

110TH CONGRESS
2D SESSION

H. R. 6678

To establish the Northern Plains National Heritage Area in the State of
North Dakota.

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2008

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

A BILL

To establish the Northern Plains National Heritage Area
in the State of North Dakota.

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 Plains Na-
5 tional Heritage Area Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **HERITAGE AREA.**—The term “Heritage
9 Area” means the Northern Plains National Heritage
10 Area established by section 3(a).

1 (2) LOCAL COORDINATING ENTITY.—The term
2 “local coordinating entity” means the Northern
3 Plains Heritage Foundation, the local coordinating
4 entity for the Heritage Area designated by section
5 4(a).

6 (3) MANAGEMENT PLAN.—The term “manage-
7 ment plan” means the management plan for the
8 Heritage Area required under section 5.

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

11 (5) STATE.—The term “State” means the State
12 of North Dakota.

13 **SEC. 3. ESTABLISHMENT.**

14 (a) IN GENERAL.—There is established the Northern
15 Plains National Heritage Area in the State of North Da-
16 kota.

17 (b) BOUNDARIES.—The Heritage Area shall consist
18 of—

19 (1) a core area of resources in Burleigh,
20 McLean, Mercer, Morton, and Oliver Counties in the
21 State; and

22 (2) any sites, buildings, and districts within the
23 core area recommended by the management plan for
24 inclusion in the Heritage Area.

25 (c) MAP.—A map of the Heritage Area shall be—

1 (1) included in the management plan; and

2 (2) on file and available for public inspection in
3 the appropriate offices of the local coordinating enti-
4 ty and the National Park Service.

5 **SEC. 4. LOCAL COORDINATING ENTITY.**

6 (a) IN GENERAL.—The local coordinating entity for
7 the Heritage Area shall be the Northern Plains Heritage
8 Foundation, a nonprofit corporation established under the
9 laws of the State.

10 (b) DUTIES.—To further the purposes of the Herit-
11 age Area, the Northern Plains Heritage Foundation, as
12 the local coordinating entity, shall—

13 (1) prepare a management plan for the Herit-
14 age Area, and submit the management plan to the
15 Secretary, in accordance with this Act;

16 (2) submit an annual report to the Secretary
17 for each fiscal year for which the local coordinating
18 entity receives Federal funds under this Act, speci-
19 fying—

20 (A) the specific performance goals and ac-
21 complishments of the local coordinating entity;

22 (B) the expenses and income of the local
23 coordinating entity;

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

1 (D) the amounts leveraged with Federal
2 funds and sources of the leveraged funds; 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 Heritage Area.

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

17 (1) make grants to political jurisdictions, non-
18 profit organizations, and other parties within the
19 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 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 Heritage
12 Area and are consistent with the approved manage-
13 ment plan.

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

18 (e) OTHER SOURCES.—Nothing in this Act precludes
19 the local coordinating entity from using Federal funds
20 from other sources for authorized purposes.

21 **SEC. 5. MANAGEMENT PLAN.**

22 (a) IN GENERAL.—Not later than 3 years after the
23 date of enactment of this Act, the local coordinating entity
24 shall submit to the Secretary for approval a proposed
25 management plan for the Heritage Area.

1 (b) REQUIREMENTS.—The management plan for the
2 Heritage Area shall—

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

9 (2) include a description of actions and commit-
10 ments that Federal, State, tribal, and local govern-
11 ments, private organizations, and citizens will take
12 to protect, enhance, interpret, fund, manage, and de-
13 velop the natural, historical, cultural, educational,
14 scenic, and recreational resources of the Heritage
15 Area;

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

20 (4) include an inventory of the natural, histor-
21 ical, cultural, educational, scenic, and recreational
22 resources of the Heritage Area relating to the na-
23 tional importance and themes of the Heritage Area
24 that should be protected, enhanced, interpreted,
25 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 Heritage
7 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 Federal, State, tribal, or
17 local government agency, organization, busi-
18 ness, or individual;

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

25 (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 described 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 Herit-
9 age Area.

10 (c) 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 of
14 the Heritage Area, the local coordinating entity shall
15 submit the management plan to the Secretary for
16 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 (d) 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 the
4 Heritage Area on the basis of the criteria established
5 under paragraph (2).

6 (2) CRITERIA FOR APPROVAL.—In determining
7 whether to approve a management plan for the Her-
8 itage Area, the Secretary shall consider whether—

9 (A) the local coordinating entity represents
10 the diverse interests of the Heritage Area, in-
11 cluding Federal, State, tribal, and local govern-
12 ments, natural, and historic resource protection
13 organizations, educational institutions, busi-
14 nesses, recreational organizations, community
15 residents, and private property owners;

16 (B) the local coordinating entity—

17 (i) has afforded adequate opportunity
18 for public and Federal, State, tribal, and
19 local governmental involvement (including
20 through workshops and hearings) in the
21 preparation of the management plan; and

22 (ii) provides for at least semiannual
23 public meetings to ensure adequate imple-
24 mentation of the management plan;

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

9 (D) the management plan would not ad-
10 versely affect any activities authorized on Fed-
11 eral land under public land laws or land use
12 plans;

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

16 (F) the Secretary has received adequate
17 assurances from the appropriate State, tribal,
18 and local officials whose support is needed to
19 ensure the effective implementation of the
20 State, tribal, and local elements of the manage-
21 ment plan; and

22 (G) the management plan demonstrates
23 partnerships among the local coordinating enti-
24 ty, Federal, State, tribal, and local govern-
25 ments, regional planning organizations, non-

1 profit organizations, or private sector parties
2 for implementation of the management plan.

3 (3) DISAPPROVAL.—

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

6 (i) shall advise the local coordinating
7 entity in writing of the reasons for the dis-
8 approval; and

9 (ii) may make recommendations to the
10 local coordinating entity for revisions to
11 the management plan.

12 (B) DEADLINE.—Not later than 180 days
13 after receiving a revised management plan, the
14 Secretary shall approve or disapprove the re-
15 vised management plan.

16 (4) AMENDMENTS.—

17 (A) IN GENERAL.—An amendment to the
18 management plan that substantially alters the
19 purposes of the Heritage Area shall be reviewed
20 by the Secretary and approved or disapproved
21 in the same manner as the original manage-
22 ment plan.

23 (B) IMPLEMENTATION.—The local coordi-
24 nating entity shall not use Federal funds au-
25 thorized to be appropriated by this Act to im-

1 plement an amendment to the management
2 plan until the Secretary approves the amend-
3 ment.

4 (5) AUTHORITIES.—The Secretary may—

5 (A) provide technical assistance under this
6 Act for the development and implementation of
7 the management plan; and

8 (B) enter into cooperative agreements with
9 interested parties to carry out this Act.

10 **SEC. 6. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

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

14 (b) TECHNICAL AND FINANCIAL ASSISTANCE.—

15 (1) IN GENERAL.—On the request of the local
16 coordinating entity, the Secretary may provide finan-
17 cial assistance and, on a reimbursable or non-
18 reimbursable basis, technical assistance to the local
19 coordinating entity to develop and implement the
20 management plan.

21 (2) COOPERATIVE AGREEMENTS.—The Sec-
22 retary may enter into cooperative agreements with
23 the local coordinating entity and other public or pri-
24 vate entities to provide technical or financial assist-
25 ance under paragraph (1).

1 (3) PRIORITY.—In assisting the Heritage Area,
2 the Secretary shall give priority to actions that as-
3 sist in—

4 (A) conserving the significant natural, his-
5 toric, cultural, and scenic resources of the Her-
6 itage Area; and

7 (B) providing educational, interpretive, and
8 recreational opportunities consistent with the
9 purposes of the Heritage Area.

10 (c) CONSULTATION AND COORDINATION.—To the
11 maximum extent practicable, the head of any Federal
12 agency planning to conduct activities that may have an
13 impact on the Heritage Area is encouraged to consult and
14 coordinate the activities with the Secretary and the local
15 coordinating entity.

16 (d) OTHER FEDERAL AGENCIES.—Nothing in this
17 Act—

18 (1) modifies or alters any laws (including regu-
19 lations) authorizing a Federal agency to manage
20 Federal land under the jurisdiction of the Federal
21 agency;

22 (2) limits the discretion of a Federal land man-
23 ager to implement an approved land use plan within
24 the boundaries of the Heritage Area; or

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

4 **SEC. 7. PRIVATE PROPERTY AND REGULATORY PROTEC-**
5 **TIONS.**

6 Nothing in this Act—

7 (1) abridges the rights of any owner of public
8 or private property, including the right to refrain
9 from participating in any plan, project, program, or
10 activity conducted within the Heritage Area;

11 (2) requires any property owner to—

12 (A) permit public access (including access
13 by Federal, State, or local agencies) to the
14 property of the property owner; or

15 (B) modify public access to, or use of, the
16 property of the property owner under any other
17 Federal, State, or local law;

18 (3) alters any duly adopted land use regulation,
19 approved land use plan, or other regulatory author-
20 ity of any Federal, State, tribal, or local agency;

21 (4) conveys any land use or other regulatory
22 authority to the local coordinating entity;

23 (5) authorizes or implies the reservation or ap-
24 propriation of water or water rights;

1 (6) diminishes the authority of the State to
2 manage fish and wildlife, including the regulation of
3 fishing and hunting within the Heritage Area; or

4 (7) creates any liability, or affects any liability
5 under any other law, of any private property owner
6 with respect to any person injured on the private
7 property.

8 **SEC. 8. EVALUATION; REPORT.**

9 (a) IN GENERAL.—Not later than 3 years before the
10 date on which authority for Federal funding terminates
11 for the Heritage Area under section 10, the Secretary
12 shall—

13 (1) conduct an evaluation of the accomplish-
14 ments of the Heritage Area; and

15 (2) prepare a report in accordance with sub-
16 section (c).

17 (b) EVALUATION.—An evaluation conducted under
18 subsection (a)(1) shall—

19 (1) assess the progress of the local coordinating
20 entity with respect to—

21 (A) accomplishing the purposes of this Act
22 for the Heritage Area; and

23 (B) achieving the goals and objectives of
24 the approved management plan for the Heritage
25 Area;

1 (2) analyze the Federal, State, local, and pri-
2 vate investments in the Heritage Area to determine
3 the leverage and impact of the investments; and

4 (3) review the management structure, partner-
5 ship relationships, and funding of the Heritage Area
6 for purposes of identifying the critical components
7 for sustainability of the Heritage Area.

8 (c) REPORT.—

9 (1) IN GENERAL.—Based on the evaluation con-
10 ducted under subsection (a)(1), the Secretary shall
11 prepare a report that includes recommendations for
12 the future role of the National Park Service, if any,
13 with respect to the Heritage Area.

14 (2) REQUIRED ANALYSIS.—If the report pre-
15 pared under paragraph (1) recommends that Fed-
16 eral funding for the Heritage Area be reauthorized,
17 the report shall include an analysis of—

18 (A) ways in which Federal funding for the
19 Heritage Area may be reduced or eliminated;
20 and

21 (B) the appropriate time period necessary
22 to achieve the recommended reduction or elimi-
23 nation.

1 (3) SUBMISSION TO CONGRESS.—On completion
2 of the report, the Secretary shall submit the report
3 to—

4 (A) the Committee on Energy and Natural
5 Resources of the Senate; and

6 (B) the Committee on Natural Resources
7 of the House of Representatives.

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) COST-SHARING REQUIREMENT.—

14 (1) IN GENERAL.—The Federal share of the
15 total cost of any activity under this Act shall be not
16 more than 50 percent.

17 (2) FORM.—The non-Federal contribution may
18 be in the form of in-kind contributions of goods or
19 services fairly valued.

20 **SEC. 10. TERMINATION OF AUTHORITY.**

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

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