

113TH CONGRESS
1ST SESSION

S. 869

To establish the Alabama Black Belt National Heritage Area, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 7, 2013

Mr. SHELBY (for himself and Mr. SESSIONS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish the Alabama Black Belt National Heritage Area, 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Alabama Black Belt National Heritage Area Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Designation of Alabama Black Belt National Heritage Area.
- Sec. 4. Local coordinating entity.
- Sec. 5. Management plan.
- Sec. 6. Evaluation; report.

Sec. 7. Relationship to other Federal agencies.

Sec. 8. Private property and regulatory protections.

Sec. 9. Use of Federal funds from other sources.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) LOCAL COORDINATING ENTITY.—The term
4 “local coordinating entity” means the Center for the
5 Study of the Black Belt at the University of West
6 Alabama.

7 (2) MANAGEMENT PLAN.—The term “manage-
8 ment plan” means the plan prepared by the local co-
9 ordinating entity for the National Heritage Area in
10 accordance with this Act.

11 (3) NATIONAL HERITAGE AREA.—The term
12 “National Heritage Area” means the Alabama Black
13 Belt National Heritage Area established by this Act.

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

16 **SEC. 3. DESIGNATION OF ALABAMA BLACK BELT NATIONAL**
17 **HERITAGE AREA.**

18 (a) ESTABLISHMENT.—There is hereby established
19 the Alabama Black Belt National Heritage Area in the
20 State of Alabama.

21 (b) BOUNDARIES.—The National Heritage Area shall
22 consist of sites as designated by the management plan
23 within a core area located in Alabama, consisting of Bibb,
24 Bullock, Butler, Choctaw, Clarke, Conecuh, Dallas,

1 Greene, Hale, Lowndes, Macon, Marengo, Monroe, Mont-
2 gomery, Perry, Pickens, Sumter, Washington, and Wilcox
3 counties.

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

5 (a) DESIGNATION.—The Center for the Study of the
6 Black Belt at the University of West Alabama shall be
7 the local coordinating entity for the National Heritage
8 Area.

9 (b) DUTIES.—To further the purposes of the Na-
10 tional Heritage Area, the local coordinating entity shall—

11 (1) submit a management plan to the Secretary
12 in accordance with this Act;

13 (2) submit an annual report to the Secretary
14 specifying—

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

17 (B) the expenses and income of the local
18 coordinating entity;

19 (C) the amounts and sources of matching
20 funds;

21 (D) the amounts of non-Federal funds le-
22 veraged with Federal funds and sources of the
23 leveraging; and

24 (E) grants made to any other entities dur-
25 ing the fiscal year;

1 (3) make available for audit, for each fiscal
2 year for which the local coordinating entity receives
3 Federal funds, all information pertaining to the ex-
4 penditure of the funds and any matching funds; and

5 (4) encourage economic viability and sustain-
6 ability that is consistent with the purposes of the
7 National Heritage Area.

8 (c) AUTHORITIES.—For the purposes of preparing
9 and implementing the approved management plan, the
10 local coordinating entity may—

11 (1) make grants to political jurisdictions, non-
12 profit organizations, and other parties within the
13 National Heritage Area;

14 (2) enter into cooperative agreements with or
15 provide technical assistance to political jurisdictions,
16 nonprofit organizations, Federal agencies, and other
17 interested parties;

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

20 (A) natural, historical, cultural, edu-
21 cational, scenic, and recreational resource con-
22 servation;

23 (B) economic and community development;

24 and

25 (C) heritage planning;

1 (4) obtain funds or services from any source,
2 including other Federal programs;

3 (5) contract for goods or services; and

4 (6) support activities of partners and any other
5 activities that further the purposes of the National
6 Heritage Area and are consistent with the approved
7 management plan.

8 **SEC. 5. MANAGEMENT PLAN.**

9 (a) **REQUIREMENTS.**—The management plan shall—

10 (1) describe comprehensive policies, goals, strat-
11 egies, and recommendations for telling the story of
12 the heritage of the area covered by the National
13 Heritage Area and encouraging long-term resource
14 protection, enhancement, interpretation, funding,
15 management, and development of the National Her-
16 itage Area;

17 (2) include a description of actions and commit-
18 ments that Federal, State, and local governments,
19 private organizations, and citizens plan to take to
20 protect, enhance, interpret, fund, manage, and de-
21 velop the natural, historical, cultural, educational,
22 scenic, and recreational resources of the National
23 Heritage Area;

24 (3) specify existing and potential sources of
25 funding or economic development strategies to pro-

1 tect, enhance, interpret, fund, manage, and develop
2 the National Heritage Area;

3 (4) include an inventory of the natural, histor-
4 ical, cultural, educational, scenic, and recreational
5 resources of the National Heritage Area related to
6 the national importance and themes of the National
7 Heritage Area that should be protected, enhanced,
8 interpreted, funded, managed, and developed;

9 (5) include recommendations for resource man-
10 agement policies and strategies, including the devel-
11 opment of intergovernmental and interagency agree-
12 ments to protect, enhance, interpret, fund, manage,
13 and develop the natural, historical, cultural, edu-
14 cational, scenic, and recreational resources of the
15 National Heritage Area;

16 (6) describe a program for implementation of
17 the management plan, including—

18 (A) performance goals;

19 (B) plans for resource protection, enhance-
20 ment, interpretation, funding, management, and
21 development; and

22 (C) specific commitments for implementa-
23 tion that have been made by the local coordi-
24 nating entity or any Federal, State, or local

1 government agency, organization, business, or
2 individual;

3 (7) include an analysis of, and recommenda-
4 tions for, means by which Federal, State, and local
5 programs may best be coordinated (including the
6 role of the National Park Service and other Federal
7 agencies associated with the National Heritage
8 Area) to further the purposes of this Act; and

9 (8) include a business plan that—

10 (A) describes the role, operation, financing,
11 and functions of the local coordinating entity
12 and of each of the major activities described in
13 the management plan; and

14 (B) provides adequate assurances that the
15 local coordinating entity has the partnerships
16 and financial and other resources necessary to
17 implement the management plan.

18 (b) DEADLINE.—Not later than 3 years after the
19 date of enactment of this Act, the local coordinating entity
20 shall submit the management plan to the Secretary for
21 approval.

22 (c) APPROVAL OF MANAGEMENT PLAN.—

23 (1) REVIEW.—Not later than 180 days after re-
24 ceiving the management plan, the Secretary shall re-
25 view and approve or disapprove the management

1 plan on the basis of the criteria listed in paragraph
2 (3).

3 (2) CONSULTATION.—The Secretary shall con-
4 sult with the Governor of Alabama before approving
5 a management plan.

6 (3) CRITERIA FOR APPROVAL.—In determining
7 whether to approve a management plan, the Sec-
8 retary shall consider whether—

9 (A) the local coordinating entity—

10 (i) represents the diverse interests of
11 the National Heritage Area, including Fed-
12 eral, State, and local governments, natural,
13 and historical resource protection organiza-
14 tions, educational institutions, businesses,
15 recreational organizations, community resi-
16 dents, and private property owners;

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

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

1 (iv) has demonstrated the financial
2 capability, in partnership with others, to
3 carry out the management plan;

4 (B) the management plan—

5 (i) describes resource protection, en-
6 hancement, interpretation, funding, man-
7 agement, and development strategies
8 which, if implemented, would adequately
9 protect, enhance, interpret, fund, manage,
10 and develop the natural, historical, cul-
11 tural, educational, scenic, and recreational
12 resources of the National Heritage Area;

13 (ii) would not adversely affect any ac-
14 tivities authorized on Federal land under
15 public applicable laws or land use plans;

16 (iii) demonstrates partnerships among
17 the local coordinating entity, Federal,
18 State, and local governments, regional
19 planning organizations, nonprofit organiza-
20 tions, and private sector parties for imple-
21 mentation of the management plan; and

22 (iv) complies with the requirements of
23 this section; and

24 (C) the Secretary has received adequate
25 assurances from the appropriate State and local

1 officials whose support is needed that the State
2 and local aspects of the management plan will
3 be effectively implemented.

4 (4) DISAPPROVAL.—

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

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

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

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

17 (5) AMENDMENTS.—

18 (A) IN GENERAL.—An amendment to the
19 approved management plan that substantially
20 alters such plan shall be reviewed by the Sec-
21 retary and approved or disapproved in the same
22 manner as the original management plan.

23 (B) IMPLEMENTATION.—The local coordi-
24 nating entity shall not implement a substantial

1 amendment to the management plan until the
2 Secretary approves the amendment.

3 (6) AUTHORITIES.—The Secretary may—

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

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

9 **SEC. 6. EVALUATION; REPORT.**

10 (a) EVALUATION.—The Secretary shall conduct an
11 evaluation of the accomplishments of the National Herit-
12 age Area. An evaluation conducted under this subsection
13 shall—

14 (1) assess the progress of the local coordinating
15 entity with respect to—

16 (A) accomplishing the purposes of this Act
17 for the National Heritage Area; and

18 (B) achieving the goals and objectives of
19 the approved management plan;

20 (2) analyze the Federal, State, and local gov-
21 ernment, and private investments in the National
22 Heritage Area to determine the impact of the invest-
23 ments; and

24 (3) review the management structure, partner-
25 ship relationships, and funding of the National Her-

1 itage Area for purposes of identifying the critical
2 components for sustainability of the National Herit-
3 age Area.

4 (b) REPORT.—Not later than 3 years after the date
5 of enactment of this Act, based on the evaluation con-
6 ducted under subsection (a), the Secretary shall submit
7 a report to the Committee on Natural Resources of the
8 House of Representatives and the Committee on Energy
9 and Natural Resources of the Senate. The report shall in-
10 clude recommendations for the future role of the National
11 Park Service, if any, with respect to the National Heritage
12 Area.

13 **SEC. 7. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

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

17 (b) CONSULTATION AND COORDINATION.—The head
18 of any Federal agency planning to conduct activities that
19 may have an impact on the National Heritage Area is en-
20 couraged to consult and coordinate the activities with the
21 Secretary and the local coordinating entity to the max-
22 imum extent practicable.

23 (c) OTHER FEDERAL AGENCIES.—Nothing in this
24 Act—

1 (1) modifies, alters, or amends any law or regu-
 2 lation authorizing a Federal agency to manage Fed-
 3 eral land under the jurisdiction of the Federal agen-
 4 cy;

5 (2) limits the discretion of a Federal land man-
 6 ager to implement an approved land use plan within
 7 the boundaries of the National Heritage Area; or

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

11 **SEC. 8. PRIVATE PROPERTY AND REGULATORY PROTEC-**
 12 **TIONS.**

13 Nothing in this Act—

14 (1) abridges the rights of any owner of public
 15 or private property, including the right to refrain
 16 from participating in any plan, project, program, or
 17 activity conducted within the National Heritage
 18 Area;

19 (2) requires any property owner to permit pub-
 20 lic access (including access by Federal, State, tribal,
 21 or local agencies) to the property of the property
 22 owner, or to modify public access or use of property
 23 of the property owner under any other Federal,
 24 State, tribal, or local law;

1 (3) alters any duly adopted land use regulation,
2 approved land use plan, or other regulatory author-
3 ity of any Federal, State, tribal, or local agency, or
4 conveys any land use or other regulatory authority
5 to any local coordinating entity, including develop-
6 ment and management of energy, water, or water-re-
7 lated infrastructure;

8 (4) authorizes or implies the reservation or ap-
9 propriation of water or water rights;

10 (5) diminishes the authority of the State to
11 manage fish and wildlife, including the regulation of
12 fishing and hunting within the National Heritage
13 Area; or

14 (6) creates any liability, or affects any liability
15 under any other law, of any private property owner
16 with respect to any person injured on the private
17 property.

18 **SEC. 9. USE OF FEDERAL FUNDS FROM OTHER SOURCES.**

19 Nothing in this Act shall preclude the local coordi-
20 nating entity from using Federal funds available under
21 other laws for the purposes for which those funds were
22 authorized.

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