

115TH CONGRESS
1ST SESSION

H. R. 3142

To establish the Appalachian Forest National Heritage Area, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2017

Mr. MCKINLEY (for himself, Mr. JENKINS of West Virginia, and Mr. DELANEY) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To establish the Appalachian Forest 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.**

4 This Act may be cited as the “Appalachian Forest
5 National Heritage Area Act of 2017”.

6 **SEC. 2. FINDINGS; PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the Heritage Area—

1 (A) is comprised of 18 counties that are lo-
2 cated in West Virginia and western Maryland;
3 and

4 (B) taken as a whole—

5 (i) possesses exceptional cultural, nat-
6 ural, and historical resources that form a
7 cohesive and nationally distinctive land-
8 scape;

9 (ii) demonstrates landscapes that
10 arose from patterns of human activity that
11 were shaped by the geography of the for-
12 ested central Appalachian Mountains; and

13 (iii) reflects both modern and histor-
14 ical uses by citizens who continue to affect,
15 and be affected by, the landscape of the
16 forest;

17 (2) there is a national interest in conserving,
18 restoring, promoting, and interpreting the benefits
19 of the Heritage Area for—

20 (A) the residents of the Heritage Area;
21 and

22 (B) visitors to the Heritage Area;

23 (3) nationally significant historical and cultural
24 resources located in the Heritage Area form a
25 unique aspect of the heritage of the United States;

1 (4) with respect to the economic development of
2 the United States—

3 (A) the timber harvesting activities in the
4 region helped fuel late 19th century and early
5 20th century industrial growth throughout the
6 United States; and

7 (B) prominent industrialists of the region
8 were also active in the national economy;

9 (5) workers who participated in the timber
10 boom of the region brought a blending of cultures of
11 European and African-American immigrants;

12 (6) the growth of each community located in
13 the region was impacted by the forested central Ap-
14 palachian Mountains;

15 (7) the rich culture of central Appalachia—

16 (A) includes folklife, music, dance, crafts,
17 and other culturally rich traditions; and

18 (B) is inextricably tied to the forest land
19 of the region;

20 (8) significant historical and cultural sites and
21 resources located in the Heritage Area include—

22 (A) historic sites from the logging era (in-
23 cluding the intact logging company town that is
24 located at the Cass Scenic Railroad State
25 Park);

1 (B) historic sites that evidence conserva-
2 tion efforts (including structures constructed by
3 the Civilian Conservation Corps);

4 (C) 5 national historic landmarks; and

5 (D) segments of 4 National Scenic Byways
6 and 1 All-American Road;

7 (9) nationally significant natural and physical
8 resources in the Heritage Area include spectacular
9 natural, scenic, and recreational resources, featuring
10 the core of the central hardwood forest of the United
11 States, which—

12 (A) as a result of sound forest manage-
13 ment and conservation of public land, grew
14 from the original cutting of the forest; and

15 (B) includes—

16 (i) the remnants of old growth forests;

17 (ii) protected wilderness areas;

18 (iii) 14 national natural landmarks;

19 (iv) Federal and State forest lands
20 that were created to foster the regrowth of
21 the forests of the United States, including
22 the Monongahela National Forest, and 7
23 State forests;

1 (v) experimental forests that dem-
2 onstrate the evolution of forestry manage-
3 ment;

4 (vi) forests managed by public and
5 private entities; and

6 (vii) a dynamic forest industry com-
7 prised of mills that demonstrate the ongo-
8 ing importance of the forest land and for-
9 est products to the region;

10 (10) local public and private partnerships that
11 are based on the visions of the community and re-
12 gion are working together to promote the steward-
13 ship, enhancement, and interpretation of the re-
14 sources of the Heritage Area;

15 (11) to promote the goals described in para-
16 graph (10), local residents, organizations, and gov-
17 ernments support the establishment of a national
18 heritage area; and

19 (12) involvement by the Federal Government
20 would enhance the efforts to promote the cultural,
21 natural, historical, and recreational resources of the
22 region that have been made by—

23 (A) the States of West Virginia and Mary-
24 land;

1 (B) political subdivisions of the States of
2 West Virginia and Maryland;

3 (C) volunteer organizations; and

4 (D) private businesses.

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

6 (1) to provide a cooperative management frame-
7 work to the States of West Virginia and Maryland,
8 the political subdivisions of those States, and the
9 citizens of those States to conserve, enhance, and in-
10 terpret the significant features of the forest, land,
11 water, and structures of the Heritage Area; and

12 (2) to foster a close working relationship with
13 all levels of government, the private sector, and the
14 local communities of the region to enable those com-
15 munities—

16 (A) to conserve the heritage of those com-
17 munities; and

18 (B) to continue to pursue economic oppor-
19 tunities for those communities.

20 **SEC. 3. DEFINITIONS.**

21 In this Act:

22 (1) HERITAGE AREA.—The term “Heritage
23 Area” means the Appalachian Forest National Her-
24 itage Area established by section 4(a).

1 (2) LOCAL COORDINATING ENTITY.—The term
2 “local coordinating entity” means the management
3 entity for the Heritage Area as specified in section
4 4(d)(1).

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

8 (4) MAP.—The term “map” means the map en-
9 titled “Appalachian Forest National Heritage Area”,
10 numbered T07/80,000, and dated October 2007.

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

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

15 (A) Maryland; and

16 (B) West Virginia.

17 **SEC. 4. APPALACHIAN FOREST NATIONAL HERITAGE AREA.**

18 (a) ESTABLISHMENT.—There is established the Ap-
19 palachian Forest National Heritage Area.

20 (b) BOUNDARIES.—The Heritage Area shall in-
21 clude—

22 (1) the Barbour, Braxton, Grant, Greenbrier,
23 Hampshire, Hardy, Mineral, Morgan, Nicholas, Pen-
24 dleton, Pocahontas, Preston, Randolph, Tucker,

1 Upshur, and Webster Counties of the State of West
2 Virginia; and

3 (2) the Allegany and Garrett Counties of the
4 State of Maryland.

5 (c) AVAILABILITY OF MAP.—A map of the Heritage
6 Area shall be on file and available for public inspection
7 in the appropriate offices of—

8 (1) the National Park Service; and

9 (2) the local coordinating entity.

10 (d) LOCAL COORDINATING ENTITY.—The Appa-
11 lachian Forest Heritage Area, Inc., shall—

12 (1) serve as the local coordinating entity for the
13 Heritage Area;

14 (2) oversee the development of a management
15 plan under section 5(a); and

16 (3) be governed by a board of directors from a
17 geographic balance across the included counties and
18 States and which shall—

19 (A) be composed of no fewer than 7 and
20 no more than 15 members elected by the mem-
21 bership;

22 (B) be selected to represent a balanced
23 group of diverse interests, including—

24 (i) forest industry;

25 (ii) environmental;

1 (iii) cultural heritage;

2 (iv) tourism; and

3 (v) regional agency partners;

4 (C) exercise all corporate powers of the
5 local coordinating entity;

6 (D) manage the activities and affairs of
7 the local coordinating entity; and

8 (E) subject to any limitations in the arti-
9 cles and bylaws of the local coordinating entity,
10 this section, and any other applicable Federal
11 or State law, establish the policies of the local
12 coordinating entity.

13 **SEC. 5. MANAGEMENT PLAN.**

14 (a) IN GENERAL.—Not later than 3 years after the
15 date on which funds are first made available to carry out
16 this Act, the local coordinating entity shall develop and
17 submit to the Secretary for approval a management plan
18 for the Heritage Area.

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

20 (1) present comprehensive policies, goals, strat-
21 egies, and recommendations for—

22 (A) presenting to the citizens of the United
23 States the heritage of the region; and

24 (B) encouraging the long-term resource
25 conservation, enhancement, interpretation,

1 funding, management, and development of the
2 Heritage Area;

3 (2) take into consideration and coordinate Fed-
4 eral, State, and local plans to present a unified his-
5 toric preservation and interpretation plan;

6 (3) involve residents, public agencies, and pri-
7 vate organizations of the Heritage Area;

8 (4) describe actions that units of government,
9 private organizations, and citizens recommend for
10 the conservation, enhancement, interpretation, fund-
11 ing, management, and development of the resources
12 of the Heritage Area;

13 (5) identify—

14 (A) existing and potential sources of Fed-
15 eral and non-Federal funding for the conserva-
16 tion, enhancement, interpretation, funding,
17 management, and development of the resources
18 of the Heritage Area; and

19 (B) economic development strategies for
20 the conservation, enhancement, interpretation,
21 funding, management, and development of the
22 resources of the Heritage Area;

23 (6) include—

24 (A) an inventory of the cultural, natural,
25 historical, educational, scenic, and recreational

1 resources contained in the Heritage Area, in-
2 cluding a list of property that—

3 (i) is related to the themes of the
4 Heritage Area; and

5 (ii) should be conserved, enhanced,
6 managed, or developed;

7 (B) a recommendation of policies and
8 strategies for resource management and con-
9 servation, including the development of inter-
10 governmental cooperative agreements to man-
11 age and conserve the cultural, natural, histor-
12 ical, educational, scenic, and recreational re-
13 sources of the Heritage Area;

14 (C) a program of strategies and actions to
15 implement the management plan that in-
16 cludes—

17 (i) performance goals;

18 (ii) resource conservation plans;

19 (iii) enhancement strategies;

20 (iv) interpretation strategies; and

21 (v) specific commitments for imple-
22 mentation that have been made by the
23 local coordinating entity or any govern-
24 ment, organization, business, or individual;

1 (D) an analysis of, and recommendations
2 for, means by which Federal, State, and local
3 programs may best be coordinated to further
4 the purposes of this Act, including an analysis
5 of the role of the National Park Service and
6 other Federal agencies associated with the Her-
7 itage Area;

8 (E) a business plan that—

9 (i) describes the role, operation, fi-
10 nancing, and functions of—

11 (I) the local coordinating entity;

12 and

13 (II) each of the major activities
14 included in the management plan; and

15 (ii) provides adequate assurances that
16 the local coordinating entity has the part-
17 nerships and financial and other resources
18 necessary to implement the management
19 plan; and

20 (F) an interpretive plan for the Heritage
21 Area; and

22 (7) list any revisions to the boundaries of the
23 Heritage Area proposed by the local coordinating en-
24 tity and requested by the affected local government.

25 (c) DEADLINE; TERMINATION OF FUNDING.—

1 (1) DEADLINE.—Not later than 3 years after
2 the date on which funds are made available under
3 section 11(a), the local coordinating entity shall sub-
4 mit the management plan to the Secretary for ap-
5 proval.

6 (2) TERMINATION OF FUNDING.—If the man-
7 agement plan is not submitted to the Secretary in
8 accordance with this section, the Secretary shall not
9 provide to the local coordinating entity any addi-
10 tional financial assistance under this Act until the
11 management plan is submitted to and approved by
12 the Secretary under subsection (d)(1).

13 (d) APPROVAL OF MANAGEMENT PLAN.—

14 (1) REVIEW.—Not later than 180 days after
15 the date of receipt of the management plan under
16 subsection (c)(1), the Secretary shall review and ap-
17 prove or disapprove the management plan.

18 (2) CRITERIA.—In determining whether to ap-
19 prove the management plan, the Secretary shall con-
20 sider whether—

21 (A) the management plan meets all re-
22 quirements identified in subsection (b); and

23 (B) the local coordinating entity has af-
24 farded adequate opportunity, including public
25 hearings, for public and governmental involve-

1 ment in the preparation of the management
2 plan.

3 (e) ACTION FOLLOWING DISAPPROVAL.—If the Sec-
4 retary disapproves the management plan under subsection
5 (d)(1), the Secretary shall—

6 (1) advise the local coordinating entity in writ-
7 ing of the reasons for the disapproval;

8 (2) make recommendations for revisions to the
9 management plan; and

10 (3) not later than 180 days after the date of re-
11 ceipt of a proposed revision to the management plan,
12 approve or disapprove the proposed revision.

13 (f) AMENDMENTS.—

14 (1) IN GENERAL.—The Secretary shall review
15 and approve or disapprove each amendment to the
16 management plan that the Secretary determines may
17 substantially alter the purposes of the Heritage
18 Area.

19 (2) USE OF FUNDS.—Funds made available
20 under this Act shall not be expended by the local co-
21 ordinating entity to implement an amendment de-
22 scribed in paragraph (1) until the Secretary ap-
23 proves the amendment.

24 (g) EFFECT OF INACTION.—If the Secretary does not
25 approve or disapprove a management plan, revision, or

1 change within 180 days after it is submitted to the Sec-
2 retary, then the management plan, revision, or change
3 shall be deemed to have been approved by the Secretary.

4 **SEC. 6. AUTHORITIES, DUTIES, AND PROHIBITION OF THE**
5 **LOCAL COORDINATING ENTITY.**

6 (a) **AUTHORITIES.**—To prepare and carry out the
7 management plan, the local coordinating entity may use
8 funds made available under this Act to—

9 (1) make grants to—

10 (A) political jurisdictions;

11 (B) nonprofit organizations; and

12 (C) other parties located in the Heritage
13 Area;

14 (2) enter into cooperative agreements with, or
15 provide technical assistance to—

16 (A) political jurisdictions;

17 (B) nonprofit organizations;

18 (C) Federal agencies; and

19 (D) other interested parties;

20 (3) hire and compensate staff who have dem-
21 onstrated expertise in the fields of—

22 (A) cultural, natural, and historical re-
23 sources conservation;

24 (B) economic and community development;

25 (C) forestry; or

- 1 (D) heritage planning;
- 2 (4) obtain funds from any source (including a
- 3 program that has a cost-sharing requirement);
- 4 (5) contract for goods or services; and
- 5 (6) support activities of partners, and any other
- 6 activities, that—

7 (A) further the purposes of the Heritage

8 Area; and

9 (B) are consistent with the management

10 plan approved under section 5(d)(1).

11 (b) DUTIES.—In addition to developing the manage-

12 ment plan, the local coordinating entity shall—

13 (1) for any fiscal year for which Federal funds

14 have been received by the local coordinating entity

15 under this Act—

16 (A) submit an annual report to the Sec-

17 retary that describes—

18 (i) the specific performance goals and

19 accomplishments of the local coordinating

20 entity;

21 (ii) the expenses and income of the

22 local coordinating entity;

23 (iii) the amounts and sources of

24 matching funds;

1 (iv) the amounts leveraged with Fed-
2 eral funds and the sources of the
3 leveraging; and

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

6 (B) make available for audit by Congress,
7 the Secretary, and appropriate units of govern-
8 ment, all records pertaining to the expenditure
9 of the funds and any matching funds; and

10 (2) encourage, by appropriate means and con-
11 sistent with the purposes of the Heritage Area, the
12 economic viability of the Heritage Area.

13 (c) PROHIBITION ON THE ACQUISITION OF REAL
14 PROPERTY.—The local coordinating entity shall not use
15 Federal funds made available under this Act to acquire
16 real property or any interest in real property.

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

18 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—On
19 request of the local coordinating entity, the Secretary may
20 provide technical and financial assistance, on a reimburs-
21 able or nonreimbursable basis, to the local coordinating
22 entity for—

23 (1) the development and implementation of the
24 management plan; and

1 (2) other initiatives of the local coordinating en-
2 tity.

3 (b) COOPERATIVE AGREEMENTS.—

4 (1) IN GENERAL.—To carry out this Act, the
5 Secretary may enter into cooperative agreements
6 with the local coordinating entity and other public
7 and private entities to provide assistance under sub-
8 section (a).

9 (2) REQUIREMENTS.—The cooperative agree-
10 ment under paragraph (1) shall, at a minimum—

11 (A) establish the goals and objectives of
12 the Heritage Area; and

13 (B) include—

14 (i) a proposal relating to the conserva-
15 tion and interpretation of the Heritage
16 Area; and

17 (ii) a general outline describing each
18 measure agreed to by the Secretary and
19 the local coordinating entity.

20 **SEC. 8. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

21 (a) IN GENERAL.—This Act shall not affect the au-
22 thority of any Federal official to provide technical or fi-
23 nancial assistance under any other law.

24 (b) CONSULTATION AND COORDINATION.—The head
25 of any Federal agency planning to conduct an activity that

1 may have an impact on the Heritage Area shall, to the
2 maximum extent practicable—

3 (1) consult with the Secretary and the local co-
4 ordinating entity regarding the activity; and

5 (2) coordinate the activity with the Secretary
6 and the local coordinating entity.

7 (c) EFFECT ON OTHER FEDERAL AGENCIES.—Noth-
8 ing in this Act—

9 (1) modifies, alters, or amends any law (includ-
10 ing a regulation) authorizing a Federal agency to
11 manage Federal land under the jurisdiction of the
12 Federal agency;

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

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

19 **SEC. 9. PROPERTY OWNERS AND REGULATORY PROTEC-**
20 **TIONS.**

21 Nothing in this Act shall be construed to—

22 (1) abridge the rights of any property owner,
23 whether public or private, including the right to re-
24 frain from participating in any plan, project, pro-

1 gram, or activity conducted within the Heritage
2 Area;

3 (2) require any property owner to permit public
4 access (including Federal, Tribal, State, or local gov-
5 ernment access) to such property or to modify any
6 provisions of Federal, Tribal, State, or local law with
7 regard to public access or use of private lands;

8 (3) alter any duly adopted land use regulation
9 or any approved land use plan or any other regu-
10 latory authority of any Federal, State, or local agen-
11 cy or Tribal government, or to convey any land use
12 or other regulatory authority to any local coordi-
13 nating entity;

14 (4) authorize or imply the reservation or appro-
15 priation of water or water rights;

16 (5) diminish the authority of the State to man-
17 age fish and wildlife including the regulation of fish-
18 ing and hunting within the Heritage Area;

19 (6) create any liability, or to have any effect on
20 any liability under any other law, of any private
21 property owner with respect to any persons injured
22 on such private property; or

23 (7) abridge, or authorize the Secretary or the
24 local coordinating entity to abridge, valid rights to
25 timber harvesting.

1 **SEC. 10. EVALUATION.**

2 (a) IN GENERAL.—Not later than 3 years before the
3 date on which authority for Federal funding terminates
4 for the Heritage Area, the Secretary shall conduct an eval-
5 uation of the accomplishments of the Heritage Area and
6 prepare a report with recommendations for the National
7 Park Service’s future role, if any, with respect to the Her-
8 itage Area.

9 (b) EVALUATION COMPONENTS.—An evaluation pre-
10 pared under subsection (a) shall—

11 (1) assess the progress of the local coordinating
12 entity with respect to—

13 (A) accomplishing the purposes of the au-
14 thorizing legislation for the Heritage Area; and

15 (B) achieving the goals and objectives of
16 the approved management plan for the Heritage
17 Area;

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

21 (3) review the management structure, partner-
22 ship relationships, and funding of the Heritage Area
23 for purposes of identifying the critical components
24 for sustainability of the Heritage Area.

25 (c) RECOMMENDATIONS.—Based upon the evaluation
26 under subsection (a), the Secretary shall prepare a report

1 with recommendations for the National Park Service’s fu-
2 ture role, if any, with respect to the Heritage Area.

3 (d) SUBMISSION TO CONGRESS.—On completion of a
4 report under subsection (c), the Secretary shall submit the
5 report to—

6 (1) the Committee on Energy and Natural Re-
7 sources of the Senate; and

8 (2) the Committee on Natural Resources of the
9 House of Representatives.

10 **SEC. 11. FUNDING.**

11 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to carry out this Act
13 \$10,000,000, of which not more than \$1,000,000 may be
14 authorized to be appropriated for any fiscal year.

15 (b) MATCHING FUNDS.—

16 (1) IN GENERAL.—As a condition of receiving
17 assistance under subsection (a), the local coordi-
18 nating entity shall match any amounts provided to
19 the local coordinating entity under this Act.

20 (2) FORMS OF PAYMENT.—To meet the match-
21 ing requirement described in paragraph (1), the local
22 coordinating entity shall provide to the Secretary
23 payments that—

24 (A) shall be derived from non-Federal
25 sources; and

1 (B) may be in-kind contributions of goods
2 or services.

3 **SEC. 12. TERMINATION OF AUTHORITY.**

4 (a) IN GENERAL.—Subject to subsection (b), the au-
5 thority of the Secretary to provide financial assistance
6 under this Act terminates on the date that is 15 years
7 after the date of enactment of this Act.

8 (b) EXCEPTION.—The termination of authority of the
9 Secretary under subsection (a) shall not effect the author-
10 ity of the Secretary to provide to the local coordinating
11 entity technical assistance and administrative oversight.

○