

110TH CONGRESS  
2D SESSION

# S. 3045

To establish the Kenai Mountains-Turnagain Arm National Forest Heritage Area in the State of Alaska, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 21, 2008

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

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## A BILL

To establish the Kenai Mountains-Turnagain Arm National Forest Heritage Area in the State of Alaska, 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 “Kenai Mountains-  
5       Turnagain Arm National Forest Heritage Area Act”.

6       **SEC. 2. FINDINGS AND PURPOSES.**

7       (a) FINDINGS.—Congress finds that—

8               (1) the Kenai Mountains-Turnagain Arm trans-  
9       portation corridor—

10               (A) is a major gateway to Alaska;

1 (B) includes a range of transportation  
2 routes used by—

3 (i) indigenous people; and

4 (ii) the pioneers that settled the last  
5 frontier of the United States;

6 (C) is located in the heart of the Chugach  
7 National Forest, which was established by pres-  
8 idential proclamation on July 23, 1907, by  
9 Theodore Roosevelt; and

10 (D) includes a historically significant seg-  
11 ment of the Iditarod Trail connecting Seward  
12 and Nome, which was—

13 (i) scouted by the Alaska Road Com-  
14 mission in 1908; and

15 (ii) designated as the Iditarod Na-  
16 tional Historic Trail in 1978;

17 (2) the cultural landscape formed by indigenous  
18 people and by settlement, transportation, and mod-  
19 ern resource development in the rugged and often  
20 treacherous natural setting of the transportation  
21 corridor provides a powerful testimony to the human  
22 fortitude, perseverance, and resourcefulness of the  
23 people who—

24 (A) settled the frontier; and

1 (B) represent the proudest heritage of the  
2 United States;

3 (3) the natural history and scenic splendor of  
4 the transportation corridor are equally outstanding;

5 (4) the transportation corridor includes vistas  
6 of the power of nature, such as evidence of earth-  
7 quake subsidence, recent avalanches, retreating gla-  
8 ciers, and tidal action along Turnagain Arm, which  
9 has the second greatest tidal range in the world;

10 (5) there is a national interest in recognizing,  
11 preserving, promoting, and interpreting the re-  
12 sources of the transportation corridor;

13 (6) the Kenai Mountains-Turnagain Arm region  
14 is—

15 (A) geographically and culturally cohesive;  
16 and

17 (B) defined by a corridor of historic routes,  
18 trails, water, railroads, and roadways through a  
19 distinct landscape of mountains, lakes, and  
20 fjords;

21 (7) the region played a unique role as a portal  
22 and transportation corridor through which indige-  
23 nous people, explorers, missionaries, gold miners,  
24 cannery workers, big game hunters, homesteaders,  
25 foresters, railroad workers, military personnel, and

1 petroleum developers traveled into southcentral and  
2 interior Alaska as part of the waves of travel that  
3 characterized the history of the United States;

4 (8) the region exhibits a high degree of integ-  
5 rity with vast tracks of rugged, undeveloped areas  
6 and natural scenery that still look much as the area  
7 did to the original inhabitants, the indigenous peo-  
8 ple, and early explorers and pioneers of the region;

9 (9) studies that led to the designation of the  
10 Iditarod National Historic Trail, the Seward High-  
11 way All American Road, and the Alaska Railroad  
12 National Scenic Railroad—

13 (A) determined the national significance of  
14 separate transportation routes traversing the  
15 region; and

16 (B) illustrate the national significance of  
17 heritage resources in the region;

18 (10) designation of the transportation corridor  
19 as a national heritage area—

20 (A) provides for a comprehensive interpre-  
21 tation of human history in the wide transpor-  
22 tation corridor through the Kenai Mountains  
23 and upper Turnagain Arm, including early Na-  
24 tive trade routes, historic waterways, mining  
25 trails, historic communities, and the 3 des-

1           ignated routes of national significance referred  
2           to in paragraph (9);

3           (B) recognizes the national significance of  
4           the Kenai Mountains-Turnagain Arm transpor-  
5           tation corridor, including—

6                   (i) the historic and modern resource  
7                   development of the transportation corridor;  
8                   and

9                   (ii) the cultural, natural, and rec-  
10                  reational resources and landscapes of the  
11                  transportation corridor; and

12          (C) would provide assistance to local com-  
13          munities, Indian tribes, and residents of the  
14          transportation corridor in—

15                   (i) preserving and interpreting cul-  
16                   tural and historic resources; and

17                   (ii) fostering cooperative planning and  
18                   partnerships;

19          (11) an additional feasibility study for the Her-  
20          itage Area is not needed before designation of the  
21          Heritage Area because the studies referred to in  
22          paragraph (9) provide sufficient documentation of—

23                   (A) the national significance of heritage re-  
24                   sources in the region; and

1 (B) the support of local communities for  
 2 designation of the Heritage Area; and

3 (12) the Kenai Mountains-Turnagain Arm Na-  
 4 tional Forest Heritage Corridor Communities Asso-  
 5 ciation—

6 (A) has been formed as a nonprofit cor-  
 7 poration to act as the Local Coordinating Enti-  
 8 ty for the Heritage Area; and

9 (B) is governed by bylaws that define the  
 10 purposes of the Association as the purposes es-  
 11 tablished by Congress for the Kenai Mountains-  
 12 Turnagain Arm National Forest Heritage Area.

13 (b) PURPOSES.—The purposes of this Act are—

14 (1) to recognize, preserve, and interpret the his-  
 15 toric and modern resource development and cultural  
 16 landscapes of the Kenai Mountains-Turnagain Arm  
 17 historic transportation corridor; and

18 (2) to promote and facilitate the public enjoy-  
 19 ment of the resources.

### 20 **SEC. 3. DEFINITIONS.**

21 In this Act:

22 (1) HERITAGE AREA.—The term “Heritage  
 23 Area” means the Kenai Mountains-Turnagain Arm  
 24 National Forest Heritage Area established by sec-  
 25 tion 4(a).

1           (2) LOCAL COORDINATING ENTITY.—The term  
 2           “Local Coordinating Entity” means the local coordi-  
 3           nating entity for the Heritage Area designated by  
 4           section 5(a).

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

8           (4) MAP.—The term “map” means the map en-  
 9           titled “Draft Proposed NHA Kenai Mountains-  
 10          Turnagain Arm” and dated August 7, 2007.

11          (5) SECRETARY.—The term “Secretary” means  
 12          the Secretary of Agriculture.

13          (6) STATE.—The term “State” means the State  
 14          of Alaska.

15 **SEC. 4. ESTABLISHMENT OF KENAI MOUNTAINS-**  
 16 **TURNAGAIN ARM NATIONAL FOREST HERIT-**  
 17 **AGE AREA.**

18          (a) ESTABLISHMENT.—There is established in the  
 19          State the Kenai Mountains-Turnagain Arm National For-  
 20          est Heritage Area.

21          (b) BOUNDARIES.—The Heritage Area shall be com-  
 22          prised of the land in the Kenai Mountains and upper  
 23          Turnagain Arm region, as generally depicted on the map.

24          (c) AVAILABILITY OF MAP.—The map shall be on file  
 25          and available for public inspection in—

- 1           (1) the appropriate offices of the Forest Serv-  
2           ice, Chugach National Forest;
- 3           (2) the Alaska Regional Office of the National  
4           Park Service; and
- 5           (3) the Alaska State Historic Preservation Offi-  
6           cer.

7 **SEC. 5. LOCAL COORDINATING ENTITY.**

8           (a) DESIGNATION.—The Kenai Mountains-  
9 Turnagain Arm National Forest Heritage Corridor Com-  
10 munities Association, a nonprofit corporation chartered in  
11 the State, shall be the local coordinating entity for the  
12 Heritage Area.

13          (b) DUTIES.—To further the purposes of the Herit-  
14 age Area, the Local Coordinating Entity shall—

15               (1) in accordance with section 6, prepare and  
16               submit to the Secretary a management plan for the  
17               Heritage Area;

18               (2) for any fiscal year for which the Local Co-  
19               ordinating Entity receives Federal funds under this  
20               Act—

21                       (A) submit an annual report to the Sec-  
22                       retary that describes—

23                               (i) the specific performance goals and  
24                               accomplishments of the Local Coordinating  
25                               Entity;



1 (ii) the expenses and income of the  
 2 Local Coordinating Entity;

3 (iii) the amounts and sources of  
 4 matching funds;

5 (iv) the amounts leveraged with Fed-  
 6 eral funds and the sources of the  
 7 leveraging; and

8 (v) any grants made to any other enti-  
 9 ties during the fiscal year; and

10 (B) make available to the Secretary for  
 11 audit any information relating to the expendi-  
 12 ture of—

13 (i) the Federal funds; and

14 (ii) any matching funds; and

15 (3) encourage, consistent with the purposes of  
 16 the Heritage Area, the economic viability and sus-  
 17 tainability of the Heritage Area.

18 (c) AUTHORITIES.—For the purposes of developing  
 19 and implementing the management plan for the Heritage  
 20 Area, and subject to section 9(c), the Local Coordinating  
 21 Entity may use Federal funds made available under this  
 22 Act to—

23 (1) make grants to units of local government,  
 24 nonprofit organizations, and other parties within the  
 25 Heritage Area;

1           (2) enter into agreements with, or provide tech-  
2           nical assistance to, Federal agencies, units of local  
3           government, nonprofit organizations, and other in-  
4           terested parties;

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

7                   (A) natural, historic, cultural, educational,  
8                   scenic, and recreational resource conservation;

9                   (B) economic and community development;  
10           and

11                   (C) heritage planning;

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

14           (5) contract for goods or services; and

15           (6) support activities of partners and any other  
16           activities that—

17                   (A) further the purposes of the Heritage  
18           Area; and

19                   (B) are consistent with the management  
20           plan.

21           (d) PUBLIC MEETINGS.—

22                   (1) IN GENERAL.—Annually, the Local Coordi-  
23           nating Entity shall conduct at least 2 meetings open  
24           to the public regarding the development and imple-  
25           mentation of the management plan.

1 (2) NOTICE; AVAILABILITY OF MINUTES.—The  
2 Local Coordinating Entity shall—

3 (A) publish a notice of each public meeting  
4 in a newspaper of general circulation in the  
5 Heritage Area; and

6 (B) make the minutes of the meeting avail-  
7 able to the public.

8 (e) PROHIBITION ON ACQUISITION OF REAL PROP-  
9 erty.—The Local Coordinating Entity shall not use Fed-  
10 eral funds authorized under this Act to acquire any inter-  
11 est in real property.

12 **SEC. 6. MANAGEMENT PLAN.**

13 (a) IN GENERAL.—Not later than 3 years after the  
14 date on which funds are first made available to develop  
15 the management plan, the Local Coordinating Entity shall  
16 submit to the Secretary for approval a management plan  
17 for the Heritage Area.

18 (b) REQUIREMENTS.—The management plan shall—

19 (1) include—

20 (A) a list of comprehensive policies, goals,  
21 strategies, and recommendations for actions  
22 and projects consistent with the purposes of the  
23 Heritage Area;

24 (B) a description of proposed actions and  
25 financial commitments of governments (includ-

1 ing tribal governments) and private organiza-  
2 tions that would accomplish the purposes of the  
3 Heritage Area;

4 (C) a description of the role and participa-  
5 tion of the Federal Government and State, trib-  
6 al, and local governments that have jurisdiction  
7 over land within the Heritage Area; and

8 (D) an inventory of the natural, historic,  
9 cultural, educational, scenic, and recreational  
10 resources of the Heritage Area that should be  
11 protected, enhanced, interpreted, managed,  
12 funded, and developed;

13 (2) identify existing and potential sources of  
14 funding to accomplish the recommended actions and  
15 projects for the Heritage Area;

16 (3) include a business plan that—

17 (A) describes the role, operation, financing,  
18 and functions of—

19 (i) the Local Coordinating Entity; and

20 (ii) each of the major activities ad-  
21 dressed in the management plan; and

22 (B) provides adequate assurances that the  
23 Local Coordinating Entity has the partnerships  
24 and financial and other resources necessary to  
25 implement the management plan; and

1           (4) be consistent with Federal, State, borough,  
2           and local plans, including—

3                   (A) the plans for the Chugach National  
4           Forest and the Kenai Fjords National Park;  
5           and

6                   (B) State transportation and historic man-  
7           agement plans.

8           (c) TERMINATION OF FUNDING.—If the Local Co-  
9           ordinating Entity does not submit the management plan  
10          to the Secretary by the date that is 3 years after the date  
11          on which funds are first made available to develop the  
12          management plan, the Local Coordinating Entity shall be  
13          ineligible to receive additional funding under this Act until  
14          the date on which the management plan is approved by  
15          the Secretary.

16          (d) APPROVAL AND DISAPPROVAL OF MANAGEMENT  
17          PLAN.—

18                   (1) IN GENERAL.—Not later than 180 days  
19          after the date of receipt of the management plan  
20          under subsection (a), the Secretary shall approve or  
21          disapprove the management plan.

22                   (2) CONSIDERATIONS.—In determining whether  
23          to approve or disapprove the management plan  
24          under paragraph (1), the Secretary shall consider  
25          whether—

1 (A) the Local Coordinating Entity—

2 (i) has afforded adequate opportuni-  
3 ties for public and governmental involve-  
4 ment in the preparation of the manage-  
5 ment plan; and

6 (ii) provides for at least semiannual  
7 public meetings to ensure adequate imple-  
8 mentation of the management plan;

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

17 (C) the management plan—

18 (i) is consistent with applicable Fed-  
19 eral, State, borough, and local plans; and

20 (ii) would not adversely affect any ac-  
21 tivities authorized on Federal land;

22 (D) the Local Coordinating Entity, in  
23 partnership with other entities, has dem-  
24 onstrated the financial capability to carry out  
25 the management plan;

1           (E) the Secretary has received adequate  
 2           assurances from State and local officials, the  
 3           support of which is needed to ensure the effec-  
 4           tive implementation of the State and local ele-  
 5           ments of the management plan; and

6           (F) the management plan demonstrates  
 7           sufficient partnerships among the Local Coordi-  
 8           nating Entity, the Federal Government, State  
 9           and local governments, regional planning orga-  
 10          nizations, nonprofit organizations, or private  
 11          sector parties to implement the management  
 12          plan.

13          (3) ACTION FOLLOWING DISAPPROVAL.—If the  
 14          Secretary disapproves the management plan under  
 15          paragraph (1), the Secretary shall—

16               (A) advise the Local Coordinating Entity  
 17               in writing of the reasons for the disapproval;

18               (B) make recommendations for revisions to  
 19               the management plan; and

20               (C) not later than 180 days after the re-  
 21               ceipt of any proposed revision of the manage-  
 22               ment plan, approve or disapprove the proposed  
 23               revision.

24          (e) AMENDMENTS.—

1           (1) IN GENERAL.—The Secretary shall review  
2           and approve any substantial amendments to the  
3           management plan in accordance with subsection (d).

4           (2) USE OF FUNDS.—Funds made available  
5           under this Act shall not be expended by the Local  
6           Coordinating Entity to implement any changes made  
7           by an amendment described in paragraph (1) until  
8           the Secretary approves the amendment.

9           (f) IMPLEMENTATION.—In implementing the man-  
10          agement plan, the Local Coordinating Entity shall give  
11          priority to—

12           (1) carrying out programs that recognize impor-  
13          tant resource values within the Heritage Area;

14           (2) encouraging economic viability in the af-  
15          fected communities;

16           (3) establishing and maintaining interpretive  
17          exhibits within the Heritage Area;

18           (4) improving and interpreting heritage trails;

19           (5) increasing public awareness of, and appre-  
20          ciation for, the natural, historic, and cultural re-  
21          sources of the Heritage Area, including the contribu-  
22          tions of local Indian tribes;

23           (6) providing opportunities for expanding the  
24          public perception of the need for modern resource  
25          development of the Heritage Area;



- 1           (7) restoring historic buildings and structures  
2           that are located within the Heritage Area; and  
3           (8) ensuring that clear, consistent, and appro-  
4           priate signs identifying public access points and sites  
5           of interest are appropriately placed in the Heritage  
6           Area.

7   **SEC. 7. DUTIES AND AUTHORITIES OF THE SECRETARY.**

8           (a) MEMORANDUM OF UNDERSTANDING.—The Sec-  
9   retary shall enter into a memorandum of understanding  
10 with the Secretary of the Interior to establish a general  
11 framework for cooperation and consultation in the devel-  
12 opment and implementation of the management plan.

13          (b) AUTHORITIES.—The Secretary may—

14           (1) subject to the availability of funds, provide  
15           technical and financial assistance for the develop-  
16           ment and implementation of the management plan;

17           (2) enter into cooperative agreements with in-  
18           terested parties to carry out this Act; and

19           (3) in partnership with the Local Coordinating  
20           Entity, provide information on, promote under-  
21           standing of, and encourage research on the Heritage  
22           Area.

23          (c) INFORMATION RELEASED BY THE SECRETARY OF  
24 THE INTERIOR.—The Secretary of the Interior shall in-  
25 clude the Heritage Area in all nationwide releases, listings,

1 or maps that provide public information about the system  
2 of national heritage areas.

3 **SEC. 8. PRIVATE PROPERTY PROTECTIONS.**

4 (a) IN GENERAL.—Nothing in this Act—

5 (1) grants powers of zoning or management of  
6 land use to the Local Coordinating Entity;

7 (2) modifies, enlarges, or diminishes any au-  
8 thority of the Federal Government or any State,  
9 tribal, or local government to manage or regulate  
10 any use of land under applicable laws (including reg-  
11 ulations);

12 (3) requires any private property owner to allow  
13 public access to the private property, including ac-  
14 cess by the Federal Government or tribal, State, or  
15 local governments;

16 (4) modifies any provision of Federal, tribal,  
17 State, or local law with respect to public access to,  
18 or use of, private property;

19 (5) obstructs or limits—

20 (A) business activities on private develop-  
21 ments; or

22 (B) resource development activities;

23 (6) affects the rights of private property own-  
24 ers;

1           (7) restricts or limits an Indian tribe from pro-  
2       tecting cultural or religious sites on tribal or Native  
3       Corporation land; or

4           (8) requires the owner of any private property  
5       located within the boundaries of the Heritage Area  
6       to participate in, or be associated with, the Heritage  
7       Area.

8       (b) APPLICABLE LAW.—Designation of the Heritage  
9       Area under this Act does not convey status to the Heritage  
10      Area as a conservation system unit (as defined in section  
11      102 of the Alaska National Interest Lands Conservation  
12      Act (16 U.S.C. 3102)).

13      (c) LIABILITY.—Designation of the Heritage Area  
14      does not create any liability for, or affect any liability  
15      under any other law of, any private property owner with  
16      respect to a person injured on the private property.

17      (d) EFFECT OF ESTABLISHMENT.—Designation of  
18      the Heritage Area does not establish any regulatory au-  
19      thority on land use within the Heritage Area or the  
20      viewshed for the Federal Government or any State or local  
21      government.

22   **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

23      (a) IN GENERAL.—Subject to subsection (b), there  
24      are authorized to be appropriated and made available to

1 the Local Coordinating Entity to carry out the develop-  
2 ment and implementation of the management plan—

3 (1) \$350,000 for fiscal year 2008; and

4 (2) \$500,000 for fiscal year 2009 and each fis-  
5 cal year thereafter.

6 (b) LIMITATION.—Notwithstanding subsection (a),  
7 not more than \$7,500,000 is authorized to be appro-  
8 priated for the Heritage Area.

9 (c) COST SHARING REQUIREMENT.—To the max-  
10 imum extent practicable, the Federal share of the total  
11 cost of any activity carried out using assistance under this  
12 Act shall be not more than 75 percent, including the con-  
13 tribution of in-kind services.

14 **SEC. 10. TERMINATION OF AUTHORITY.**

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

○