

Calendar No. 9

109TH CONGRESS
1ST SESSION**S. 163****[Report No. 109-2]**

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

FEBRUARY 16, 2005

Reported by Mr. DOMENICI, with amendments and an amendment to the title
[Omit the part struck through and insert the part printed in *italic*]

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~~ *Mormon Pioneer National Heritage Area Act*”.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—Congress finds that—

3 (1) the historical, cultural, and natural heritage
4 legacies of Mormon colonization and settlement are
5 nationally significant;

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

12 (A) the colonization of the western United
13 States; and

14 (B) the expansion of the United States as
15 a major world power;

16 (3) the great relocation to the western United
17 States was facilitated by—

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

20 (B) the subsequent colonization effort in
21 Nevada, Utah, the southeast corner of Idaho,
22 the southwest corner of Wyoming, large areas
23 of southeastern Oregon, much of southern Cali-
24 fornia, and areas along the eastern border of
25 California;

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

5 (5) the landscape, architecture, traditions, be-
6 liefs, folk life, products, and events along Highway
7 89 convey the heritage of the pioneer settlement;

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

12 (A) interacted with Native Americans; and

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

15 (7) the colonization and settlement of the Mor-
16 mon settlers opened up vast amounts of natural re-
17 sources, including coal, uranium, silver, gold, and
18 copper;

19 (8) the Mormon colonization played a signifi-
20 cant role in the history and progress of the develop-
21 ment and settlement of the western United States;
22 and

23 (9) the artisans, crafters, innkeepers, outfitters,
24 historic landscape, customs, national parks, and ar-

1 chitecture in the Heritage Area make the Heritage
 2 Area unique.

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

5 (1) foster a close working relationship with all
 6 levels of government, the private sector, residents,
 7 business interests, and local communities in the
 8 State;

9 (2) empower communities in the State to con-
 10 serve, preserve, and enhance the heritage of the
 11 communities while strengthening future economic
 12 opportunities;

13 (3) conserve, interpret, and develop the histor-
 14 ical, cultural, natural, and recreational resources
 15 within the Heritage Area; and

16 (4) expand, foster, and develop heritage busi-
 17 nesses and products relating to the cultural heritage
 18 of the Heritage Area.

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) ALLIANCE.—The term “Alliance” means
 22 the Utah Heritage Highway 89 Alliance.

23 (2) BOARD.—The term “Board” means the
 24 Board of Directors of the Alliance.

1 (3) HERITAGE AREA.—The term “Heritage
2 Area” means the ~~National Mormon Pioneer~~ *Mormon*
3 *Pioneer National* Heritage Area established by sec-
4 tion 4(a).

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

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

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

12 **SEC. 4. NATIONAL MORMON PIONEER MORMON PIONEER**
13 **NATIONAL HERITAGE AREA.**

14 (a) ESTABLISHMENT.—There is established the Na-
15 tional ~~Mormon Pioneer~~ *Mormon Pioneer National* Herit-
16 age Area.

17 (b) BOUNDARIES.—

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

20 (A) *that are* related to the corridors—

21 (i) from the Arizona border northward
22 through Kanab, Utah, and to the intersec-
23 tion of Highway 89 and Highway 12, in-
24 cluding Highway 12 and Highway 24 as

1 those highways loop off Highway 89 and
2 rejoin Highway 89 at Sigurd;

3 (ii) from Highway 89 at the intersec-
4 tion of Highway 12 through Panguitch,
5 Junction, Marysvale, and Sevier County to
6 Sigurd;

7 (iii) continuing northward along High-
8 way 89 through Axtell and Sterling,
9 Sanpete County, to Fairview, Sanpete
10 County, at the junction with Utah High-
11 way 31; and

12 (iv) continuing northward along High-
13 way 89 through Fairview and Thistle
14 Junction, to the junction with Highway 6;
15 and

16 (B) ~~located in~~ *including* the following com-
17 munities: Kanab, Mt. Carmel, Orderville, Glen-
18 dale, Alton, Cannonville, Tropic, Henrieville,
19 Escalante, Boulder, Teasdale, Fruita,
20 Hanksville, Torrey, Bicknell, Loa, Hatch,
21 Panquitch, Circleville, Antimony, Junction,
22 Marysvale, Koosharem, Sevier, Joseph, Monroe,
23 Elsinore, Richfield, Glenwood, Sigurd, Aurora,
24 Salina, Mayfield, Sterling, Gunnison, Fayette,

1 Manti, Ephraim, Spring City, Mt. Pleasant,
2 Moroni, Fountain Green, and Fairview.

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

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

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

14 **SEC. 5. DESIGNATION OF ALLIANCE AS MANAGEMENT EN-**
15 **TITY.**

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

18 (b) FEDERAL FUNDING.—

19 (1) AUTHORIZATION TO RECEIVE FUNDS.—The
20 Alliance may receive amounts made available to
21 carry out this Act.

22 (2) DISQUALIFICATION.—If a management plan
23 is not submitted to the Secretary as required under
24 section 6 within the time period specified in that sec-
25 tion, the Alliance may not receive Federal funding

1 under this Act until a management plan is sub-
2 mitted to the Secretary.

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

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

10 (2) to enter into cooperative agreements with or
11 provide technical assistance to the State, political
12 subdivisions of the State, nonprofit organizations,
13 and other organizations;

14 (3) to hire and compensate staff;

15 (4) to obtain funds from any source under any
16 program or law requiring the recipient of funds to
17 make a contribution in order to receive the funds;
18 and

19 (5) to contract for goods and services.

20 (d) PROHIBITION OF ACQUISITION OF REAL PROP-
21 erty.—The Alliance may not use Federal funds received
22 under this Act to acquire real property or any interest in
23 real property.

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

25 (a) HERITAGE AREA MANAGEMENT PLAN.—

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

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

7 (A) present comprehensive recommenda-
8 tions for the conservation, funding, manage-
9 ment, and development of the Heritage Area;

10 (B) take into consideration Federal, State,
11 county, and local plans in effect on the date of
12 enactment of this Act;

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

15 (D) include a description of actions that
16 units of government and private organizations
17 are recommended to take to protect the re-
18 sources of the Heritage Area;

19 (E) specify existing and potential sources
20 of Federal and non-Federal funding for the
21 conservation, management, and development of
22 the Heritage Area; and

23 (F) include—

24 (i) an inventory of resources in the
25 Heritage Area that—

1 (I) includes a list of property in
2 the Heritage Area that should be con-
3 served, restored, managed, developed,
4 or maintained because of the histor-
5 ical, cultural, or natural significance
6 of the property as the property relates
7 to the themes of the Heritage Area;
8 and

9 (II) does not include any prop-
10 erty that is privately owned unless the
11 owner of the property consents in
12 writing to the inclusion;

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

1 (iii) a program for implementation of
2 the management plan, including plans for
3 restoration and construction;

4 (iv) a description of any commitments
5 that have been made by persons interested
6 in management of the Heritage Area;

7 (v) an analysis of means by which
8 Federal, State, and local programs may
9 best be coordinated to promote the pur-
10 poses of this Act; and

11 (vi) an interpretive plan for the Herit-
12 age Area.

13 (3) APPROVAL OR DISAPPROVAL OF THE MAN-
14 AGEMENT PLAN.—

15 (A) IN GENERAL.—Not later than 180
16 days after submission of the management plan
17 by the Board, the Secretary shall approve or
18 disapprove the management plan.

19 (B) DISAPPROVAL AND REVISIONS.—

20 (i) IN GENERAL.—If the Secretary
21 disapproves the management plan, the Sec-
22 retary shall—

23 (I) advise the Board, in writing,
24 of the reasons for the disapproval; and

1 (II) make recommendations for
2 revision of the management plan.

3 (ii) APPROVAL OR DISAPPROVAL.—

4 The Secretary shall approve or disapprove
5 proposed revisions to the management plan
6 not later than 60 days after receipt of the
7 revisions from the Board.

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

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

13 (A) conserving the historical, cultural, and
14 natural resources of the Heritage Area;

15 (B) establishing and maintaining interpre-
16 tive exhibits in the Heritage Area;

17 (C) developing recreational opportunities in
18 the Heritage Area;

19 (D) increasing public awareness of and ap-
20 preciation for the historical, cultural, and nat-
21 ural resources of the Heritage Area;

22 (E) restoring historic buildings that are—

23 (i) located within the boundaries of
24 the Heritage Area; and

1 (ii) related to the theme of the Herit-
2 age Area; and

3 (F) ensuring that clear, consistent, and en-
4 vironmentally appropriate signs identifying ac-
5 cess points and sites of interest are put in place
6 throughout the Heritage Area; and

7 (2) consistent with the goals of the manage-
8 ment plan, encouraging economic viability in the af-
9 fected communities by appropriate means, including
10 encouraging and soliciting the development of herit-
11 age products.

12 (c) CONSIDERATION OF INTERESTS OF LOCAL
13 GROUPS.—In developing and implementing the manage-
14 ment plan, the Board shall consider the interests of di-
15 verse units of government, businesses, private property
16 owners, and nonprofit organizations in the Heritage Area.

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

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

25 (1) the accomplishments of the Alliance;

1 (2) the expenses and income of the Alliance;
2 and

3 (3) the entities to which the Alliance made any
4 loans or grants during the year for which the report
5 is made.

6 (f) COOPERATION WITH AUDITS.—For any fiscal
7 year in which the Alliance receives Federal funds under
8 this Act or in which a loan made by the Alliance with Fed-
9 eral funds under section 5(c)(1) is outstanding, the Alli-
10 ance shall—

11 (1) make available for audit by Congress, the
12 Secretary, and appropriate units of government all
13 records and other information relating to the ex-
14 penditure of the Federal funds and any matching
15 funds; and

16 (2) require, with respect to all agreements au-
17 thorizing expenditure of the Federal funds by other
18 organizations, that the receiving organizations make
19 available for audit all records and other information
20 relating to the expenditure of the Federal funds.

21 (g) DELEGATION.—

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

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

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

5 (a) TECHNICAL ASSISTANCE AND GRANTS.—

6 (1) IN GENERAL.—The Secretary may provide
7 technical assistance and, subject to the availability
8 of appropriations, grants to—

9 (A) units of government, nonprofit organi-
10 zations, and other persons, at the request of the
11 Alliance; and

12 (B) the Alliance, for use in developing and
13 implementing the management plan.

14 (2) PROHIBITION OF CERTAIN REQUIRE-
15 MENTS.—The Secretary may not, as a condition of
16 the award of technical assistance or grants under
17 this section, require any recipient of the technical
18 assistance or a grant to enact or modify any land
19 use restriction.

20 (3) DETERMINATIONS REGARDING ASSIST-
21 ANCE.—The Secretary shall determine whether a
22 unit of government, nonprofit organization, or other
23 person shall be awarded technical assistance or
24 grants and the amount of technical assistance—

1 (A) based on the extent to which the as-
2 sistance—

3 (i) fulfills the objectives of the man-
4 agement plan; and

5 (ii) achieves the purposes of this Act;
6 and

7 (B) after giving special consideration to
8 projects that provide a greater leverage of Fed-
9 eral funds.

10 (b) PROVISION OF INFORMATION.—In cooperation
11 with other Federal agencies, the Secretary shall provide
12 the public with information concerning the location and
13 character of the Heritage Area.

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

17 (d) DUTIES OF OTHER FEDERAL AGENCIES.—A
18 Federal entity conducting any activity directly affecting
19 the Heritage Area shall—

20 (1) consider the potential effect of the activity
21 on the management plan; and

22 (2) consult with the Alliance with respect to the
23 activity to minimize the adverse effects of the activ-
24 ity on the Heritage Area.

1 **SEC. 8. NO EFFECT ON LAND USE AUTHORITY AND PRI-**
 2 **VATE PROPERTY.**

3 (a) **NO EFFECT ON LAND USE AUTHORITY.**—Noth-
 4 ing in this Act modifies, enlarges, or diminishes any au-
 5 thority of Federal, State, or local government to regulate
 6 any use of land under any other law (including regula-
 7 tions).

8 (b) **NO ZONING OR LAND USE POWERS.**—Nothing
 9 in this Act grants powers of zoning or land use control
 10 to the Alliance.

11 (c) **LOCAL AUTHORITY AND PRIVATE PROPERTY**
 12 **NOT AFFECTED.**—Nothing in this Act affects or author-
 13 izes the Alliance to interfere with—

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

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

18 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

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

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

1 **SEC. 10. TERMINATION OF AUTHORITY.**

2 The authority of the Secretary to provide assistance
3 under this Act terminates on the date that is 15 years
4 after the date of enactment of this Act.

 Amend the title so as to read: “A bill to establish
the Mormon Pioneer National Heritage Area in the State
of Utah, and for other purposes.”.

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