

104TH CONGRESS
2D SESSION

S. 342

AN ACT

To establish the Cache La Poudre River Corridor.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SEC. 100. SHORT TITLE.**

4 This Act may be cited as the “Cache La Poudre River
5 Corridor Act”.

1 **SEC. 101. PURPOSE.**

2 The purpose of this Act is to designate the Cache
3 La Poudre Corridor within the Cache La Poudre River
4 Basin and to provide for the interpretation, for the edu-
5 cational and inspirational benefit of present and future
6 generations, of the unique and significant contributions to
7 our national heritage of cultural and historical lands, wa-
8 terways, and structures within the Corridor.

9 **SEC. 102. DEFINITIONS.**

10 In this Act:

11 (1) COMMISSION.—The term “Commission”
12 means the Cache La Poudre Corridor Commission
13 established by section 104(a).

14 (2) CORRIDOR.—The term “Corridor” means
15 the Cache La Poudre Corridor established by section
16 103(a).

17 (3) GOVERNOR.—The term “Governor” means
18 the Governor of the State of Colorado.

19 (4) PLAN.—The term “Plan” means the cor-
20 ridor interpretation plan prepared by the Commis-
21 sion pursuant to section 108(a).

22 (5) POLITICAL SUBDIVISION OF THE STATE.—
23 The term “political subdivision of the State” means
24 a political subdivision of the State of Colorado, any
25 part of which is located in or adjacent to the Cor-

1 ridor, including a county, city, town, water conser-
 2 vancy district, or special district.

3 (6) SECRETARY.—The term “Secretary” means
 4 the Secretary of the Interior.

5 **SEC. 103. ESTABLISHMENT OF THE CACHE LA POUFRE**
 6 **CORRIDOR.**

7 (a) ESTABLISHMENT.—There is established in the
 8 State of Colorado the Cache La Poudre Corridor.

9 (b) BOUNDARIES.—The boundaries of the Corridor
 10 shall include the lands within the 100-year flood plain of
 11 the Cache La Poudre River Basin, beginning at a point
 12 where the Cache La Poudre River flows out of the Roo-
 13 sevelt National Forest and continuing east along the flood-
 14 plain to a point $\frac{1}{4}$ mile west of the confluence of the
 15 Cache La Poudre River and the South Platte Rivers in
 16 Weld County, Colorado, comprising less than 35,000
 17 acres, and generally depicted as the 100-year flood bound-
 18 ary on the Federal Flood Insurance maps listed below:

19 (1) FLOOD INSURANCE RATE MAP, LARIMER
 20 COUNTY, COLORADO.—Community-Panel No.
 21 080101 0146B, April 2, 1979. United States De-
 22 partment of Housing and Urban Development, Fed-
 23 eral Insurance Administration.

24 (2) FLOOD INSURANCE RATE MAP, LARIMER
 25 COUNTY, COLORADO.—Community-Panel No.

1 080101 0147B, April 2, 1979. United States De-
 2 partment of Housing and Urban Development, Fed-
 3 eral Insurance Administration.

4 (3) FLOOD INSURANCE RATE MAP, LARIMER
 5 COUNTY, COLORADO.—Community-Panel No.
 6 080101 0162B, April 2, 1979. United States De-
 7 partment of Housing and Urban Development, Fed-
 8 eral Insurance Administration.

9 (4) FLOOD INSURANCE RATE MAP, LARIMER
 10 COUNTY, COLORADO.—Community-Panel No.
 11 080101 0163C, March 18, 1986. Federal Emer-
 12 gency Management Agency, Federal Insurance Ad-
 13 ministration.

14 (5) FLOOD INSURANCE RATE MAP, LARIMER
 15 COUNTY, COLORADO.—Community-Panel No.
 16 080101 0178C, March 18, 1986. Federal Emer-
 17 gency Management Agency, Federal Insurance Ad-
 18 ministration.

19 (6) FLOOD INSURANCE RATE MAP, LARIMER
 20 COUNTY, COLORADO.—Community-Panel No.
 21 080102 0002B, February 15, 1984. Federal Emer-
 22 gency Management Agency, Federal Insurance Ad-
 23 ministration.

24 (7) FLOOD INSURANCE RATE MAP, LARIMER
 25 COUNTY, COLORADO.—Community-Panel No.

1 080101 0179C, March 18, 1986. Federal Emer-
 2 gency Management Agency, Federal Insurance Ad-
 3 ministration.

4 (8) FLOOD INSURANCE RATE MAP, LARIMER
 5 COUNTY, COLORADO.—Community-Panel No.
 6 080101 0193D, November 17, 1993. Federal Emer-
 7 gency Management Agency, Federal Insurance Ad-
 8 ministration.

9 (9) FLOOD INSURANCE RATE MAP, LARIMER
 10 COUNTY, COLORADO.—Community-Panel No.
 11 080101 0194D, November 17, 1993. Federal Emer-
 12 gency Management Agency, Federal Insurance Ad-
 13 ministration.

14 (10) FLOOD INSURANCE RATE MAP, LARIMER
 15 COUNTY, COLORADO.—Community-Panel No.
 16 080101 0208C, November 17, 1993. Federal Emer-
 17 gency Management Agency, Federal Insurance Ad-
 18 ministration.

19 (11) FLOOD INSURANCE RATE MAP, LARIMER
 20 COUNTY, COLORADO.—Community-Panel No.
 21 080101 0221C, November 17, 1993. Federal Emer-
 22 gency Management Agency, Federal Insurance Ad-
 23 ministration.

24 (12) FLOOD INSURANCE RATE MAP, LARIMER
 25 COUNTY, COLORADO.—Community-Panel No.

1 080266 0605D, September 27, 1991. Federal Emer-
 2 gency Management Agency, Federal Insurance Ad-
 3 ministration.

4 (13) FLOOD INSURANCE RATE MAP, LARIMER
 5 COUNTY, COLORADO.—Community-Panel No.
 6 080264 0005A, September 27, 1991. Federal Emer-
 7 gency Management Agency, Federal Insurance Ad-
 8 ministration.

9 (14) FLOOD INSURANCE RATE MAP, LARIMER
 10 COUNTY, COLORADO.—Community-Panel No.
 11 080266 0608D, September 27, 1991. Federal Emer-
 12 gency Management Agency, Federal Insurance Ad-
 13 ministration.

14 (15) FLOOD INSURANCE RATE MAP, LARIMER
 15 COUNTY, COLORADO.—Community-Panel No.
 16 080266 0609C, September 28, 1982. Federal Emer-
 17 gency Management Agency, Federal Insurance Ad-
 18 ministration.

19 (16) FLOOD INSURANCE RATE MAP, LARIMER
 20 COUNTY, COLORADO.—Community-Panel No.
 21 080266 0628C, September 28, 1982. Federal Emer-
 22 gency Management Agency, Federal Insurance Ad-
 23 ministration.

24 (17) FLOOD INSURANCE RATE MAP, LARIMER
 25 COUNTY, COLORADO.—Community-Panel No.

1 080184 0002B, July 16, 1979. United States De-
 2 partment of Housing and Urban Development, Fed-
 3 eral Insurance Administration.

4 (18) FLOOD INSURANCE RATE MAP, LARIMER
 5 COUNTY, COLORADO.—Community-Panel No.
 6 080266 0636C, September 28, 1982. Federal Emer-
 7 gency Management Agency, Federal Insurance Ad-
 8 ministration.

9 (19) FLOOD INSURANCE RATE MAP, LARIMER
 10 COUNTY, COLORADO.—Community-Panel No.
 11 080266 0637C, September 28, 1982. Federal Emer-
 12 gency Management Agency, Federal Insurance Ad-
 13 ministration.

14 As soon as practicable after the date of enactment of this
 15 Act, the Secretary shall publish in the Federal Register
 16 a detailed description and map of the boundaries of the
 17 Corridor.

18 (c) PUBLIC ACCESS TO MAPS.—The maps shall be
 19 on file and available for public inspection in—

20 (1) the offices of the Department of the Inte-
 21 rior in Washington, District of Columbia, and Den-
 22 ver, Colorado; and

23 (2) local offices of the city of Fort Collins,
 24 Larimer Country, the city of Greeley, and Weld
 25 County.

1 **SEC. 104. ESTABLISHMENT OF THE CACHE LA POUFRE**
 2 **CORRIDOR COMMISSION.**

3 (a) CACHE LA POUFRE CORRIDOR COMMISSION.—

4 (1) IN GENERAL.—Upon the recommendation
 5 of the Governor, the Secretary is authorized to rec-
 6 ognize, for the purpose of developing and implement-
 7 ing the plan referred to in subsection (g)(1), the
 8 Cache La Poudre Corridor Commission, as such
 9 Commission may be established by the State of Colo-
 10 rado or its political subdivisions.

11 (2) REFLECTION OF CROSS-SECTION OF INTER-
 12 ESTS.—The Secretary may provide recognition
 13 under paragraph (1) only if the Commission reflects
 14 the following:

15 (A) MEMBERSHIP.—

16 (i) COMPOSITION.—The Commission
 17 shall be composed of 15 members ap-
 18 pointed not later than 6 months after the
 19 date of enactment of this Act. Of these 15
 20 members—

21 (I) 1 member shall be a rep-
 22 resentative of the Secretary of the In-
 23 terior which member shall be an ex
 24 officio member;

25 (II) 1 member shall be a rep-
 26 resentative of the Forest Service, ap-

1 pointed by the Secretary of Agri-
2 culture, which member shall be an ex
3 officio member;

4 (III) 3 members shall be rec-
5 ommended by the Governor and ap-
6 pointed by the Secretary, of whom—

7 (aa) 1 member shall rep-
8 resent the State;

9 (bb) 1 member shall rep-
10 resent Colorado State University
11 in Fort Collins; and

12 (cc) 1 member shall rep-
13 resent the Northern Colorado
14 Water Conservancy District;

15 (IV) 6 members shall be rep-
16 resentatives of local governments who
17 are recommended by the Governor
18 and appointed by the Secretary, of
19 whom—

20 (aa) 1 member shall rep-
21 resent the city of Fort Collins;

22 (bb) 2 members shall rep-
23 resent Larimer County, 1 of
24 which shall represent agriculture
25 or irrigated water interests;

1 (cc) 1 member shall rep-
2 resent the city of Greeley;

3 (dd) 2 members shall rep-
4 resent Weld County, 1 of which
5 shall represent agricultural or ir-
6 rigated water interests; and

7 (ee) 1 member shall rep-
8 resent the city of Loveland; and

9 (V) 3 members shall be rec-
10 ommended by the Governor and ap-
11 pointed by the Secretary, and shall—

12 (aa) represent the general
13 public;

14 (bb) be citizens of the State;
15 and

16 (cc) reside within the Cor-
17 ridor.

18 (ii) CHAIRPERSON.—The chairperson
19 of the Commission shall be elected by the
20 members of the Commission from among
21 members appointed under subclause (III),
22 (IV), or (V) of clause (i). The chairperson
23 shall be elected for a 2-year term.

24 (iii) VACANCIES.—A vacancy on the
25 Commission shall be filled in the same

1 manner in which the original appointment
2 was made.

3 (B) TERMS OF SERVICE.—

4 (i) IN GENERAL.—Except as provided
5 in clause (ii) and (iii), each member of the
6 Commission shall be appointed for a term
7 of 3 years and may be reappointed.

8 (ii) INITIAL MEMBERS.—The initial
9 members of the Commission first ap-
10 pointed under subparagraph (A)(i) shall be
11 appointed as follows:

12 (I) 3-YEAR TERMS.—The follow-
13 ing initial members shall serve for a
14 3-year term:

15 (aa) The representative of
16 the Secretary of the Interior.

17 (bb) 1 representative of
18 Weld County.

19 (cc) 1 representative of
20 Larimer County.

21 (dd) 1 representative of the
22 city of Loveland.

23 (ee) 1 representative of the
24 general public.

1 (II) 2-YEAR TERMS.—The follow-
2 ing initial members shall serve for a
3 2-year term:

4 (aa) The representative of
5 the Forest Service.

6 (bb) The representative of
7 the State.

8 (cc) The representative of
9 Colorado State University.

10 (dd) The representative of
11 the Northern Colorado Water
12 Conservancy District.

13 (III) 1-YEAR TERMS.—The fol-
14 lowing initial members shall serve for
15 a 1-year term:

16 (aa) 1 representative of the
17 city of Fort Collins.

18 (bb) 1 representative of
19 Larimer County.

20 (cc) 1 representative of the
21 city of Greeley.

22 (dd) 1 representative of
23 Weld County.

24 (ee) 1 representative of the
25 general public.

1 (iii) PARTIAL TERMS.—

2 (I) FILLING VACANCIES.—A
3 member of the Commission appointed
4 to fill a vacancy occurring before the
5 expiration of the term for which a
6 predecessor was appointed shall be ap-
7 pointed only for the remainder of the
8 member's term.

9 (II) EXTENDED SERVICE.—A
10 member of the Commission may serve
11 after the expiration of that member's
12 term until a successor has taken of-
13 fice.

14 (C) COMPENSATION.—Members of the
15 Commission shall receive no compensation for
16 their service on the Commission.

17 (D) TRAVEL EXPENSES.—While away
18 from their homes or regular places of business
19 in the performance of services for the Commis-
20 sion, members shall be allowed travel expenses,
21 including per diem in lieu of subsistence, in the
22 same manner as persons employed intermit-
23 tently in the Government service are allowed ex-
24 penses under section 5703 of title 5, United
25 States Code.

1 **SEC. 105. STAFF OF THE COMMISSION.**

2 (a) STAFF.—The Commission shall have the power
3 to appoint and fix the compensation of such staff as may
4 be necessary to carry out the duties of the Commission.

5 (1) APPOINTMENT AND COMPENSATION.—Staff
6 appointed by the Commission—

7 (A) shall be appointed without regard to
8 the civil service laws (including regulations);
9 and

10 (B) shall be compensated without regard
11 to the provisions of chapter 51 and subchapter
12 III of chapter 53 of title 5, United States Code,
13 relating to classification of positions and Gen-
14 eral Schedule pay rates.

15 (b) EXPERTS AND CONSULTANTS.—Subject to such
16 rules as may be adopted by the Commission, the Commis-
17 sion may procure temporary and intermittent services to
18 the same extent as is authorized by section 3109(b) of title
19 5, United States Code, at rates for individuals that do not
20 exceed the daily equivalent of the annual rate of basic pay
21 prescribed for level V of the Executive Schedule under sec-
22 tion 5316 of that title.

23 (c) STAFF OF OTHER AGENCIES.—

24 (1) FEDERAL.—Upon request of the Commis-
25 sion, the head of a Federal agency may detail, on a
26 reimbursement basis, any of the personnel of the

1 agency to the Commission to assist the Commission
2 in carrying out the Commission's duties. The detail
3 shall be without interruption or loss of civil service
4 status or privilege.

5 (2) ADMINISTRATIVE SUPPORT SERVICES.—The
6 Administrator of the General Services Administra-
7 tion shall provide to the Commission, on a reimburs-
8 able basis, such administrative support services as
9 the Commission may request.

10 (3) STATE.—The Commission may—

11 (A) accept the service of personnel detailed
12 from the State, State agencies, and political
13 subdivisions of the State; and

14 (B) reimburse the State, State agency, or
15 political subdivision of the State for such serv-
16 ices.

17 **SEC. 106. POWERS OF THE COMMISSION.**

18 (a) HEARINGS.—

19 (1) IN GENERAL.—The Commission may hold
20 such hearings, sit and act at such times and places,
21 take such testimony, and receive such evidence as
22 the Commission considers necessary to carry out this
23 title.

24 (2) SUBPOENAS.—The Commission may not
25 issue subpoenas or exercise any subpoena authority.

1 (b) **MAILS.**—The Commission may use the United
2 States mails in the same manner and under the same con-
3 ditions as other departments and agencies of the Federal
4 Government.

5 (c) **MATCHING FUNDS.**—The Commission may use
6 its funds to obtain money from any source under a pro-
7 gram or law requiring the recipient of the money to make
8 a contribution in order to receive the money.

9 (d) **GIFTS.**—Except as provided in subsection (e)(3),
10 the Commission may, for the purpose of carrying out its
11 duties, seek, accept, and dispose of gifts, bequests, or do-
12 nations of money, personal property, or services received
13 from any source.

14 (e) **REAL PROPERTY.**—

15 (1) **IN GENERAL.**—Except as provided in para-
16 graph (2), the Commission may not acquire real
17 property or an interest in real property.

18 (2) **EXCEPTION.**—Subject to paragraph (3), the
19 Commission may acquire real property in the Cor-
20 ridor, and interests in real property in the Cor-
21 ridor—

22 (A) by gift or device;

23 (B) by purchase from a willing seller with
24 money that was given or bequeathed to the
25 Commission; or

1 (C) by exchange.

2 (3) CONVEYANCE TO PUBLIC AGENCIES.—Any
3 real property or interest in real property acquired by
4 the Commission under paragraph (2) shall be con-
5 veyed by the Commission to an appropriate non-Fed-
6 eral public agency, as determined by the Commis-
7 sion. The conveyance shall be made—

8 (A) as soon as practicable after acquisi-
9 tion;

10 (B) without consideration; and

11 (C) on the condition that the real property
12 or interest in real property so conveyed is used
13 in furtherance of the purpose for which the
14 Corridor is established.

15 (f) COOPERATIVE AGREEMENTS.—For the purpose of
16 carrying out the Plan, the Commission may enter into co-
17 operative agreements with Federal agencies, State agen-
18 cies, political subdivisions of the State, and persons. Any
19 such cooperative agreement shall, at a minimum, establish
20 procedures for providing notice to the Commission of any
21 action that may affect the implementation of the Plan.

22 (g) ADVISORY GROUPS.—The Commission may es-
23 tablish such advisory groups as it considers necessary to
24 ensure open communication with, and assistance from

1 Federal agencies, State agencies, political subdivisions of
2 the State, and interested persons.

3 (h) MODIFICATION OF PLANS.—

4 (1) IN GENERAL.—The Commission may mod-
5 ify the Plan if the Commission determines that such
6 modification is necessary to carry out this title.

7 (2) NOTICE.—No modification shall take effect
8 until—

9 (A) any Federal agency, State agency, or
10 political subdivision of the State that may be
11 affected by the modification receives adequate
12 notice of, and an opportunity to comment on,
13 the modification;

14 (B) if the modification is significant, as de-
15 termined by the Commission, the Commission
16 has—

17 (i) provided adequate notice of the
18 modification by publication in the area of
19 the Corridor; and

20 (ii) conducted a public hearing with
21 respect to the modification; and

22 (C) the Governor has approved the modi-
23 fication.

1 **SEC. 107. DUTIES OF THE COMMISSION.**

2 (a) PLAN.—The Commission shall prepare, obtain
3 approval for, implement, and support the Plan in accord-
4 ance with section 108.

5 (b) MEETINGS.—

6 (1) TIMING.—

7 (A) INITIAL MEETING.—The Commission
8 shall hold its first meeting not later than 90
9 days after the date on which its last initial
10 member is appointed.

11 (B) SUBSEQUENT MEETINGS.—After the
12 initial meeting, the Commission shall meet at
13 the call of the chairperson or 7 of its members,
14 except that the commission shall meet at least
15 quarterly .

16 (2) QUORUM.—Ten members of the Commis-
17 sion shall constitute a quorum, but a lesser number
18 of members may hold hearings.

19 (3) BUDGET.—The affirmative vote of not less
20 than 10 members of the Commission shall be re-
21 quired to approve the budget of the Commission.

22 (c) ANNUAL REPORTS.—Not later than May 15 of
23 each year, following the year in which the members of the
24 Commission have been appointed, the Commission shall
25 publish and submit to the Secretary and to the Governor,
26 an annual report concerning the Commission's activities.

1 **SEC. 108. PREPARATION, REVIEW, AND IMPLEMENTATION**
2 **OF THE PLAN.**

3 (a) PREPARATION OF PLAN.—

4 (1) IN GENERAL.—Not later than 2 years after
5 the Commission conducts its first meeting, the Com-
6 mission shall submit to the Governor a Corridor In-
7 terpretation Plan.

8 (2) DEVELOPMENT.—In developing the Plan,
9 the Commission shall—

10 (A) consult on a regular basis with appro-
11 priate officials of any Federal or State agency,
12 political subdivision of the State, and local gov-
13 ernment that has jurisdiction over or an owner-
14 ship interest in land, water, or water rights
15 within the Corridor; and

16 (B) conduct public hearings within the
17 Corridor for the purpose of providing interested
18 persons the opportunity to testify about matters
19 to be addressed by the Plan.

20 (3) RELATIONSHIP TO EXISTING PLANS.—The
21 Plan—

22 (A) shall recognize any existing Federal,
23 State, and local plans;

24 (B) shall not interfere with the implemen-
25 tation, administration, or amendment of such
26 plans; and

1 (C) to the extent feasible, shall seek to co-
2 ordinate the plans and present a unified inter-
3 pretation plan for the Corridor.

4 (b) REVIEW OF PLAN.—

5 (1) IN GENERAL.—The Commission shall sub-
6 mit the Plan to the Governor for the Governor's re-
7 view.

8 (2) GOVERNOR.—The Governor may review the
9 Plan and, if the Governor concurs in the Plan, may
10 submit the Plan to the Secretary, together with any
11 recommendations.

12 (3) SECRETARY.—The Secretary shall approve
13 or disapprove the Plan within 90 days. In reviewing
14 the Plan, the Secretary shall consider the adequacy
15 of—

16 (A) public participation; and

17 (B) the Plan in interpreting, for the edu-
18 cational and inspirational benefit of present and
19 future generations, the unique and significant
20 contributions to our national heritage of cul-
21 tural and historical lands, waterways, and
22 structures within the Corridor.

23 (c) DISAPPROVAL OF PLAN.—

24 (1) NOTIFICATION BY SECRETARY.—If the Sec-
25 retary disapproves the Plan, the Secretary shall, not

1 later than 60 days after the date of disapproval, ad-
2 vise the Governor and the Commission of the rea-
3 sons for disapproval, together with recommendations
4 for revision.

5 (A) REVISION AND RESUBMISSION TO GOV-
6 ERNOR.—Not later than 90 days after receipt
7 of the notice of disapproval, the Commission
8 shall revise and resubmit the Plan to the Gov-
9 ernor for review.

10 (B) RESUBMISSION TO SECRETARY.—If
11 the Governor concurs in the revised Plan, he
12 may submit the revised Plan to the Secretary
13 who shall approve or disapprove the revision
14 within 60 days. If the Governor does not concur
15 in the revised Plan, he may resubmit it to the
16 Commission together with his recommendations
17 for further consideration and modification.

18 (2) IMPLEMENTATION OF PLAN.—After ap-
19 proval by the Secretary, the Commission shall imple-
20 ment and support the Plan as follows:

21 (A) CULTURAL RESOURCES.—

22 (i) IN GENERAL.—The Commission
23 shall assist Federal agencies, State agen-
24 cies, political subdivisions of the State, and
25 nonprofit organizations in the conservation

1 and interpretation of cultural resources
2 within the Corridor.

3 (ii) EXCEPTION.—In providing the as-
4 sistance, the Commission shall in no way
5 infringe upon the authorities and policies
6 of a Federal agency, State agency, or polit-
7 ical subdivision of the State concerning the
8 administration and management of prop-
9 erty, water, or water rights held by the
10 agency, political subdivision, or private per-
11 sons or entities, or affect the jurisdiction
12 of the State of Colorado over any property,
13 water, or water rights within the Corridor.

14 (3) PUBLIC AWARENESS.—The Commission
15 shall assist in the enhancement of public awareness
16 of, and appreciation for, the historical, recreational,
17 architectural, and engineering structures in the Cor-
18 ridor, and the archaeological, geological, and cultural
19 resources and sites in the Corridor—

20 (A) by encouraging private owners of iden-
21 tified structures, sites, and resources to adopt
22 voluntary measures for the preservation of the
23 identified structure, site, or resource; and

24 (B) by cooperating with Federal agencies,
25 State agencies, and political subdivisions of the

1 State in acquiring, on a willing seller basis, any
2 identified structure, site, or resource which the
3 Commission, with the concurrence of the Gov-
4 ernor, determines should be acquired and held
5 by an agency of the State.

6 (4) RESTORATION.—The Commission may as-
7 sist Federal agencies, State agencies, political sub-
8 divisions of the State, and nonprofit organizations in
9 the restoration of any identified structure or site in
10 the Corridor with consent of the owner. The assist-
11 ance may include providing technical assistance for
12 historic preservation, revitalization, and enhance-
13 ment efforts.

14 (5) INTERPRETATION.—The Commission shall
15 assist in the interpretation of the historical, present,
16 and future uses of the Corridor—

17 (A) by consulting with the Secretary with
18 respect to the implementation of the Secretary's
19 duties under section 110;

20 (B) by assisting the State and political
21 subdivisions of the State in establishing and
22 maintaining visitor orientation centers and
23 other interpretive exhibits within the Corridor;

24 (C) by encouraging voluntary cooperation
25 and coordination, with respect to ongoing inter-

pretive services in the Corridor, among Federal agencies, State agencies, political subdivisions of the State, nonprofit organizations, and private citizens; and

(D) by encouraging Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations to undertake new interpretive initiatives with respect to the Corridor.

(6) RECOGNITION.—The Commission shall assist in establishing recognition for the Corridor by actively promoting the cultural, historical, natural, and recreational resources of the Corridor on a community, regional, statewide, national, and international basis.

(7) LAND EXCHANGES.—The Commission shall assist in identifying and implementing land exchanges within the State of Colorado by Federal and State agencies that will expand open space and recreational opportunities within the flood plain of the Corridor.

SEC. 109. TERMINATION OF TRAVEL EXPENSES PROVISION.

Effective on the date that is 5 years after the date on which the Secretary approves the Plan, section 104 is amended by striking subsection (e).

1 **SEC. 110. DUTIES OF THE SECRETARY.**

2 (a) **ACQUISITION OF LAND.**—The Secretary may ac-
3 quire land and interests in land within the Corridor that
4 have been specifically identified by the Commission for ac-
5 quisition by the Federal Government and that have been
6 approved for the acquisition by the Governor and the polit-
7 ical subdivision of the State where the land is located by
8 donation, purchase with donated or appropriated funds,
9 or exchange. Acquisition authority may only be used if the
10 lands cannot be acquired by donation or exchange. No
11 land or interest in land may be acquired without the con-
12 sent of the owner.

13 (b) **TECHNICAL ASSISTANCE.**—The Secretary shall,
14 upon the request of the Commission, provide technical as-
15 sistance to the Commission in the preparation and imple-
16 mentation of the Plan pursuant to section 108.

17 (c) **DETAIL.**—Each fiscal year during the existence
18 of the Commission, the Secretary shall detail to the Com-
19 mission, on a nonreimbursable basis, 2 employees of the
20 Department of the Interior to enable the Commission to
21 carry out the Commission’s duties under section 107.

22 **SEC. 111. OTHER FEDERAL ENTITIES.**

23 (a) **DUTIES.**—Subject to section 112, a Federal en-
24 tity conducting or supporting activities directly affecting
25 the flow of the Cache La Poudre River through the Cor-

1 ridor, or the natural resources of the Corridor shall con-
 2 sult with the Commission with respect to the activities;

3 (b) AUTHORIZATION.—

4 (1) IN GENERAL.—The Secretary or Adminis-
 5 trator of a Federal agency may acquire land in the
 6 flood plain of the Corridor by exchange for other
 7 lands within the agency's jurisdiction within the
 8 State of Colorado, based on fair market value, if the
 9 lands have been identified by the Commission for ac-
 10 quisition by a Federal agency and the Governor and
 11 the political subdivision of the State or the owner
 12 where the lands are located concur in the exchange.
 13 Land so acquired shall be used to fulfill the purpose
 14 for which the Corridor is established.

15 (2) CONVEYANCE OF SURPLUS REAL PROP-
 16 erty.—Without monetary consideration to the Unit-
 17 ed States, the Administrator of General Services
 18 may convey to the State of Colorado, its political
 19 subdivisions, or instrumentalities thereof all of the
 20 right, title, and interest of the United States in and
 21 to any surplus real property (within the meaning of
 22 section 3(g) of the Federal Property and Adminis-
 23 trative Services Act of 1949 (40 U.S.C. 472(g)))
 24 within the State of Colorado which the Secretary has
 25 determined is suitable and desirable to meet the pur-

1 poses for which the Corridor is established. Subpara-
 2 graph (B) of section 203(k)(3) of such Act shall
 3 apply to any conveyance made under this paragraph.
 4 For purposes of the preceding sentence, such sub-
 5 paragraph shall be applied by substituting “the pur-
 6 poses for which the Cache La Poudre Corridor is es-
 7 tablished” for “historic monument purposes”.

8 **SEC. 112. EFFECT ON ENVIRONMENTAL AND OTHER STAND-**
 9 **ARDS, RESTRICTIONS, AND SAVINGS PROVI-**
 10 **SIONS.**

11 (a) EFFECT ON ENVIRONMENTAL AND OTHER
 12 STANDARDS.—

13 (1) VOLUNTARY COOPERATION.—In carrying
 14 out this title, the Commission and Secretary shall
 15 emphasize voluntary cooperation.

16 (2) RULES, REGULATIONS, STANDARDS, AND
 17 PERMIT PROCESSES.—Nothing in this title shall be
 18 considered to impose or form the basis for imposi-
 19 tion of any environmental, occupational, safety, or
 20 other rule, regulation, standard, or permit process
 21 that is different from those that would be applicable
 22 had the Corridor not been established.

23 (3) ENVIRONMENTAL QUALITY STANDARDS.—
 24 Nothing in this title shall be considered to impose
 25 the application or administration of any Federal or

1 State environmental quality standard that is dif-
2 ferent from those that will be applicable had the
3 Corridor not been established.

4 (4) WATER STANDARDS.—Nothing in this title
5 shall be considered to impose any Federal or State
6 water use designation or water quality standard
7 upon uses of, or discharges to, waters of the State
8 or waters of the United States, within or adjacent
9 to the Corridor, that is more restrictive than those
10 that would be applicable had the Corridor not been
11 established.

12 (5) PERMITTING OF FACILITIES.—Nothing in
13 the establishment of the Corridor shall abridge, re-
14 strict, or alter any applicable rule, regulation, stand-
15 ard, or review procedure for permitting of facilities
16 within or adjacent to the Corridor.

17 (6) WATER FACILITIES.—Nothing in the estab-
18 lishment of the Corridor shall affect the continuing
19 use and operation, repair, rehabilitation, expansion,
20 or new construction of water supply facilities, water
21 and wastewater treatment facilities, stormwater fa-
22 cilities, public utilities, and common carriers.

23 (7) WATER AND WATER RIGHTS.—Nothing in
24 the establishment of the Corridor shall be considered

1 to authorize or imply the reservation or appropria-
 2 tion of water or water rights for any purpose.

3 (b) RESTRICTIONS ON COMMISSION AND SEC-
 4 RETARY.—Nothing in this title shall be construed to vest
 5 in the Commission or the Secretary the authority to—

6 (1) require a Federal agency, State agency, po-
 7 litical subdivision of the State, or private person (in-
 8 cluding an owner of private property) to participate
 9 in a project or program carried out by the Commis-
 10 sion or the Secretary under the title;

11 (2) intervene as a party in an administrative or
 12 judicial proceeding concerning the application or en-
 13 forcement of a regulatory authority of a Federal
 14 agency, State agency, or political subdivision of the
 15 State, including, but not limited to, authority relat-
 16 ing to—

17 (A) land use regulation;

18 (B) environmental quality;

19 (C) licensing;

20 (D) permitting;

21 (E) easements;

22 (F) private land development; or

23 (G) other occupational or access issue;

1 (3) establish or modify a regulatory authority of
2 a Federal agency, State agency, or political subdivi-
3 sion of the State, including authority relating to—

4 (A) land use regulation;

5 (B) environmental quality; or

6 (C) pipeline or utility crossings;

7 (4) modify a policy of a Federal agency, State
8 agency, or political subdivision of the State;

9 (5) attest in any manner the authority and ju-
10 risdiction of the State with respect to the acquisition
11 of lands or water, or interest in lands or water;

12 (6) vest authority to reserve or appropriate
13 water or water rights in any entity for any purpose;

14 (7) deny, condition, or restrict the construction,
15 repair, rehabilitation, or expansion of water facili-
16 ties, including stormwater, water, and wastewater
17 treatment facilities; or

18 (8) deny, condition, or restrict the exercise of
19 water rights in accordance with the substantive and
20 procedural requirements of the laws of the State.

21 (c) SAVINGS PROVISION.—Nothing in this title shall
22 diminish, enlarge, or modify a right of a Federal agency,
23 State agency, or political subdivision of the State—

24 (1) to exercise civil and criminal jurisdiction
25 within the Corridor; or

1 (2) to tax persons, corporations, franchises, or
2 property, including minerals and other interests in
3 or on lands or waters within the urban portions of
4 the Corridor.

5 (d) ACCESS TO PRIVATE PROPERTY.—Nothing in
6 this title requires an owner of private property to allow
7 access to the property by the public.

8 **SEC. 113. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) IN GENERAL.—There are authorized to be appro-
10 priated not to exceed \$50,000 to the Commission to carry
11 out this Act for each of the first 5 fiscal years following
12 the date of enactment of this Act.

13 (b) MATCHING FUNDS.—Funds may be made avail-
14 able pursuant to this section only to the extent they are
15 matched by equivalent funds or in-kind contributions of
16 services or materials from non-Federal sources.

Passed the Senate October 3, 1996.

Attest:

Secretary.

104TH CONGRESS
2D SESSION

S. 342

AN ACT

To establish the Cache La Poudre River Corridor.