

13 (2) consult with the Alliance with respect to the
 14 activity to minimize the adverse effects of the activ-
 15 ity on the Heritage Area.

16 **SEC. 8. NO EFFECT ON LAND USE AUTHORITY AND PRI-**
 17 **VATE PROPERTY.**

18 (a) NO EFFECT ON LAND USE AUTHORITY.—Noth-
 19 ing in this Act modifies, enlarges, or diminishes any au-
 20 thority of Federal, State, or local government to regulate
 21 any use of land under any other law (including regula-
 22 tions).

23 (b) NO ZONING OR LAND USE POWERS.—Nothing
 24 in this Act grants powers of zoning or land use control
 25 to the Alliance.

1 (c) LOCAL AUTHORITY AND PRIVATE PROPERTY
 2 NOT AFFECTED.—Nothing in this Act affects or author-
 3 izes the Alliance to interfere with—

4 (1) the right of any person with respect to pri-
 5 vate property; or

6 (2) any local zoning ordinance or land use plan
 7 of the State or a political subdivision of the State.

8 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) IN GENERAL.—There is authorized to be appro-
 10 priated to carry out this Act \$10,000,000, of which not
 11 more than \$1,000,000 may be made available for any fis-
 12 cal year.

13 (b) FEDERAL SHARE.—The Federal share of the cost
 14 of any activity carried out using funds made available
 15 under this Act shall not exceed 50 percent.

16 **SEC. 10. TERMINATION OF AUTHORITY.**

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

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