

Calendar No. 12

109TH CONGRESS
1st Session

SENATE

REPORT
109-5

ATCHAFALAYA NATIONAL HERITAGE AREA ACT

FEBRUARY 16, 2005.—Ordered to be printed

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

R E P O R T

[To accompany S. 204]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 204) to establish the Atchafalaya National Heritage Area in the State of Louisiana, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of S. 204 is to establish the Atchafalaya National Heritage Area in the State of Louisiana.

BACKGROUND AND NEED

The Atchafalaya River flows out of the Red and Mississippi Rivers in central Louisiana, and then flows southward, west of the Mississippi, 170 miles to the Gulf of Mexico. Along the way, it forms the largest river swamp in the United States, and provides outstanding habitat for a diverse array of fish and wildlife, including over two hundred species of birds.

The basin drained by the Atchafalaya River spans thirteen parishes in south-central Louisiana. The area is strongly associated with the Cajuns, descendants of the French-speaking Acadians who settled in the area after they were expelled from Nova Scotia (originally called Acadia) in the latter part of the eighteenth century. The cultural complexity of the region has created a rich tapestry of history, customs, traditions, architecture, music, language, and food of national significance.

The State of Louisiana formally designated the Atchafalaya River Basin as the Atchafalaya Trace Heritage Area in 1997 in recognition of the area's rich natural, scenic, cultural, and historic re-

sources. The State established a commission to “preserve, enhance, protect, and interpret” the area’s resources and heritage, to develop an integrated natural, scenic, cultural, and historical resource management plan for the area, and to obtain Federal recognition of the area as a National Heritage Area.

The Atchafalaya River Basin contains a nationally distinct landscape arising from patterns of human activity shaped by geography. Its history, culture, and natural and recreational resources are of national significance. Federal recognition of the area as a National Heritage Area will enable the National Park Service to assist the State of Louisiana and citizen groups in preserving, protecting, and interpreting nationally important resources for the benefit of all Americans, without the need to acquire or manage those resources.

LEGISLATIVE HISTORY

S. 204 was introduced by Senators Landrieu and Vitter on January 31, 2005. During the 108th Congress, the Committee considered identical legislation, S. 323. S. 323 was introduced by Senators Landrieu and Breaux on February 5, 2003. The Committee on Energy and Natural Resources ordered S. 323, as amended, favorably reported (S. Rept. 108–294) on September 15, 2004. S. 323, as amended, passed the Senate by unanimous consent on September 15, 2004. S. 323 was referred to the House Subcommittee on National Parks, Recreation and Public Lands on September 20, 2004. The text of S. 323 was incorporated into S. Amdt. 4085 to S. 1521, which passed the Senate by unanimous consent on December 7, 2004. The House of Representatives did not consider the bill prior to the *sine die* adjournment of the 108th Congress.

During the 107th Congress, the Committee on Energy and Natural Resources, Subcommittee on National Parks considered similar legislation, S. 2899. That bill was favorably reported by the Committee on October 4, 2002. The text of S. 2899 was adopted as part of a substitute amendment to H.R. 695, legislation authorizing numerous heritage areas. H.R. 695, as amended, passed the Senate by unanimous consent on November 19, 2002, but was not considered prior to the *sine die* adjournment of the 107th Congress.

At a business meeting on February 9, 2005, the Committee on Energy and Natural Resources ordered S. 204 favorably reported.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in an open business session on February 9, 2005, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 204.

SECTION-BY-SECTION ANALYSIS

Section 1 entitles this bill the “Atchafalaya National Heritage Act.”

Section 2 defines key terms used in the Act.

Section 3 establishes the Atchafalaya National Heritage area and describes the parishes within the State of Louisiana to be included in the boundary. This section also designates the Atchafalaya Trace Commission as the coordinating entity and describes the composition of the commission.

Section 4(a) provides the local coordinating entity with the authority to use funds for preparing, updating and implementing the management plan. The funds may be used for making grants, entering into cooperative agreements and contracts for goods and services and hiring and compensating staff.

Subsection (b) establishes the duties of the local coordinating entity, including implementing the management plan, adopting by-laws, reporting accomplishments and expenditures and the undertaking of initiatives that advance the Heritage Area.

Subsection (c) prohibits the local coordinating entity from using Federal funds received under this Act to acquire real property.

Subsection (d) requires that the coordinating entity hold quarterly public meetings.

Section 5 requires the local coordinating entity to prepare a management plan for the Heritage Area and sets forth the elements of the plan.

Subsection (d) sets forth requirements and deadlines for the submission, approval or disapproval, and amendment of the proposed management plan and is self-explanatory.

Section 6 states that this Act does not grant any Federal agency regulatory authority and will have no effect on the authority of any local, State or Federal government to regulate land use or environmental quality designations as provided for by law.

Section 7 requires that the coordinating entity submit an annual report that describes the accomplishments, income and expenditures of the coordinating entity.

Section 8 authorizes \$1 million to be appropriated to carry out this Act, with not more than \$1 million appropriated for any given fiscal year. The Federal share may not exceed 50 percent of the total cost of any activity. The Committee notes that the remaining share, provided by the local coordinating entity, may include both non-Federal funds and in kind goods and services.

Section 9 terminates the authority of the Secretary to assist the local coordinating entity 15 years after the date of enactment.

COST AND BUDGETARY CONSIDERATIONS

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

FEBRUARY 14, 2005.

Hon. PETE V. DOMENICI,
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. 204, the Atchafalaya National Heritage Area Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

DOUGLAS HOLTZ-EAKIN.

Enclosure.

S. 204—Atchafalaya National Heritage Area Act

S. 204 would establish the Atchafalaya National Heritage Area (NHA) in Louisiana. The bill would designate the Atchafalaya

Trace Commission as the local coordinating entity for the proposed NHA. The commission would be responsible for developing and implementing a management plan for the protection, development, and management of cultural and other resources of the area. Finally, the legislation would authorize the appropriation of \$10 million, not to exceed \$1 million annually, for financial assistance to the commission over the next 15 years.

Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 204 would cost \$10 million over the next 10 to 15 years. Such amounts would be used to cover a portion of the costs of planning, establishing, operating, and interpreting the heritage area. Enacting S. 204 would have no effect on revenues or direct spending.

S. 204 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 22, 2004.

Hon. PETE V. DOMENICI,
*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. 323, the Atchafalaya National Heritage Area Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

ELIZABETH M. ROBINSON
(For Douglas Holtz-Eakin, Director).

Enclosure.

S. 323—Atchafalaya National Heritage Area Act

S. 323 would establish the Archafalaya National Heritage Area (NHA) in Louisiana. The bill would designate the Atchafalaya Trace Commission as the local coordinating entity for the proposed NHA. The commission would be responsible for developing and implementing a management plan for the protection, development, and management of cultural and other resources of the area. Finally, the legislation would authorize the appropriation of \$10 million, not to exceed \$1 million annually, for financial assistance to the commission over the next 15 years.

Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 323 would cost \$10 million over the next 10 to 15 years. Such amounts would be used to cover a portion of the costs of planning, establishing, operating, and interpreting the heritage area. Enacting S. 323 would have no effect on revenues or direct spending.

S. 323 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. The 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. 204. 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. 204, as ordered reported.

EXECUTIVE COMMUNICATIONS

On February 9, 2005, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior setting forth executive views of S. 204. These views had not been received at the time this report 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.

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. 204 as ordered reported.