

# AMERICAN HERITAGE AREAS PARTNERSHIP PROGRAM

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## HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS,  
FORESTS AND PUBLIC LANDS

OF THE

COMMITTEE ON

NATURAL RESOURCES

HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

SECOND SESSION

ON

**H.R. 3707**

A BILL TO ESTABLISH AN AMERICAN HERITAGE AREAS PARTNERSHIP  
PROGRAM IN THE DEPARTMENT OF THE INTERIOR

**H.R. 2416**

A BILL TO PROVIDE FOR THE PRESERVATION, INTERPRETATION, DE-  
VELOPMENT, AND BENEFICIAL USE OF NATURAL, CULTURAL, HIS-  
TORIC AND SCENIC RESOURCES THAT ARE A SOURCE OF VALUES IM-  
PORTANT TO THE PEOPLE OF THE UNITED STATES THROUGH A NA-  
TIONAL PARTNERSHIP SYSTEM OF HERITAGE AREAS

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MARCH 22, 1994—WASHINGTON, DC

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## AMERICAN HERITAGE AREAS PARTNERSHIP PROGRAM

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TUESDAY, MARCH 22, 1994

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON NATURAL RESOURCES,  
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS  
AND PUBLIC LANDS,  
*Washington, DC.*

The subcommittee met at 10 a.m. in room 1324 of the Longworth House Office Building, Hon. Bruce Vento (chairman of the subcommittee) presiding.

Mr. VENTO. The Subcommittee on National Parks, Forests and Public Lands will be in order.

Of course, today we are hearing testimony on two bills, H.R. 2416 and H.R. 3707, one measure introduced by Congressman Hinchey and one by myself and Congressmen Hinchey and Boucher. There are obviously a couple of other issues. One that is drawn to my attention is that Congressman Hefley had introduced a measure, H.R. 1508, to have a section in on a heritage site system. So I would just call it to the attention of everyone that is here today and, hopefully, we can get some written comments or other comments about it.

[Text of the bills and background follow:]

103D CONGRESS  
1ST SESSION

# H. R. 3707

To establish an American Heritage Areas Partnership Program in the  
Department of the Interior.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 22, 1993

Mr. VENTO (for himself, Mr. HINCHAY, and Mr. BOUCHER) introduced the  
following bill; which was referred to the Committee on Natural Resources

---

## A BILL

To establish an American Heritage Areas Partnership  
Program in the Department of the Interior.

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 "American Heritage  
5 Areas Partnership Program Act of 1993".

6 **SEC. 2. PURPOSES.**

7 The purposes of the American Heritage Areas Part-  
8 nership Program are—

9 (1) to recognize that the natural, historic, cul-  
10 tural, and recreational resources of the United

1 States represent the great and diverse character of  
2 the Nation and are important thereto, and that  
3 these resources must be guarded, preserved, and  
4 wisely managed so they may be passed on to future  
5 generations;

6 (2) to recognize that combinations of such re-  
7 sources as they are geographically assembled and  
8 thematically related form Heritage Areas which pro-  
9 vide a unique framework for understanding the his-  
10 torical, cultural and natural development of the com-  
11 munity and its surroundings;

12 (3) to encourage linking such resources through  
13 greenways, corridors, and trails;

14 (4) to preserve these nationally important rec-  
15 reational, cultural, historic, and natural resources  
16 which are worthy of joint Federal and State designa-  
17 tion and assistance, but which may not qualify or be  
18 managed as units of the National Park System;

19 (5) to provide for appropriate partnerships be-  
20 tween all levels of government and the private sector  
21 which will preserve those resources whose ownership  
22 is generally not national but mostly State, local, and  
23 private, accommodate economic viability and en-  
24 hance the quality of life for our Nation's present and  
25 future generations; and

1           (6) to assist in the development of a framework  
2           to preserve, conserve, and manage these resources,  
3           which will include limited technical assistance from  
4           the United States Government to States for develop-  
5           ing and implementing operation and management  
6           plans.

7 **SEC. 3. HERITAGE PARTNERSHIP PROGRAM.**

8           (a) **ESTABLISHMENT.**—There is hereby established  
9           within the Department of the Interior the American Herit-  
10          age Partnership Program.

11          (b) **GENERAL AUTHORITY.**—In accordance with the  
12          purposes of this Act, the Secretary is authorized—

13               (1) to evaluate combinations of resources best  
14               preserved, interpreted, and managed as American  
15               Heritage Areas under a partnership model;

16               (2) to evaluate areas nominated for designation  
17               under subsection (d) as American Heritage Areas in  
18               accordance with the criteria established in subsection  
19               (e);

20               (3) to advise States and their political subdivi-  
21               sions or assigns as to appropriate methods of  
22               recognizing and preserving thematically and geo-  
23               graphically linked cultural, historic, natural, and  
24               recreational resources;

1           (4) to provide technical assistance for the pur-  
2           poses of nominating areas for inclusion in the Amer-  
3           ican Heritage Area Program and to provide grants  
4           for developing management plans for designated  
5           areas and for capital projects and improvements  
6           pursuant to such management plans, in amounts not  
7           to exceed the amounts specifically authorized by this  
8           Act; and

9           (5) to enter into contractual agreements with  
10          States and their political subdivisions or assigns spe-  
11          cific to an American Heritage Area designated by  
12          this Act to provide limited technical assistance for  
13          the development and implementation of management  
14          plans for American Heritage Areas.

15          (c) CRITERIA.—Each American Heritage Area shall  
16          include, but not be limited to—

17               (1) an assemblage of resources—natural, cul-  
18               tural, and recreational—that include nationally sig-  
19               nificant resources that together represent a distinc-  
20               tive aspect of American heritage worthy of recogni-  
21               tion, preservation, interpretation and continuing use  
22               which are best managed as such, combining partner-  
23               ships among public and private entities, diverse and  
24               noncontiguous resources and active communities;

1           (2) resources with demonstrated national im-  
2           portance, such as National Landmarks or distinctive  
3           properties listed on the National Register of Historic  
4           Places;

5           (3) resources representing concepts which have  
6           been identified by the Thematic Framework of the  
7           National Park Service; and

8           (4) a variety of appropriate natural, rec-  
9           reational, historic, and cultural resources and  
10          themes.

11          (d) CONDITIONS FOR DESIGNATION.—The Congress  
12          may designate an area as an American Heritage Area only  
13          after the following conditions are met:

14               (1) The State in which the area to be consid-  
15               ered is located has nominated to the Secretary the  
16               area for inclusion in the Program.

17               (2) The Secretary has determined and reported  
18               to the Congress that the area is suitable for inclu-  
19               sion in the program, based on the criteria referred  
20               to in subsection (c) and demonstrated strong com-  
21               mitment and interest by the State, local and private  
22               organizations involved to operate and maintain the  
23               area on a long-term basis and to provide appropriate  
24               regulatory assistance in preserving the area.

1 (e) CONTRACTUAL AGREEMENT FOR FEDERAL AND  
2 STATE RESPONSIBILITIES.—Upon designation of an  
3 American Heritage Area, the Secretary shall enter into a  
4 contractual agreement with the State for the purposes of  
5 establishing the respective Federal and State responsibil-  
6 ities for implementing a management plan for the area.  
7 The contractual agreement shall provide for, but not be  
8 limited to—

9 (1) adequate opportunity for public involvement  
10 in developing and implementing the plan;

11 (2) appropriate assurances on the part of  
12 States and localities that the plan will be imple-  
13 mented and followed;

14 (3) adequate State and local regulatory and fi-  
15 nancial actions which provide for appropriate preser-  
16 vation of the resources to be included;

17 (4) continuing oversight by the Secretary;

18 (5) specific obligations of the United States  
19 Government, including the amount of any technical  
20 assistance or grants to be provided; and

21 (6) specific State responsibilities, including the  
22 financial commitment and administration.

23 (f) CAPITAL PROJECTS.—(1) Application for funds  
24 for capital projects and improvements under this Act shall  
25 be submitted to the Secretary and shall include a descrip-

1 tion of how the project proposed to be funded will further  
2 the purposes of the American Heritage Area in which the  
3 project is located.

4 (2) Funds made available pursuant to this Act for  
5 a capital project shall not exceed 50 percent of the total  
6 costs of the project to be funded.

7 (3) In making such funds available, the Secretary  
8 shall give consideration to projects which provide a greater  
9 leverage of Federal funds. Any payment made shall be  
10 subject to an agreement that conversion, use, or disposal  
11 of the project so assisted for purposes contrary to the pur-  
12 poses of this Act, as determined by the Secretary, shall  
13 result in a right of the United States of reimbursement  
14 of all funds made available to such project or the propor-  
15 tion of the increased value of the project attributable to  
16 such funds as determined at the time of such conversion,  
17 use, or disposal, whichever is greater.

18 (g) ANNUAL REPORT.—The Secretary shall submit  
19 an annual report to Congress on the American Heritage  
20 Partnership Program. Such report shall include—

21 (1) the number, amount, and recipients of any  
22 grants provided by the Secretary and the nature of  
23 any technical assistance provided pursuant to this  
24 Act;

1           (2) a description of the areas nominated for the  
2 program;

3           (3) the Secretary's recommendations for areas  
4 to be designated by Congress, including areas which  
5 have been nominated and those the Secretary has  
6 determined are eligible but have not been nominated;  
7 and

8           (4) the status of the implementation of contrac-  
9 tual agreements entered into by the Secretary under  
10 this program.

11       (h) AUTHORIZATIONS OF APPROPRIATIONS.—There  
12 is authorized to be appropriated from the Historic Preser-  
13 vation Fund—

14           (1) \$500,000 annually for technical assistance  
15 pursuant to subsection (b) for areas before their  
16 nomination, of which not more than \$50,000 in total  
17 may be made available for a specific area;

18           (2) \$2,500,000 annually for the purposes au-  
19 thorized by section 3(b)(1), of which not more than  
20 \$250,000 in total may be made available for a spe-  
21 cific management plan under subsections (b)(1) and  
22 (4); and

23           (3) \$10,000,000 annually for capital projects  
24 and improvements carried out pursuant to an ap-  
25 proved plan, of which not more than \$3,000,000 in

- 1 total may be made available to any one American
- 2 Heritage Area.

103D CONGRESS  
1ST SESSION

# H. R. 2416

To provide for the preservation, interpretation, development and beneficial use of natural, cultural, historic and scenic resources that are a source of values important to the people of the United States through a national partnership system of heritage areas.

---

## IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 1993

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

---

## A BILL

To provide for the preservation, interpretation, development and beneficial use of natural, cultural, historic and scenic resources that are a source of values important to the people of the United States through a national partnership system of heritage areas.

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 "National Partnership  
5 System of Heritage Areas Act".

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—The Congress finds that certain  
3 areas of the United States—

4 (1) embody essential aspects of our national  
5 heritage and identity;

6 (2) are a composite of outstanding natural, cul-  
7 tural, historic, and scenic resources that retain a  
8 high degree of integrity;

9 (3) represent the diversity of the national char-  
10 acter through the interaction of natural processes,  
11 distinctive landscapes, cultural transitions, and eco-  
12 nomic and social forces that have combined to create  
13 a unique pattern of human settlement and activity;

14 (4) exhibit valued qualities of the American ex-  
15 perience and provide important conservation, rec-  
16 reational, educational, interpretive, and economic  
17 opportunities;

18 (5) may be urban, suburban, or rural; corridors,  
19 landscapes, parks or cityscapes; or combinations  
20 thereof, and reflect a broadened idea of a park;

21 (6) are lived-in, dynamic environments in which  
22 change continues to take place;

23 (7) may already be identified, designated, and  
24 managed as part of State urban cultural park or  
25 heritage area systems; National Heritage Corridors  
26 or regional greenways;

1           (8) are distinguished by their size, complexity,  
2           character, and dynamic nature from existing units of  
3           the National Park System and although their nature  
4           could make public acquisition and management inap-  
5           propriate, they require partnerships of Federal,  
6           State, local, and private entities to identify, plan,  
7           and manage these areas in a manner consistent with  
8           their resources and values and compatible with, and  
9           support of, their continued economic viability; and

10           (9) despite existing efforts by States and local-  
11           ities and existing Federal programs, the cultural and  
12           natural resources in both urban, suburban and rural  
13           areas are often lost because the demands for preser-  
14           vation, interpretation, management, or urban and  
15           rural revitalization cannot be adequately met by any  
16           one level of government or concerned agency.

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

18           (1) to establish a national partnership system  
19           providing Federal financial and technical assistance  
20           to State and local governments, private organiza-  
21           tions, or any combination thereof, for heritage areas  
22           that provide outstanding, educational, recreational,  
23           inspirational and economic opportunities for this and  
24           future generations;

25           (2) to establish an advisory commission; and

1           (3) to prescribe the methods by which, and the  
2 standards according to which, areas or State sys-  
3 tems or programs become designated and part of the  
4 national system.

5 **SEC. 3. DEFINITIONS.**

6 For the purpose of this Act:

7           (1) The term "National Heritage Area or  
8 Park" means a definable urban or geographic area  
9 of public and private uses ranging in size from a  
10 portion of a municipality to a regional area with a  
11 special coherence, such area being distinguished by  
12 physical and cultural resources and features (natural  
13 or man-made, including waterways, buildings, struc-  
14 tures and historic districts, scenic views, or artifacts  
15 reflecting a period of style, cultural or natural herit-  
16 age) of greater than local significance and meaning  
17 which play a vital role in the life of the community  
18 and contribute through interpretive, educational, and  
19 recreational use and economic vitality to the public  
20 at large.

21           (2) The term "Commission" means the Na-  
22 tional Partnership Heritage Area Advisory Commis-  
23 sion established by section 4 of this Act.

24           (3) The term "Secretary" means the Secretary  
25 of the Interior.

1 **SEC. 4. NATIONAL HERITAGE AREA ADVISORY COMMIS-**  
2 **SION.**

3 (a) **ESTABLISHMENT.**—There is hereby established a  
4 commission to be known as the National Partnership Her-  
5 itage Area Advisory Commission (hereafter in this Act re-  
6 ferred to as the “Commission”).

7 (b) **MEMBERSHIP.**—The Commission shall be com-  
8 posed of 25 members, to be appointed as follows:

9 (1) Four members of the Senate, appointed by  
10 the majority leader of the Senate.

11 (2) Four members of the House of Representa-  
12 tives, appointed by the Speaker of the House of Rep-  
13 resentatives.

14 (3) Six members, one appointed by each of the  
15 following: the Secretary of the Interior, the Sec-  
16 retary of Housing and Urban Development, the Sec-  
17 retary of Transportation, the Secretary of Com-  
18 merce, the Secretary of Agriculture, and the Admin-  
19 istrator of the Environmental Protection Agency.

20 (4)(A) Eleven members, appointed by the Presi-  
21 dent, who are not officers or employees of the Unit-  
22 ed States.

23 (B) Seven of the members appointed under this  
24 paragraph shall be officers of a State or a political  
25 subdivision of a State, and four of the members ap-

1 pointed under this paragraph shall not be officers or  
2 employees of any government.

3 (C) The members appointed under this para-  
4 graph shall have knowledge of and experience in  
5 urban, suburban, or rural affairs and shall represent  
6 a geographical cross section of the United States.

7 (c) CHAIRPERSON.—The Commission shall elect a  
8 Chairperson from among its members other than the  
9 member designated by the Secretary of the Interior.

10 (d) TERMS.—Members of the Commission shall be  
11 appointed for terms of four years, except that seven of  
12 the members first appointed by the President shall serve  
13 terms of three years, and members appointed under sub-  
14 section (b)(3) shall serve at the pleasure of the Secretary  
15 or Administrator making the appointment.

16 (e) VACANCY.—A vacancy on the Commission shall  
17 be filled in the manner in which the original appointment  
18 was made.

19 (f) PAY; EXPENSES.—Members of the Commission  
20 shall serve without compensation as such. All members of  
21 the Commission shall receive reimbursement for necessary  
22 travel and sustenance expenses incurred by them in the  
23 performance of the duties of the Commission in the same  
24 manner as persons employed intermittently in Government

1 service are allowed under section 5703 of title 5, United  
2 States Code.

3 **SEC. 5. DUTIES.**

4       The Commission shall advise the Secretary in the cre-  
5 ation and administration of the National Partnership Sys-  
6 tem of Heritage Areas, including (but not limited to) mat-  
7 ters relating to partnership studies, recommendations for  
8 national designation by Congress, and mechanisms for co-  
9 ordinating Federal activities which affect National Herit-  
10 age Areas or Parks and for coordinating Federal, State,  
11 local and private interests in each such area or park.

12 **SEC. 6. ADMINISTRATIVE PROVISIONS.**

13       (a) **EXPERTS AND CONSULTANTS.**—The Commission  
14 may procure, in accordance with the provisions of section  
15 3109 of title 5, United States Code, the temporary or  
16 intermittent services of experts or consultants who, while  
17 away from his or her home or regular place of business  
18 in the performance of services for the Commission, may  
19 be allowed travel expenses, including per diem in lieu of  
20 subsistence, as authorized by section 5703(b) of title 5,  
21 United States Code, for persons in the Government service  
22 employed intermittently.

23       (b) **INFORMATION.**—Each department, agency, and  
24 instrumentality of the United States shall furnish to the  
25 Commission, upon request made by the Chairman, on a

1 reimbursable basis or otherwise, such statistical data, re-  
2 ports, and other information as the Commission deems  
3 necessary to carry out its functions under this Act. The  
4 Chairman may call upon the departments, agencies, and  
5 other offices of several States to furnish, on a reimburs-  
6 able basis or otherwise, such statistical data, reports, and  
7 other information as the Commission deems necessary to  
8 carry out its functions under this Act.

9 (c) HEARINGS.—The Commission or, on the author-  
10 ization of the Commission, any subcommittee or member  
11 thereof, may, for the purpose of carrying out the provi-  
12 sions of this Act, hold hearings, take testimony, and ad-  
13 minister oaths or affirmations to witnesses appearing be-  
14 fore the Commission or any subcommittee or member  
15 thereof.

16 **SEC. 7. HERITAGE PARTNERSHIP STUDIES.**

17 (a) GRANTS.—The Secretary may make grants to as-  
18 sist in studies that identify and plan for heritage areas  
19 or State systems or programs for heritage areas. These  
20 studies shall also provide a means for evaluating candidate  
21 areas and systems for further Federal involvement upon  
22 authorization by Congress. No such grant may exceed 50  
23 percent of the cost of conducting the study.

24 (b) PROCEDURES.—

1           (1) ELIGIBILITY.—Applicants for grants under  
2 this section may be States, or any political subdivi-  
3 sions thereof, or private nonprofit entities, or any  
4 combination of the foregoing.

5           (2) PRIORITY.—The Secretary shall submit  
6 grant applications on an annual basis to the Com-  
7 mission, and after consideration of the recommenda-  
8 tions of the Commission, if any, the Secretary shall  
9 place such grant applications as have been received  
10 during the prior year in order of priority for finan-  
11 cial assistance.

12          (c) CRITERIA.—In reviewing applications for assist-  
13 ance for individual areas the Secretary shall consider  
14 whether—

15           (1) the planning area represents in physical  
16 form, an important theme, or themes, in United  
17 States history;

18           (2) the planning area reflects values such as  
19 traditions, customs, beliefs, and folk life in the phys-  
20 ical features of the urban setting or landscape;

21           (3) the planning area provides outstanding op-  
22 portunities to conserve natural and cultural features,  
23 link them to provide educational, recreational and  
24 economic benefits, enhance biodiversity, improve air

1 and water quality, and emphasize other attributes  
2 important to human health and welfare;

3 (4) the planning area is an archetypical exam-  
4 ple of a natural region or urban setting;

5 (5) the planning area has strong local support  
6 for the study from a diversity of landowners, busi-  
7 ness interests, nonprofit organizations, and govern-  
8 ments within the proposed study area;

9 (6) the planning area has a high potential for  
10 effective partnership mechanisms;

11 (7) the proposal is consistent with or com-  
12 plements continued economic activity in the area;

13 (8) resources important to the principal themes  
14 of the area retain their integrity;

15 (9) there is a clear potential of matching funds  
16 from State and local public and private sources; and

17 (10) with respect to assistance for State sys-  
18 tems or programs, the State system or program in-  
19 cludes individual areas which meet the criteria pro-  
20 vided in this section for individual areas with a sig-  
21 nificant partnership role performed by State govern-  
22 ment in the form of designations, maintenance of  
23 standards, and technical and financial assistance.

1 (d) STUDY CONTENT.—The grantee shall prepare a  
2 report of the study. Each study report shall include the  
3 following:

4 (1) A description and analysis of the natural,  
5 cultural, historic, and scenic resources and associ-  
6 ated values and the educational, interpretive, and  
7 recreational opportunities that make it important to  
8 the heritage of the United States.

9 (2) A map of the study area, or of the areas in  
10 a State system or program in the case of a State  
11 system.

12 (3) A statement of goals and policies to guide  
13 the future of the area or areas in a State system or  
14 program under study.

15 (4) An analysis of measures that have been, are  
16 in the process of, or may be taken by Federal, State,  
17 and local governments, and by all other private and  
18 public entities, to conserve these resources and asso-  
19 ciated values, including scenic values, while en-  
20 hancing educational, interpretive, and recreational  
21 opportunities.

22 (5) A description of the appropriate manage-  
23 ment entity or entities.

1           (6) An analysis of current and future potential  
2 uses of the area, or of the areas in a State system  
3 or program.

4           (7) A public involvement plan.

5           (8) A strategy for identifying sources of revenue  
6 and assistance to aid in the future management or  
7 protection of the area, or of the areas in a State sys-  
8 tem or program.

9           (9) In the case of State systems or programs,  
10 a management framework, and the management  
11 framework and process for each individual area and  
12 for the overall system.

13       (e) TECHNICAL ASSISTANCE.—If the grantee re-  
14 quests, the Secretary may provide technical assistance in  
15 the conduct of the study through the National Park Serv-  
16 ice to the extent that the National Park Service has re-  
17 sources available to provide such assistance. Nothing in  
18 the Act shall be construed to prohibit the Secretary from  
19 providing technical or financial assistance under any other  
20 provision of law.

21       (f) RECOMMENDATIONS FOR NATIONAL DESIGNA-  
22 TION.—

23           (1) REPORT.—Upon completion of the study,  
24 the grantee shall submit the report of such study to

1 the Secretary and advise if the grantee requests na-  
2 tional designation.

3 (2) REVIEW BY COMMISSION.—The Secretary  
4 shall provide those study reports requesting national  
5 designation and areas which have been studied by  
6 the National Park Service to the Commission for its  
7 advice and recommendations. The Commission shall  
8 advise the Secretary of those areas and systems or  
9 programs, in priority order, it recommends be pro-  
10 posed for national designation by the Congress based  
11 on complete studies.

12 (3) RECOMMENDATIONS BY SECRETARY.—The  
13 Secretary shall submit to the Congress study reports  
14 of those areas and systems or programs the Sec-  
15 retary recommends for national designation together  
16 with any comments which the Secretary deems  
17 appropriate.

18 **SEC. 8. ESTABLISHMENT OF A NATIONAL PARTNERSHIP**  
19 **SYSTEM OF HERITAGE AREAS.**

20 (a) IN GENERAL.—There is hereby established a Na-  
21 tional Partnership System of Heritage Areas, which shall  
22 consist of National Heritage Areas or Parks and nation-  
23 ally designated State systems or programs of heritage  
24 areas designated pursuant to subsection (b) of this  
25 section.

1 (b) DESIGNATION OF NATIONAL HERITAGE  
2 AREAS.—The following areas are hereby designated as  
3 components of the National Partnership System of Herit-  
4 age Areas:

- 5 (1) National Heritage Corridors established by  
6 law.  
7 (2) New York State Urban Cultural Park  
8 System.

9 **SEC. 9. MANAGEMENT PLANS.**

10 (a) SUBMISSION BY GOVERNOR.—Within two years  
11 after designation pursuant to section 8(b) of the Act, the  
12 Secretary shall request the Governor of the State in which  
13 the designated area or system is located to submit a man-  
14 agement plan to the Secretary for review and approval.  
15 The Secretary may, upon request of a Governor, provide  
16 technical assistance to the Governor in the preparation  
17 and implementation of the management plan. The man-  
18 agement plan shall take into consideration existing State,  
19 county, and local plans, and present a unified heritage  
20 preservation and interpretation plan for the area or each  
21 area in the State system or program.

22 (b) ROLE AND CONTENTS.—Management plans shall  
23 be the fundamental document defining the goals and  
24 boundaries for each area or system or program and the  
25 means for the implementation and management of the Na-

1 tional Heritage Area or Park. A management plan shall  
2 include (but need not be limited to) the following:

3           (1) The boundaries of the area set forth in text  
4           and depicted on a map. Zones within the area shall  
5           be identified for particular nature and intensity of  
6           use, including those zones most appropriately de-  
7           voted to public use and development by State or  
8           local government; and private use. Boundaries shall  
9           be located as deemed necessary or desirable for the  
10          purposes of resource protection, scenic integrity, and  
11          management and administration in furtherance of  
12          the purposes of this Act, and the estimated cost  
13          thereof.

14          (2) An inventory and designation of the natural  
15          and cultural resources.

16          (3) Statement of the goals and objectives.

17          (4) Identification of the types of uses, both pub-  
18          lic and private, to be accommodated and, in case of  
19          a system or program, their linkages to the overall  
20          statewide system.

21          (5) Identification of properties, if any, to be  
22          acquired.

23          (6) Description of the interpretive and edu-  
24          cational exhibits and programs to be undertaken.

1           (7) Description of the program for encouraging  
2           and accommodating visitation.

3           (8) An economic assessment of the long- and  
4           short-term costs and benefits related to the estab-  
5           lishment, operation and maintenance, including com-  
6           prehensive estimate of the costs of implementing the  
7           management plan identified by source of funding  
8           and specifically delineating expected State, local,  
9           Federal and private contributions.

10          (9) Description of the techniques or means for  
11          the preservation and protection of the natural and  
12          cultural resources within the National Heritage Area  
13          or Park, including means such as proposals and rec-  
14          ommendations for appropriate local governmental  
15          policies for designation and protection of historic  
16          properties or natural areas to assure that future  
17          local actions will be consistent with established and  
18          agreed upon preservation standards or criteria.

19          (10) Description of the organizational structure  
20          to be utilized for planning, development and man-  
21          agement, including the responsibilities and inter-  
22          relationships of local, regional and State agencies in  
23          the management process, and a program to provide  
24          maximum feasible primary participation in the im-  
25          plementation of the management plan. Such organi-

1 zational structures may include (but not be limited  
2 to) utilization of existing State and local agencies for  
3 administrative and finance purposes through con-  
4 tracts and letters of agreement between State and  
5 local agencies or, where necessary, proposed legisla-  
6 tion for new entities to administer and finance im-  
7 plementation of a management plan.

8 (11) A schedule for the planning, development  
9 and management. Each management plan must  
10 demonstrate that the capability exists at the State  
11 and local level to implement and manage the herit-  
12 age area or system or program including, but not  
13 limited to, the ability to—

14 (A) accept and disburse funds;

15 (B) acquire, improve and dispose of prop-  
16 erty;

17 (C) manage, operate, and maintain appro-  
18 priate facilities identified as being of local re-  
19 sponsibility without State financial assistance;  
20 and

21 (D) promulgate and enforce land use and  
22 preservation criteria and standards as required  
23 to protect the resources within each area or sys-  
24 tem or program.

25 (c) APPROVAL OF THE MANAGEMENT PLAN.—

1           (1) IN GENERAL.—The Secretary shall approve  
2           or disapprove a plan within 120 days of his receipt  
3           of the plan from a Governor. No plan submitted to  
4           the Secretary under this section shall be approved  
5           unless the Secretary finds that the plan, if imple-  
6           mented, would adequately protect the significant  
7           natural, cultural, historic and scenic resources of the  
8           area or areas within a State system or program and  
9           provide high quality educational, interpretive, and  
10          recreational opportunities consistent with the values  
11          of the area.

12          (2) CONSIDERATIONS.—In determining whether  
13          or not to approve the management plan, the Sec-  
14          retary shall consider whether—

15                (A) the Governor has afforded adequate  
16                opportunity, including public hearings, for pub-  
17                lic and governmental involvement in the prepa-  
18                ration of the plan; and

19                (B) the Secretary has received adequate  
20                assurances from appropriate State and local  
21                governmental officials that the recommended  
22                implementation program identified in the plan  
23                will be initiated within a reasonable time after  
24                the date of approval of the plan and such pro-

1           gram will ensure effective implementation of the  
2           State and local aspects of the plan.

3           (3) PROCEDURE AFTER DISAPPROVAL.—If the  
4           Secretary disapproves the management plan, the  
5           Secretary shall advise the Governor in writing of the  
6           reasons therefor and shall indicate any recommenda-  
7           tions for revisions. Within six months, the Governor  
8           may resubmit the plan to the Secretary, who shall  
9           approve or disapprove the plan as revised within 120  
10          days after the date that the revised plan is submit-  
11          ted. The Secretary shall approve or disapprove sub-  
12          sequent revisions of the plan in the same manner as  
13          if each such revised plan were first submitted pursu-  
14          ant to subsection (a).

15          (d) IMPLEMENTATION OF THE MANAGEMENT  
16          PLAN.—

17           (1) IN GENERAL.—After review and approval of  
18           the plan by the Secretary, priority in the implemen-  
19           tation of the management plan shall be given to ac-  
20           tions that assist in—

21                   (A) preserving the significant natural, cul-  
22                   tural, historic and scenic resources of the area  
23                   or areas in an approved system or program;

24                   (B) promoting and providing educational,  
25                   interpretive, and recreational opportunities con-

1           sistent with the resources and associated values  
2           of the area or areas in an approved system or  
3           program; and

4           (C) supporting public and private efforts in  
5           economic revitalization that contribute to the  
6           goals of the plan.

7           (2) PRIORITY ACTIONS.—Priority actions to be  
8           carried out under paragraph (1) shall include—

9           (A) assisting the State and political sub-  
10          divisions thereof in appropriate treatment of the  
11          districts, sites, buildings, structures, and ob-  
12          jects listed or eligible for listing on the National  
13          Register of Historic Places;

14          (B) encouraging high quality and appro-  
15          priate visitor use facilities, interpretive exhibits,  
16          tour routes and clear and consistent signage  
17          throughout the area;

18          (C) assisting in the enhancement of public  
19          awareness of and appreciation for the resources  
20          and associated values of the area;

21          (D) encouraging the conservation of natu-  
22          ral resources, historic and scenic landscapes;

23          (E) encouraging enhanced economic devel-  
24          opment in the area in furtherance of the goals  
25          of the plan;

1           (F) encouraging local governments to  
2           adopt policies consistent with the goals of the  
3           plan and to take actions to implement those  
4           policies; and

5           (G) encouraging States to develop system  
6           policies and programs for areas therein.

7           (e) ANNUAL REPORTS.—

8           (1) MANAGEMENT ENTITY.—The management  
9           entity for each designated area or for a designated  
10          system or program shall submit an annual report to  
11          the Secretary setting forth its expenses and income  
12          and the entities to which any loans and grants pur-  
13          suant to this Act were made during the year for  
14          which the report is made.

15          (2) SECRETARY.—The Secretary shall submit  
16          an annual report to the Congress describing the  
17          loans, grants, and technical assistance provided  
18          under this Act. Such report shall specify the  
19          amount, recipient, and purpose of any loan, grant,  
20          or technical assistance so provided and shall include  
21          an analysis of the adequacy of actions taken during  
22          the previous year to preserve, protect, and interpret  
23          the significant sites, buildings, structures and ob-  
24          jects within the area; as well as the anticipated  
25          funds and personnel to be made available by the

1 Secretary during the next fiscal year to implement  
2 the provisions of this Act.

3 **SEC. 10. DUTIES OF THE SECRETARY.**

4 Following approval of a management plan under sec-  
5 tion 9, the Secretary shall provide technical and financial  
6 assistance to each management entity of an area, or to  
7 each system or program which shall regrant funds to indi-  
8 vidual areas within the system or program, to implement  
9 an approved management plan.

10 **SEC. 11. DUTIES OF OTHER FEDERAL ENTITIES.**

11 Any Federal entity conducting or supporting activi-  
12 ties directly affecting a designated area or area within a  
13 designated system or program, and any entity of a State  
14 or political subdivision thereof acting pursuant to a grant  
15 of Federal funds or a Federal permit or agreement con-  
16 ducting or supporting such activities, shall—

17 (1) consult with the Secretary and the manage-  
18 ment entity for the area with respect to such  
19 activities;

20 (2) cooperate with the Secretary and the man-  
21 agement entity carrying out their duties under this  
22 Act and, to the maximum extent practicable, coordi-  
23 nate such activities with the carrying out of such  
24 duties;

1           (3) conduct or support such activities in a man-  
2           ner which the management entity in carrying out  
3           their duties under this Act and, to the maximum ex-  
4           tent practicable, coordinate such activities with the  
5           carrying out of such duties; and

6           (4) conduct or support such activities in a man-  
7           ner which the management entity determines will  
8           not have an adverse effect on the area.

9   **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

10          There is authorized to be appropriated such sums as  
11          may be necessary to carry out this Act, but not to exceed  
12          the following amounts for the purposes specified:

13           (1) **STUDY GRANTS.**—For grants and assistance  
14           in carrying out partnership studies pursuant to sec-  
15           tion 7, \$4,500,000 annually, of which not more than  
16           \$500,000 shall be available to defray the cost of  
17           technical assistance provided by the Secretary.

18           (2) **PLANNING AND IMPLEMENTATION.**—To as-  
19           sist in the preparation of plans as specified in sec-  
20           tion 9 and in the implementation of approved herit-  
21           age area or system plans, \$75,000,000 annually.

22           (3) **COMMISSION OPERATIONS.**—For the operat-  
23           ing costs of the Commission, \$350,000 annually.

1 **SEC. 13. EXPIRATION OF AUTHORITIES.**

- 2       The authorities contained in this Act shall expire on  
3 September 30 of the 25th year beginning after the date  
4 of enactment of this Act.

□

BACKGROUND ON  
H.R. 3707 AND H.R. 2416  
NATIONAL HERITAGE AREAS

There are currently four Congressionally established national heritage areas: the Blackstone River Valley National Heritage Corridor, the Delaware and Lehigh Navigational Canal National Heritage Corridor, the Illinois and Michigan Canal National Heritage Corridor and Southwestern Pennsylvania Heritage Area. These areas have received assistance from the National Park Service for planning, development and operations of the commissions established for their management.

The National Park Service has received numerous requests for assistance to commissions to manage similar areas--areas which are not units of the National Park System, but which may contain a variety of historic, cultural, recreational and natural resources of national significance. Additionally, legislation continues to be introduced which establishes specified heritage areas and heritage area commissions and authorizes National Park Service funds for developing and implementing management plans for these areas.

Heritage Areas are generally understood to be combinations of resources geographically assembled and thematically related which provide a unique framework for understanding the historical, cultural and natural development of the community and its surroundings. Such areas contain resources which may be worthy of joint Federal and State designation and assistance, but do not necessarily qualify for designation and management as units of the National Park System. Ownership patterns within their boundaries are mostly State, local and private, and their resources may be linked through greenways, corridors and trails.

Given both the importance of recognizing and preserving these areas, and current federal budgetary limitations, the idea of partnerships has gained momentum and support from a wide variety of groups and individuals. Through such arrangements, the federal government would provide limited assistance to State, local and private organizations to develop and implement operation and management plans.

H.R. 2416 provides for a national partnership system of heritage areas through the establishment of a National Partnership Heritage Area Advisory Commission consisting of twenty-five members from the legislative and executive branches as well as from state and local governments and the general public to advise the Secretary on potential and approved heritage areas, and Congressional designation of recommended heritage areas. The Secretary may provide grants for the study of potential Heritage Areas; the grant may not exceed 50 percent of the cost of conducting the study. The National Park Service may also provide technical assistance in the conduct of the study. Upon completion of the study, and recommendation by the Commission, the Secretary shall submit such studies, along with recommendations for national designation, to the Congress.

Page 2

Upon Congressional designation as a national heritage area, the Governor of the State in which the area is located shall submit a management plan to the Secretary. The Secretary may provide technical assistance in developing such management plans. Upon approval by the Secretary, the management plan would be implemented by the appropriate management entity of the area with technical and financial assistance from the Secretary.

H.R. 2416 authorizes funding as follows: \$4,500,000 annually for grants and assistance in carrying out the studies of each proposed heritage area, \$75,000,000 annually for preparation and implementation of management plans, \$350,000 annually for operating costs of the Commission. The authorities contained in H.R. 2416 would expire twenty-five years after enactment.

H.R. 3707 establishes an American Heritage Areas Partnership Program in the Department of the Interior. Within this program the Secretary is authorized to provide technical assistance in the development of proposals for American Heritage Areas, technical assistance for the development of management plans for areas so designated, and development funds for capital projects and improvements agreed upon in such plans.

Each American Heritage Area must meet specific criteria, including an assemblage and variety of natural, cultural and recreational resources representing a distinctive aspect of American heritage worthy of such recognition. Each American Heritage Area must be nominated by the State for inclusion in the program, determined to be suitable by the Secretary, and designated by Congress. Upon designation, the Secretary and State must enter into a contractual agreement to establish respective responsibilities for implementing a management plan for the area.

Funding under H.R. 3707 would be limited as follows: \$500,000 annually for technical assistance in preparing a proposal, of which not more than \$50,000 in total may be made available for a specific area; \$2,500,000 annually for preparing the management plans, of which not more than \$250,000 in total may be made available for a specific management plan; \$10,000,000 annually for capital projects and improvements, of which not more than \$3,000,000 in total may be made available to any one American Heritage Area. Capital project funds must receive a fifty percent match. The funds made available by H.R. 3707 would be appropriated from the Historic Preservation Fund.

**STATEMENT OF HON. BRUCE F. VENTO**

Mr. VENTO. Late yesterday the administration submitted a proposal for heritage areas. So I am certain that, based on the testimony of the Director that will partially be addressed today. But I would hope those interested in the topic will look more closely at that matter too as well as Congressman Hefley's measure and provide us with the insights and views concerning those matters. It was my intention and is still my intention to hold hearings on the broader nature of Congressman Hefley's bill as well as other measures that are similar to it by dealing with the parks study and the designation and review of current designations.

As many have known, I have advocated for some time the establishment of a more effective process by which to recognize the important resources contained in so-called heritage areas while limiting Federal involvement in their development and operation. Our Nation contains many geographic and thematically unified areas which include significant resources worthy of preservation and conservation.

In many cases, these areas are connected by greenways, trails, or natural corridors which could be the focus of innovative recreational management ideas. While such areas may be important nationally, they may not meet the criteria for inclusion as units of the National Park Service and may best be managed in a true Federal partnership with State and local government and private entities.

In fact, the strong State, local, and private support these areas receive and their diverse resources indicate that national involvement, while welcome and necessary, should be limited. The professional expertise of the National Park Service can be useful in identifying and providing assistance for defining, establishing, and managing these important areas.

However, the diversity of their resources, the ownership patterns, and the variety of uses and activities taking place suggest that a true Federal partnership wherein the national Government provides recognition, limited financial and technical assistance, and other entities through the State, local governments manage and fund the largest share of the necessary preservation and interpretation is, of course, in my view the most appropriate method of preserving these areas.

Proposals for heritage areas or corridors have significantly increased in the past several years. There are currently four such areas affiliated with the National Park Service. Budgetary realities suggest that limited funds will be available to accommodate existing units of the national park system and less will be available for establishing new national park units or proposed heritage corridor areas. The American heritage areas program under consideration today would extend national preservation efforts in a new, cost-effective manner and would assure that new heritage areas or corridors will have been properly reviewed.

The bills are more fully described, of course, in the background information before each member. The proposals are continuing to evolve through discussions with the administration and other members and other interested groups and individuals. Particularly important, I believe, are issues in the definition of heritage areas, cri-

teria for their designation and funding levels for assisting their development.

I expect that we will have a full and open discussion, as I implied earlier. I think Americans are increasingly interested in conserving and preserving national areas and cultural symbols. There is also an increased understanding that resource preservation and economic viability are not mutually exclusive but compatible and mutually enhancing. Obviously, the economic viability issue is not something that is generally embraced as part of our park system as such, but certainly is an element that has come to the fore in consideration of heritage areas.

Obviously, the National Government can neither own nor manage each property or area worthy of preservation. These active communities containing a variety of resources, multiple management, and funding sources would be the most appropriate method of preserving and interpreting the nationally important resources and themes.

The legislation I have introduced, H.R. 3707, which along with H.R. 2416, introduced by Mr. Hinchey of the subcommittee, are the bills that we are hearing, of course, provide encouragement for protecting these assets without instituting a massive new Federal bureaucracy or providing significant Federal funding. The Federal Government will neither own nor manage the majority of resources assembled in such heritage areas. These are dynamic, thriving communities which, with the assistance of the National Park Service, will maintain an appropriate balance between preservation and growth.

As I suggested, Congressman Hefley, in his measure, H.R. 1508, has a section on that, and I want to expressly call attention to the subcommittee members and those attending the hearing if they have views on that, we will share copies of it with them so that they can submit such views. And, of course, that the administration late yesterday has put forth a comprehensive—in fact, I think it is a 17- or 18-page measure—on heritage areas. I know that will be discussed here this morning. So, as much as we may need the additional focus or hearing on it specifically.

Mr. Hansen, after my lengthy opening statement and explanation, you are welcome to take such time as you need.

#### STATEMENT OF HON. JAMES V. HANSEN

Mr. HANSEN. Thank you, Mr. Chairman.

I welcome our former chairman of the committee, Mr. Seiberling. Good to see you again, John.

Since your bill is similar in nature to legislation introduced by Congressman Lagomarsino last Congress and again nearly a year ago in this Congress by Mr. Hefley, I believe there is some level of support on this side for the concept of establishing an orderly process by which to designate heritage areas.

Many on this committee, including members from both sides of the aisle, have raised questions about the merits of a number of the recent proposals to expand the park system. The concept of heritage areas as an alternative to permanent designation of units of the park system would seem to be a reasonable compromise which would allow some identification with the Park Service but avoid

the high costs of the Federal Government, of a perpetual Federal Government commitment.

After all, who could object to a program which unifies diverse interests, provide a sense of identity for people in a region, and possibly leads to enhanced economic development?

Further, this legislation at least recognizes the problem of how costly these new heritage areas could become if permitted without restraint.

However, there is some fine-tuning needed to this legislation. First, the role of the National Park Service should be limited to technical assistance. I can see no justification for spending limited National Park Service construction funds at these non-Federal areas when there is a 36-year backlog in funding for projects at parks. I don't know if people realize that.

Second, there must be a sunset clause for National Park Service involvement, similar to what Chairman Vento inserted in the recent New Jersey measure.

Finally, we must ensure that private property is adequately protected. Land use control must remain locally derived and not subject to second-guessing by some quasi-government board.

Mr. Chairman, it is important that we reach a consensus on this concept between the House and the Senate prior to designating any more of these areas so that we do not establish any more precedents we cannot live with.

I look forward to welcoming our witnesses today and look forward to their testimony. And thank you, Mr. Chairman. I appreciate the time.

Mr. VENTO. Thank you.

Mr. Hinchey, did you have any opening comments?

#### STATEMENT OF HON. MAURICE D. HINCHEY

Mr. HINCHEY. Yes, Mr. Chairman. Thank you.

First of all I want to thank you for your leadership here in the Congress and particularly for convening these hearings.

I believe, as you do, that the idea of heritage areas or heritage partnerships is an exciting one. When the idea works as it should, it advances the original goals of the National Park Service by conserving and protecting historic, scenic, and cultural sites. It benefits the people of our country by expanding recreational opportunities and by enhancing their understanding of our culture and our history. These are, of course, the traditional purposes of the Park Service.

But heritage partnerships are distinctive in that they build on cooperation among private organizations, community groups, and State and local governments. I believe that they are especially appropriate in the current climate of fiscal austerity, since they can provide all of these benefits at a modest cost to the Federal Government.

I helped to develop a system of heritage areas when I served in the New York State Legislature, and they are, I think, among the jewels of New York's excellent park system, and I hope that you would concur with that estimate, Mr. Chairman, on the basis of your generous visit to my State last fall.

I think the heritage area concept can be especially useful in areas such as my own district, where relatively little land is in public hands, but where the population is dense and where the number of significant sites is also dense. I recognize and share your interest in developing a consistent process for designating heritage areas, a consistent means of evaluating their merits, and a consistent means of managing them. And I hope that we can make rapid progress toward those objectives following these hearings.

Mr. VENTO. I thank the gentleman.

Mr. Smith, did you have any opening comments?

#### STATEMENT OF HON. ROBERT F. (BOB) SMITH

Mr. SMITH. Yes. Thank you, Mr. Chairman.

As we pursue your legislation, I want to join my friend in discussing and making sure that private property rights are going to be protected, especially in those areas where we designate some sort of Federal program.

I want to remind the chairman and others that I have been involved in many of these State-local partnerships. One that comes vividly to mind is the Columbia River Gorge designation in 1986. At that point I was the lonely voice regarding the possibility of taking of private property without just compensation and also to overlay another Federal Government plan on top of the most stringent land-use planning in the Nation.

Well, unfortunately, some of my predictions came true. And today you will have the benefit of hearing from Dorothy Cofield, who is here with Oregonians in Action, who will testify about some of the horror stories that private landowners went through as a result of the designation of the Columbia River Gorge Act. It is quite possible, if the Congress had adopted my amendments in 1986, this lady and others wouldn't have to be here today.

Also, Ms. Cofield is back here as part of a legal team arguing the Doland case before the United States Supreme Court. Interesting case. It involves an owner of a plumbing store who tried to get a building permit to enlarge her store. The city says she can have the permit only if she gives the city 10 percent of her property for a drainage greenspace along a creek and another strip of land for a bike path. She says that is a constitutional taking of a property. Well, I hope she gets a favorable ruling.

I might add that there is another case just before the U.S. Court of Appeals here in Washington, DC, brought by Oregonians. This panel ruled that the U.S. Fish and Wildlife Service went too far in ordering private landowners not to impact property designated as habitat for the spotted owl. In essence, the court ruled that the burden of proof is on the Federal agency to prove that the landowner had directly harmed the bird or any animal.

I think this ruling demonstrates that Congress, and particularly this committee, can manage and direct and put restrictions on Federal land. But when it comes to trampling on private property, that is quite another story. I believe sooner or later the pendulum is going to swing here in the Congress and in this country. It is going to swing to opposing Federal Government regulation of every single activity in this country.

I look forward, Mr. Chairman, to watching this legislation, and if possible, I am going to find language, or attempt to, to protect private lands that either are downgraded in value or are simply taken over by another agreement between Federal, State, and local governments.

Thank you.

Mr. VENTO. Mr. Murphy, did you have any opening comments this morning?

#### STATEMENT OF HON. AUSTIN J. MURPHY

Mr. MURPHY. Just briefly to thank you, Mr. Chairman, for convening this hearing. As you know, one of the heritage areas is in southwestern Pennsylvania, in part of my district. It has proven to be very successful. We have made great strides in preserving the history of our area through this effort, and I commend you for holding the hearing and look forward to hearing from the witnesses.

Mr. VENTO. All right.

Mr. Duncan.

#### STATEMENT OF HON. JOHN J. DUNCAN, JR.

Mr. DUNCAN. Thank you, Mr. Chairman. I have no formal opening statement, but I would like to echo or second the statements made by Mr. Hansen and Mr. Smith. We have a national debt of almost \$4.5 trillion today, and even as bad as that is, we are losing still hundreds of millions of dollars every day at the Federal level, and I think it is in large part because over the last 25 or 30 years we seem to have had a philosophy or an idea that there were no limits to what the Federal Government could do. I think at some point some day we have to recognize that there are limits to what the Federal Government could do.

There are thousands or millions of wonderful things that all of us could think of that would be good for this Government to do and would be nice if we could afford it. But it is sort of like a person who wants a \$200,000 house but all they can afford is \$100,000. And we already have at the present time a \$5.6 billion backlog, according to the National Park Service, in capital or construction-type projects. We are having great difficulty taking care of what we already have.

So, while this legislation I think is well-intentioned and well-meaning and is almost a "motherhood and apple pie" type of bill, I think we do need a close look at it. You know, as bad a shape financially as our local governments are in and as our State governments are in, they are all in better shape than is the Federal Government financially. So already this administration has recommended 16 projects to expand the National Park Service, costing hundreds of millions of dollars, in fact even several billion dollars when all of them are totaled together.

So I just wonder that while this legislation is something that all of us would like to do, I question whether we could get into an open-ended type of situation like this that could be a very, very expensive project for this Government.

I look forward to hearing from the witnesses. Thank you very much.

Mr. VENTO. Thank you.

The opening statements of the witnesses will be made part of the record, without objection. Hearing no objection, so ordered.

We are pleased to welcome the gentlewoman from Washington, Congresswoman Unsoeld.

Jolene, welcome. Your statement has been made part of the record. Thank you for your patience.

**STATEMENT OF HON. JOLENE UNSOELD, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF WASHINGTON**

Ms. UNSOELD. Thank you very much, Mr. Chairman and members of the committee.

You know, it was almost 4 years ago that I first came before you with a proposal. So it is a pleasure to come back and be able to thank you for the help you have given along the way and particularly this year in how we put together the proposal that I bring before you.

I want to compliment you particularly, Mr. Chairman, on your whole approach because I think that through the partnerships you are suggesting, it allows a saving for a number of national resources which otherwise might be lost because independently they don't have enough resources to be able to be preserved.

The area that I wanted to bring to your attention has a vast, rich history beginning with the Indian culture on the banks of the Columbia River. This is the area just across the river from Portland, OR, in Vancouver, and the Indian culture across the river. Lewis and Clark explored this area in 1805 and 1806; Fort Vancouver was then established there as an outbranch of the Hudson Bay Co. Vancouver barracks is adjacent, where we have had since World War I a military barracks. Officer row has 21 elegant homes that recently were secured by the city of Vancouver. And I will pass this around showing some of the leadership that they have taken in restoring that area.

And also then Pearson Airpark, which is arguably the oldest or the second oldest continuously operating commercial airfield in the country. It was the site of the landing of Valeri Chkalov, the "Soviet Lindbergh," and is recognized and respected in Russia. We just honored the anniversary of that flight to the United States. All of this linked is by the Columbia River.

I appreciate the opportunity to ask this committee if you will help us achieve the purpose of the legislation that I have to establish a local State and Federal partnership to develop the full educational, recreational, and historical potential of the area. And like other historical reserve areas, the partnership is going to spread the cost among the partners, thus minimizing the cost to the Federal Government. I think that is very, very important.

If there are any questions, Mr. Chairman, I would be happy to answer. Otherwise, I have some things that I would like to have included in the record.

[Prepared statement of Ms. Unsoeld follows:]

Statement of The Honorable Jolene Unsoeld (D-WA) before the Natural Resources Committee, Subcommittee on National Parks, Forests and Public Lands.  
March 22, 1994.

Thank you Chairman Vento, and the members of the Subcommittee for allowing me the opportunity to appear today. Mr. Chairman, for several years I have worked to establish a Historical Partnership in Vancouver, Washington.

Good work Mr. Chairman. Organic national heritage partnership legislation will give us the tool to allow local, state and private groups to work with the federal government to develop historically and naturally significant assets which otherwise might never achieve their full recreational and educational potential. Through partnership we will be able to preserve unique national resources which legal and/or budgetary constraints prevent from becoming units of the National Park Service.

Vancouver, which is located just across the Columbia River from Portland, Oregon, is a community with a rich history. The historic area represents the center of the settlement and development of the Pacific Northwest where five publicly-owned sites chronicle different stages of the Northwest's history, beginning with Lewis' and Clark's exploration in 1805 and 1806.

Fort Vancouver was founded in 1825 and served as the regional headquarters for the Hudson's Bay Company. The Fort was seminal to European settlement and commercial growth in the Pacific Northwest and is now a National Historic Site owned and managed by the National Park Service.

The Vancouver Barracks are immediately adjacent to Fort Vancouver. From the mid 19th century until World War I the Barracks were the principal administrative outpost of the United States Army in the Pacific Northwest.

Officers Row is an avenue of 21 elegant houses overlooking Fort Vancouver and the Columbia River. For over 100 years, Officers Row housed some of our nation's greatest military leaders. Officers Row was recently acquired from the Department of the Army and restored by the City of Vancouver.

Between the Columbia River and Fort Vancouver lies Pearson Airpark, one of the oldest continuously operated commercial airports in the nation. Pearson is managed by the City of Vancouver and partially owned by the National Park Service. The Airpark has played an important role in the history of military and civilian aviation in the Pacific Northwest, including the landing of Valeri Chkalov, the "Soviet Lindberg," marking the first transpolar flight between Russia and the United States. Today Pearson is a home to a diverse array of historically significant aircraft, and an acclaimed air museum.

The Columbia waterfront links the history of all these sites. Pieces of the waterfront currently owned by the National Park Service were the site of early Indian activity landings by the explorers.

In the late 1980s pressures from population growth and industrial development prompted a group of people in the community, including representatives of the City government, and the NPS to work together to tie these assets together and forge a partnership among their owners so the entire area could be cooperatively managed and developed.

In early 1990, the Mayor of Vancouver and I began a process to establish a federal-state-local partnership to protect and coordinate the management of these sites. I introduced, and with the expertise of Chairman Vento, enacted legislation creating a commission to inventory the area

and come back to Congress with legislative recommendations for a Vancouver National Historic Reserve.

The Commission's recommendations, which were released last April, represent a comprehensive analysis of the resources and management options for the area. The recommendations reflect hundreds of hours of deliberation, and consultation with interested conservation, business, professional and citizen organizations. The Commission's ability to work through tough management questions and reach consensus demonstrates that the a Historic Partnership can effectively manage the proposed Historical Reserve.

In the coming weeks I look forward to working with Chairman Vento and the other members of the subcommittee to introduce legislation to establish the "Vancouver Historical Reserve" based on the recommendations of the Commission. The purpose will be to establish a local, state and federal partnership to develop the full educational, recreational and historic potential of the area. Like other Historic Reserve areas, the partnership will spread the costs among the partners, thus minimizing the cost to the Federal government.

I strongly support the efforts of this subcommittee to create a framework to evaluate, and designate significant resources -- such as those in Vancouver, Washington -- as National Heritage Partnerships. I hope that our experience to date can help guide you in your efforts and I look forward to working with this subcommittee and its wonderful and talented staff in legislating a Vancouver National Historical Reserve based on the work of the Commission.

Mr. Chairman, every once in a while -- when circumstances and timing are just right -- a community has a chance to take an historic step forward. Designating the Vancouver area as a National Historic Reserve will further highlight the area's role in the region. More importantly, it will help harmonize the management of several historic assets -- before they are lost -- that

represent some of the Northwest's most important and colorful history. With vision and united action we can seize this historic opportunity.

Again, I look forward to working with you, Mr. Chairman, and to showing you first hand these historic gems. Thank you.

Mr. VENTO. We would obviously reference the final report of the Vancouver National Historic Reserve feasibility study and environmental assessment in the record with your statement.

You know, I think that you can hardly begin to discuss heritage areas apparently without getting into the specifics of a heritage area. You have Congressman Murphy, who wanted to talk about the industrial heritage project. Congressman Hinchey referred to my visit to New York and the Hudson Valley and the work he has done. And I might say that he had done work as a State legislator on this matter.

The committee here has written the Lehigh Delaware bill, the Blackstone River bill, and others have been promoted outside of the authorizing committee process actually.

The point that we are trying to look at here is to try to set up a process that we can deal with this issue, a relationship, to try to define the relationship with the Department of the Interior, the Park Service, with the heritage areas.

Clearly, the Vancouver area is important. As a matter of fact, we asked for a study. There is a park site located there now. In fact, I intend to visit that. I think a couple of staff, maybe a member or two will eventually decide to go with us next week when we are out on recess to look at the site. I look forward to greeting you at that time.

I think, depending upon the format, obviously you may want to look at the Blackstone River format. If you haven't, I would suggest that you do.

Ms. UNSOELD. Yes.

Mr. VENTO. Or the Delaware Lehigh. It would be interesting to have the Park Service's testimony specifically on how they feel this would best be managed, whether as a heritage area, extension of the park, or what they think is the proper management scheme or the management structure for the area that you are addressing.

I have an open mind with regard to it. I think that there are some concerns here that the activities that traditionally have been Park Service activities and the criteria are not necessarily appropriate for some of the activities that the study is reporting back to us at the site.

So the concern that we have is trying to fit it into the Park Service's 1916 Organic Act. The idea of heritage area and trying to define that partnership is what we are about. There are different ideas here on how to do that, as you can hear from my colleagues about sunsets and dollar limitations, and I have some notions about contracts and maintenance costs and operating costs and who ought to be paying those.

So, trying to regularize this process is what we are about here in terms of the heritage areas. Actually, someone said there are about 100 heritage areas that are out there waiting to receive our attention. So I think if we could define what the rules are going to be, that that would be a signal to everyone then to fit within, hopefully, that type of an outline. I don't know how rigid we can be, but, hopefully, we will have some basis.

I have some notions as to why this is occurring as it is right now, but I will get into that as we get to the other witnesses.

Ms. UNSOELD. I thank you very much, Mr. Chairman, and look forward to being able to show you the site.

Mr. VENTO. Right.

Ms. UNSOELD. Next week, is it?

Mr. VENTO. Next week. It is coming quick.

Ms. UNSOELD. I think that the approach you are taking is particularly valuable because it allows a tapping into private resources and private grants availability as well, so that the full cost does not come on the other governmental entities and particularly not on the Federal Government at this time.

Mr. VENTO. Well, that is important.

Are there any questions for Congresswoman Unsoeld from my colleagues?

[No response.]

Mr. VENTO. If not, thank you, Jolene.

Ms. UNSOELD. We would be happy to welcome all of you there.

Mr. VENTO. They all have an invitation. Whether they can accept it is obviously another problem.

Ms. UNSOELD. Thank you, Mr. Chairman.

Mr. VENTO. I am very pleased, as Congressman Hansen noted, the former chairman of the committee, the distinguished long-serving member who worked on a great number of issues, is with us this morning, a mentor and a friend, Congressman John Seiberling.

John, we are pleased to welcome you and have your views concerning this important issue of heritage areas.

#### **STATEMENT OF HON. JOHN SEIBERLING, FORMER REPRESENTATIVE IN CONGRESS FROM OHIO**

Mr. SEIBERLING. Thank you very much, Mr. Chairman and your colleagues there. It is always a pleasure to see you all and remember the many fascinating times and hectic times we worked together.

I certainly want to commend you, Mr. Chairman, and the subcommittee for holding this hearing and for attempting to come up with generic legislation for this very important subject. I would like to ask that my prepared remarks be inserted in the record, and I will try to summarize.

Mr. VENTO. Yes, John, permission has already been granted. So you can just proceed.

Mr. SEIBERLING. Thank you.

Of course, it is important not to have to invent the wheel all over again every time we consider one of these areas. So there are many common features that can be incorporated in generic legislation, and that is why it is so important that you are doing this today.

At the same time, of course, every area is unique, and I hope that the generic framework that you create will allow sufficient flexibility to take into account that each one of these areas needs to be dealt with on an individual basis too.

There is one feature that I would like to call to your attention. First of all, let me say that, having been out of Congress now for 8 years—it seems hard to believe it has been that long—I have an opportunity on a daily basis, practically, to see people enjoying some of the fruits of the labors of this committee. And in particular, in the Cuyahoga Valley National Recreation Area. I have vis-

ited some other areas, such as the Illinois and Michigan Canal Heritage corridor since we created it. But the sight of the numbers of people who on a daily basis come from their home, spend an hour or two in these areas and enjoy the recreational, the natural and the historic experience that they can get, because this involves all three. It's kind of a triple concept; natural areas, historic areas, and outdoor recreation. It really warms your heart.

Sunday was a beautiful day in northern Ohio, after a rather hard winter, and there were literally thousands of people out on the tow-path and in other parts of the 20-mile corridor that runs through the Cuyahoga Valley National Recreation Area. This committee should feel justified in the actions it has taken in the last 25 years to create urban national recreation areas, to create heritage corridors because the people of the country who pay the bills are out there enjoying it.

Hardly a day passes but what someone doesn't come up to me and say, "Oh, Mr. Seiberling, I just want to thank you for what you did to get our beautiful Cuyahoga National Recreation Area." And I have to simply say, "Well, all I can say is I thank the voters for having put me in a position to work with the committee and a lot of others to bring it into being." And I am sure that all of you feel the same way.

Now let me just say that I strongly support the efforts of your colleague, Ralph Regula, to move his Ohio and Erie Canal National Heritage corridor legislation. I am intimately familiar with that entire corridor of 87 miles from Cleveland Harbor down to Zoar, OH. Someday maybe it can even be extended the rest of the canal right of way to the Ohio River. A lot of the land is already in public ownership, owned by the State of Ohio, which is cooperating. And it is going to be another great addition to our national historic and recreational facilities.

One of the things, however, that I submit to you for consideration that is important, that is in the Regula bill, and was in the Illinois-Michigan Canal legislation is having a commission in existence for a limited period of time to help pull all of the different and diverse elements together and help them work out the plan in detail.

I do think that it doesn't have to be called a commission. It doesn't have to be structured in a particular way. But some mechanism needs to be created to do that because without a central organizing body, an agency that can get them all in the same wavelength, so to speak, it is going to be very difficult. And I think the experience of the Illinois-Michigan Canal—and that was the pioneer legislation in this field—probably is something to be looked at.

I think the basic format of that has worked out pretty well. I am not familiar with the details of the problems they may have run into because it is a little remote from my part of Ohio. Anyway, that is one thought that I would like to place before the subcommittee.

These resources are natural as well as historic and recreational, as I mentioned. The process I would hope that you would initiate or that would be allowed to be initiated would emphasize the importance of bottom-up, grassroots origins of all these things. The local people need to do the original planning, it seems to me, before

it becomes designated as a national corridor and before it is even brought to the Congress or the Interior Department.

In other words, I think the planning should precede the designation, and I would hope that you would consider that too.

Beyond that, I don't think I have anything of basic general importance that I would like to add.

I am sorry Congressman Smith has left because I would like to stress that one of the things that the Illinois and Michigan Canal format emphasized was the protection of private property. The commission which was empowered to acquire property and then convey it to suitable public or nonprofit agencies for carrying out the purposes of the act could only acquire it on a willing buyer and willing seller basis. It had to be something done without exercising the power of the Federal Government or of any other government. So that concern is addressed in the existing legislation, and I am sure you are going to do the same thing.

Thank you very much.

[Prepared statement of Mr. Seiberling follows:]

**Statement for the Record**  
**Hearing on Legislation to Establish An**  
**American Heritage Partnership Program**  
**Before the Subcommittee on National Parks, Forests and Public Lands**  
**Committee on Natural Resources**  
**U.S. House of Representatives**  
**March 22, 1993**

*John F. Seiberling*  
*Akron, Ohio*

Mr. Chairman and Members of the Committee, I appreciate the opportunity to testify today on legislation to establish an American Heritage Partnership Program. I commend you for your initiative in trying to develop generic legislation on this subject and for holding this hearing today.

My interest in this issue stems from several decades of work—both as a private citizen and a Member of Congress—to protect America's natural and cultural treasures. It comes from my strong belief that just as we needed to find innovative ways to protect the great national parks and wilderness of Alaska we also need to be more creative in our approaches to saving the other special places, large and small, that comprise our nation's culture and identity.

**Heritage Areas - Evolution of a Concept**

The concept of heritage areas, as understood today, has evolved from earlier efforts to preserve some of these important natural, scenic, historic and recreational treasures. As a Member of Congress in the early 1970's, one of my earliest acts was to sponsor legislation to establish the Cuyahoga Valley National Recreation Area in Ohio, a ribbon of green along the 18-mile stretch of the Cuyahoga River between Akron and Cleveland. In its day, the Cuyahoga legislation seemed quite non-traditional for units of the National Park System. The valley was and is located in a highly urbanized area. The legislation provided for a mix of ownerships and management entities—State, local and private, as well as Federal. It also encouraged the liberal use of scenic easements and other protective devices rather than relying solely on the Federal government to buy all the land. This year marks the 20th anniversary of the enactment of the legislation and the park today is a beautiful, thriving area.

The Cuyahoga Valley, however, is a more traditional park in many ways than, for example, the Lowell National Historical Park in Massachusetts, which this committee supported in the late 1970's, or the Illinois and Michigan Canal National Heritage Corridor in Illinois, the legislation for which it approved during the early 1980's. The legislation for these areas increasingly recognized and directed a new role for the National Park Service, one that is more supportive and catalytic than managerial.

Lowell is perhaps the bridge between the two. Like Cuyahoga, it is a unit of the National Park System, whereas the I&M Canal is an "affiliated area." Both, however, commemorate and protect an important part of America's industrial heritage and other historical values. Both include significant natural resources—water and fish, wildlife and plants. And both offer greatly needed outdoor recreational opportunities for Americans of all ages.

Today, as a private citizen, I am involved in efforts with others to identify and protect the many natural and cultural resources found along the Ohio & Erie Canal, an 87-mile corridor between Cleveland and Zoar. In response to people living and working throughout this area, Representative Ralph Regula and Senators Metzenbaum and Glenn have introduced legislation to establish an Ohio & Erie Canal National Heritage Corridor. This legislation would promote a strong partnership among

local communities and the State and Federal government. Indeed, it is the support of the local communities and business interests that will make this project a reality.

One of the things that all of these earlier efforts have in common is intelligent planning with significant public consultations. In many cases, it is those consultations that direct the process, rather than professionals. Citizens have had a real voice.

#### **Toward A National Program**

So, because of these experiences, I have come to appreciate the dedication of those who actually organize and manage these heritage areas. They have taught us that resources can be protected without Federal ownership, and they have redefined planning: Planning no longer means thick technical reports produced at great expenses by professionals. Instead, planning has come to mean the enterprise of building coalitions, great people-to-people endeavors that lead to truly impressive partnerships. Those people dedicated to the heritage areas movement have proven that the Federal government has a special place in this effort.

As heritage corridors and areas are organized across municipal, county, and state boundaries, they touch an enormous range of interests and a wide variety of stakeholders. Residents and businesses, public and private property owners are joining civic and cultural groups and government agencies to forge a whole new way of working together that both protects resources and elevates the spirit of communities.

I urge this Subcommittee to support a national system of heritage areas that recognizes natural, historic and cultural landscapes that are distinctive. To have a meaningful national system requires the government in Washington to do more than simply fund another grant program, but to actively promote these areas through technical assistance, with publicity and with recognition.

The people now working in the nearly one hundred heritage areas that have already been organized understand what they need. They seek, through their national coalition, a program that supports planning before designation, which they view as fundamental to the success of the program. Because heritage areas combine natural, scenic, historic and cultural resources under a single theme, it is essential for the Federal government to encourage planning so that these resources—often existing across multiple jurisdictions, impacting differing constituencies—can be orchestrated through creative collaboration and good will, directed by the dedicated volunteer efforts of its citizenry. What these local champions need is encouragement and support, and a framework in which the results of their grassroots planning efforts can be evaluated from a national viewpoint.

I also support efforts to involve in this program several Departments and agencies of the Federal government—such as the Departments of Agriculture, Education, HUD and Transportation, and the Arts and Humanities Endowments as well as the National Park Service and other agencies of the Interior Department. They offer many unique and valuable resources that can support this national movement and lend special expertise to its successful implementation.

Heritage areas should contain a diversity of important natural, cultural, recreation and scenic resources. The program should be implemented in a manner that includes a range of partners from various federal agencies. And finally, the program should focus on planning, with funding at various stages to encourage grassroots, bottom-up initiatives that involve increasing numbers of people in the important work to save America's special places for present and future generations.

Thank you for the opportunity to testify. It is a privilege and a pleasure to be here.

Mr. VENTO. Thank you, John.

Mr. SEIBERLING. I would be happy to try to answer any questions, but you know more about this subject now than I do.

Mr. VENTO. Well, I don't know about that, but you obviously have hit the major points of issues. Certainly, the issue that Congressman Smith raises goes to whether or not we ought to reduce the zoning authority of the State or its political subdivisions in pursuit of conservation or other purposes, which I don't think we ought to get into with this legislation reducing the power of State or local government with regard to zoning authority that they already possess.

Mr. SEIBERLING. I am not sure you can constitutionally do it anyway. But I agree with you on that.

Mr. VENTO. Yes. Obviously the intention here is to form a partnership, but you don't start a partnership by reducing the tools of the other partner in terms of achieving the goals. That would actually be a step backward in terms of accomplishing this. We want to leave them neutral. At the same time, we don't want to enhance their tools because some States for conservation purposes or parks purposes do not have the power of eminent domain, unlike the highway departments in most States.

As for that particular issue, we don't want to do any harm to the States and the political subdivisions' powers that they have in this legislation. So I hope we could be neutral on that, and I would certainly look to language that would accomplish that sort of neutrality in terms of the issue.

John, one of the things that I do want your view on, which I think is important, is really what are we doing to the Park System by developing heritage areas? In a sense, are the committee members really diminishing the importance of park designation or are we backing away from it?

You notice in my opening statement I was hesitant to say that we have come to a point where maybe we filled out some of the parks. I don't really think that that is true, in a sense; I think that there are still some areas, but we may have reached the point where BLM won't give us any more of the land for parks, or the Forest Service won't. But I object to that. I think that if something is of park quality, it ought to be a park since that is the mission of the Park Service that was established in 1916 and is as valid today as it was in 1916.

So I don't think we've come to the end of it, but I do think that we are trying to deal with areas that don't fit within the Park System. Am I risking diminishing the importance of the Park Service by virtue of designating heritage areas which are not going to be managed by the Park Service but they play a technical and a different type of a role?

Mr. SEIBERLING. Well, I think that is a concern which I have had, too. But at the same time, I think that your approach is a manageable one. Nobody wants to see us detract from the great national parks that were the original beginning of the Park Service. In Congressman Hansen's State there are some absolutely magnificent areas that were and should have been preserved as national parks, and they are part of the heritage of all the American people.

But I heard the same sort of concerns voiced when I was trying to get my little Cuyahoga Valley National Recreation Area, 32,000 acres. That is nothing as far as the West is concerned. But it meant an awful lot to the people in that highly urbanized area within an hour's drive of several million people.

So I came to the conclusion, in thinking about it, that actually it would increase public support for our historic and traditional national parks if people in their own daily lives could experience what a National Park System could do. The work that the National Park Service has done in the Cuyahoga Valley National Recreation Area is absolutely first rate.

Sunday they had the dedication, or not the dedication, the informal open house for the new Cuyahoga Valley Environmental Education Center, which has been built with several million dollars of funds from private organizations, foundations and so forth, but administered by the Park Service.

The people were going through the buildings in these two old farms that have been reconstructed in a very sensitive way so that they will house 130 students at a time from the inner cities and from the outlying areas to learn the importance of the environment. They have classrooms equipped with the latest in computers and video microscopes. It is just amazing equipment.

The people and the kids were going through this and saying, "Well, this is absolutely fantastic. This is really a class act." And it is because of the kind of quality that the Park Service has brought to it, being done by Park Service people, partly with taxpayers' money, partly with private money. And it will be administered and paid for, the operating costs, again with what is received from the people who are using it.

So that is just, Mr. Chairman, the way that the Park Service can contribute that other organizations maybe can't.

Mr. VENTO. Well, I think the difference here, of course, is that Cuyahoga is a recreation area, a park unit. The units we are talking about here, at least my heritage areas, will not be park units. They will be assisted, set up, and then they will be put on their own for operation and maintenance, and they will not be park units.

So it is building on the same concept that you had in terms of private funding, State funding, a small amount of Federal funding, and a lot of advice. But it does give the designation as such a significant value.

Mr. SEIBERLING. Well, my only thought was that the Park Service, without spending taxpayers' money, can contribute something, and that's why it is important for them to have a role in even the heritage corridors, and it will not detract. I think it will actually attract more support, both financial and public support.

Mr. VENTO. It defines a different relationship in terms of these units and the Park Service units. It limits the relationship.

Well, you have been very generous with your time.

Let me ask my colleague, Congressman Hansen, if he has any questions of you at this point.

Mr. HANSEN. Not really.

It is good to see you again, Mr. Chairman. It was a pleasure to work with you all those years. You haven't diminished at all in

your enthusiasm for these particular issues. I always had to admire your enthusiasm for the public lands and parks. I especially like this last bit when you talked about the private money doing that. It makes a lot of sense to me. I will tell Congressman Smith your comments about private property rights, a big issue around here is private property; especially with the Endangered Species Act and other things.

It is always good to see you, and thank you again for your testimony.

Mr. SEIBERLING. Same here, Congressman.

Mr. VENTO. Congressman Murphy.

Mr. MURPHY. Thank you, John, for being back with us. You and I served many years together on this subcommittee as well as the full committee. It is nice to hear your continued interest in preserving our natural beauty of this country. Thanks a lot, John.

Mr. SEIBERLING. Thank you, Austin. It's a pleasure to see you.

Mr. VENTO. Congressman Hinchey, I had introduced you to Congressman Seiberling earlier. I hope you were listening carefully to everything he said. [Laughter.]

Mr. HINCHEY. Mr. Chairman, I was listening because I knew you were going to question me on it afterwards. [Laughter.]

I too want to express my appreciation for the work that you have accomplished as a Member of the Congress and the work that you continue to do now that you are outside of this body. It is important not only to the places that you mentioned but important to the history and to all the people of our country.

I just want to say that by observation it was a great accomplishment of this Nation 100 or so years ago to recognize the need to set aside national parks. And they are, in many respects, one of the most important things that we have done internally, domestically, as a Nation, for future generations. We don't know how long. But every once in a while I think it is important for us to stop and reflect on what additionally needs to be done to protect and preserve our heritage. About 100 years have passed, and we are about twice as old now as we were at the advent of the system of national parks. And perhaps 100 years ago people who were designating national parks didn't have the kind of keen appreciation that we are, I think, increasingly developing for the cultural development of the country, the historical, social development of the Nation.

Also, for the contribution that various areas of the country have made in the overall historical development of our people. That, I think, is what is behind this movement toward heritage areas, to provide now for that kind of understanding and recognition.

There is, of course, a very important role for the National Park Service to play in that regard. And the chairman, of course, has recognized that in the bill that he has introduced to try to formalize this process, to make it rational, so that these objectives can be accomplished in a way that makes sense rather than just sort of ad hoc.

So, I appreciate your testimony and the work that you have done and the insight that you have given us this morning and the need for us to continue to move forward.

Mr. SEIBERLING. Well, thank you. It is a pleasure to meet you, and I congratulate you for the initiative you have taken in this.

Mr. VENTO. John, we very much appreciate your coming forth. Your work here will be long remembered. You were a pioneer in many of these areas, as you have indicated, and did landmark work on Alaska that remains unchallenged and unparalleled, and we take very kindly the advice and counsel you have given us with regard to this matter. We look forward to further dialogue on it, at least I do, with you on the matter.

Mr. SEIBERLING. Well, thanks. Mo Udall and I were both hung in effigy when we last were up there, as you will recall. [Laughter.] But somehow Alaska has survived, and I think now they really appreciate what we did.

Mr. VENTO. Well, there is, I think, an increasing realization of the importance of that work that was done. It was very significant, and it is a proud accomplishment, and I think of you when I think of that. I am sure many other Americans are going to be saying "thank you" for many years to come. Thanks very much.

Mr. SEIBERLING. Thank you.

Mr. VENTO. We are pleased to welcome the director of the National Park Service, Roger Kennedy; accompanied by Denis Galvin. Denis, of course, is the Associate Director for Planning and Development. Denis has had a sort of an ad hoc group that has been working on this.

I congratulate you for getting this through OMB and setting the hearing. I suppose it's not possible to do this in any other way than to have the sort of pressure of setting a hearing and getting things done. But we do want to look at this in more detail, and it may be necessary to at least call you or Mr. Galvin up at another time, Roger, on this matter.

Your statement has been made part of the record, so please proceed. And thank you for your patience this morning.

**STATEMENT OF ROGER KENNEDY, DIRECTOR, NATIONAL PARK SERVICE, ACCOMPANIED BY DENIS P. GALVIN, ASSOCIATE DIRECTOR, PLANNING AND DEVELOPMENT, DEPARTMENT OF THE INTERIOR**

Mr. KENNEDY. Thank you, sir. I want to thank you for letting us participate in this barn raising. It looks like we've got a lot of people who want to get the barn up. There are some questions about how big a barn it ought to be and also which end of it goes up first here.

Mr. VENTO. It sounds to me like they want to talk more about what they want to put in it.

Mr. KENNEDY. That's true. [Laughter.] That's true. We have various kinds of kith and kin together in this barn.

As you said, I filed my statement. As you know, some of us on the way to the barn raising had our bags and buckets of nails slightly delayed and we have just gotten up here to see our final bill. So I shall strive to be as sensible as I can to see what is in my pail. Mr. Galvin knows more than I do, but I would like, if I may, to say a couple of things just at the top.

In response to your inquiry to my old friend, John Seiberling, I do have a couple of thoughts about the relationship of this kind of legislation to the parks themselves and to the Park Service too, because there are two components here that are being brought to

bear upon a systematic effort to set a pattern which everyone will know exists and which has an order in it and therefore, together with the order, a discipline.

What seems to me to be the impact of this kind of thing upon the Park System and the Park Service is that it once again states two principles. First, that there are people who work for the National Park Service who have an ethic which has grounded their lives and which leads them to do that kind of work, that ethic is implemented in the professionalism in which they spend their lives, they learn how to do this kind of work, they care about it a lot. It would be foolish for them to limit the effects of that competence and that moral purpose to the parks only.

That does not imply that they go out and acquire a lot more Federal land. It does imply that these people have gifts to share with the rest of the country. And that is one of the things that is contemplated in this kind of legislation, that the people who are trained to do this kind of work do it intelligently, should make those talents and skills available outside the parks. That has great virtues. The parks are not zoos, and the parks are not frozen museum-like dead towns or dead places. They are themselves living organisms.

But it seems to me essential that we recognize that there is at the service of the American people a set of persons who are trained in and care about this kind of work. And we are striving to make them available to others through this kind of legislation. On that I think, we all agree.

Second, it is essential to the continuing vitality of the National Park System as we go into the next 100 years or so that the reasons they were created become more widely shared in public understanding. These are places which we have set aside because they represent our relationship to the great complexities of biological life. We live with a lot of other species, and these are places, as Congressman Hinchey has pointed out, in which our national experience is presented to the American people.

We selected them because we care about Manzanar and Independence Hall, we care about Ellis Island, we care about places in which we have as a community come to understand each other better, in sorrow and in joy. That means that the ideals which are those of community and of responsibility toward the other species which animate the National Park Service and the National park system, those ideals cannot be limited to those places alone.

Those are American fundamental ideals. And therefore, we need to get, to mix the metaphor, we need to get our blockers in place. We need to have a whole lot of Americans running down the field sharing in those ideals. And in order for that to occur, we need to involve many more Americans in the hard work of assembling together to plan for and articulate how in many, many areas outside the Park System those ideals can be presented. It actually happens in these heritage areas. That really occurs.

In some areas, it is enormously moving that hundreds, and in some cases thousands, of people gather because they are united in these perceptions. And if there is nothing else that happens as a consequence of these heritage areas, it is that citizens come together because they care about things that unite them as a commu-

nity. That is a very good thing. And if there is no physical outcome, that is a very good thing.

We are celebrating the American continuity and the responsible relationship between Americans and the other species with which we share this continent. And if that can occur in a lot more places in a disciplined way, with a multitude of Americans joining in it, gathered together to do real work together, not with that imposed upon them by somebody else, that is a terrific outcome. It is healthy for the Republic.

And for those reasons, we vigorously support this legislation.

Now, we have a couple of tinkers. I suppose we are probably now down to tinker time. We have some things that we think our bill is better in than some other suggestions. But fundamentally these have to do with what side of the barn you put up first. Let me suggest, as I understand it, on the basis of the rich 12 hours that I have had in which to try to understand what our bill is, I believe these to be the primary distinctions between the other two bills before you, your own and Mr. Hinchey's, and that which we are presenting. They are relatively minor, but I believe it is at least my responsibility to state what I believe them to be.

They are that, in the first place, the administration's bill requires that the process be a little bit more laborious, in that you would have to have an area studied, then you would have to have the folks in the locality agree on a plan that conforms with the general criteria stipulated with which we all concur, and then and only then after the plan is done, after they have worked it out together, after all the public hearings and a sense has been secured, then we would come to you and seek designation.

That I believe to be a modest difference from the other bills in which, as I understand it, the designation would precede the planning process.

The other distinction, once again as I understand it, our position is that the kinds of entities which can be designated or anointed in this fashion, that the kinds that we are proposing are a little broader in scope than those that are contemplated in the other bills, which I believe to be limited to States only.

In our view, there can usefully be a number of other entities, including possibly consortia in the form of conservation districts, other nonprofits, localities, and evolving organisms which could provide for cooperative relationships between States, cities, and other entities which could be usefully deployed in complex situations in which it would be a good thing going in to have new entities created.

And I would like to offer you just a couple of suggestions. We have, if the Presidio were a great deal bigger, the kind of entity that we would propose there, which is a special kind of entity to do a particular kind of job, could be just the kind of outfit that could appropriately bring people together to be the entity which would govern or assist in the governance of the relationships to the heritage areas. And there are other places in this country in which it would be perhaps efficacious for there to be entities smaller than States which would take that leadership role.

I believe, subject to correction by my colleague, Mr. Galvin, who knows at least 100 times more about this than I do, that those are the major differences.

OK. Now, Mr. Chairman and members, I would be delighted to try to respond to your inquiries.

[Prepared statement of Mr. Kennedy follows:]

STATEMENT OF ROGER G. KENNEDY, DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS, HOUSE COMMITTEE ON NATURAL RESOURCES, CONCERNING H.R. 3707 and H.R. 2416, BILLS TO ESTABLISH AN AMERICAN HERITAGE AREAS PARTNERSHIP PROGRAM IN THE DEPARTMENT OF THE INTERIOR.

March 22, 1994

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I am glad to have this opportunity to speak before you today on H.R. 3707 and H.R. 2416, bills to establish an American Heritage Areas Partnership Program. I appreciate the chance it gives us to further the dialogue about how we can best conserve some of America's most important resources.

We strongly support the concept behind H.R. 3707 and H.R. 2416. However, we have concerns which have led us to a different approach.

The Department of the Interior has been looking at issues of heritage conservation for several years. As a result, we have made the creation of a system of designated Heritage Areas one of our highest priorities for the National Park Service, and have been developing our legislative initiative for some time now. We are pleased to release our proposal in time to be discussed at this hearing; a copy of our proposal is attached and a part of this testimony.

The days of big new parks and large government land acquisition programs are coming to an end. We are beginning to focus on

those regional areas that represent the diversity of the national character through the interaction of natural processes, distinctive landscapes, cultural traditions, and economic and social forces which, over time, have created a unique pattern of human settlement and activity. The National Park Service has experience now with four areas, including Blackstone River Valley National Heritage Corridor, the Illinois & Michigan Canal National Heritage Corridor, the Delaware and Lehigh Navigation Canal National Heritage Corridor and America's Industrial Heritage Project. This experience suggests to us we can expand the successes of these early heritage areas to additional areas.

This approach recognizes that the people who live on the land are uniquely qualified to protect it, and as we move toward ecosystem management, we find heritage area designation provides significant opportunity to encourage citizens and businesses and organizations and local governments to work together to develop a greater sense of community, and to foster community pride, and care of the culture, and of the land. As Aldo Leopold once said, "When we see land as a community to which we belong, we may begin to use it with love and respect."

Heritage areas provide as well the opportunity to pass on the knowledge and culture of the past to the future. As Loren Eiseley said, "Without the past, the pursued future has no meaning." By creating this bond with the next generation, Heritage Areas will be insuring their continued support well into

the future.

Heritage Areas also support Vice-President Gore's proposal to "reinvent" government by having the Federal government serve as a catalyst to community initiative, allowing local residents to have the strongest voice in implementing their plans, but enabling the Federal government to provide matching grants and technical assistance to communities to carry out their own studies and to build their own coalitions, and empowering them to control their destinies and the destiny of the environment in which they live.

While all three bills support the larger vision of Heritage Areas, one key difference between our approaches is in the designation process. H.R. 3707 and H.R. 2416 would allow Congress to designate an American Heritage Area, and then a management plan for the area would be developed. The Park Service approach would require development of a management plan prior to designation, thus letting Congress and all other affected parties consider, beforehand, what a designation will entail.

We believe that planning before designation provides important benefits and will strengthen the quality of conservation in the designated areas. Requiring planning to come first will harness the biggest incentive we have for State, local, and private interests to cooperate and commit to adequate local protection

measures: their hoped-for Congressional designation depends on it. It also would have the advantage of deterring areas that don't have the commitment necessary to support a heritage partnership over the long run. Moreover, even if a designation does not follow, the community would derive benefits from the coming together to plan.

H.R. 3707 depends heavily on the participation of the States, through contractual agreements outlined in Section 3(e), for implementation of heritage areas. The Service does not oppose the State option -- in fact, we would allow and encourage this in our legislation -- but not all States have the desire to undertake these responsibilities. We feel that a more flexible approach would allow the management plan to be implemented by States, or local government entities, or nonprofit entities. The National Park Service bill would leave the choice of this management entity to be determined through the management plan, subject to approval by the Secretary, and review by Congress prior to designation.

These bills would establish a new, cohesive system of locally protected heritage areas. The Administration bill would provide for designations that last in perpetuity, although the program would face reauthorization after 25 years. In the interest of providing the greatest benefits to the greatest number of eligible areas, the Service's approach would be to discontinue financial assistance to a management entity after ten years with

the possibility of a five-year extension. We believe this would not only allow us to assist a greater number of interested areas over the long term, but would also emphasize the principle that Federal assistance is being provided in order to help build self-sustaining partnerships.

The many benefits available under any heritage area program will provide the impetus for numerous potential areas to seek designation. After designation, however, instruments may be necessary to ensure the continued quality of the system. A small but vital aspect of the Administration's bill is its provision for Congressional action to remove the designation from any Area that ceases to meet the criteria.

There is a great deal in common between H.R. 3707 and the National Park Service's approach, and we look forward to working with you in the markup on this vitally important legislation.

## A B I L L

To establish a Heritage Partnership Program to assist in the conservation and interpretation of certain outstanding natural, cultural, historic, and scenic resources that are the source of values important to the people of the United States, that contribute to the quality of life for residents and visitors, and that provide outstanding educational and recreational opportunities for this and future generations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

## SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be cited as the "Heritage Partnership Program Act of 1994."

## TABLE OF CONTENTS

- Sec. 1. Short Title and Table of Contents.
- Sec. 2. Findings, Purpose, and Definition.
- Sec. 3. Establishment of a National Heritage Areas System.
- Sec. 4. Heritage Partnership Feasibility Studies, Management Plans, and Early Actions.
- Sec. 5. Management Entities.
- Sec. 6. Duties and Authorities of Federal Agencies.
- Sec. 7. Authorization of Appropriations.
- Sec. 8. Expiration of Authorities.

## SEC. 2. FINDINGS, PURPOSE, AND DEFINITION.

(a) FINDINGS.-- The Congress finds that --

- (1) certain areas of the United States represent the diversity of the national character through the interaction of natural processes, distinctive landscapes, cultural traditions, and economic and social forces that have combined to create a unique pattern of human settlement and activity;
- (2) despite existing efforts by States and localities and existing Federal programs, the natural, cultural, historic, and scenic resources in these areas are often

at risk; and

(3) their complexity and character distinguish them and call for a distinctive system of recognition, protection, and partnership management;

(b) PURPOSE OF THE HERITAGE PARTNERSHIP PROGRAM. -- This Act establishes a National Heritage Areas System that will preserve important natural, cultural, historic, and scenic resources, and will provide opportunities for conservation, education, and recreation. Areas designated under this Act shall retain their status as National Heritage Areas for as long as they continue to meet the criteria set forth in section 3(c) of this Act. To accomplish this purpose, this Act --

(1) encourages Federal agencies to forge partnerships with State and local governments, private nonprofit organizations, or any combination thereof, to conserve National Heritage Areas;

(2) authorizes Federal financial and technical assistance to State and local governments, private nonprofit organizations, or any combination thereof, to study and promote the potential for conserving and interpreting heritage areas; and

(3) prescribes the process by which, and the standards according to which, prospective National Heritage Areas may be assessed for eligibility and added to the System.

(c) DEFINITION.-- A "National Heritage Area" is a place where natural, cultural, historic, and scenic resources combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity shaped by geography. These patterns make National Heritage Areas representative of the national experience through the physical features that remain and the traditions that have evolved in them. Continued use of National Heritage Areas by people whose traditions helped to shape the landscapes enhances their significance.

**SEC. 3. ESTABLISHMENT OF A NATIONAL HERITAGE AREAS SYSTEM.**

(a) GENERAL. -- There is hereby established a National Heritage Areas System, which shall consist of National Heritage Areas designated pursuant to subsection (b).

(b) PROCESS FOR DESIGNATION. --

(1) REQUESTING DESIGNATION. -- Any entity requesting National Heritage Area designation shall submit a management plan to the Secretary of the Interior (hereinafter referred to as "the Secretary"). The comments of the Governor(s) of the State(s) in which the proposed National Heritage Area lies shall accompany such submittal to the Secretary.

(2) SECRETARIAL RECOMMENDATION.-- The Secretary shall approve the management plans for designation, and shall submit these plans to the Congress. Prior to approving any management plans, the Secretary shall consult with

the Advisory Council on Historic Preservation in accordance with section 106 of the National Historic Preservation Act of 1966, as amended. The Secretary shall submit those plans to the Congress, together with any comments which the Secretary deems appropriate.

(3) CONGRESSIONAL DESIGNATION. -- Following receipt of an approved management plan for a proposed National Heritage Area from the Secretary, the Congress may consider designating the area as a National Heritage Area for inclusion in the National Heritage Areas System. In designating an area, the Congress adopts the management plan approved by the Secretary, and thereby establishes the boundaries and the authorities of the management entity named therein.

(c) ELIGIBILITY.-- To be eligible for designation as a National Heritage Area, a proposed area shall meet the following criteria.--

- (1) The proposed area represents one or more important natural or cultural themes of our Nation's heritage;
- (2) it reflects traditions, customs, beliefs, and folklife that are a valuable part of the nation's story;
- (3) it provides outstanding opportunities to conserve natural, cultural, historic, and/or scenic features;
- (4) it provides outstanding recreational and

educational opportunities;

(5) the resources important to the identified theme or themes of the area retain a degree of integrity capable of supporting interpretation;

(6) residents, business interests, non-profit organizations, and governments within the proposed area have demonstrated strong support for designation of the area and implementation of its management plan;

(7) the principal organization and units of government supporting the designation are willing to work in partnership to implement its management plan;

(8) the proposal is consistent with continued economic activity in the area;

(9) the management plan was prepared with full public participation; and

(10) the implementation program recommended in the plan will likely be initiated within a reasonable time after designation and such program will ensure effective implementation of the State and local aspects of the plan.

(d) RELATION TO THE NATIONAL REGISTER OF HISTORIC PLACES.--

The act of designation of a National Heritage Area shall not be deemed to signify that the National Heritage Area as defined in the designation is included in or eligible for inclusion in the National Register of Historic Places, as established in accordance with the National Historic

Preservation Act of 1966, as amended. Designation of a National Heritage Area shall not preclude the subsequent nomination to or determination of eligibility for inclusion in the National Register of any district, site, building, structure, or object located within the designated National Heritage Area nor shall it affect in any way the prior inclusion in or determination of eligibility for inclusion in the National Register for any district, site, building, structure, or object located within the designated National Heritage Area.

(e) DURATION OF DESIGNATIONS.-- A National Heritage Area's designation will continue unless the Secretary determines that the National Heritage Area no longer meets the criteria established in section 3(c) and requests that the Congress withdraw designation. Before making such a determination, the Secretary shall hold a public hearing within the Heritage Area.

**SEC. 4. HERITAGE PARTNERSHIP FEASIBILITY STUDIES, MANAGEMENT PLANS, AND EARLY ACTIONS.**

(a) GRANTS.--

(1) GENERAL.-- The Secretary may make matching grants to assist in studies to identify the feasibility of establishing a heritage area and studies to prepare a management plan for a heritage area, and to provide support for early action as part of the development of heritage areas, as described in subsections (d) and

(e).

(2) ELIGIBILITY.-- The Secretary may make grants under this section to States, Tribal governments, counties, cities, or any of the political equivalents thereof (hereinafter referred to as "units of government"). The Secretary, in consultation with affected units of government, may also make grants to private non-profit organizations. In awarding grants, the Secretary shall be guided by the criteria for eligibility for designation found in section 3(c).

(b) TECHNICAL ASSISTANCE.--

(1) ELIGIBILITY.-- The Secretary may provide technical assistance to units of government and private non-profit organizations in the conduct of studies, plans, and early actions. "Technical assistance" is defined as any guidance, advice, help, or aid, exclusive of financial aid, provided to a management entity by a Federal agency. In awarding technical assistance, the Secretary shall be guided by the criteria for eligibility for designation found in section 3(c).

(2) COOPERATIVE AGREEMENTS. -- The Secretary may also elect to provide all or part of the technical assistance in the conduct of studies, plans, and early actions through cooperative agreements with units of government and private non-profit organizations whose missions and resources can contribute substantially to

the purposes of this Act.

(c) OTHER ASSISTANCE.-- Nothing in this Act shall be deemed to prohibit the Secretary or other units of governments from providing technical or financial assistance under any other provision of law.

(d) CONTENTS OF STUDIES AND PLANS.

(1) FEASIBILITY STUDY.-- A feasibility study shall include sufficient information to determine if an area has the potential to meet the criteria in section 3(c).

(2) MANAGEMENT PLAN. -- A management plan shall analyze a heritage area identified in a feasibility study for further study and present comprehensive recommendations for the heritage area's conservation, funding, management, and development. The plan shall identify boundaries, specify a management entity to carry out the plan, and may recommend the area for designation as a part of the National Heritage Areas System. In preparing the plan, the grantee shall take into consideration existing State, county, and local plans and involve residents, public agencies, and private organizations working in the area. It shall include actions to be undertaken by the Federal government, States, any political subdivision of such States, and private organizations to protect the resources of the area. It shall specify the sources of funding to protect, manage, and develop the area.

(e) **EARLY ACTION.**-- Since the process of establishing a Heritage Area may take a number of years, this Act authorizes support for early actions necessary to protect resources prior to designation of the area. Such early action must --

- (1) result in a usable program, product, or facility that supports the theme of the area and that can stand on its own merits, for instance, the production of informational materials or the physical stabilization of threatened resources that are important to the theme of the area;
- (2) be consistent with the findings of the feasibility study;
- (3) be endorsed by the entity preparing the management plan; and
- (4) be deemed likely to generate significant public awareness of the overall goals of the local Heritage Partnership effort.

**SEC. 5. MANAGEMENT ENTITIES.**

(a) **GENERAL.**-- The management entities named in the management plans of designated National Heritage Areas are authorized to receive Federal funds in support of cooperative partnerships to implement the management plans and otherwise perform the functions contemplated in this Act. To be eligible for designation as the management entity of a National Heritage Area, a unit of government or

private non-profit organization must possess the legal ability to --

- (1) Receive Federal funds for use in implementing the management plan;
- (2) Disburse Federal funds to other units of government or other organizations for use in implementing the management plan;
- (3) Account for all Federal funds so received and/or disbursed; and
- (4) sign agreements with the Federal government.

(b) AUTHORITIES OF THE MANAGEMENT ENTITY.-- The management entity may, for purposes of implementing the management plan, use Federal funds made available through this Act --

- (1) to make loans and grants to, and enter into cooperative agreements with, Federal agencies, States and their political subdivisions, private organizations, or any person; and
- (2) to hire and compensate staff.

(c) DUTIES OF THE MANAGEMENT ENTITY.-- The management entity shall --

- (1) give priority to implementing actions as set forth in the management plan;
- (2) represent the diverse governmental, business, and nonprofit groups within the area;
- (3) conduct public meetings at least quarterly regarding the implementation of the management plan.

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- (4) submit substantial changes to the management plan to the Secretary for the Secretary's approval;
- (5) for any year in which Federal funds have been received under this Act, submit an annual report to the Secretary setting forth its accomplishments, its expenses and income, and the entities to which any loans and grants were made during the year for which the report is made;
- (6) for any year in which Federal funds have been received under this Act, make available for audit all records pertaining to the expenditure of such funds and any matching funds, and shall require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds;

(d) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.-- The management entity may not use Federal funds received through this Act to acquire real property or interest in real property. Nothing in this Act, however, precludes the management entity from using Federal funds from other sources for their permitted purposes.

(e) ELIGIBILITY FOR RECEIVING FINANCIAL ASSISTANCE.--

- (1) A management entity shall be eligible to receive funds appropriated through this Act for a period of ten years after the day on which the National Heritage Area

is designated, except as provided for in section (2).

(2) A management entity's eligibility for funding under this Act may be extended for a period of not more than five additional years, if --

(a) the management entity determines such extension is necessary in order to carry out the purposes of this Act and notifies the Secretary not later than one hundred and eighty days prior to the termination date;

(b) the management entity, not later than one hundred and eighty days prior to the termination date, presents to the Secretary a plan of its activities for the period of the extension, including provisions for becoming independent of the funds made available through this Act; and

(c) the Secretary, with the advice of the Governors of each State in which the National Heritage Area is located, approves such extension of funding.

**SEC. 6. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.**

(a) DUTIES AND AUTHORITIES OF THE SECRETARY.--

(1) TECHNICAL AND FINANCIAL ASSISTANCE.-- Following designation of a National Heritage Area, as provided under section 3, the Secretary may, upon request of the management entity, provide technical and financial assistance to each National Heritage Area to implement

the management plan.

(A) In assisting a designated National Heritage Area, the Secretary shall give priority to actions that in general assist in --

(i) conserving the significant natural, cultural, historic, and scenic resources which support the theme of the National Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the resources and associated values of the National Heritage Area.

(B) The Secretary is authorized to spend Federal funds directly on non-Federally owned property to further the purposes of this Act, especially in assisting units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places.

(C) The Secretary shall decide which National Heritage Areas shall be awarded technical and financial assistance, and the amount of such assistance. Such decisions shall be based on the relative degree to which each Area meets the criteria in section 3(c), and give consideration

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to projects which provide a greater leverage of Federal funds.

(D) The Secretary may elect to provide funds to States or, through cooperative agreements, to nonprofit organizations to administer grants to other units of government or other nonprofit organizations.

(2) PROVIDING INFORMATION.-- In cooperation with other Federal agencies, the Secretary shall provide the general public with information as to the location and character of components of the National Heritage Areas System.

(3) APPROVING AMENDMENTS.-- The Secretary shall review substantial amendments to management plans of National Heritage Areas; funds may not be expended to implement the changes until the Secretary approves the amendments.

(4) PROMULGATING REGULATIONS.-- The Secretary shall promulgate such regulations as are necessary to carry out the purposes of this Act.

(b) DUTIES OF FEDERAL ENTITIES.-- Any Federal entity conducting or supporting activities directly affecting a designated National Heritage Area, and unit of government acting pursuant to a grant of Federal funds or a Federal permit or agreement conducting or supporting such

activities, shall, to the maximum extent practicable --

- (1) consult with the Secretary and the management entity for the National Heritage Area with respect to such activities;
- (2) cooperate with the Secretary and the management entity in carrying out their duties under this Act and coordinate such activities with the carrying out of such duties; and
- (3) conduct or support such activities in a manner consistent with the Management Plan unless the Federal entity, after consultation with the management entity, determines there is no practicable alternative.

**SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out the general purposes of this Act, but not to exceed the sums for specific purposes set forth in this section.

(a) **FEASIBILITY STUDIES, MANAGEMENT PLANS, AND EARLY ACTIONS.**-- For grants and technical assistance pursuant to section 4, there is authorized to be appropriated annually not more than \$10 million, to remain available until expended. No grant for a feasibility study, management plan, or early action may exceed 75 percentum of the grantee's cost for such study, plan, or early action. No feasibility study, management plan, or early action shall receive, in any single year, more than 5 percentum of the

annual appropriation for this subsection.

(b) MANAGEMENT ENTITY OPERATIONS.-- For the operating costs of each management entity, pursuant to section 5, there is authorized to be appropriated annually such funds as are necessary and reasonable. The Federal contribution to the operations of any management entity shall not exceed 50 percentum of the annual operating costs of that entity.

(c) IMPLEMENTATION.-- For grants to assist in the implementation of management plans for designated National Heritage Areas, pursuant to section 5, there is authorized to be appropriated annually not more than \$25 million, to remain available until expended. No grant for implementation may exceed 50 percentum of the grantee's cost of implementation. No more than 10 percentum of the annual appropriation for this subsection shall be made available, in any single year, for implementation activities in a given Area. Any payment made shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this Act, as determined by the Secretary, shall result in a right of the United States of reimbursement of all funds made available to such project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

**SEC. 8. EXPIRATION OF AUTHORITIES.**

The authorities contained in this Act shall expire on September 30 of the twenty-fifth year after the date of approval of this Act. The Secretary shall submit to the Congress every five years a report on the status and accomplishments of the overall Heritage Partnership Program.

Mr. VENTO. Well, thank you for your eloquent statement, Mr. Director. We obviously want to be understood on that last point and some of the other points. In terms of the bill that I wrote, there has been a lot of liberal trading of ideas back and forth, and I might say at the onset that I am open to constructive and reasonable changes if we are going to proceed in this. I want to work on a bipartisan basis on this as well in order to try to regularize this process.

As I said and as you aptly observed, we have any number of proposals right on the table today in terms of the steel heritage in Pittsburgh that Congressman Coyne is seeking and Congressman Murphy was interested in at one point, Ralph Regula's bill, and many others that members are looking to us for guidance. So I would like to set this format up in a way that is workable.

You had pointed out that we anticipate in the legislation I have introduced, perhaps what Mr. Hinchey has, that the State has a role where they actually fulfill that particular role. Of course, the issue is that the State approval is not intended to preclude their involvement. Is it simply that you think it is not important to involve the State in terms of the agreement to a heritage area or not? Don't you think it should be a requirement?

Mr. KENNEDY. Mr. Chairman, I think in many instances the State would be the activating and useful collector of energy, but I think in other instances there would be other bodies. Of course, you would have to approve them.

Mr. VENTO. Yes. Let me be understood. The point is that the State has to actually approve. If New York City is going to propose a heritage area, it is my intent that the State of New York has to accede to that. And we already have some screening tools at the State level, don't we? We delegate the State historic preservation office the responsibility to do some of the work already, don't we? Why would there be any objection to the State actually approving of what has been done? For instance, I don't know of a State where they could not or would not approve, but I think it then puts the State in a role of acceding to and supporting at least passively whatever is being done within the State.

Mr. KENNEDY. I think our only impulse here is to broaden the number of entities which would essentially animate or start this up or get it going so that it doesn't require the State to be the outfit which does the pulling together. If the State has to approve, I don't see any reason why we would have any objection.

Mr. VENTO. That was the intention, that they go through the State to get approval. If it was a subdivision or a nonprofit within the State, I think it's even more important then that they are also weighing in constitutionally, you know. If you would talk to your friends over at the Justice Department, I would suggest that they might find this arrangement in some ways superior to other arrangements.

Mr. Galvin.

Mr. GALVIN. Mr. Chairman, to amplify on the Director's statement, the administration bill does require the Governor's comments on proposals coming with respect to heritage areas. So the Congress would not act without having the benefit of the State's position and could act either way, depending upon what the Gov-

ernor's position was. But the administration bill does provide that the Secretary of the Interior can have a direct relationship with other entities, in addition to the State.

In the way we read H.R. 3707, the only contractual relationship that the Secretary can have is with the State, and what we are proposing here is, as the Director said, a broader range of possibilities. In any event, the management entity, as it is referred to in the administration bill, would be called for in a plan that comes before Congress. So that if Congress disagreed with the decision in the plan, it could specify other arrangements.

Mr. VENTO. Yes. I think the concern that I had in writing was specifically that you provide a screening mechanism and a minimal screening if, for instance, a heritage area in Ohio cannot convince the State of Ohio to actually be on board, then I wonder why we are involved in designating an 84-mile heritage area.

Mr. GALVIN. Yes.

Mr. VENTO. Or if in Connecticut the nature of the proposal is 25 towns in Connecticut, Quinebaug and Shetucket, if they cannot convince the State of Connecticut to actually be onboard and support, then I wonder. It isn't the idea in terms of the operative, but the question is, isn't it a good threshold or a screening device to have the State on board, and not just comment? There is a difference here. This is a difference that we are going to have on this particular issue. And my concern is in terms of screening of heritage areas, we are looking at some stability and predictability as to where they are going.

Mr. GALVIN. Yes.

Mr. VENTO. And if we are not going to put them in the Park System and if we are going to get some sort of certainty in terms of the dollars we are putting into them, whether they're planning or capital dollars, then how can I ensure that in the future? It's not going to be part of the Park Service unit, from the standpoint of governance. And we realize that much of the partnership is going to come from nonprofits, private sources, even for-profit sources, because of the economic development aspects of some of these, which is completely different from what we do in terms of parks.

So that was the basis for doing that. In my bill and in the legislation that you proposed, you have overlooked and we have overlooked the State historic preservation office, which I think also should have a role, at least a comment role.

Mr. KENNEDY. Mr. Chairman, we would like to discuss this with you further. Our sense of it is that there is a distinction between approval—that is, the State's required approval, which I just say speaking for myself seems very sensible indeed—and who the contracting relationship is with the Secretary.

Mr. VENTO. Yes. And you notice one of the things we have tried to do, and I just want to make this point that you have made a big issue out of the concern about doing the entire plan, the management plan and presenting that to Congress. At that particular point, those management plans or those studies, we have a study process that goes forth for many things we do in terms of rivers or for other park units. In fact, the suggestion that we shouldn't do something unless it is studied, is one of the concerns.

But in this particular case, if you are talking about a relatively low level of involvement and spending, the question is, if you put \$300,000 or \$400,000 into a study, it seems to me you have already bought or given somebody a heck of a lot of money to come back at you with a big thick document. And of course, all the lobbying and political clout that goes behind these types of documents, which should not be. You know, after being here 10 years, we maybe have observed some of that clout.

So the idea was, if it is going to be a rather modest funding, to provide a small amount of money, \$50,000, for them to come back with proposals, enough to come back with a proposal so that they know that they are going to have to enter into a contract; what the relationship is going to be, and then to do the designation, then follow through and spend the money on the general management plan; in essence, that we in fact do after we designate, in any case, the general management plan.

Mr. KENNEDY. Yes.

Mr. VENTO. So that was the concern. And then with a relatively small amount of capital.

Mr. KENNEDY. The offset clearly is. What happens in the locality during the planning process, do you get people to sort out their differences and resolve the degree to which they can conform to your standards before they can get the privilege of designation. When do you get them to thrash it out together, there again it seems to me to be a question as to how much pressure do you put people to to get their work done in order to qualify for something they want a lot?

Mr. VENTO. Well, I think that the \$50,000 or giving a certain amount and studying about 10 of these areas a year, maybe that is too ambitious, maybe it is not, but the Park Service in essence does do some sort of feasibility reconnaissance studies on its own initiative on this particular basis now. As a matter of fact, it may be a surprise to some of you in the room, but on some of these heritage areas that have come before the committee here, actually I have seen the fingerprints of the Park Service. I know that it comes as a complete surprise to some members. [Laughter.]

Mr. GALVIN. Well, as the Director says, we are anxious to share our talents, Mr. Chairman.

Mr. VENTO. Yes.

Mr. KENNEDY. My comment is, "Ah, gee," Mr. Chairman.

Mr. VENTO. Sometimes without any oversight, you know. And so the idea here would really, in a sense, be to try to put that sort of informal process, which I understand the nature of what is going on in some regions, and trying to put that into a regularized system so at least we would all see it, it would be on the table, and we could view it and have some prioritization of what is going on so we would know what the system is. Maybe 10 a year is too much.

But the point is that we would actually seek funding and provide it; then once a proposal has been put together in the light of day, you would come forth and the Congress could make a decision on designation before we spend the money.

What does a plan cost? In other words, you are asking us to do this, that you want the authority to do this ahead of time, \$300,000, \$400,000, \$500,000 a plan. Isn't that correct, Mr. Galvin?

Mr. GALVIN. No, that is the cap on a plan. Our general cost for feasibility studies run around \$100,000 a plan. In fact the feasibility studies called for in the bill would simply test an area against the 10 criteria outlined in the bill.

Mr. VENTO. You are talking about which bill?

Mr. GALVIN. I am sorry. I am talking about the administration bill. The study is simply a feasibility study that tests an area against the criteria. Also, our perception is that the study and planning process has value. As the Director said, many areas would get something simply out of doing a study or something simply out of doing a plan. And the notion would be that there would be a winnowing down of these areas. Some would go away at the end of the study, some would go away at the end of the plan, and some would come to Congress for designation. But something could be accomplished simply by going through the study process and the planning process.

Mr. VENTO. Well, let me make it clear. I think that we are talking about some of the same things in terms of up-front dollars, whether or not we have described it accurately. Obviously you are talking about \$100,000, but you are also taking the contribution from the local government at this particular plan stage—the question is are they going to put it together, and how much money do we give them to print documents and do this rather modest program before we actually go into a formal designation?

Mr. Hansen.

Mr. HANSEN. Thank you, Mr. Chairman.

I get the distinct impression, and I think it's obvious that the chairman wants to form some concepts of how we are going to do this, and I agree with that. It worries me that we get into specifics so fast around here when we haven't even got a concept. We haven't even got a skeleton here to flesh it out yet. I agree that we have somehow got to come up with some concept and then apply it across the Nation.

Also I take into consideration the comments that you made that said you have had 12 hours to try to absorb this and be an authority on it. I am very tempted to get into the specifics and ask all these questions, but I think, Mr. Kennedy, in deference to you, I will not do that even though I would like to spend the next 2 hours asking you those questions. But let me just comment on some of the comments that you made if I may.

Your testimony states that the days of the big old parks are a thing of the past. And yet, as we look at the Southwest Pennsylvania Heritage Area and the Mississippi River Heritage Area, the Southwest Pennsylvania area is eight counties, the Mississippi River area encompasses a corridor 50 miles wide for the entire length of the Mississippi River. And that kind of minimizes some of the big old parks, if I may respectfully say so, and I will just say that for your consideration that you want to think about it, knowing that you will come in here at a later time and get it right between the eyes on some of these other areas.

Section 6(b) of your bill would grant unprecedented power to the Secretary to control private property, something that Mr. Seiberling talked about, something that Mr. Smith talked about; use by subordinating the mission and duties of every other Federal agency to the land use plan approval of the Secretary for heritage areas.

In other words, if the Secretary proposed to protect a certain rural viewshed, the Secretary of Transportation could build no new roads, the Administrator of EPA could approve no new water systems, the Small Business Administration could support no new industry unless they could prove to the Secretary there was no other alternative.

Now, I know you are looking into this, and I don't want to make a big deal out of it. But I just wonder, is that provision necessary? I mean, think about that, will you, as you start coming back with your redefined thing of this? I am sure there is an inspired version somewhere in the back of your mind that will handle all of these. Give some prayerful thought to it, would you, as you go into that?

Also, you have been quoted here and other places about your concern about the lack of funding for the National Park Service. Yet in the last 15 months this administration has endorsed 16 proposals to expand the Park System, eight times reversing the position of the previous administration.

These proposals will cost hundreds of millions of dollars. You have released plans with an estimated cost of \$45 million to the Wheeling Heritage Area, over \$300 million for the Southwest Pennsylvania Heritage Area, and over \$1 billion for the Presidio.

So I would hope you would give all that some thought. Now we are coming up with this thing that is a little open-ended, and we are looking at a lot of bucks. I don't know where that money is going to come from. I would hope that somebody would tell us that. You know, it's interesting, as people come to Congress and every committee I sit on, they've all got big ideas on the Armed Services Committee, all the wonderful things they want to build to keep this world free and all the great parks we want to look at and the education that we are working on now down the line, but no one comes up and says this is where we're going to get the money. In fact, when you ask them, they usually say, "Well, that's your problem." Actually, that is the problem of every American.

So, Mr. Kennedy, I know where you're coming from today, and I have great respect for you and your administration, I have great respect for the Park Service. I agree with my colleagues it is one of the great jewels that we have. We all love it. In fact, we love it to death, it seems like. And I would just hope you would give some thought to some of these questions I have raised today.

Mr. KENNEDY. Thank you, sir. I will, and we will.

One of the things that it seems to me that was welcome in both your opening statement and Mr. Vento's was that we would all like to get some discipline baked into this process, and some of the instances that you have pointed to suggest the virtues of discipline both perhaps in the Congress and in the Park Service in the suggestions for new activities and new areas for us to undertake.

And one of the reasons this is a good idea is that when we get through putting the mechanism in place, it will be a little harder

to press quickly toward inclusions of not wholly considered additions to either this or other programs.

Really, we are looking for discipline here. That is what this ought to do for us as one looks at the major expenditures that have occurred in fact associated with the Park Service or associated with parks in general. It is manifest to everybody in this room that we need to have a greater and more rigorous system for inclusion. And we do take that very seriously. That is part of our job.

Mr. VENTO. Mr. Murphy.

Mr. MURPHY. Yes. Thank you, Mr. Chairman.

Thank you, Mr. Kennedy and Mr. Galvin, for being with us this morning. I do commend you for addressing this and drafting up your proposal for the administration. It is the first I have seen this, and I look forward to reading it through thoroughly.

I take it that your proposal is one to try to form partnerships with State governments and local entities to absorb some of the responsibility and some of the costs.

Mr. KENNEDY. Yes, sir.

Mr. MURPHY. As we go through, so that not only does the U.S. Government Park Service, somebody designate a particular area but that it is agreed to by others who will share.

Mr. KENNEDY. Yes, sir.

Mr. MURPHY. Then it strikes me that this would be a more economical way of preserving some of our areas that should be conserved, should be addressed in an overall scheme of preservation.

Mr. KENNEDY. Yes, sir. There are many portions of this country where it will not happen otherwise. There will be no coordinated effort to conserve areas which may not be glamorous, may not have fancy buildings in them, may not even have old growth in them, and the only way in which we are all going to get together and see to it that these regions which cohere and have stories to tell about our common history is by this kind of device.

It is essential, isn't it, that the local folks to whom that story and whose continued habitation within the story itself is important? Both things are there. These are not dead places, they are live places with people in them. That is really important.

Mr. MURPHY. I thank you very much. I think this is important for all of us to keep in mind, that we can perhaps get more for our dollar if we adopt this concept, and I applaud you for it.

Mr. KENNEDY. Thank you, sir.

Mr. MURPHY. Thank you.

Thank you, Mr. Chairman.

Mr. VENTO. Mr. Hinchey.

Mr. HINCHEY. Well, I just want to thank you, Mr. Kennedy, and also Mr. Galvin, for your leadership and also the very sensitive way in which you articulate it.

I agree that you have to be cognizant of the attitudes of the people who live in these particular areas. However, that cannot be the only aspect of consideration. You have to also balance that with the fact that these areas are of considerable importance not only to the neighborhoods and the people who live there but also to the Nation itself. And that is just another aspect of it that I think has to be taken into consideration.

Mr. KENNEDY. Yes, sir.

Mr. HINCHEY. Although this is a relatively new idea, this idea of national heritage areas, it isn't happening in a complete vacuum. Some of the States have been moving forward very aggressively in this area. As a matter of fact, already this morning we have heard mention of Pennsylvania, Massachusetts, and New York. There are some places where statewide systems have been developed or at least are in some form of planning stages.

I wonder what the attitude of the Park Service might be in the context of your proposed legislation and this overall idea with regard to the adaptation of entire State systems?

Mr. KENNEDY. I think there is a difference between our bill and your bill with regard to the absorption of or the inclusion of a whole State system. It is my understanding that our bill does not provide for doing that but instead starts from here with the designation of new entities arising from fresh examination really from a standing start. We of course have four already in the System for heritage areas that we have already, so to speak, related to.

My own sense of this, after about 40 years of trying to work along in State-related or locally related areas of this kind is that New York has a process that it is justly proud of that has been in place for quite a while. I am not sure, I don't understand, how the National Park Service would essentially improve or assist that by integrating it into this particular context.

If there are things that would actually have a beneficial effect, if we would do something good by doing so, then we would love to hear more about it. It is my feeling that what we want to do is to set up a system here into which new entries can work in a disciplined way. And my impression is that it would be better if we didn't load that up by taking into it a lot of preexisting systems. But that is something we could talk about more fully. This is just a question of how are we going to do the most good from here.

Mr. HINCHEY. Yes.

Mr. KENNEDY. That is all.

Mr. HINCHEY. Yes, I think you're right, this is something we have to look at very carefully. As the chairman has pointed out a number of times, there are both tangible and intangible benefits that would accrue from this kind of attention from the Federal Government, the National Park Service particularly. There is a substantial benefit in the designation of national heritage areas in and of itself if little else flowed from that. The simple designation, the simple recognition by the National Government through the Park Service that this is an area that has substantial, in some cases even profound, significance for the country.

Mr. KENNEDY. Yes. We entirely concur with that view. And to the extent that the National Park Service's recognition of significance or linking of areas together in some national process in which there are themes that are articulated by the presence of areas that have coherence, we are for that. We are for that, and we want to do a good deal more of that. We think that is one of our obligations to the country more generally is to seek for coherence of areas so that we can give them a little greater vitality locally.

It comes to mind that we have lost a very significant archaeological resource in this country within the last 2 months because the

local folks did not understand that it was of world importance. And that raises one more time the importance of designation, recognition. It is a terribly important function. We share your feeling about that, sir.

Mr. HINCHEY. The tragedy of course is once it is lost, it really is lost.

Mr. KENNEDY. Yes, sir. It doesn't come back.

Mr. HINCHEY. Thank you.

Mr. VENTO. What resource were we talking about here, Mr. Director?

Mr. KENNEDY. I will share that with you if I may off the record, Mr. Chairman.

Mr. VENTO. OK.

Mr. KENNEDY. Because part of it isn't all the way gone yet.

Mr. VENTO. OK. Good.

One of the issues that comes to mind that Congressman Hansen had mentioned, and I noticed in your bill, is a time limit in terms of the amount of assistance. You favor a time limit. We have put a dollar limit in. But I think that that has some merit. So I am throwing my uncharacteristic flexibility at this. [Laughter.]

Mr. KENNEDY. Thank you, Mr. Chairman. We will strive to match that.

Mr. VENTO. I steal good ideas wherever I can find them.

But I think that that makes some sense, whether or not tenure plus 5-year provision in your bill or something shorter than that would be appropriate is what we would want to look at.

One of the issues, of course, in this whole designation or recognition of the State was the concern about commissions. You know, commissions have almost become the holy grail of some groups in terms of pursuit of commissions. And I understand the desirability of taking a number of communities and trying to provide some format where they can work together. Most of the power has to be exercised by the Department of the Interior. And so you end up with a rather unique problem here, based on that supposition.

Furthermore, I think the issue of the Federal Government creates sort of political subdivisions within the State, which I note my State has more political subdivisions than we need. I think some basis for them to work together is good, and I don't know that we should presuppose what that format could or should be. That is one of the other virtues, of course, of leaving this with the States.

So can I have a couple of minutes of your views on commissions and what they do here and how you respond to the problems I might have raised?

Mr. KENNEDY. If my left lobe could now function, I will turn to Mr. Galvin.

Mr. Galvin.

Mr. GALVIN. Mr. Chairman, commissions obviously have been the device of choice for the Congress in this area, and the four that we have, we do have commissions. And as you know, they are not advisory in nature, they are operating commissions that essentially are given the mission by the legislation to do a plan and to implement it.

I believe that the Justice Department objections go more to the appointments clause than to what the commissions do or that they are political subdivisions.

Mr. VENTO. Let me interrupt you for a minute because the point is that under the four units that we have, they are considered units of the Park System. What we are contemplating here is not units. So you enter into an entirely new legal basis in terms of what would be the consideration in this particular matter.

Mr. GALVIN. Yes. That could be. The administration bill does not specify a Federal commission. It simply specifies that a management entity will be nominated by the plan. So it could be a State government, it could be a local government or a consortium of local governments. It could be a Federal commission. But whatever it is, it would have to come back to the Congress on the basis of the plan for designation. And so the Congress would have to essentially solve that problem on a unit-by-unit basis. And one of the reasons we came to that conclusion was the very difficulties that you outline, Mr. Chairman. And we had at one point in our bill the notion that Federal commissions would be the management entity in an earlier draft, and we abandoned that because of the kinds of difficulties that are created by drafting a generic bill and specifying a management solution generically. We simply decided we couldn't do that.

Mr. VENTO. I misspoke when I said that these were units of the Park System. The four units are affiliated units. They are not actually units.

Do you anticipate in your bill that these heritage areas, or in your proposal, that they would be affiliated areas?

Mr. GALVIN. It sort of depends on the arrangement that would come out of the plan. I think it is possible that there would be affiliated areas, yes.

Mr. VENTO. But then they would have a different status in terms of the tenure of support. So do you anticipate the four units that we are now dealing with to have a limited number of years' support as well?

Mr. GALVIN. Yes, but only financially. The notion is that these areas would remain heritage areas forever until dedesignated by Congress. What would stop is the financial assistance outlined.

Mr. VENTO. Do you anticipate operating and maintenance dollars for those units at any time? You know, the legislation that we have proposed does not assume operation and maintenance dollars for these units. We provide technical assistance, and that is it.

Mr. GALVIN. The administration bill provides operating dollars for the management entity, which again would be limited as to time. There are no operating or maintenance dollars proposed in terms of running the area.

Mr. VENTO. We are going to now fund the political subdivision—in other words, what you're proposing is to fund the political subdivision as well as set it up?

Mr. GALVIN. I did not admit that it was a political subdivision, Mr. Chairman. But we are proposing that operating funds would be available for the management entity.

Mr. VENTO. That is problematic in the sense that each of the four units that we talked about has a mixed bag in terms of accounting and who they are responsible for. It really has been problematic.

What is your reaction to the idea of the contract that I have put in the bill in terms of once it's designated, that you would have to come to an agreement, a contractual agreement with the State or whatever entity that the State would designate? In other words, while we start with the State in terms of approval, we have to have someone to hold responsible. You know, it is more likely to be local governments or another entity. We don't define what that entity should be that is set up, but they could set up some sort of consortium that would work on it.

But what is your view with regard to the contract agreement?

Mr. GALVIN. We are certainly willing to talk about contractual arrangements, Mr. Chairman. Certainly the whole issue of accountability, audit, the Federal interest with respect to funds that have been spent in the area and what happens, for instance, on dedesignation is an area we have struggled with in drafting the administration bill and have put in some requirements for audit, for report, et cetera. But it is an area that we certainly can extend our thinking on.

Mr. VENTO. Well, about the only tool we have ever had for dedesignation, if anything, is of course some reversion of type of whatever interest would be present so that we could then extract or subrogate it in terms of the Federal dollars that have been expended. I don't know with this type of unit where there isn't ownership and you have private ownership, how you would do anything other than that. It is sort of like historic preservation, if something is on the register and somebody modifies it, it's taken off the register. Of course, in that case, I don't know that there is any recovery necessary.

I note that in the bill that you proposed and perhaps in your testimony there is a discussion about the fact that this wouldn't preclude areas from being put on the historic register if they were in a heritage area.

Mr. GALVIN. Would or wouldn't. Those are two separate activities.

Mr. VENTO. That is an administrative action to put buildings on the historic register.

Mr. KENNEDY. Yes. These are entirely different things. We do not think it is necessary that in these areas there should necessarily be buildings on the register or not, because there many areas that wouldn't have individual structures that would qualify, or even a congeries of structures. These are different purposes.

Mr. GALVIN. One of the reasons that we put that section in the bill, Mr. Chairman, was to deal with one of the remarks Mr. Hansen made to the Director earlier, and that was we wanted to be clear that this is not an automatic imposition of new Federal regulation. I believe he was referring to the Federal consistency provisions on page 15, in which we simply try to express a desire that Federal agencies act consistently with the objectives of the area. But there is no requirement that they do so.

Further, the section of the bill that you just questioned is to try to clarify that by creating one of these areas, you do not automati-

cally make it a historic district or put it all on the national register or in any way impede beyond existing Federal law further development or economic activity in the area.

Mr. VENTO. I hope that you will look closely at the accountability of the commission issue in terms of their responsibility or relationship to the States or other political subdivisions in terms of the position. I think you have arrived almost to where I am in terms of that conclusion about that.

Mr. KENNEDY. Mr. Chairman, we are prepared to say we think your provision makes very good sense, and we would like very much to conclude a synthesis with you on that.

Mr. VENTO. Well, my concern about the commissions issue is to permit them to form their own advisory and commission groups and just not for us to get involved in sort of the governance of it. I don't know that we need to other than to say here is a relationship, who is going to be the principal actor here.

If the State and local governments want it to be some commission or something that they have put together, I have no objection to that, and I think there is a lot of interest in advisory groups. We could even in statute set up advisory groups. But I think that I would rather leave that option open to the individual need.

For instance, in Connecticut, with 25 towns, they may have an advisory group or something that looks different or a contractual agreement that looks different.

It seems to me that if, for instance, there is a plan that comes forth, I think you might develop a different terminology. I notice that with regard to the New Jersey Heritage Area, trail route, we refer to it as an implementation plan.

Mr. KENNEDY. Yes.

Mr. VENTO. And I don't know that conceptually that probably would be adequate in terms of what we need to proceed with. The other option would be to go through a study phase, which is what basically you are proposing, and spending a couple of hundred thousand dollars, I guess, on a 50-50 matching basis, which is OK, too, but it does mean that there is an awful lot of effort and dollars spent.

Normally when we designate, we don't get the general management plan until after we designate. And my concern is that we have a limited review, adequate to satisfy the effort or the expression of Congress in terms of designation, and then you go into a fullerblown contractual agreement and a full general management plan which probably will result in working through the State but not defining what type of commission. Then that takes us, in essence, out of harm's way with regard to defining what that political entity is. We have a contract, this is what they are going to do, this is who is going to do it, and our relationship is defined in that contract at that particular point. Anyway, that is the concept that I had in mind. I haven't studied, your bill as closely as I should have.

I note that you allow for the historic register but not for landmarks, as an example, which I am sure is important. I do think the Native American groups represent a special problem with regard to what I have written. And I note, while picked up in your legislation, it isn't throughout the legislation. I do think, as I said

earlier, that the State historic preservation offices need to be brought into this mixture as well.

Mr. Hinchey, did you have further questions on this?

Mr. HINCHEY. No.

Mr. VENTO. If not, Director Kennedy, Associate Director Galvin, thank you for your testimony this morning.

We have now a panel of witnesses; Bill Wade, the vice president of the Association of National Park Service Rangers; Wilton Corkern, president of the National Coalition for Heritage Areas; and Dorothy Cofield, the Oregonians in Action witness.

We have one other witness, and he can come to the table with the other three; he is the chairman of the advisory council on historic preservation, Bob Bush, executive director.

The chairman can't be here, as she has been called to another meeting.

**PANEL CONSISTING OF ROBERT BUSH, EXECUTIVE DIRECTOR, NATIONAL TRUST FOR HISTORIC PRESERVATION; J.W. WADE, VICE PRESIDENT, ASSOCIATION OF NATIONAL PARK RANGERS; WILTON C. CORKERN, PRESIDENT, NATIONAL COALITION FOR HERITAGE AREAS; AND, DOROTHY S. COFIELD, STAFF ATTORNEY, OREGONIANS IN ACTION**

Mr. VENTO. We will hear from Mr. Bush first. Mr. Bush, your statement has been made part of the record.

#### **STATEMENT OF ROBERT BUSH**

Mr. BUSH. Thank you for the opportunity. And I do convey to you the regrets of Chairman Cathryn Buford Slater, who was called away at another meeting at the last minute. So it is my pleasure to appear before you.

As the prepared statement notes, the council, at its January 12 meeting this year, did go on record as endorsing, as someone called it earlier, the skeletal concept of the heritage areas. The members of the council believe that this is a very positive step. We would urge that the committee, as the hearings have indicated this morning, give this its full consideration in the course of planning.

We too have just received a copy of the administration bill. But, again, in view of the fact that the council has endorsed this proposal in concept, and the brief reading that I gave it this morning indicates that the council itself, based upon our conceptual support of it, would be equally supportive of this effort, Mr. Chairman, because our interest is in having this whole thing explored by this committee, by the various other participants not only at this table but around the country. And so we stand in support of it.

I think since the statement has been made a part of the record, Mr. Chairman, the best thing I can do at this point is just respond to any questions you may have for us regarding the council, the Advisory Council on Historic Preservation, and its interest in this legislation.

[The prepared statement of Cathryn Buford Slater, submitted by Mr. Bush, follows:]

## Advisory Council On Historic Preservation

The Old Post Office Building  
1100 Pennsylvania Avenue, NW, #809  
Washington, DC 20004

STATEMENT OF CATHRYN BUFORD SLATER  
CHAIRMAN, ADVISORY COUNCIL ON HISTORIC PRESERVATION  
ON HR 3707 and HR 2416  
BEFORE THE SUBCOMMITTEE ON NATURAL PARKS, FORESTS AND PUBLIC LANDS  
UNITED STATES HOUSE OF REPRESENTATIVES  
MARCH 22, 1994

It is my pleasure to provide the Committee with the views of the Advisory Council on Historic Preservation on legislation that would establish an American Heritage Areas program. This legislative initiative would strengthen and expand the National Historic Preservation Program in an important way, recognizing the complex relationships among historic properties and their setting and building upon the concept of partnership that has been the foundation of the national program.

I would note at the outset that, while the invitation to testify identified two bills already introduced, H.R. 3707 and H.R. 2416, this hearing has accelerated the development of another proposal. This initiative, advanced on behalf of the Administration by the National Park Service, is entitled the "Heritage Partnership Program Act of 1994." It shares the primary objective of the pending bills as well as many of their specific provisions. The Council would urge that the Committee give this proposal serious consideration as it moves forward with the other Heritage Area initiatives.

The full Council membership, at their recent meeting of January 12, 1994, unanimously adopted a resolution in support of the Heritage Area concept, as described in the National Heritage Area Coalition's "Statement of National Need" for Heritage Areas. This endorsement supports your efforts, Mr. Chairman, and those of your colleagues to craft innovative and effective legislation to establish a National Heritage Area program.

We believe a Heritage Area program will complement the National Historic Preservation Act by encouraging comprehensive preservation planning in areas of historical significance. Its strength lies in the concept of partnership, involving State and local government and property owners working in concert with the Federal government to advance commonly-held goals. The Council believes this to be the critical ingredient in the long-term preservation of these resources in viable, contemporary use that benefits the residents of the area as well.

To make this cooperative planning and management operate in harmony with existing Federal processes that protect historic properties is the primary interest of the Council in the operation of a Heritage Area program. We bring our experience with the Section 106 process, designed to accommodate Federal actions with historic preservation needs, to this issue and urge the Committee to consider carefully our views regarding the integration of Section 106 into that planning.

Specifically, we recommend that any legislation reported out by the Committee contain clear language that relates the designation of Heritage Areas to the provisions of the National Register of Historic Places maintained by the National Park Service. We believe that designation of a Heritage Area should not deem the area in its entirety eligible for or listed in the National Register. Rather, the Heritage Area should be viewed as the setting and context for the individual properties located within its boundaries. It would then be given appropriate consideration in the Section 106

process triggered by any Federal undertaking that had the potential to affect historic properties within the Heritage Area.

Likewise, advance planning for Heritage Area should encourage and facilitate later Section 106 compliance by Federal agencies whose actions may affect historic properties within the Heritage Area. This would most appropriately take the form of Section 106 review of a Heritage Area's plan prior to its approval by the National Park Service or the Secretary of Interior. Accordingly, the legislation should explicitly recognize such an approval to be a Federal undertaking. By reviewing the plan prior to its formal acceptance, the Council could recommend language to ensure and facilitate Section 106 compliance by other Federal agencies whose projects or programs would be carried out subsequently in the Heritage Area and to coordinate that compliance with the objectives of the plan.

The Council applauds the Committee for pursuing this important initiative and looks forward to working further with you in crafting effective legislation to establish a Heritage Areas program. This can be a truly innovative and creative approach to conserving these important resources for future generations.

Mr. VENTO. What would be, in this heritage area, Mr. Bush, what would be the relationship of the Advisory Council on Historic Preservation? How do you envision what your role would be in this particular case, if, for instance, we were either in a feasibility study prior to designation or after designation?

Mr. BUSH. The ideal arrangement, Mr. Chairman, would be that as the planning process goes forward. And I noted, for example, in the proposal from the administration, they mention again the requirement of a management plan prior to designation. It would seem that this is exactly where the Advisory Council and the section 106 process could most adequately be integrated into the planning in cooperation with the Federal agency or agencies, the State, whether that is in the form of the State historic preservation officer or other entities of State government, and the local community.

Certainly, one thing that we find appealing about the whole prospect of the heritage areas is the emphasis in all of the bills we have seen, on community and State planning up front in the efforts to come forward with a designation, however that designation is arrived at. So that is where the Advisory Council could play a most important role.

Mr. VENTO. So would you be working through, the SHPO's, or how would you fulfill that particular mission?

Mr. BUSH. Well, first of all, our mission, that is the Advisory Council's mission in this case, Mr. Chairman, would be limited only to historic properties. So that narrowly restricts in terms of the concept of the heritage areas where the council could play its role.

But since we have almost 30 years of working very well with the State historic preservation offices as well as with the Park Service, it would seem that this idea of working through, as I think you mentioned earlier, the State historic preservation officers would be the most logical format for the council's involvement in the planning process.

Mr. VENTO. Has that happened in the past? I mean we have four of these set up. There are at least half a dozen proposals around here somewhere. I think I mentioned some of them today. The Pittsburgh steel cultural and historic resource, the issue that Congressman Regula has in terms of a river corridor, or the four that have been designated in the American industrial heritage project. Were you involved prior to any of those, or have you been contacted, do you know?

Mr. BUSH. Mr. Chairman, right now I don't recall that we were or were not. I am assuming that we were. Usually that again is handled sometimes very informally with the council because of the determination, the evaluation process in which the council participates with the State historic preservation officers. I could, however, provide that information on a case-explicit basis for the record, if you would like.

Mr. VENTO. Well, do you have any problems with this type of designation, the heritage area designations?

Mr. BUSH. No, sir. The council fully endorsed that whole process.

Mr. VENTO. Can you play any role with regard to Federal consistency?

Mr. BUSH. Pardon me?

Mr. VENTO. Can you play any role? Do you play any role with regard to Federal consistency in terms of these areas?

Mr. BUSH. Well, certainly we would in terms of, again, historic properties being involved and our relationship with other Federal agencies. The concern that we expressed in our written statement was that we felt that at the stages of planning that were going on with the local communities, our concern is down the road what happens whether, as mentioned, a time limit is put on the heritage areas or a monetary limit. Our concern would be that maybe 5, 10, 15 years down the road, the potential action of another or other Federal agencies on historic properties within those designated areas of a heritage area.

Mr. VENTO. Well, you would be concerned about the impact of other Federal agencies on anything that is on the historic register or landmark would you not?

Mr. BUSH. Yes, sir, we would.

Mr. VENTO. So whether or not it was in the area or whether there was a 10-year or a 15-year limit would not be the guiding basis?

Mr. BUSH. No, there would be no time limit on it. What I was referencing was the fact that we would be looking to the future for other Federal actions that might adversely impact or affect the heritage area.

Mr. VENTO. Pardon me. I misunderstood. OK. I see your point, yes.

Well, I think it is important. I hope you include the Federal Reserve Board in that. They are some place there, I think. They should be, anyway.

Mr. BUSH. There is a number of them that are going to be there, Mr. Chairman.

Mr. VENTO. Yes. Well, that is a special one, though.

Mr. Hinchey, did you have any questions?

Mr. HINCHEY. No, Mr. Chairman.

Mr. VENTO. Well, if not, thank you very much, Mr. Bush, for your statement and encouragement, and we look forward to any guidance that you have that may be prompted by some of the discussions today.

I think it is a real question to my mind's eye how the SHPO can fit into this. I think that one of the reasons, in fact, that we are here with the heritage areas is because of the lack of commitment to providing the resource dollars to the State historic preservation offices. Some of these areas probably could have and would have been under the historic entities within the State.

Mr. BUSH. Yes.

Mr. VENTO. But of course this goes beyond just historic entities. That is a question of how we can plug in the other roles, the State and national recreational roles. Therein lies my reference again to the State. I guess maybe I have to be more specific about that. But I shall be.

Mr. BUSH. Thank you very much, Mr. Chairman.

Mr. VENTO. Thank you, Dr. Bush.

Mr. BUSH. It is a pleasure to appear before you again.

Mr. VENTO. Thank you, Dr. Bush.

Finally then we come to the first panel. We are pleased to welcome all of the witnesses and invite Mr. Wade, the vice president of the Association of National Park Rangers, to proceed with his statement.

Mr. Wade.

#### STATEMENT OF J.W. WADE

Mr. WADE. Thank you, Mr. Chairman. I am Bill Wade, vice president for special concerns of the Association of National Park Rangers, and I would like the record to reflect that I am on official leave from my normal job as Superintendent of Shenandoah National Park, although I suppose these days that is fairly easy to detect because otherwise I would be here in uniform, I suppose.

My comments really are on two basic issues pertaining to heritage areas and other protected areas in general and not specific to any piece of legislation. In fact, we haven't even seen the administration's version of the bill yet. So these two issues that I would like to comment on and bring forth are ones that are certainly issues that the Association of National Park Rangers have expressed many times before.

First of all, I think it is safe to say that our entire membership is extremely supportive of any attempt to provide appropriate protection to heritage resources of this country. And so if heritage areas, if the system that is proposed in any of these forms of legislation does that, then we generally and wholeheartedly support that kind of legislation.

I think one of our biggest concerns has to do with anything that would water down the existing National Park System; that is to say the significance of the resources that were originally intended to become part of what some have referred to as America's best idea—that is to say, to protect those truly significant areas.

Some, as I think all of us know, are proposing heritage areas as an alternative to inclusion in the National Park System. And I think if that is in fact the case and if in fact it doesn't provide some back-door means to provide an opportunity for areas that may be less than nationally significant to get into the System, then in fact we believe that the legislation would be very supportable.

I suppose there is an analogy really to this whole process, and I think there have probably been some others along the way. But one that struck us as pretty interesting because it took place so long ago actually occurred by Director Stephen Mather, who partly as a means of providing relief and support to the national parks as far back as 1921 and in his way of looking, I think, quite a way down the road, he actually organized a meeting of State park directors. And in fact at that time there were only some 20 States that had parks of any kind.

Out of that farsightedness, I believe, on that part of Director Mather, the National Conference on State Parks was established. And I think that most of us have recognized that through the years that group of areas has in fact not only been very important to the citizens of the country but probably has taken a substantial amount of pressure and so forth off of the national park areas and the National Park System.

So if this heritage legislation in whatever form it takes or finally comes out can do that same sort of thing and yet, as I said earlier, appropriately protect resources that are significant in some way, then I think that that should be a very important part of what goes forth.

The other issue that we continue to be concerned about, as you might suspect, relates to the funding of these new areas and anything that goes toward the management. Even, I believe, as was brought out earlier, some funding might be needed to provide oversight and funding to the commissions or the management entities that are developed for these.

Simply put, our question is where would the funding for these areas come from? And I think that that question has been asked by several people prior to now, including Mr. Hansen and Mr. Duncan. We continue to have that same concern.

Anything really that takes away from the protection of the significant resources that currently exist in the National Park System, if we recognize that to be the ultimate areas that need protection, are issues that give us great cause for concern. So we have expressed those concerns any number of times, including several weeks ago in the fiscal 1995 budget oversight. So we think as long as somehow the funding can in fact be kept separate, whether it is through the historic preservation fund or some other mechanism that does not in any way sort of meld these operating funds together or result in some reduction of the operating capability of those areas that we currently have in the National Park System, we would be very supportive of that.

I think with that, I have submitted a statement for the record, and I will close and answer any questions that you might have.

[Prepared statement of Mr. Wade follows:]

STATEMENT OF J.W. WADE, VICE PRESIDENT, ASSOCIATION OF NATIONAL PARK RANGERS, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS, HOUSE NATURAL RESOURCES COMMITTEE, CONCERNING H.R. 3707, THE "AMERICAN HERITAGE PARTNERSHIP PROGRAM ACT OF 1993".

March 22, 1994

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Mr. Chairman, thank you for the opportunity to present the views of the Association of National Park Rangers (ANPR) on heritage areas in general and on H.R. 3707 in particular.

As you know, there is considerable interest throughout the country and within the Congress for establishing a national system of heritage areas. The concept of what actually constitutes a "heritage area" is still evolving, so this hearing is very timely as this Committee considers the various proposals before it to establish new heritage areas.

Our Association is very concerned with attempts to "water down" the National Park System through addition of areas that do not meet the criteria for inclusion in the System. At least some are proposing "heritage areas" as an alternative to inclusion in the National Park System. We support this idea in general, but do have some concerns regarding any new national system that is established.

Our primary concern, as you might suspect, relates to funding of these new areas. Simply put, where would the funding for heritage areas come from? If a national system of heritage areas were to compete for funds with the existing National Park System, we obviously would be very concerned given the current caps on discretionary spending in the Federal budget. ANPR expressed its concerns to this Committee about funding of the National Park System just a few weeks ago at the FY95 budget oversight hearing.

We note that H.R. 3707 would fund heritage areas through the Historic Preservation Fund and establish limits on the Federal contribution to heritage areas. We support the concept of keeping the funding source for heritage areas separate from the appropriation that funds the operation of the National Park System. We also believe that limits on the Federal contribution to individual heritage areas is imperative if a viable system is to be established. It is essential that the Federal contribution to heritage areas be limited to initial planning, technical assistance and possibly some development, but should include absolutely no operational funding. If communities come to rely on the Federal government to provide operational funding for these areas, it will be very difficult for the Federal government to ever remove itself from what should be primarily a local and state government program.

Related to this concern is our second question. Will heritage areas become just a "back door" way for communities to eventually get an area into the National Park System? We are aware of the request from at least one existing heritage area that the National Park Service take over the operation of the interpretive program in that area. This would mean that National Park Service rangers as Federal employees would be giving the interpretive programs as they would be in any unit of the National Park System. We urge that any legislation establishing heritage areas guard against this possibility. We are concerned that once the door to an operational presence by the National Park Service is opened, it will be very difficult to close it.

Finally, Mr. Chairman, let me conclude by saying that the Association of National Park Rangers fully supports efforts to develop mechanisms for the conservation and preservation of natural areas and cultural resources that are based on true partnership between all levels of government and limit the extent of Federal financial involvement.

I would be pleased to answer any questions.

Mr. VENTO. Thank you, Mr. Wade. We will get back to you in a moment with a question or two. We want to hear from the other two witnesses.

We have Wilton Corkern, the president of the National Coalition for Heritage Areas.

Wilton, thank you for your effort. And your statement has been made part of the record, so you might want to summarize it.

#### STATEMENT OF WILTON CORKERN

Mr. CORKERN. Thank you very much, Mr. Chairman, Mr. Hinchey. I am honored to be here.

In addition to the coalition, I am president of the Accokeek Foundation, which is the organization that helped to create one of the prototype heritage areas, Piscataway National Park. We have enjoyed a productive partnership with the National Park Service for more than three decades, and we are now working with a number of organizations, including the National Park Service and State and local governments, State humanities councils, community organizations, individuals, on a proposal for a Potomac River National Heritage Area.

A generation ago, Mr. Chairman, the Accokeek Foundation helped to invent, with this committee and the National Park Service, a new kind of national park in Piscataway Park. And what I think we need now is another new idea, a new kind of approach, and that is what you have recognized, Mr. Chairman and Mr. Hinchey, in H.R. 3707 and H.R. 2416.

I come to you today as president of the National Coalition of Heritage Areas, representing heritage partnerships and heritage areas all across the country. Our members have been experimenting with new and broader categories of resource conservation, and these are really grassroots activists who go beyond NIMBYism and lying in front of bulldozers, and this is a movement to create heritage areas. It is really a renaissance of community spirit and involvement that looks forward. It focuses on the kinds of communities we want to have and recognizes that our natural and cultural resources need to play a central role in our plans and our lives.

As a coalition, we just came together a little over a year ago to discuss policy issues at the national level that really affect this emerging movement. And when we first met, there were few of us who realized how many others there were out there. The breadth and depth of this movement really surprised us.

The purpose of our coalition is to encourage and facilitate heritage areas all across the land wherever people want to develop a special relationship with their place. And I think that can be anywhere. We have developed a set of principles, and more than 100 organizations, as you mentioned before, Mr. Chairman, from around the country have endorsed those principles and joined our coalition. And last week at our first big national conference, over 400 people were here to participate in that.

Our principles really call for a national program of heritage partnerships that grows out of local energy and interest, stimulates creativity and flexibility, and encourages partnerships and mutual commitments.

We also have a legislative proposal, and I would ask you permission to include that full proposal as part of the record as part of my statement, and I would like to just summarize it, if I may.

Mr. VENTO. Without objection, it will be included in the record.

Mr. CORKERN. Thank you.

Like H.R. 3707 and H.R. 2416, our proposal encourages, regularizes, systematizes the heritage planning process. Especially I want to voice the coalition's strong support for the six stated purposes of H.R. 3707. We couldn't have said it better, and didn't need to.

We do have some suggestions that we would like for you to consider in the way of modifications to that proposal, to that bill, rather. First, we would suggest place greater emphasis on study planning and successful coalition-building. And I think this is similar to what some other witnesses have said. We really believe that the coalition-building itself that goes on as part of the planning process is important.

The heritage partnership program can really provide a framework, a planning framework for bringing together these and other interested parties into the process, and in many cases we think final designation as a heritage area can be an incentive for good planning. In fact, we believe that an important criterion for designation should be the quality of the commitments that are made by the partners in the planning effort.

Second, we suggest place as much reliance on local partners as on the States. This is really a grassroots, bottom-up movement, from our point of view. The real energy is coming from the local communities that are reclaiming their own real places. And what heritage partnership program can do here is to provide them the tools for doing what they already want to do and the leadership to ensure professional direction and standards at the local level and a national context in which to celebrate their best efforts at stewardship.

I would also add that heritage areas frequently transcend political and even State boundaries, and we believe that a national program needs to have the flexibility to work with multi-State areas directly.

Third, specify new funding and a new kind of federalism. There are a couple of reasons why we believe this program should not be funded from the historic preservation fund. First, it is not only a historic preservation program. The national system of State historic preservation officers is an excellent one, and we think it has served our Nation well. We want to support it and continue it.

But the criteria that have been developed for preservation of large-scale landscapes or that need to be developed are broader than those that have been developed in the past for the preservation of historic buildings or even of natural areas.

Second, the historic preservation fund and the land and water conservation fund, and other sources for that matter, should be strengthened and increased. They should be among the tools available to those working in heritage areas as they are now. But we believe that those are not the appropriate source for the primary planning funds for this broader category of resource stewardship. This program, we believe, should provide the necessary funding to

fill significant gaps that exist now between all conservation programs existing.

Fourth, seek advice on designation from an independent body, such as a national commission, rather than relying solely on the Secretary of the Interior, and place less emphasis on national significance and place more emphasis on national distinctiveness. In particular, we suggest that we build flexibility into the program to account for the learning and experimentation that really should accompany this program in its early years, and use the advisory body to strengthen national partnerships among agencies and to increase access to multiple sources of expertise and funds.

Mr. Chairman, you have invested many years and much thought into the process of developing legislation to protect and manage our national parks and our national historic preservation program and in this piece of legislation. I believe we have a historic opportunity now to create a new national program of resource stewardship that protects through education and celebration rather than solely through regulation.

We as a coalition have neither the legislative expertise nor the political sense that you do, Mr. Chairman, but we do have a wealth of broad experience in organizing and managing heritage planning in communities all across the country. We know that we bring a grassroots energy to this business that can play a constructive role in the policy formulation process. That is why we are here, and that is why we have made our proposal, and we really appreciate being able to present it today. You have been very generous with your time, and you have received our ideas, and we hope that we can continue to work together in a partnership for partnerships that will move forward and perhaps quickly build this barn that Director Kennedy was talking about.

[Prepared statement of Mr. Corkern follows:]

TESTIMONY BEFORE THE U. S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON NATURAL RESOURCES  
SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS

March 22, 1994

Wilton C. Corkern  
President, National Coalition for Heritage Areas

Mr. Chairman, distinguished members of the Committee, my name is Wilton Corkern. I am President of the Accokeek Foundation, an organization that manages one of the oldest heritage areas in the country. Congressman Hinchey spoke to the National Coalition for Heritage Areas last week about Piscataway National Park, established in the 1960s to protect the viewshed of Mount Vernon. Piscataway Park contains over 1,000 acres of land owned by the National Park Service, plus more than 3,000 acres of private land, over which the owners have voluntarily given up certain development rights. Beyond the boundaries of the Park, local governments and developers also work in concert with the objectives of preserving this tremendously important part of our national heritage.

The Accokeek Foundation is the private land trust that pulled this area together in the 1950s. Since the creation of Piscataway Park, we have operated educational and conservation programs there and beyond. We have enjoyed a highly productive partnership with the National Park Service for more than three decades. We are now working with the National Park Service, state and local governments, state humanities councils, community organizations, and private citizens to develop a 390 mile Potomac River National Heritage Area.

I believe my own personal background is relevant here, too. I did my doctoral work in American Civilization on the Historic American Buildings Survey and the beginnings of the federal involvement in historic preservation. The early years of HABS demonstrate how much dedicated professionals in the National Park Service can do in partnership with private organizations and individuals at the local level.

I come before you today as President of the National Coalition for Heritage Areas. Although the Accokeek Foundation has been in this heritage area business for over thirty years, the National Coalition is a new organization representing heritage partnerships and heritage areas around the country.

Mr. Chairman, you already know what makes us tick. You addressed our coalition last week, and you touched many of the themes that have motivated us as individuals and as organizations - and as a national coalition. Our members have been

experimenting for years with new and broader categories of resource conservation. These are grass roots activists who go far beyond NIMBY-ism and lying in front of bulldozers. The movement to create heritage areas represents a renaissance of community spirit and involvement that looks toward the future. It focuses on the kinds of communities we want to have in the future and recognizes that our natural and cultural resources need to play a central role in our plans and our lives.

As a coalition we came together a little over a year ago to discuss policy issues at the national level that affect this emerging movement. When we first met, few of us realized how many others there were out there. The breadth - and depth - of this movement surprised us. Our members come from Minnesota and Idaho and Massachusetts and Oregon and Louisiana and New York. An inventory compiled by one of our board members, Alan Comp, found more than a hundred multi-jurisdictional areas. And that does not include such single communities as Lowell, Wheeling, Patterson, or individual units of the New York Urban Cultural Park system, all of which we consider part of this heritage partnerships movement.

The purpose of our Coalition is to encourage and facilitate heritage partnerships all across our land, wherever people want to develop a special relationship with their place - and I believe that can be anywhere.

To that end we have developed a set of principles, and more than a hundred organizations from around the country have endorsed those principles and joined our coalition. The principles call for a national program for heritage partnerships that

- \* Grows out of local energy and interest
- \* Stimulates creativity and flexibility
- \* Encourages partnerships and mutual commitments

Further, since last spring, we have had an offer outstanding to work with anyone who would like us to do so on national legislation that would reflect our principles. We have worked most closely with the National Park Service, and we are very pleased that Director Kennedy is appearing today on this most important issue.

Finally, we have developed a legislative proposal of our own.

Like HR3707 and HR2416, our proposal encourages and systematizes the heritage planning process.

We deeply appreciate those bills, and support their general intent. I want especially to voice the Coalition's strong support for the six stated purposes of HR3707.

However, we encourage you to consider several modifications which are included in the Coalition's proposal. They are the following:

- \* Place greater emphasis on study, planning, and successful coalition-building than on designation, implementation, and capital construction. You are well aware that programs for resource stewardship are highly fragmented - in different departments at the federal and state levels. There are significant resource stewardship programs in the Departments of Transportation, Housing, Defense, Interior, Agriculture, and others. What a heritage partnership program can do here is to provide a planning framework for bringing these and other interested parties into the process. In many cases, final designation as a heritage area can be an incentive for good planning. In fact, we believe that an important criterion for designation should be the qualities of the commitments made by partners in the planning effort.
- \* Place as much reliance on local partners as on the states. This is a grass-roots, bottoms-up movement. The real energy is coming from the local communities that are reclaiming their own real places. What a heritage partnership program can provide them is the tools for doing what they already want to do, the leadership to ensure professional direction at the local level, and a national context in which to celebrate their best efforts at stewardship. I would also add that heritage areas often transcend political - even state - boundaries, and we believe a national partnership program needs to have the flexibility to work with multi-state areas directly.
- \* Specify new funding and a new kind of federalism. There are multiple reasons, we believe, why this program should not be funded from the Historic Preservation Fund, and I will mention two of them. First, this is not only a historic preservation program. The national system of state historic preservation offices is an excellent one. It has served our nation well, and has given us a model upon which to build. However, the criteria for the preservation of large scale landscapes are broader than those that have been developed in the past for preserving buildings or natural areas. Second, the Historic Preservation Fund (and the Land and Water

Conservation Fund, for that matter) should be strengthened and increased. They should be among the tools available to those working in heritage areas, but should not be the source of the primary planning funds for this broader category of resource stewardship. This program should provide the necessary funding to fill the significant gaps now existing between all conservation programs.

- \* Seek advice on designation from an independent body, such as a national commission, rather than the Secretary of the Interior alone, and place less emphasis on "national significance" and more on "national distinctiveness." In particular, build flexibility into the program to account for the learning and experimentation that should accompany this program in its early years. Use the advisory body to strengthen national partnerships among agencies and increase access to multiple sources of expertise and funds.

You have invested many years, Mr. Chairman, and much thought into the process of developing legislation to protect and manage our national parks and our national historic preservation system. I believe we have a historic opportunity now to create a new national program of resource stewardship that protects through education and celebration, rather than regulation.

We in the coalition have neither the legislative expertise nor the political sense that you do. But we do have a wealth of broad experience in organizing and managing heritage planning in communities from Maryland and Kentucky to Montana and California.

We know that we bring a grass roots energy to this business that can play a constructive role in the policy formulation process. That is why we are here and that is why we have made our proposal.

You have been very generous with your time, and have received our ideas openly. We hope that we can continue to work together in a partnership for partnerships that will move forward quickly to produce the national program that we all want to see.

Mr. VENTO. Well, thank you very much for your effort and that of the group that you lead. I think it will be most helpful as we proceed down this policy path.

Now we are pleased to welcome Dorothy Cofield, the Oregonians in Action.

Dorothy, your statement has been made part of the record, so you might want to summarize it.

#### STATEMENT OF DOROTHY COFIELD

Ms. COFIELD. Mr. Chairman, members of the committee, I am Dorothy Cofield. I am a staff attorney with Oregonians in Action. We are the largest property rights group of its kind dedicated solely to protecting private property.

As Congressman Young mentioned, we are here in Washington, DC, to have oral argument tomorrow before the U.S. Supreme Court in *Dolan versus the City of Tigard*, which is a private property takings case. Therefore, my testimony will have two parts. The first part will describe the possible effects of House Resolution 2416 and House Resolution 3707 and the other bills that have been mentioned today that I have not had a chance to review yet, and their possible implications on private property rights. The second part of my statement will focus on the impacts to the National Park Service associated with taking on increased duties.

The concept of land management and greenlining is not new. Both House Resolutions 2416 and 3707 require the development of land use regulations through management plans to protect natural resources. In Oregon we have been dealing with the effects of the Columbia River Gorge National Scenic Area legislation, which was passed in 1986. This is a public law with a partnership of Federal, State, and local agencies similar to the concepts being advanced in the resolutions at hand.

While private property rights have not become controversial in other past heritage areas, we believe that it may become a significant issue in these two resolutions, if passed.

I would like to give a few examples of what has happened in the gorge to property owners. The property owners that we represent in Oregonians in Action are basically, we are a grassroots organization, we don't represent big developers. We represent small property owners, and they come to us with problems when their private property has been taken through Government regulation.

We have found that the Columbia River Gorge Act has been applied unevenly, has shifting standards, has resulted in increased litigation, decreased property values, and a loss of local control for gorge residents. And these are all the ideas that the heritage plans want to promote, and instead they are not being promoted.

I would like to first tell you about the Webbs. They own a 245-acre parcel of land in the gorge; 45 acres is within what is called in Oregon the urban growth boundary. The urban growth boundary is designed to separate urban uses from rural uses, and the idea is to have density within the urban growth boundary and let the rural lands remain rural. So, accordingly, the Webbs applied for a 45-acre development on the land within the urban growth boundary which would leave 200 acres not developed. They went and they passed reviews through the local government, and then they

had to have review by the gorge. The gorge denied their application because they decided that it would be conversion of the landscape setting.

More importantly, though, the gorge couldn't decide exactly where the open space designation began or stopped, and eventually they reversed their decision and the Webbs were ultimately allowed to develop the 45 acres within the urban growth boundary.

I think the Webb story points out the vague and arbitrary standards that can be incorporated in these management plans and how these management plans can conflict with local land use laws.

Another example I have to show the loss of economic growth is a Mr. Wayman. Mr. Wayman inherited 40 acres from his father. His father bought the land well before there was ever the Columbia Gorge Act in the seventies. He had the ability to divide the land into eight 5-acre parcels, which in today's value would be worth about \$200,000. He applied to the gorge commission to divide it into four 10-acre parcels. He was denied. They said he could only divide into two 20-acre parcels, meaning that Mr. Wayman lost \$150,000 in value and he has not been compensated for that loss in value.

So his story shows that protecting natural resources many times does not promote economic growth for either private citizens or the Government and in fact it is the opposite result.

In some cases, the Columbia River Gorge Act has resulted in a complete taking of private property. And this is the case of Jemtegaard versus Columbia River Gorge Commission. Mrs. Jemtegaard tried to develop her 20-acre site, which is 2 miles away from the Columbia River Gorge in Oregon. She is in Washington. And they said she couldn't build because her building would obscure the scenic environment even though she was 2 miles away. And she was not compensated for any loss in value to her property. Her case right now is being handled by Pacific Legal Foundation in the court system.

I think we can all agree that natural significant areas need to be protected. What I would like to suggest is that that protection is better handled through local programs. In Oregon we have good experience with local programs administered through the State through statewide goal 5. Statewide goal 5 gives local governments the opportunity and in fact the responsibility to designate significant natural resources which can be historical, cultural, environmental, much like the heritage areas in the two bills. But it lets the local government decide what is significant, it lets the local government decide the management plan, and it even has a compensation provision within the goal 5 that the local governments have used.

So I would like to suggest that those additions might be put into the goals that are under review today.

The second part of my testimony concerns the National Park Service and the additional cost that the National Park Service might have in trying to manage these heritage areas. That is not really my area of expertise, and I think I will just let my written testimony serve for my oral testimony, and I will just close with a few suggestions that I have for these two bills.

One would be that the National Park Service role be limited to technical assistance only, with up-front cash matching requirements to ensure the existence of local support and control for the project. There should be a time limitation for the National Park Service involvement, preferably 5 years, so that the Federal Government isn't enmeshed in these plans forever. There should be a compensation provision for any takings of private property. And finally, local government should continue to have the primary role in deciding and implementing land use plans.

Thank you for the opportunity to testify, and I will answer any questions.

[Prepared statement of Ms. Cofield follows.]

**DOROTHY S. COFIELD**  
**OREGONIANS IN ACTION**  
**TESTIMONY ON H.R. 2416 AND H.R. 3707**  
**MARCH 22, 1993**

Mr. Chairman, and Members of the Committee, I am Dorothy Cofield, Staff Attorney for Oregonians In Action, the largest property rights group of its kind dedicated solely to protecting private property. Our headquarters are in Tigard, Oregon.

My testimony will have two parts. The first will describe the possible effects of H.R. 2416 and H.R. 3707 on private property based on similar federal and state programs designed to protect natural resources in Oregon. The second part will focus on impacts to the National Parks Service associated with taking on increased duties implicit in this heritage area legislation.

The fundamental concept for land management provided in both these bills, essentially the concept of greenlining, is not new. Both H.R. 2416 and H.R. 3707 require the development of land use regulations and controls within certain geographic regions to be defined.

In Oregon, we have been dealing with the effects of the Columbia River Gorge National Scenic Area legislation on the development of private property since the mid 1980's. That public law provides a partnership of federal, state and local agencies to develop a plan of protection and management of the resources of the Gorge, similar to concepts being advanced in H.R. 3707. While private property rights have not become controversial in congressionally-designated heritage areas to date, it is a significant issue in many park areas and I believe it is important to consider private property prior to establishment of a generic program.

In the Gorge, landowners seeking to develop their private property must meet the review and approval standards established by the Columbia River Commission. Those standards have proven subjective and discretionary resulting in uneven application and shifting standards. Here are some examples of how the Gorge Scenic Act has resulted in increased litigation, decreased private property values, and a loss of local control for Gorge residents.

The Webbs own a 245-acre parcel of land in the Gorge. Forty-five of their acres were within the county's urban growth boundary (Oregon state law requires urban densities within the UGB and protection of rural land outside the UGB). The other 200 acres included a steep incline to a high bluff. Wasco County approved the subdivision application under county ordinances, but the Gorge Commission determined that the open space boundary migrated down the bluff to include the 45 acres within the UGB, resulting in a denial of the Webbs' subdivision application. After the Webbs appealed, the Commission changed its original decision and determined that the lower 45 acres within the UGB was not a "conversion of the landscape setting." This case points to the vague and arbitrary standards that often result from federal protection plans - and how those federal plans conflict with local land use planning.

In another cases, the Columbia River Gorge National Scenic Area Act has resulted in both a loss of private property value and a loss of economic growth, which is the opposite of what heritage areas are intended to promote. For example, Mr. Wayman inherited 40 acres upon the death of his father. His dad had bought the rural-residential land zoned for 5 acre parcels in 1970, well before the Gorge Commission Act. The land is worth 25,000 a lot or \$200,000 total as zoned. Mr. Wayman applied for a partition into four, 10-acre parcels. He hoped to build a home for himself and sell one of the parcels to pay for his college degree. He planned to keep the other two parcels for his future children to inherit and build homes on. Because Mr. Wayman's land is subject to scenic overlay designation he was denied the requested division. The Commission only permitted him two, 20-acre parcels which means he has lost \$150,000, and the local economy has lost that significant tax base. It is unclear why two houses on two parcels will not result in a "changed landscape setting" but four houses will. Again, Mr. Wayman's case points out the vague standards that may result under federal protection plans and the economic loss, not gain, that may result from federally mandated programs.

In many cases, the Gorge Scenic Act has resulted in increased litigation and a total taking of private property. In Jemtegaard v. Columbia River Gorge Commission, the landowner has been denied all economic use of her 20-acre

residential parcel because the parcel can be viewed from a viewpoint over two miles away, across the Columbia River in Oregon. Mrs. Jemtegaard contents that if the Gorge Commission wants to obtain a scenic easement over her property for public enjoyment, it may do so, but not at her expense as the private property owner. Fairness and justice require that the cost of obtaining scenic easements be borne by the public as a whole through payment of just compensation when scenic regulations amount to a taking of property.

We can all agree upon the fact that significant natural areas may need protection. The real issue is how to achieve that protection. We believe that local control through local programs is the best way to manage local resources. In Oregon, we have a state law (Statewide Goal 5) that encourages local jurisdictions to adopt inventories of significant natural and historic resources. The local jurisdictions decide which resources to protect and adopt a protection plan, reviewed by the state. Goal 5 also contains an implementation measure to provide for compensation for the acquisition of private property as a significant natural resource.

The current bill protects natural resources to the detriment of local control and does not protect private property rights. The present bill needs to contain a compensation provision for the acquisition of private property for public use. Furthermore, it is important that this measure provide for the continued ability of local jurisdictions to make land use decisions, rather than subordinate these local decisions to a quasi-governmental board.

The other primary area of concern with these bills is the role of the federal government, specifically the additional duties, responsibilities and costs which will be levied on the National Park Service. In this time of flat budgets for the foreseeable future, it is clear that any new programs, such as this heritage area proposal, will only come about at the expense of existing agency programs. The likelihood is that these new programs will come at the expense of park programs, since that is where 80% of the funds are located in the National Park Service budget.

Each year, more and more funds are directed through the National Park Service budget toward projects which are more accurately characterized as "economic development" projects rather than legitimate park projects. In the fiscal year 1994 budget, there are over \$12 million directed at these types of projects, some authorized and others not. These are the types of projects that former National Park Service Director Ridenour was talking about when he cautioned about the "thinning of the blood."

The huge potential cost of these heritage areas are well-documented. Just think about the federal financial exposure associated with a heritage corridor 50 miles wide on either side of the Mississippi River and extending from Minnesota to Louisiana. The study of that corridor has already been authorized. A GAO report recently requested by Chairman Vento for the Southwest Pennsylvania Heritage site was found to have already cost taxpayers \$63 million and to contain an unfunded list of additional projects totalling \$355 million for future years. At Lowell, another heritage site in Massachusetts, the state and Federal governments have spent a combined total of nearly \$200 million.

Of course, efforts to expand the mission of the National Park Service agency could hardly come at a more difficult time from a financial perspective. The same factors which have caused economic decline in communities around the country which stand to benefit through targeted funding in this heritage program have hit the Federal budget. Most persons in this room are very familiar with the backlog facing the National Park Service. The agency recently sent a report to Congress which documents a 36-year backlog of major facility construction and a 27-year backlog for acquiring previously authorized lands, assuming no inflation and no expansion of the park system.

Both H.R. 2416 and H.R. 3707 attempt to justify a Federal role by ensuring that Federal involvement will be limited to sites of "national significance." However, since one of the most frequently cited criteria for national significance is listing on the National Register of Historic Places, and since there are currently about 60,000 listings comprising nearly 800,000 buildings, objects and structures on the Register, there is hardly an area in this country which would not meet these national significance criteria.

The role of the National Park Service should not be to spend scarce construction funds for example; developing bus facilities in Wheeling, West Virginia or a visitor center at Horseshoe Curve Historic Landmark when there are historic buildings in parks literally falling down and park personnel living in tents. Funding allocations of \$80 million and even \$10 million annually for these non-park construction efforts are simply too much.

However, it is clear that in recent years the National Park Service has developed expertise in planning and in the coordination of planning for these types of economic development projects. Therefore, future National Park Service involvement in such projects is logical, if participation is limited to technical assistance. If localities need other Federal funds to for redevelopment, they should seek out other existing Federal grant programs through the Small Business Administration, Department of Transportation, etc.

In the same way, any legislation advanced should contain a clear prohibition on the use of Federal funds for land acquisition and for day-to-day operational costs.

Beyond the issue of funding, there must be a clear time limit for participation by the National Park Service which is developed at the outset of the project. There is a very real danger, that these heritage corridors will come to rely on a perpetual federal financial commitment, which would make them no different than a unit of the park system in terms of financial impact.

This year marks the ten-year anniversary of the establishment of the first, federally designated heritage corridor, the Illinois and Michigan Canal in Illinois. The law establishing that site contained a 10-year sunset clause, and yet the Administration has requested funds for the 11th year of operations at that site in fiscal 1995. In an important way, much will be learned about the success of the heritage area program at the I&M Canal this year. If the Federal government is able to complete its work in 10 years, as originally envisioned, it would imply that there is hope that these heritage areas can be weaned from Federal funding. If, however, the I&M Canal continues into its 11th year of Federal funding, then serious questions must be asked about the ability and commitment of the local communities to carry out these programs in the absence of Federal funds.

In conclusion, I suggest the following provisions be incorporated into any bill reported from the Committee:

1. the National Park Service role should be limited to technical assistance only, with up-front cash matching requirements to ensure the existence of local support for the project;
2. there should be a specified time limitation for NPS involvement, preferably 5 years;
3. there should be a compensation provision for any taking of private property; and
4. local government should continue to have the primary role in deciding and implementing land use plans.

Thank you for the opportunity to testify, I will be happy to respond to any questions.

Mr. VENTO. Thanks. I was one of the architects of the Columbia Gorge, along with Jim Weaver and a few others. We worked pretty hard on it. As I recall, we set up a format, a commission, but there had to be a compact executed between the States of Washington and Oregon. So it is actually a compact between the two States and the Forest Service in terms of the protection of those lands. Is that correct?

Ms. COFIELD. Yes, that's correct.

Mr. VENTO. So you are objecting to the fact that the Forest Service isn't taking the action, the commission is taking the action, I guess, to make decisions in the Columbia Gorge. So you would disagree with the agreement between Washington and Oregon and the Federal Government in terms of their land use plan in that area?

Ms. COFIELD. I guess what I disagree with is once the Columbia Gorge Review Commission was set up, which is a quasi kind of quasigovernmental organization—

Mr. VENTO. No, it is a compact. It is a compact, very specifically. It is a compact between two States.

Ms. COFIELD. But it is comprised of citizens, it is comprised of government, it is kind of a mishmash.

Mr. VENTO. Well, no, it is a compact.

Ms. COFIELD. OK. Compact. You're right, it's a compact.

Mr. VENTO. It is a compact between two States. That's what it is. In any case, you object to the fact that they have come to an agreement and they are exercising, or you are suggesting they are not exercising lawful zoning authority?

Ms. COFIELD. What we have trouble with is that when you have different counties—for instance, the counties I was speaking about—

Mr. VENTO. Well, as I recall, most of the counties in the area that you're talking about didn't have any zoning. Is that correct?

Ms. COFIELD. Oh, no. They have zoning. We have statewide goal 5.

Mr. VENTO. In Oregon?

Ms. COFIELD. In Oregon. And most of the examples I gave were in Oregon except for Ms. Jemtegaard.

Mr. VENTO. Well, that is the State law. But the counties themselves had no zoning; is that correct?

Ms. COFIELD. Each county in Oregon must implement statewide goal 5 through their local zoning ordinances.

Mr. VENTO. Yes, I know what the State law is. But I am asking if the counties had separate zoning.

Ms. COFIELD. Yes, they do.

Mr. VENTO. Do the counties in Washington? As I recall, they did not have zoning prior to the Columbia Gorge passage.

Ms. COFIELD. That's correct. They are just beginning to implement land use controls in Washington similar to what we have in Oregon. But that is correct.

Mr. VENTO. Yes. And Oregon was guided by the State law as opposed to local zoning. In other words, it was not in existence before the State law existed? Most of the Oregon land, incidentally, is Forest Service land, isn't it, on the Oregon side?

Ms. COFIELD. No, that's not correct. There is quite a bit of private land ownership. I can't give you the exact statistics, but all the examples I spoke about are private land.

Mr. VENTO. Anyway, let me get back to the subject of discussion here. I am looking at H.R. 3707, and the relationship here relies upon the local zoning or the State to in fact exercise whatever zoning authority that is necessary to the heritage area.

Do you disagree? Is there something in the bill specifically you can point to in terms of the Federal Government intrusion into this process?

Ms. COFIELD. Well, what caught my eye is that the local plan must be reviewed by the Federal Government before it can be passed. And in that review, I would assume that the Federal Government would set up certain standards that they would want to see implemented in the plan. If that weren't the case, we would feel a lot better about this bill.

Mr. VENTO. They would have to review it.

Ms. COFIELD. If it was strictly a matter of the locals implementing the plan and deciding the level of protection that they wanted.

Mr. VENTO. Well, they are going to, define that, I guess. I mean they are going to agree in terms of a contractual agreement.

On page 6 it says:

Upon designation of an American heritage area, the Secretary will enter into an agreement with the State for purposes of establishing the respective Federal and State responsibilities for implementing a management plan for the area. It will provide for but not be limited to—

And it goes through a number of specific responsibilities of financial commitment:

adequate State and local regulatory and financial actions that will provide for appropriate preservation of the resources to be included.

So it's the State, they would be making the decisions there. They would be the ones that would implement it. It wouldn't be the Federal Government.

Appropriate assurances on the part of the States that the plan will be implemented and followed. So the idea is the plan would take place and they would have an implementation plan, but then they would agree to certain actions that they would take. For instance, if they would take specific obligations in terms of local regulatory and financial actions, as an example. But these are actually powers that they already would have.

Ms. COFIELD. Well, the reason I was using the Columbia River Gorge Act as an example is the same sort of thing happened with the Columbia River Gorge Act. There was an implementation plan that was decided upon by the contracting States, and the Columbia River Gorge Commission would review, in addition to the local governments reviewing, development permits. So you then have two layers of government reviewing plans.

Would this have a commission set up that would also be reviewing?

Mr. VENTO. Well, we don't provide for that in one proposal. Other proposals have commissions, but the commission, I think it is a question of whether it is an operating commission that has authority or whether it is the State. This is one of the reasons that I think there is concern about commissions, but I can't answer that question. But you wouldn't expect me to take power away from the

State in terms of its zoning authority, would you, insofar as they are designating a heritage area?

Ms. COFIELD. No, that is exactly what we wouldn't want to see.

Mr. VENTO. You wouldn't want to take authority and reduce their power, because they have the power to zone now, and it is a question of whether they want to voluntarily enter into an agreement with the Federal Government in terms of the heritage area. I shouldn't limit that, should I?

Ms. COFIELD. I think the key is to make it voluntary and to make sure that local Governments aren't coerced into protecting what locally they don't feel—

Mr. VENTO. Well, I can't take it. Local governments are coerced every day into doing various things with zoning in their own communities. You wouldn't want me to suggest that we should not enter into the discussion about that in terms of certain goals, would you?

Ms. COFIELD. No. I just had my ideas on how the bills could be written.

Mr. VENTO. Well, my ideas and your ideas ought to be made at the local level or at the State level in terms of what they decide if they make a commitment to a certain plan and it disagrees with what I want, that is what they are going to do in this plan. Or if it disagrees with what you want, that is what is going to happen.

Ms. COFIELD. I think statewide goal in Oregon plan is a very good example of the way it could work. You have the State adopt a general idea, protect natural resource, but then you let each local government decide what resource is significant and the level of protection that it is going to receive, and you allow the citizens to decide all these ideas.

Mr. VENTO. At some particular point, though, there is going to be a decision, and not all citizens may agree in a local community with the decision. I don't think that we can say because you have local control or State control that you are going to have agreement. You know, it's 50 plus 1; that's the way we run.

Ms. COFIELD. That is entirely correct. I am a land use attorney, and I attend an awful lot of local hearings.

Mr. VENTO. Well, I have two problems here, and I think it is helpful to discuss this and I think it's useful for others that are testifying. One is, you get a situation where there is no plan, as in the case in some counties in Washington and Oregon at one point, and apparently that is evolving or changing because the law is forcing them to change, for one thing, both State and the Columbia Gorge law that is obviously of some controversy with our witness.

Second of all, you have got most zoning activities that are reactive. And by that I'm saying that someone comes in with a proposal and it is going to change things, that they want to change it. By virtue of this contractual agreement that I talked about here, or a plan—I look at it as a contractual agreement here—they then can't come in and change it unless they can get an exception to the agreement that they have signed with the Department of the Interior.

Our concern is we are putting in study money, we are putting in capital money, and they want the designation, we are putting that Federal designation, we want something back in exchange for

it. What we want back is some sort of plan as to what their actions are going to be or not going to be in this area because we just can't pour in hundreds and thousands of dollars, maybe even millions of dollars of capital projects without some sort of commitment on that side.

I have lots of questions. Mr. Wade, I paid close attention to your remarks. You have a basic disagreement with Mr. Corkern about the historic preservation fund. Obviously we use about \$50 million of it and it is authorized up to \$150 million. So the idea of getting under that or within that you think is helpful because it keeps the money isolated.

Mr. Corkern, do you understand his concern about keeping the money isolated from the regular park budget?

Mr. CORKERN. Yes, sir.

Mr. VENTO. And do you think that is a valid point or not?

Mr. CORKERN. Yes, sir, I do. I do understand that point. I believe our sensitivity on the historic preservation fund has to do with those points that I mentioned, that we really support the historic preservation program that is in place. But we feel that this idea, this movement is broader than just historic preservation.

Mr. VENTO. Oh, I agree, and I think that is a valid point, which is should we be taking all of it out of the historic preservation fund or should some come out of some other sources. Is that your point?

Mr. CORKERN. We don't think that any of the other sources need to be diminished to support this.

Mr. VENTO. Well, I think that one of the problems is, of course, that there hasn't been the type of pressure. I think one of the reasons we are getting, candidly, a lot of heritage areas presented to Congress is because the funds haven't been going out to the States, land, water, the historic preservation funds; that if the money had been going out, \$100 million or so that isn't being utilized that were going out to the States, I think probably we would see less pressure—I wouldn't say no pressure, but a lot less pressure—in terms of 100 or so areas.

Is that number correct, 100 or so areas, or is it 100 or so organizations? Did I misspeak?

Mr. CORKERN. There are both organizations, but there are about 100 areas out there, actually more than 100 at this point.

Mr. VENTO. Yes. And so the point is that there is a lot of pressure, and so the idea is to use these funds. But I think you have put up a good point in the sense that these are not all cultural or historical resources, so they shouldn't have a draw on this. You would obviously like to see the money come from some other source or a new authorization. Is that correct?

Mr. CORKERN. Yes, sir.

Mr. VENTO. Yes. My problem is, as you said, both political and practical in terms of what we will be able to accomplish.

The bottom line, I think, Mr. Wade, too, is that when you get to the Appropriations Committee, they're saying all of this is money, and when they add it up, they only get so much allocation under the budget. So there is a different problem. You know, we can separate it for authorization purposes, but once you get there, if it doesn't come out of one place, it may have to come out from another.

So I think your concerns about the Park Service and its competing with the Park Service for these funds is realistic.

The question you have to ask yourself is are you better off with a program that is somewhat regularized and some conditions on it, that is not necessarily affiliated units and has a designation of heritage areas units as opposed to bringing these units into the system.

You know, frankly, many of these areas, too, have characteristics which could be park units. I mean the quality, the significance and so forth, they could be park units. But they are privately owned or they are, too broad an area that you really won't be able to own all of the land.

Mr. WADE. Yes, Mr. Chairman, I think we recognize that there may be different scenarios under which these could be funded, and I don't think that we necessarily stand strongly behind the idea that they are funded out of the historic preservation fund.

I think our point, the point that we are trying to make, is that, you know, there is a fairly substantial difference between the amount of money that is appropriated for national parks when it comes out of the Appropriations Committee and that amount that actually gets down to the frontline operating abilities in the parks. And anything that further dilutes that, if we recognize that the intent of that is to protect what at least many have determined to be the most significant resources—that is to say those that are included in the national park system as it was originally envisioned—then I think that is where we have the concerns.

Mr. VENTO. Well, I had one more question. Mr. Hinchey, though, hasn't had a chance to get in.

Mr. HINCHEY. Why don't you go ahead?

Mr. VENTO. OK.

Well, the last question that I have is the issue of the planning process here. Obviously, you paid attention to my comments on the State and this issue with the commissions, which you can see is confusing. And letting States do things I think has some merit.

But what about the issue of when we do the feasibility study? Obviously, that is something that is done by the Park Service now on sort of an ad hoc basis based on whether they have money. I guess they have some plan back there that they are trying to follow, but I am certain it gets tortured a little bit, depending upon who is steering the money.

But spending the money coming up with an implementation plan, or should we really just come under the Congress immediately and spend and designate and then come up with an entire plan prior to the designation?

Mr. Wade.

Mr. WADE. I have a comment on that. I think that the real issue here seems to us to be what is the objective of the plan? It seems to me that if we are talking about an area, a heritage area that somebody suggests has national significance, then there needs to be some planning that goes into determining what resources are really there and what significance those resources actually have that suggest that they are of national concern.

So, whether you call that, you know, a resource protection plan or a resource identification plan or whatever, I think that that

needs to be done. I don't think, on the other hand, before determining whether it ought to be included in a heritage area system or whatever else, that one necessarily needs to go into a broadly detailed general management plan.

It seems to me that that can come later after the determination of the significance of the resources and which component of some national system or even local system the area should then fall into.

Mr. VENTO. Yes. We want to make certain that when we make the study, that it is an area candidate. Then once we get to that point, we have to make a decision whether we are going to proceed to spend a lot more money at that point to do a whole plan ahead of time, seems to me not to be helpful. You get a lot of documents. And there are times probably when you want that because of the severity of what you are facing around Fort Vancouver.

Mr. Corkern, did you have any comments on this issue?

Mr. CORKERN. I would just like to say I agree with that. I think the idea of a general management plan is not exactly what we think needs to come first. I believe that the process of getting citizens to become more aware of the resources that they have—cultural, natural—that really is their heritage, what they have inherited from the generations before, is at least as important as regulation and science in determining how well these resources are going to be protected in the future.

So I think the part of this heritage area movement really heightens public awareness and gets citizens involved in recognizing and protecting their resources is just as important as designation. Although I think designation is important.

Mr. VENTO. Think on this properly, because you want to get it started with the right footprint, the right type of impact, and obviously you have to educate. Part of this decision is, frankly, political in terms of it comes to us, and part of it is technical in terms of what are the boundaries, what really is in there, and what do we have to know in order to designate, because we don't want to just designate and say, well, you discovered the boundaries after the fact. You know, we have to have some specifics.

But I think if you give too many dollars to it—I think there is some merit, I mean if you don't designate, in terms of the process, I agree with that, but I think that our focus obviously is to actually have a success in terms of bringing together this type of focus.

So, anyway, that answers my questions.

Mr. Hinchey.

Mr. HINCHEY. Well, I just want to thank the lady and the gentlemen for their testimony.

Mr. VENTO. We appreciate their testimony.

Thank you, very much. I guess that concludes our questioning of this panel. Thanks.

**PANEL CONSISTING OF BRENDA BARRETT, DEPUTY STATE HISTORIC PRESERVATION OFFICER, PENNSYLVANIA, REPRESENTING THE NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS; DR. HENRY JORDAN, CHAIRMAN, NATIONAL TRUST FOR HISTORIC PRESERVATION; AND, DR. ALAN JABBOUR, DIRECTOR, AMERICAN FOLKLIFE CENTER, LIBRARY OF CONGRESS**

Mr. VENTO. The next panel is Brenda Barrett, who is a deputy State historic preservation officer in Pennsylvania, representing the National Conference of State Historic Preservation Officers; Dr. Henry Jordan, chairman of the National Trust for Historic Preservation; and finally, Dr. Alan Jabbour, director of the American Folklife Center.

I hope, Dr. Jabbour, I am pronouncing your name right.

Thank you for your patience and your preparation of today's testimony. As you know, you came prepared to testify on two bills. Now I have to ask you and inform you that there is one that was overlooked that we discussed a little bit, and the administration proposal which came in today. But realistically, while we could be upset about that, I am really pleased because I think it has brought things to somewhat of a conclusion.

Your statements have been made part of the record, and let me call on Brenda Barrett from Pennsylvania, representing the SHPO's, to make her statement.

Brenda, welcome.

**STATEMENT OF BRENDA BARRETT**

Ms. BARRETT. Thank you, and good morning, and I am here today to present the testimony for the National Conference for State Historic Preservation Officers, who really strongly support the idea of heritage areas and the idea of park heritage partnerships.

Many of the concepts that we strongly support are embodied in the bills before us today. And we believe that the heritage partnership is a powerful idea that places historic resources, those resources that are of most interest to State historic preservation officers, in context and, even more importantly, puts them in an atmosphere where they can be preserved for the future.

My colleagues across the Nation have shown their support for heritage areas by putting their money where their mouth is and participating in the creation and development of heritage areas. The historic preservation programs dovetail well with heritage area goals and enhance their educational and interpretive experience.

For example, in Pennsylvania we have used our study on the important industries in Pennsylvania, "Made in Pennsylvania," as a framework for determining which State heritage parks should be selected for State investment. And then in addition we have been able to follow up that work with national register nominations and plans and interpretive programs. We think that we have a really terrific partnership in Pennsylvania.

In Texas, the Texas Historical Commission raised outside funding to do a similar kind of study called A Shared Experience, which is an architectural and historical examination of the continuity of history along the Rio Grande border between the United States and

Mexico, and that has served as a catalyst for their heritage area, sort of affirming the unity and the common heritage of not just one State but actually a State and two countries together. And it has kindled a lot of local commitment.

In the Blackstone River Valley National Corridor, one of our already designated heritage areas, the Rhode Island Historical Commission and the Massachusetts Historical Commission both serve on the Federal commission for the management of the corridor, and both of those programs again provide historic preservation services to the river's historical resources.

But perhaps equal to and even more important than the contributions that the State historic preservation program can make to heritage areas is the benefit that heritage areas bring back to our programs. We are working with new partners in our preservation efforts, and we are inventing new ways to do the business of Government. And I think that while we have always worked with partners in the past in Main Streets and section 106 reviews, I think that the opportunities we have had in the past pale sometimes, at least in my experience in Pennsylvania, pale in comparison to the partnership opportunities that we can undertake in heritage areas.

The management plans and the proposals for heritage areas give us a chance to look at not just individual historic sites, sort of scattered across the map, but of whole, living and breathing landscapes. These heritage management plans I like to typify as being sort of a "Whole Earth" catalog for resource protection, including natural and cultural and scenic as well as historic values.

In addition to supporting the heritage area movement by rolling up our sleeves and going to work in our respective States, the State historic preservation officers also support the National Coalition for Heritage Areas, and we have participated actively with this group. We have endorsed their vision of a national program, and we have adopted their principles.

Now, as we move toward national legislation, and we seem to be moving quite quickly here, I think that we should take these abstract principles and see how they are going to actually work in a legislative framework. And some of the issues that we feel strongly about are as follows:

First, criteria. Heritage areas are synonymous with the diversity of resources. While many contain nationally significant historic resources and themes, we believe that significance should be judged by review of the whole, not by an inventory of its parts. I think to limit heritage areas to only those that contain nationally significant historic resources, this is the opportunity to perhaps preserve vanishing traditional landscapes or other significant natural and scenic areas.

The National Conference of State Historic Preservation Officers then supports a flexible criteria for heritage areas that recognizes that they are indeed larger than any individual resource.

A second area is the one that has been covered quite extensively today, the question of planning and designation. We really believe that good planning is not just important to identify heritage areas, but in some ways good planning is a heritage area. It is in the planning for the common good that the essential partnerships,

without which heritage areas will not work, are created and forged and tested.

The National Conference of State Historic Preservation Officers supports planning prior to designation as an insurance policy that a heritage area is a viable entity and also to insure that national recognition or participation is the most appropriate response. For certain heritage areas, local or statewide recognition or programs might in the end be the preferred alternative.

The third area is partnership. A remarkable outcome of heritage area planning in Pennsylvania is their magnetic quality. I mean they attract funds and assistance from a whole variety of programs. Again, I have seen really kind amazing funding streams coming to support these heritage programs. And they harness this Federal and State effort in a region toward a common goal. And I think that we need to continue this effort.

So we support legislative language that encourages the opportunity, for example, to set up a Federal advisory commission to involve Federal agencies and municipal governments and interested citizens in the development of the program and look for a variety of resources to support it.

We also support a consistency provision to nudge and encourage Federal programs to assist in these important efforts.

Finally, funding. And I think the partnership issues go to funding too. I mean we are going to be looking to other people's money in all cases in heritage areas. But we also see that there is a role for direct Federal funding. Heritage areas provide a high return in resource preservation for the investment made, and some new Federal money just be authorized to prime the pump and perhaps preserve key resources.

But we do not support funding the program as proposed in your bill from the historic preservation fund alone because we recognize that there is a whole diversity of resources in heritage areas. There is natural resources, scenic resources, recreational and educational resources, and these resources are critically important also. And I think it would be outside the legislative intent of the historic preservation fund to fund work from these programs. And to withdraw actually funding from the very limited historic preservation fund to support heritage areas would jeopardize the very support that they are already getting from the historic preservation program today.

So the National Conference of State Historic Preservation Officers supports direct Federal funding to support heritage areas that does not diminish or draw down from support for other related programs.

In conclusion, the national conference sees heritage areas as really next logical step in the history of historic preservation, a movement that started by tackling the preservation of significant individual buildings and now today looks to embrace whole landscapes and corridors and regions.

Both the bills before us and the other legislative proposals that have been laid on the table are important first steps to rationalizing and standardizing Federal assistance. The national conference sees this legislative process ahead as an important opportunity to achieve the very best programs for the future.

Thank you.

Mr. VENTO. Thank you, Ms. Barrett. We will have a question or two in a moment.

We are pleased to welcome Henry Jordan, the chairperson of the National Trust.

Mr. Jordan.

#### STATEMENT OF HENRY JORDAN

Mr. JORDAN. Thank you, Mr. Chairman. I am also the chairman of the board of the Countryside Institute, an organization incorporated in Vermont but doing business in the eastern United States, Canada, and the United Kingdom. I am also a founding board member of the National Coalition for Heritage Areas. And I might add that I think all three of us sitting around this table are on that board.

As you know, Mr. Chairman, much of America's history is connected with and visible on the land, and one of our finest national assets is our countryside, that part of America that occupies the space between our large metropolitan areas and those large refuges called parks and wildlife refuges set aside by Federal and State governments.

It is in this particular area that many of our historic towns and villages and natural areas and scenic views are threatened by commercial sprawl, residential subdivisions, or abandonment and neglect.

The National Trust and the Countryside Institute believe strongly that it is our responsibility as a Nation to protect the best of our historic and natural landscapes and to mitigate the forces that threaten them.

I have been greatly encouraged that four pieces of legislation have suddenly surfaced over the past few months. I think on my last visit here we were talking about heritage areas, but there was no legislation in evidence. And that, I think, is a very hopeful sign, and I laud all of those individuals who have taken the initiative to advance the cause of heritage areas.

Each bill has its strong points, and I would hope that the best of each could be combined into any legislation that is ultimately signed into law. The National Trust does have several specific points of concern which I would like to convey to you and other members of the subcommittee.

The first point I would like to emphasize is that we envisage a program for heritage areas which involves planning before designation. This is something that has been mentioned by previous witnesses. We think that by requiring planning, we can provide both quality control and the incentive for regional and local areas to work together to form new partnerships, that the planning money is really a carrot to move toward designation.

I would just like to underscore the importance of planning money. Several years ago I played a role in coming up with a \$50 million bond issue in Chester County, PA—this is a single county with 375 residents—that the voters for that bond issues passed a referendum with an 80-percent vote, which I think is a testimony to the fact that Americans do want to do things to enhance and protect their quality of life.

The money from that bond issue was mainly to be used for acquisition of open space and improvement of parks in the county. But in planning the distribution of that money, we put a significant amount of money aside for planning, in order to coax our 73 municipalities to create plans for the future of open space and recreation. In other words, we saw the planning money as fertilizer at the grassroots. And a recent evaluation has indicated that of our 73 municipalities, 65 of them now have planned for their future and the protection of their natural resources and historic resources.

My second point involves the criteria for designation. I think this has been mentioned before, too. We believe that this should be inclusive rather than exclusive, that if only those areas with national significance are considered, I fear that the program will lack the cultural diversity and distinctiveness that are necessary elements of a successful system of heritage areas.

Our Nation is becoming progressively more homogenized, and protecting and promoting regional diversity I believe is an imperative.

My third point is the need for heritage partnership legislation to contain a Federal consistency provision that all Federal agencies undertaking activities in a heritage area should do so in a way that supports the overarching goals of the area. I will not name all the agencies, except that on my list I will add the Federal Reserve Board, Mr. Chairman. [Laughter.]

Finally, I urge that the committee search for funding sources for heritage partnerships that are separate and distinct from the historic preservation fund. Again, this has been mentioned earlier. And for the reasons mentioned earlier, that heritage areas go far beyond simply historic preservation.

In conclusion, Mr. Chairman, let me say that the National Trust and the Countryside Institute support the concept of heritage areas as a viable way to preserve the Nation's natural and cultural resources, and we are eager to work with you and the committee on any specific legislative proposals made toward this worthwhile goal.

One final comment, Mr. Chairman, I commend your most recent pyre. [Laughter.]

Mr. VENTO. Yes. Well, we are very pleased with the training that we received, or that they provided.

Anyway, we are very pleased with that and look forward to a lot of service and good rapport with you. We will get back with a question or two in a moment.

I would like to welcome Dr. Alan Jabbour.

#### STATEMENT OF ALAN JABBOUR

Mr. JABBOUR. Thank you, Mr. Chairman.

Mr. Chairman, in the early 1980's, in response to a request from this committee, embedded in the 1980 amendments to the National Historic Preservation Act, the American Folklife Center joined forces with the Park Service to produce a policy report entitled "Cultural Conservation. The Protection of Cultural Heritage in the United States." In that study we envisioned a program that linked history, historic preservation, folklife, environmental research,

planning, and other professional networks and programs in a more systematic effort to conserve this Nation's cultural heritage.

In the decade following that publication, the Folklife Center pursued a number of avenues recommended in the report through experimental and exploratory projects. We worked in the Pinelands in New Jersey, in Lowell with the Lowell historic preservation commission, in the St. John Valley of northern Maine in conjunction with the Park Service. And as we worked on these individual initiatives, we became aware that despite their diversity and disparity, they shared certain common characteristics as initiatives. Looking back, we see that they represented emergent features of a new approach toward cultural planning at the regional level. In fact, they were prototypes or forerunners of heritage areas.

What are heritage areas? It is fair to say that the category is still being defined, but the new paradigm we are witnessing consistently present certain features. I would like to highlight the features that, from my perspective as a folklorist, seem most important.

First, many heritage areas deal with both historical resources and living cultural traditions. This represents to us an important advance in dealing with cultural resources. I reluctantly pass over some examples of this which I used in my paper, especially the Hard Angler Fiddler from Minnesota, which I wanted to talk about. But I will say, Mr. Chairman, that I think it is a critical breakthrough for these new heritage areas, that they see their mission as embracing both the historical past and the cultural present.

Second, heritage areas tend to see cultural heritage as having both tangible and intangible manifestations. Many heritage areas have included both the physical cultural heritage—buildings, archaeological sites the cultural landscape—and the expressions of heritage which are not artifactual. Cultural resources thus include both the building and a story, both the site and a song, both a quilt and the skill of quilting.

Ultimately, this inclusion of all forms of cultural expression as components of heritage leads us to a broader and, I believe, healthier perspective on the community values and way of life that are the wellspring of all these individual cultural resources.

Third, heritage areas have lent greater strength to this truism. The most important source of information and understanding about the significance of resources and heritage areas lies within those cultural communities which comprise the heritage area. Professionals will continue to bring to bear the results of their independent research, but they must add to their skills in research and interpretation another skill. The ability to facilitate cultural participation at the community level.

Fourth, heritage areas are seen as places where people live. Such areas may be developed as a tourist destination, but planning for it cannot focus solely on the visitors. The people of the region are not only a key to understanding the cultural resources of the area, they are actually themselves the primary resource. Thus, the acquire-and-manage model is not appropriate to developing heritage areas.

But finally, flowing from all of the preceding points is a fifth, which has been mentioned by everyone today, heritage areas are administered through partnerships. Managing heritage areas this

way is properly seen as more efficient because it distributes the financial burden and shares the sense of participation and responsibility. But I would like to add that the partnership model is not simply attractive as a means of sharing financial responsibility. For heritage areas, it is the logical outgrowth of the cultural movement originating at the grassroots and reflecting a desire on the part of local communities to manage their cultural future in a planned and thoughtful way. It may lead to economic development, but in every case it reflects the desire of communities to conserve their way of life and values and to share what makes them culturally rich and distinctive with both visitors and their own posterity.

Mr. Chairman, we at the Folklife Center and as folklorists working in public positions throughout the country welcome the heritage areas movement, and we are pleased to be able to make our contributions to it. As this committee considers various legislative models to nurture the movement, we wish to offer our assistance with what we regard as one of the most significant cultural developments in recent years.

Thank you, Mr. Chairman.

Mr. VENTO. Yes. Thank you, Dr. Jabbour.

One of the questions that the staff had put together, Brenda, and I think it is appropriate and which it seems to me Dr. Jabbour touched on is really the interpretation that goes on in terms of these areas. Does the State of Pennsylvania have such an interpretive program now in some areas? We give you credit for actually having one of the heritage areas, sort of a heritage area, the American Industrial Heritage Project.

Ms. BARRETT. Well, I think I am really here to speak most clearly to the State's heritage park program.

Mr. VENTO. Yes. Any States. You don't have to pick on Pennsylvania if you don't wish.

Ms. BARRETT. Right. But I think that we certainly do see the State's heritage areas program as having a very important interpretive role, and many of the heritage areas, the State's heritage park programs, include our own historic sites museums. For example, in the oil region we have the Drake Oil Well Museum. Right next door to it is a State park, Oil Creek State Park.

There are a number of communities with major national register historic districts that tell the story of oil that are adjacent to the site of the Drake Well Museum, and we are developing through the heritage park planning process a whole interpretive tour route that will go from these different sites and allow people to look not just in the museum exhibits but to go out and look at the landscapes that were scarred by oil and the equipment that is left and go into the communities and look at the wealth that oil generated.

Mr. VENTO. Some of this can get a little eclectic in terms of what gets brought together, too. So drawing this up or having a plan that does make it coherent is fairly important, isn't it?

Ms. BARRETT. It is critically important. And as I said, I see it like the "Whole Earth" catalogue, if you are familiar with that.

Mr. VENTO. One of the things Mr. Wade from the National Park Service group, the rangers group, was commenting, one of the issues is of course that very often these heritage areas are adjacent to or contiguous with parks. So the idea is that very often one

might look at the projects or a heritage area as being related to the enhancement or related to the support of the park unit itself.

Ms. BARRETT. I served on the National Park Service's 75th anniversary planning project, and I was on the resource stewardship area. And I saw that there was a major concern in the Park Service without outside-the-park-boundary planning issues, and I think that these heritage parks could play an important role in the coalescing communities together to preserve those landscapes. And I see that happening.

In Pennsylvania, again we have a State heritage park, Allegheny Ridge, which runs from Altoona over to Johnstown, and we were trying to protect the site and the trail of the Allegheny Portage Railroad. Much of it is not in Federal ownership, it is owned by the State game commission, it is owned by private citizens, it has been impacted by our State highway program. We are trying to put together a program to preserve the traces through our heritage park plan.

Mr. VENTO. I think it is very important because, as Congressman Hinchey and myself were visiting the Roosevelt home in New York, we had the same experience in the Hudson Valley. I think that you can't use the dreaded "B" word here, but we could say it insulates, it enhances, it does a lot of other things. [Laughter.]

But we will leave that to the Assistant Secretary of Interior to use to help us out with the Everglades. [Laughter.]

Anyway, let me ask, Dr. Jabbour, what is the appropriate balance between cultural and natural resources? Do you think there is such? You talked about flexibility as being your goal. We don't always touch on this cultural resource issue. I guess we take it for granted. It is sort of like quick-silver to me.

I can think of it in my own district. For instance, right now in Minnesota, the Norwegians came 100 years ago, but today we have the Hmong, and 33 percent of the kids in the elementary schools in St. Paul, MN, are Hmong. It's like quick-silver. So there is a lot of culture there. I don't know how we capture that particular experience. It is sort of amazing, isn't it?

Mr. JABBOUR. Well, Mr. Chairman, we worked in Lowell with the historic preservation commission there and the national park in Lowell. And Lowell, you may be aware, had an influx beginning about a decade ago of Cambodians and other Southeast Asians that was within 5 years became 10 percent of the entire population of the community. It was a huge impact on the area.

I think in many ways both they as newcomers and the rest of the community felt the need to absorb, acknowledge, but also to bring them into the larger flow of the community. And in many ways I think that process is an important process. We documented in our project there the opening of the first Buddhist temple there, for example. And in many ways it was recreating the process of earlier generations.

Mr. VENTO. Yes. What I was really trying to emphasize is not that we would be able to do that, I think we get into trying to deal with the 42-inch melon, Pittsburgh, and the other issues that are there. In other words, for a short time, trying to provide an interpretive program, is a very difficult thing to do and to retain continuity. Obviously, we are talking about things that are within oral

history or within the lifetime of an individual, somewhat, but this is very difficult to do and to provide continuity.

Mr. JABBOUR. I wanted to touch on one other point. You asked about natural and cultural heritage.

Mr. VENTO. Yes, I did. Yes.

Mr. JABBOUR. They do seem to me in many areas to, in effect, need considering together because despite the tendency to categorize them as two separate things, they tend to overlap in all sorts of important ways. In the Pinelands we discovered in our project that really the cultural presence of people in the Pinelands in many ways affected the natural resources, and had since pre-history. You really couldn't consider the natural resources and the traditions of human beings as separate things, they just in effect grew together and needed to be considered together.

Mr. VENTO. Mr. Jordan, I think you talked about the issue of developing a private sector role for the heritage area, obviously the National Trust for Historic Preservation. You manage a couple of programs. Is there enough interest out there? Can we develop enough interest to really sustain the number of areas that might be approved by Congress in the long run? Is there enough resource and energy? I mean you have to obviously do something in terms of activating communities and communicating.

Mr. JORDAN. I think there is an enormous energy sitting out there to begin to do this. And the fact that last week, when we had this conference, I am not usually surprised, but I was blown away by the number of people from all over America that came to that conference and the energy from that conference. And you saw it, Mr. Chairman, when you came and visited the Hill.

Mr. VENTO. Yes.

Mr. JORDAN. From the Trust's perspective, this is just an ideal way for us to operate with the variety of programs and initiatives we have, main street, our tourist initiatives, our rural initiatives, that heritage areas, I think, become a wonderful opportunity for the nonprofit sector to begin to operate on a regional and areawide basis.

My own feeling is, very often we are operating in very isolated areas, and the opportunity to bring large groups of people and new partnerships together is just wonderful.

Mr. VENTO. So you have a couple of candidates for us?

Mr. JORDAN. I do not have any candidates.

Mr. VENTO. Vermont is not a candidate, is that right? [Laughter.] The State of Vermont is not going to become a candidate?

Mr. JORDAN. That is a national park, not a heritage area. [Laughter.]

Mr. VENTO. Oh, I see. [Laughter.]

Well, but the point is, the Trust has a role here to play. One of the points that both you and Ms. Barrett made was the concern about the money that we are taking out of the historic preservation fund. Of course, there is \$150 million authorization, we spend less than \$50 million. And so the concern is that each year \$100 million remains available until appropriated. So I think we are ahead by a couple or \$3 billion. So there is a lot of running room in terms of picking up the money.

I think that the criticism that some of this wouldn't be focused on historic preservation is a valid one. So I am willing to consider going to other sources. But I just don't think that is a real problem. A lot of it is certainly collateral; some of it is direct.

I think that of the various resources, the cultural historic resources probably make up the greater part of these areas. Would you not agree, Ms. Barrett?

Ms. BARRETT. I think in Pennsylvania we have a very strong historical and cultural component to all of the heritage areas. I am not sure that would be true for the whole Nation.

Mr. VENTO. No, I am not either. But at least all of those that I can think of, it is a very significant component of it.

Ms. BARRETT. Our concern, of course, is that this become a zero-sum game whereby the State preservation programs, which I know you are fully aware have been underfunded and funded in a restrictive way for so many years, that if the level of funding is not raised for the historic preservation fund, then if all ships are not raised by this rising tide, we could be, you know, giving funds to heritage areas for historic preservation but taking it away from the State offices that are already delivering those services and it's a zero-sum game.

Mr. VENTO. That's right. Although we don't intend that. But as you said, we have \$2 billion or \$3 billion that hasn't been appropriated from that fund. So it is a long way from it. This may be a way to at least do something.

You have heard the conversation here about the State role and the approval of the State. Is that an appropriate screening device, or is that something, for instance, that is going to cause other areas that otherwise would be worthy to falter? Mr. Jordan.

Mr. JORDAN. I would not have a problem with the State screening it. What I would hate to see is a whole other layer of bureaucracy created to do it.

Mr. VENTO. So you are not in favor of commissions, or you are in favor of commissions? What does that mean?

Mr. JORDAN. I am actually in favor of probably not mandating it in any particular instance that a specific model be used. It may vary from region to region, area to area.

Mr. VENTO. Well, you are leaving it open. What about the issue of a contract that we have established in the legislation that I have proposed?

Mr. JORDAN. I can't comment on that.

Mr. VENTO. OK.

Ms. Barrett, do you have any comments on my sort of specifics here, or do you want to punt or come back with written comments?

Ms. BARRETT. I would come back with written comments.

Mr. VENTO. Well, now, if you have a view on the State approval, I would appreciate hearing it.

Ms. BARRETT. Well, I think certainly a number of these heritage areas are going to be multi-State, multidimensional, and I think that just making this dependent upon State approval or a State contract might limit the flexibility of the program. And no one wants to do that. And I would be happy to come back with more specifics on it.

Mr. VENTO. Well, when States do things together, they pass compacts, as I pointed out to the former panel.

Well, I think it is important, though, that obviously if it is doing something multi-State, it very well could be, I think that is a very good point. And I think then that even becomes more important.

How about the State historic preservation office, don't you think they ought to be involved?

Ms. BARRETT. Well, I think they have to be involved just the way our State liaison officers should be involved. And, to be honest, in our State heritage park planning in Pennsylvania, we require that the chief engineer for each PennDot, Pennsylvania Department of Transportation, district be involved, too. So I think that, you know, there is a whole list of people that need to be at the table.

Mr. VENTO. When I was a State legislator many, many years ago, I wrote something called the Minnesota Outdoor Recreation Act, and we had all of these different entities involved. It came out of a project, and I don't know who I took that idea from, but I ended up being the beast of burden to carry it. [Laughter.]

And so each State has, and I guess we could probably look to that. That is one of the reasons that I thought that in trying to pull this together, you know, kind of looking at the State as the responsible and political subdivision that can be assigned. If it has merit, a nonprofit, a private organization should be able to go to the State and at least enlist their support. So then we are dealing with the Federal Government, the State government in terms of what happens, and they can assign it to whomever they want to assign it to.

So I was a lot more comfortable in that than creating a commission that, in essence, ends up being a new political subdivision and ends up not being responsible to the State and/or the Federal Government. And it has happened and is happening.

So it is based on, learning by experience, it is called, looking at what the track record is and how it has worked and what the problems are, and then when you perceive and see problems, then you correct them when you write the generic law.

Ms. BARRETT. Again, I think we would just urge flexibility. Again, looking at our State heritage park program, which is a distinct program and not the same as a national program, but at the State level, our State heritage parks are managed by different entities. In one case they are a county of 40 under the State Authorities Act, in another case they are a nonprofit. And I think that that kind of flexibility has been very useful.

Mr. VENTO. I agree, but I think that the States or a combination of States could in fact then assign whomever they want. But when we are dealing with it, we need to go to the States, we need to have someone that we can hold accountable. But we have to know where the accountability lies.

Well, thank you all for your testimony and for responding to my inquiries.

Did you have any further questions on this for this panel, Mr. Hinchey?

Mr. HINCHEY. Just a comment, Mr. Chairman, I guess.

Mr. VENTO. Go ahead if you do.

Mr. HINCHEY. Something Ms. Barrett said which I think is very important is that this idea also provides the opportunity for municipalities to work together in ways that they don't have now. Our chairman observed a little while ago that in the case of Minnesota, there may be too many municipalities. I know that that is certainly true in the case of New York. We have just much too many levels of government, and they sometimes get in each other's way, and they certainly get in the way of larger objectives.

This may be one way that would allow them comfortably to work together because naturally once you establish these jurisdictions and they have been in place for some time, each and every one of them is very jealous of its own prerogatives and its own governmental structures and authority. So this has that salutary benefit, I think. It allows them to come together in some cooperative fashion.

Mr. VENTO. Not that I would want to take any power away from any township. [Laughter.] We really will be up against it if we do that.

Well, thank you very much for your testimony. We won't ask the witnesses to testify on that. That would be sort of cruel and unusual punishment, you know. [Laughter.]

**PANEL CONSISTING OF JOAN K. DAVIDSON, COMMISSIONER, NEW YORK STATE DEPARTMENT OF PARKS, RECREATION AND HISTORIC PRESERVATION; GAIL L. DOMIN, DIRECTOR, SUSQUEHANNA URBAN CULTURAL PARK; KAREN ENGELKE, URBAN CULTURAL PARK COORDINATOR FOR THE SCHENECTADY CULTURAL PARK, AND ADVOCACY CHAIR FOR THE URBAN CULTURAL PARK ASSOCIATION; AND, W. BARNABAS McHENRY, CHAIRMAN, HUDSON RIVER VALLEY GREENWAY COMMUNITIES COUNCIL, NEW YORK STATE**

Mr. VENTO. But we have finally two more witnesses that have been waiting, and that is Ms. Joan K. Davidson, the commissioner from New York State Department of Parks and Recreation, accompanied by Gail Domin, the urban cultural park coordinator for Susquehanna urban cultural park, and Karen Engelke, the urban cultural park coordinator for the Schenectady urban cultural park and advocacy chair for the Urban Cultural Park Association.

Finally, Mr. W. Barnabas McHenry, chairman of the Hudson River Greenway Commission of New York, and someone who welcomed us and hosted myself and his congressman. Congressman Hinchey, I assume, is his congressman.

Did you want to welcome your constituents?

Mr. HINCHEY. Well, you are doing that, Mr. Chairman, and I will just say in addition to what you have already said, welcome. It is a delight and a pleasure to have New Yorkers here to testify and particularly people who are going to testify on some aspects of creativity in New York that are close to my heart and, I think, are very beneficial to the present and future growth and development of our State.

Mr. VENTO. Fine.

Thank you very much for your patience. Let's proceed with the statements. They have been made part of the record, so you can

feel free to summarize or read the relevant portions of the statements, as you desire.

Ms. Davidson.

#### STATEMENT OF JOAN K. DAVIDSON

Ms. DAVIDSON. Thank you, Mr. Chairman. I thank you very much, Chairman Vento, and also my own very distinguished congressman, Mr. Hinchey, for this opportunity to speak very briefly in favor of this wonderful idea of the heritage areas. I have put in a statement which is there, and it deals with the nature of the partnerships, to some extent the nature of funding, and how it would be organized and so on, and most of it indeed has been mentioned by other speakers. So I just have a few sort of free-wheeling thoughts to say at this point.

New York enjoys the sort of wholesale districts of many sorts, from trailways to greenways to our fabulous canal system. We have had a 10-year run with urban cultural parks, which these two colleagues of mine are associated with, which are an inventive concentration of traditional parks, historic districts, businesses, residential and industrial places in the natural environment.

As Congressman Hinchey knows, since he invented most of these programs, they have tended to be successful, and we happily offer whatever lessons came out of our experience in New York to help build a national program.

We deeply believe in this wideranging approach to land communities and resources. The old-fashioned loving care that we all have administered to a single discrete structure or place is no longer a match for the unrelenting forces of sprawl. Only the large-scale, comprehensive district can fend off the road-wideners, the slayers of ancient trees, the speculation that scatters uninhabited houses over hillsides and ridgelines, the walls of construction springing up along waterways, and the concrete and macadam moonscapes of the malls.

Your wonderful bills could help rescue preservation and rational land planning from victimhood. It could enable us to meet power with power and prevail. I very much hope that these bills will pass.

Thank you.

[Prepared statement of Ms. Davidson follows:]

Testimony of  
Commissioner Joan K. Davidson  
New York State Office of Parks, Recreation  
And Historic Preservation

The United States House of Representatives  
Subcommittee on National Parks, Forests  
and Public Lands

March 22, 1994

I am pleased to appear before you today, both to applaud and to encourage you, Congressman Hinchey, in your admirable efforts to achieve a national system of Heritage Areas. New York State, as you know, strongly believes in the value of this kind of holistic community revitalization. In the mid-1970's and by 1977, the State Legislature directed our Office to develop a statewide system of Urban Cultural Parks. In 1982, the Legislature designated this system, which is now comprised of 14 parks encompassing 22 communities. It was our own New York State Assemblyman Maurice Hinchey who spearheaded this legislation. Now, almost two decades later, Congressman Hinchey is joining with Congressman Vento to take this great idea and make it national -- through two pieces of proposed legislation, H.R. 3707 and H.R. 2416, which we are addressing today.

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New York, grateful for its rich and diverse natural and cultural heritage, has sought to protect that heritage through several different mechanisms. The Urban Cultural Park System is one. This system embodies the State's history in cities and villages, ranging from New York City's Harbor Park to the Village of Sackets Harbor, a community of 1,000 residents in the North Country. These new parks are a fascinating amalgam of traditional parks, historic districts, businesses, residential and industrial areas and the natural environment. The parks are connected by the State's waterways -- the Hudson, the Mohawk, the Susquehanna Rivers, the Erie and Champlain Canals, and the St. Lawrence Seaway.

New York is trying to make the most of its patrimony and resources in other ways as well; designating the Hudson Valley Greenway and the St. Lawrence Seaway Trail. We would hope that our long experience with the complex partnerships of Urban Cultural Parks, Trails and Greenways, might be of use to the subcommittee in its review of the two pieces of legislation before us today, as well as of the legislation promised by the National Park Service.

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In that review, we respectfully urge the Subcommittee to consider the following modifications:

1. Broad definition - Heritage Areas should be defined in the broadest, most flexible terms. They should set a standard of "greater than local significance" but not be restricted to National Historic Landmark or National Register of Historic Places properties of national significance. Widely diverse geography and thematic representation, such as is found in New York's Urban Cultural Park system and the Hudson Valley Greenway, should be eligible for recognition as National Heritage Areas. Urban areas should be clearly and adequately represented in the heritage area concept.

2. Planning - Heritage Area designation should precede the requisite comprehensive planning studies. In regions, states and areas that have embarked on heritage area projects before the enactment of the legislation, all studies and materials that meet the national standard should be accepted.

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3. Community involvement - Heritage Areas should encourage community-based partnerships that would be supported by federal and state governments. It is essential that the municipality, non-profit and corporation, having themselves established the goals and aspirations of the Heritage Area, maintain a continuing and direct ownership in the Heritage Area and its achievements.

4. State involvement - States should be involved in the development and support of all Heritage Areas designated as part of the national system.

5. Grants and Fees - Federal appropriations for the program should support community efforts under matching formulas that encourage local participation. The total of all fees for management and administration of the program received by the Department of the Interior or any other state or federal agency should not exceed 10% of any given appropriation.

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6. Early Action - Heritage Areas should provide Early Action grants for capital projects, including programs or products that further the overall goals of the heritage partnership effort. The advantage of educational and interpretive aspects, such as good signage, informative programs, brochures and outreach efforts to the local citizenry, too often fail to be understood and appreciated by federal and state programs.

7. Consistency - Heritage Areas that are designated by Congress should be assured that federal agencies and participating state agencies will demonstrate consistency with the goals. We must make sure that all levels of government support the efforts to protect these unique and significant areas of the nation.

8. Funding - Funding for Heritage Areas should be derived neither from the Land and Water Conservation Fund nor the National Historic Preservation Fund, but from a new source. Those existing funds are already stretched, and wholly

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insufficient to carry out the federally mandated responsibilities that would be assigned to state governments by new programs and regulations. Funding should be divided into categories for Early Action Grants and Planning and Capitol Projects and should require matching funds from respective state and local level participants.

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Heritage Areas would offer all of us, as citizens, visitors, community and/or corporate activists, the opportunity to recognize, protect, encourage and rejuvenate the special places in which we live, work and play. Happily, New York State can put before the nation, from the first decade of our Urban Cultural Park System, a range of experiments that have turned out well:

- 1) In the City of Rochester, city and corporate leaders, with State Parks, created an exciting new destination in downtown Rochester. Its first achievement is that community residents are rediscovering their river and the historic

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High Falls area. The second achievement is that our great corporations like Rochester Gas and Electric, Kodak, and Bausch & Lomb have provided the wherewithal to build a smashing new municipal parking facility and also the funds for a world class laser light show which uses as its palette the wall of the Genesee River gorge.

2) In Seneca Falls, the State's Urban Development Corporation joined in a partnership with New York State Parks and the National Park Service, and the Village government. The result is a heartening revitalization of Main Street and the downtown business district. The Historic Preservation Investment Tax Credit and the Certified Local Government program of the National Historic Preservation Act have made possible major facade rehabilitation, among other benefits.

3) In Kingston, as Congressman Hinchey recently proudly pointed out to Congressman Vento, the community has joined in a partnership with the Maritime Museum, the Senate House State Historic

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Site, Senate House, and private developers to bring vitality back to this Hudson River city where coal from Pennsylvania mines once travelled from the Delaware and Hudson Canal into the transportation corridors of the Hudson Valley.

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New York has been fortunate in building its program of Heritage Areas and we greatly look forward to working with the Congress in its bold effort to design and construct a National System of Heritage Areas that, in the words of Congressman Vento's legislation:

"recognizes the great and diverse character of the United States whose resources must be guarded, preserved and wisely managed so that they may be passed on to future generations."

Once again, I thank you for this opportunity to testify on behalf of the New York State Office of Parks, Recreation and Historic Preservation and of our partner, the New York State Department of Environmental Conservation.

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I would now like to introduce:

**Gail Domin**, the Urban Cultural Park Director for Susquehanna, a multijurisdictional park composed of the Cities of Binghamton, Endicott and Johnson City, and

**Karen Engelke**, the Urban Cultural Park Coordinator for the City of Schenectady on the Mohawk River and the New York State Barge Canal.

*Joan K. Davidson*

Mr. VENTO. Thank you, Ms. Davidson.

Ms. Gail Domin, I know I met you both, so I feel guilty about mispronouncing the names here.

#### STATEMENT OF GAIL L. DOMIN

Ms. DOMIN. No; that is absolutely correct pronunciation. I am Gail Domin. I am director of the Susquehanna Urban Cultural Park in Binghamton, NY.

Evident in our beautiful river valley in the southern tier of New York State are the special events, places, and people that shaped our community and contributed to the growth of the Nation. Powerful images of the legacy of Binghamton's power city days still exist through exquisite turn-of-the-century architecture and pastoral riverbank parks. Antique carved carousels and gold-domed ethnic churches are easily found in several neighborhoods that surround the many factory buildings in this valley of opportunity.

This is a community that drew thousands of immigrants to work, live, and play here. It was home to Edwin Link, who built the first flight trainer in the basement of his father's piano factory after having a difficult time learning to barnstorm with some World War I veterans. Thomas J. Watson ran a company that made the first automatic timekeeper on the market and rapidly expanded it to become IBM.

Both of these men contributed to an idea that helped build a community, a State, and a nation, and ultimately impacted the technology of an entire world. Although those are both perhaps familiar names to you, there was another resident, George F. Johnson, a local shoe manufacturer, who left the most indelible mark on our community. George F. believed that his employees were working partners and instituted a system of benefits for his workers and the community that has left hospitals, theaters, parks and playgrounds, worker homes, dance halls, and even a golf course.

Why did he do this? Because George F. believed that this partnership was critical to building the community of happy, comfortable, and healthy working people.

George F.'s philosophy was tantamount to what we are talking about today, forming a partnership in order to carry out common goals and efforts, partnerships that involve all levels of interest and commitment, that together create the best opportunities.

The Susquehanna urban cultural park has woven a successful partnership in our communities and with the State of New York. Our agency coordinates several municipalities and many private and nonprofit organizations to accomplish a variety of programs and capital projects in our region. Ethnic festivals, educational exhibits, riverbank park development, adaptive reuse of commercial structures, marketing strategies, and arts in the parks programs are some examples of how we accomplish our goals of preservation, education, recreation, and economic development.

In light of our experience in managing the State and local program for almost 15 years and in hopes of someday forming a Federal partnership with the same effort, I would like to offer the following comments for your consideration as you work toward national heritage areas enactment.

Designations of areas, while they should obviously display a national theme and significance, should also demonstrate a physical integrity that invites public access and activity through available or potential events, programs, and amenities.

Flexible and broad criteria for themes in geographic areas is critical to assure that all available resources—physical, financial, and organizational—have an opportunity to participate, if appropriate.

Existing State and regional heritage areas should be offered the opportunity to be considered under this new national designation if desired by the local communities. They should also be allowed to reconsider appropriate theme and geographic boundary adjustments based on the national perspective.

Strong local commitment should be demonstrated through past or desired efforts that include Government, business, education, and citizen involvement. Management should ultimately rest in the hands of the local communities, as they have the most to invest and will be responsible for the ultimate success of the program.

Appropriations should require a match of up to but not more than 50 percent in order to provide the incentives necessary to involve local public, private, and nonprofit participation. And we encourage you to use the most flexibility allowed under the law for the types of acceptable match dollars so that Federal investment can be stretched the furthest into the communities.

Recognize the minimal staff required to manage these programs by streamlining regulations and designation process and making the access to these funds uncomplicated. Ten out of the 14 urban cultural parks, including Susquehanna, currently operate with only one full-time person. In many cases it will be impossible to participate if more staff at any level at local program management is required.

Finally, please know that the people of the Susquehanna Valley in New York State strongly encourage your efforts to recognize the areas of our Nation that we are most proud of, the very special and inherently unique communities that define America, that contributed to the development of its values, culture, and commerce, and that continue to provide these opportunities for future generations.

Thank you, Mr. Chairman.

[Prepared statement of Ms. Domin follows:]

Testimony of Gail L. Domin  
Director, Susquehanna Urban Cultural Park  
Binghamton, Johnson City & Endicott, New York

The United States House of Representatives  
Subcommittee on National Parks, Forests and Public Lands

March 22, 1994



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City Hall, 4th Floor  
Hawley Street  
Binghamton, New York 13901  
(607) 772-7180

Evident in our beautiful river valley, in the southern tier of New York State, are the special events, places and people that shaped our community and contributed to the growth of a nation. Powerful images of the legacy of Binghamton's "Parlor City" days still exist through exquisite turn-of-the-century architecture and pastoral riverbank parks. Antique wooden carved carousels and gold-domed ethnic churches are easily found in several neighborhoods that surround the many factory buildings in this Valley of Opportunity.

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George F.'s philosophy was tantamount to what we are talking about today; forming a "partnership" in order to carry out common goals and efforts. Partnerships that involve all levels of interest and commitment, that together create the best opportunities. The Susquehanna Urban Cultural Park has woven a successful partnership in our communities and with the State of New York. Our agency coordinates several municipalities and many private and non-profit organizations to accomplish a variety of programs and capital projects in our region.

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2. Flexible and broad criteria for themes and geographic areas is critical to ensure that all available resources; physical, financial and organizational, have an opportunity to participate if appropriate.
3. Existing state and regional heritage areas should be offered the opportunity to be considered under this new national designation, if desired by the local communities. They should also be allowed to reconsider appropriate theme and geographic boundary adjustments based on the national perspective.
4. Strong local commitment should be demonstrated through past or desired efforts that include government, business, education and citizen involvement. Management should ultimately rest in the hands of the local communities as they have the most to invest and will be responsible for the ultimate success of the program.
5. Appropriations should require a match of up to but not more than 50% in order to provide the incentives necessary to involve local public, private and nonprofit participation. We encourage you to use the most flexibility allowed under the law for the types of acceptable match dollars so that federal investment can be stretched the furthest into the communities.
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Finally, please know that the people of the Susquehanna Valley in New York State, strongly encourage your efforts to recognize the areas of our nation that we are most proud of.....the very special and inherently unique communities that define America, that contributed to the development of its values, culture and commerce and that continue to provide these opportunities for future generations. Thank you.



City of Bangor, Maine  
 Richard A. Bucci, Mayor  
 Village of Eastport, David Archer, Mayor  
 Village of Johnson City, Harry Lewis, Mayor

Susquehanna Urban Cultural  
 Park Commission  
 Gail L. Domin, Executive Director

NYS Office of Parks, Recreation & Historic  
 Preservation, Urban Cultural Parks

Mr. VENTO. Thank you, Gail.  
 Finally, Karen Engelke. I had mispronounced your name at first. I apologize.

#### STATEMENT OF KAREN ENGELKE

Ms. ENGELKE. Thank you, Chairman Vento, Congressman Hinchey.

The creation of national heritage areas will afford protection for future generations to learn about the pioneers of our country, whether these pioneers were on the plains of the Midwest or the factory floors of the East. The need is to protect and interpret, not individual sites, which are already afforded national register designation, but the larger and far more complex story of people developing a new Nation.

New York State has been very fortunate in the stewardship of its diverse heritage areas. Our legislature, spearheaded by then-assemblyman Maurice Hinchey, took measures through the urban cultural parks program to promote the preservation, interpretation, and economic development of some of the major city cores throughout the State. The patterns of management and development for this program have been adapted successfully in other heritage areas of New York State. They are based on the forging of strong and varied local and State partnerships that include, for the urban cultural parks, a State-level advisory council with representation from each of the departments of New York State government as well as appointments by the legislature and Governor.

The concept of a park encompassing not just greenspace but the dynamic city streets on which our citizens live daily has pushed the idea of a park into a broader context in which to interpret regional history. Specific sites feed the context of the whole. For the urban cultural parks, the context is the cities themselves. My city of Schenectady is 340 years old. With so much history, it would be impossible, it would not have been enough to identify specific sites without telling the story of the thousands of people who have come for centuries from all over the world to create with their hands and invent with their minds products and ideas which have changed the world.

From locomotives and tanks, from jet turbines to the domestic uses of electricity that with the flick of a switch took the world out of the medieval darkness, the Schenectady story is the story of the people who have lived here.

But the story does not stop at our city line. Through the New York State urban cultural park system, we relate ourselves to the great ironworks in Troy, the water turbines which drove the mills at Cohoes, to the great transportation system of the Erie and Barge canals linking us to Buffalo and the West and to the world port of New York in the East, the national defense of yesteryear at our borders at Whitehall and Sacketts Harbor.

Indeed, 80 percent of the population of New York State lives within 50 miles either side of the two great transecting corridors of the north-south Hudson River and the east-west Mohawk River Erie Canal system. All of the urban cultural parks lie within these corridors.

The urban cultural parks are stronger together as a system because we tell the development of the whole of New York State. The inclusion of this New York State urban cultural park system program into a Federal system of heritage areas is a very natural evolution.

Many leaders have already recognized the need for a regional approach to interpreting history. New York Assemblyman Paul Tonka has prepared legislation that will designate the Mohawk River heritage corridor and other regional corridors as a parallel system within the existing urban cultural park legislation. Because of the strength and flexibility of the original UCP law, expansion of this present system can readily be accomplished.

In the same way, national heritage areas can tell a more complete story of America. Heritage tourism is the strongest growing tourism segment in the United States, and indeed worldwide it is the largest industry in the world.

Recently, the National Endowment for the Arts found more money, \$3.7 billion, was spent by more Americans on cultural activities than on all sporting events combined, which had a total of \$2.6 billion.

Potential financial infusion into the host region can fuel the lifeblood of the projects and relieve the need to rely on large amounts of Federal tax dollars to sustain a new system. Federal startup funds for system development, including capital projects, combined with the expertise of the National Park Service technical assistance, will provide a solid foundation to the host communities as they inventory local resources and create management plans.

If capital funds are provided, then local administration can best allocate these funds to projects which will build region-specific heritage areas. Legislation needs to take advantage of feasibility and planning studies already under way and, after designation, to reimburse at some percentage the cost of these previously performed studies.

Fewer available Federal dollars demand more creative partnerships with host communities and their networks of relationships. Using the existing channels to human resources is not only fiscally prudent commonsense but ultimately the most efficient method to tailor specific heritage projects. Capitalizing on the common interest will create the partners of stewardship necessary to sustain these newly developed heritage areas.

Federal, State, and local partnerships will provide a winning combination for the success of national heritage area legislation. It is a management route that offers new opportunity for shared decisionmaking and, despite its complexities, ultimately a stronger and more viable system.

Thank you for the opportunity to comment on the proposed legislation.

Mr. VENTO. Thank you, Ms. Engelke.

Finally, Barney McHenry, someone I spent a couple of days with in New York last fall.

I am pleased to welcome you. And I have looked at your testimony. It is excellent. It agrees with my bill. [Laughter.]

I will give you a chance, though, to comment. Maybe you have changed your mind after listening today. [Laughter.]

### STATEMENT OF W. BARNABAS McHENRY

Mr. McHENRY. Well, thank you very much for letting me be tailgunner here today, and thank you very much for coming to the Hudson River Valley last fall. We were delighted to have you there. I am here as the chair of the Hudson River Valley Greenway Commission. I am also, incidentally, a member of the advisory council on historic preservation and am fully familiar with the 106 process, and I would see that as complementary. I don't see any real problems between that and H.R. 3707.

We fully support H.R. 3707. We think it is a marvelous idea. Establishing standards is the way to do it, and standards are most important because the existing—and this is really, I think, at the heart here—the existing ad hoc process is certain to fail as the pressure to designate increases, as we see a hundred of these things, someone said earlier. And because many heritage areas cross State lines, and of course for us in the Hudson River Valley, the last 22 miles is in New Jersey, there is no logical substitute for Federal leadership, and we agree that the Park Service is the correct choice because of its expertise. And then I would say “but,” and I could say something about that. But we believe that you are correct in requiring that the proposed heritage areas be of national significance.

I have a statement which I won't go into, and Maurice, I didn't say anything about Sterling Forest in the statement. [Laughter.]

I mean I could if you wanted me to, but I won't say anything.

As Mr. Seiberling noted, and I must say it is really great to see him there because he has really done so much for so long, bottom-up planning is the better way. We found that that worked in the Hudson Valley, and we are grateful to Mr. Hinchey for being our sword and shield in that respect and the very engine of the Hudson River Valley greenway concept. And it works.

I would have to say that the Park Service is not terribly good at bottom-up planning work. They are going to need your encouragement in your legislation, I would think. You have to specify that.

We would also say that your H.R. 3707 is particularly important for those of us east of the Mississippi, where it is unlikely that there are ever going to be created any more national parks. This is the logical way. You are onto a great idea here.

But time is running out. It is for us in the Hudson River Valley. And, you know, we could end up with that wonderful valley that you saw last autumn looking like Long Island with a river running through it. We don't want that. And you give us an opportunity to do it a different way.

Public hearings, bottom up, would be the best way, with the goals and the management plan growing out of the public hearing. I do not care how you approach it from that, because you know much more about that.

I would say that a citizens advisory council is not a bad idea. I know it is not present in H.R. 3707, and I understand that OMB whines about those, but the cost is so little, really.

I serve on the advisory council on historic preservation, and it does work to have citizens involved, citizen involvement. And that would seem to be particularly appropriate in your heritage area legislation.

Another suggestion. Perhaps no use of Federal funds for eminent domain. I mean you're not going to do it anyway, but it is a good idea to say it because it eliminates the complaints from one particular section. Or just mention "willing buyer, willing seller;" no need then to talk about capital funds.

Small grants for planning, which is the kind of thing you guys know about better than we do. I don't think that the money is anywhere near as important as the imprimatur that you would bring to this.

And of course, to answer your question, yes, State approval; of course you have to have State approval. If you don't, it wouldn't work. It couldn't work at all, it doesn't seem to me.

The New York State/New Jersey model of the Palisades Interstate Park Commission is a good model for that purpose. It has worked well. It is now 90 years old. But don't make all this too difficult. We in the conservation world or the environmental world have gotten to be, particularly in the East, very good at stopping things. We are real experts. It's not very often that we have the opportunity to start something. And like the old song says, this could be the start of something great. And I think it is a great idea, and I hope you move forward with all speed.

Thank you.

[Prepared statement of Mr. McHenry follows:]

Testimony  
of

Barnabas McHenry  
Chair  
New York State Hudson River Valley  
Greenway Communities Council  
before the  
House Subcommittee on National Parks, Forests  
and Public Lands

Bruce Vento, Chair

March 22, 1994

National Heritage Areas Legislation  
H.R.3707

Chairman Vento, Congressman Hinchey and members of the Subcommittee:

It is a pleasure to be able to participate in these hearings. We were delighted with your visit to the Hudson Valley last fall and we are enthusiastic supporters of your efforts to draft heritage area legislation for the nation. In sum, we fully support HR 3707.

HR 3707 provides for established standards for the federal designation of heritage areas. Standards are most important because the existing ad hoc process is certain to fail as the pressure to designate increases. Because many heritage areas cross state lines there is no logical substitute for federal leadership and we agree that the Park Service is the correct choice because of its expertise. We believe that you are correct in requiring that the proposed heritage areas be of national significance.

Our experience with the development of the Hudson River Valley Greenway may be of some use as you continue to fashion national heritage area legislation. There is another motive, as well; we would hope that the Hudson River Greenway would be considered as a National Heritage Area in any new program developed.

When Maurice Hinchey first introduced the Greenway as legislation in New York State in 1988, many supporters considered the Greenway as simply a trail running up and down the Hudson River from Troy to New York City. Two years of public hearings and meetings convinced us that there was something far more meaningful to offer people in the Hudson Valley. At hearing after hearing -- and there were 19 of them -- residents of the Valley used the image of the Greenway to talk about housing, economic development, education, recreation, environment, architecture, culture, agricultural, tourism and political process. We were continually amazed at the depth of their passion and knowledge. As the hearings unfolded, it became obvious that we had tapped into something far more significant than we had thought. People in the Hudson Valley were worried that the character of their area was disappearing and with it the sense of community and sense of place that they once had taken for granted.

I stress this because I believe that your legislation may be far more important than many people realize. The concept of greenways -- or heritage areas -- is an extremely powerful one. Because they cannot be rigidly defined, people are able to see in them different visions but taken together they add up to a regional desire to maintain a sense of place.

Geographically, we are the 10 counties that begin at the confluence of the Hudson River and Erie Canal and run to the borders of New York City.

Historically and culturally we are rich and diverse. The Hudson River is the river of Henry Hudson, Thomas Cole, Frederick Church, Robert Fulton, West Point, Franklin Roosevelt, the American and Industrial revolutions and, more recently, IBM.

The Hudson River stands as one of the greatest environmental success stories in the nation. Twenty years ago the Hudson was choked with sewage. Today, it is a reservoir, a swimming pool, sailing and canoeing mecca and, increasingly, a home for those who want to live along or near its shores. It was because of the environmental successes of the 60s and 70s that the Greenway came into being in the late 1980s guided by the foresight and determination of Maurice Hinchey.

The Hudson River Greenway Act of 1991 creates a format for regional cooperation throughout the Hudson Valley through the innovative use of financial and procedural incentives. The institutions for implementing the Greenway are a permanent Council -- whose goal is to create a regional planning "Compact" among local governments in the valley -- and a Conservancy, whose mandate is to physically implement what the plans call for. At every stage, the Greenway is based upon local initiative. At every stage, it is voluntary. There is no power of eminent domain and no regulatory review procedure. The roles of both the Council and Conservancy are two-fold: to help supply the vision that communities can strive for in a better planning process, and then to help supply the tools that will achieve the vision.

The legislature has directed us to test this unique legislation by creating "model" communities that would show how it can work. To date, there are seventeen communities participating in nine model efforts along the river.

In each model community along the Hudson, economic development is as important as environmental protection. Local Greenway committees supply the agenda, and so in Newburgh, as we strive for more riverfront access, we also seek to help bring a

supermarket into the downtown area where none now exists. In Beacon, where the revitalization of Main Street is a primary goal, we have joined with the Department of Economic Development, Lt. Governor Stan Lundine and the City to help develop the Long Dock area as a mixed use area of open space, businesses, housing and recreation.

The success to date of the Hudson River Valley Greenway lies in the fact that it has no regulatory power and local governments have responded to the Greenway because they have wanted help for years in their planning but have been afraid to ask New York State because of the fear of over-regulation and heavy-handed administration.

The Greenway concept has touched something in the public mind that should not go unnoticed at the federal level. People want connections to the places where they live. They want the unique characteristics of their neighborhoods to remain even as they want those neighborhoods to grow and prosper. It is no accident that the fastest two areas of growth in the "environmental" movement in this country are in land trusts and greenways. Both represent local efforts to reconnect people with their surroundings and both promise a better quality of life because of that reconnection.

Recently, a delegation from the Czech Republic visited the Hudson Valley to study the Greenway because they are implementing one from Prague to Vienna -- about 200 miles. The delegation had the pleasure of meeting with Congressmen Vento and Hinchey and left with enormous enthusiasm for what you are doing in developing national legislation. HR3707 is being watched in places we never dreamed of and will have effects far beyond our borders.

The Hudson River Valley Greenway will help in any way it can to develop HR3707.

Thank you.

Mr. VENTO. Thank you for your testimony.

Concerning this, clearly the issue of the State approval is only intended to recognize. I fully expect, that most of this will be carried out by local Governments or by a consortium and that they will establish advisory councils or groups within the State or within that group as they so desire.

One of the innovations that I noticed that you had utilized with some success in the Hudson River Valley was the role of a facilitator. You actually funded a facilitator in terms of that area to try to monitor and to spread information about zoning and planning laws that would in fact enhance the quality of the Hudson River Valley.

Did I put that about right?

Mr. MCHENRY. Yes, you did, sir.

Mr. VENTO. But we don't have that in the legislation. Is that something we ought to try to identify?

Mr. MCHENRY. Well, I suppose that is probably more of a regional thing. We have 80 separate communities within our Hudson River Valley greenway. We don't have any county zoning, as you were talking about out in Oregon. That just doesn't exist at the most local level.

Mr. VENTO. In Oregon and Washington, in Washington they didn't have any zoning. They didn't have it at the county or local levels.

So it was just a little bit different, I think, in New York.

Mr. MCHENRY. It is so very different, really, the East, the whole concept of town rule, home rule. I don't think you need to be that specific, sir.

Mr. VENTO. Yes. It's not that unusual in the West, incidentally, not to have zoning. So it is sort of like you come in and make a proposal and they approve it and that's it. So there is no sort of guiding plan. That's why they get a little upset with me sometimes in terms of the committee activity.

Did you have any questions at this point, Mr. Hinchey?

Mr. HINCHEY. Well, no. I think with regard to zoning, it is important—well, I don't know how important it is, but it's interesting to note that people think that New York State tends to be sophisticated about these things and far advanced. But the fact of the matter is that in the town in which I live, zoning is a new phenomenon. It just occurred within the past few years, and there are still towns in the Hudson River Valley that have not adopted zoning laws. It is something that they are just coming to very gradually and, in some cases, very grudgingly.

I just wanted to say thank you for your testimony here today on behalf of the legislation that Chairman Vento and I are trying to shepherd through this legislature. It will depend more upon him, obviously, than it will upon me.

But I thank you very much for your testimony and support for what we are trying to do and also, more particularly, for the work that you are doing back in New York, commissioner and chairman and ladies, who are working on the urban cultural park, which I think is a very important program. I thank you very much for your ongoing stewardship for these programs and the fine work that you are doing. We are deeply in your debt.

Ms. DAVIDSON. Excelsior, as we say back home. [Laughter.]

Mr. VENTO. Well, listen, I will not keep you. I appreciate your comments. I have your written statements. The work that you are doing is really very important, and we wouldn't be able to advance it without you. I think a lot of the innovative ideas that Maurice Hinchey has and some that we have gathered here again today, like the facilitator to help and educate, and how much you are able to do. I mean I understand the necessity of planning here.

One of the concerns is that we not take away the power to zone, which they have never exercised, and that they might do it for the purpose of conservation or for a heritage area, which is up to the local unit, up to the area, those in the area that might seek designation. That is one of the commitments that has to be made.

So I would see that happening through some sort of agreement, joint agreement, this contract issue that I have outlined, trying to put up front as much as we can before we start making commitments what the understanding is that we are going to have in terms of putting the imprimatur on it.

It is, for instance, in Connecticut, in the Shetucket and the Quinebaug, when we put the designation on 25 communities, they were already there, the State had helped them. They were ready to go. They have a lot of great buildings and resources, and simply gaining the Federal designation is very important to the success of focusing and bringing together the disparate planning and discipline that they want to accomplish. And this is to this particular end. Obviously, as I said, they invited the State of Vermont to join in.

But there are large areas like this, and we have to find a governance mechanism that will work so that these heritage areas mean something. And there are 100 areas, and it may not fit all, the particular designation. They may not be ready to make the commitment, and it may not be appropriate for them.

So there are different ways that can be used, adjacent to parks, tying together areas. The corridor idea that you have used here I think is really significant in terms of what you've done.

So I think some of these ideas we can draw on and some we can put in the report. We don't have to write into law necessarily every single step. There is a lot of flexibility in the concept. But I think we have to have a basic understanding of what the Park Service role is, what the Federal Government role is in these areas so that we don't step too heavily on what is happening locally.

But this panel has been very helpful, and I thank each of you for your patience and your contribution.

We will stand adjourned at this time.

[Whereupon, at 1:29 p.m., the subcommittee was adjourned.]



# APPENDIX

MARCH 22, 1994

ADDITIONAL MATERIAL SUBMITTED FOR THE HEARING RECORD  
Insert offset folio 286 here

## AUGUSTA CANAL AUTHORITY

Canal Constructed 1845 • Canal Enlarged 1876 • Authority Established 1989

EXECUTIVE DIRECTOR  
Dayton L. Abernouse

MEMBERS  
Jennie C. Allen  
D. Hugh Connolly  
Richard S. Fox  
Thomas H. Robertson  
Robert S. Woodhurst, III

March 21, 1994

United States House of Representatives  
Subcommittee on National Parks and Public Lands  
812 O'Neill House Office Building  
Washington, DC 20515

Attn: Ms. Amy Holley

Re: Testimony on National Heritage Partnerships  
HR 3707 and others

Gentlemen:

Please accept this letter and its attachments as written testimony for consideration by the Subcommittee in developing action on HR 3707 and other similar initiatives to establish a National System of Heritage Areas and Partnerships.

Establishing a national system of heritage areas will be an excellent start in preserving America's real places. It will codify the present individual system of considering heritage areas, will stimulate creativity, will encourage partnerships among governments and private entities, and will involve the assistance of many citizen volunteers.

We support in concept the heritage bills sponsored by Representative Vento and Representative Hinshey. Nevertheless, we recommend that any final legislation include provisions for substantial planning prior to congressional designation; the inclusion of criteria to permit innovative, appropriate themes for large scaled areas of cultural history; and a funding mechanism that provides for direct federal support to management entities of heritage areas, and not necessarily through a state government.

We particularly ask your subcommittee to designate in the initial legislation the several heritage areas which have already completed substantial planning and which meet the criteria envisioned by the Act. We ask you to include the Augusta Canal National Heritage Park as one of the initial areas. The master plan for this area has been completed and the attached summary, The Augusta Canal Master Plan, Part 1: Summary Plan, is submitted for your information and is incorporated in this letter by reference. The area is nationally significant, contains outstanding natural and cultural landscapes, is exemplary of

United States House of Representatives  
March 21, 1994  
Page 2

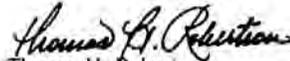
the purpose of the legislation, contains resources contiguous to one another, occupies a relatively small land area, and enjoys widespread citizen support, and local and state government endorsement.

Please also consider the enclosed letter of support from Governor Zell Miller of Georgia to the Honorable Bruce Babbitt, The Secretary of the Interior, dated August 23, 1993, which is also incorporated herein by reference.

Thank you for your vision, and the opportunity of providing this testimony for your consideration.

Sincerely,

AUGUSTA CANAL AUTHORITY

  
Thomas H. Robertson  
Chairman

THR/vlk  
Enclosure

cc Congressman Don Johnson  
Congresswoman Cynthia McKinney  
Senator Paul Coverdell  
Senator Sam Nunn  
Governor Zell Miller

NATIONAL COORDINATING COMMITTEE  
FOR THE PROMOTION OF HISTORY



Administrative Offices: 400 A STREET SE  
WASHINGTON, DC 20003(202) 544-2422

Dr. Page Pluhm Miller  
Dresser

**Members**

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Immigration History Society  
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Central European History  
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Midwest Archives Conference  
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American Society for Legal History  
American Studies Association  
Council on America's Military Past  
Economic History Association  
History Associates, Inc.  
Institute for Historical Study  
(San Francisco)  
New England Archivist  
Society of Georgia Archivists  
Society for Industrial Archeology  
Southern Association for Women  
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American Council of Learned Societies  
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Indiana	Oklahoma
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Kansas	Texas
Kentucky	Utah
Maryland	Vermont
Michigan	Virginia
Minnesota	Wisconsin
Mississippi	

March 21, 1994

Representative Bruce Vento  
Chair, Subcommittee and National Parks, Forests,  
and Public Lands  
House Office Building - Annex I, Room 812  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Vento,

I am writing to you on behalf of the fifty member organizations of the National Coordinating Committee for the Promotion of History, which is composed of this nation's major professional historical organizations. I wish to request that this statement be attached to the March 22 hearing of H.R. 3707, a bill to establish an American Heritage Areas Partnership Program in the Department of Interior.

While the basic components of H.R. 3707 -- the preservation of heritage areas and the development of partnerships between those inside and outside of the federal government -- are goals that we very much endorse, we would like to raise some issues for your consideration.

First, historians have some concerns about the evaluation process for the identification of heritage areas. From cooperative work with the National Park Service on the National Historic Landmark Program and the revision of the thematic framework, historians are well aware that some aspects of the American past are not well represented by units of the National Park Service or by National Historic Landmarks. We would hope that the Heritage Areas legislation would provide an opportunity for addressing some of these gaps. This, however, will require an evaluation process that takes into account existing cultural resources and that includes an awareness of aspects of our history that are underrepresented. It is unclear at this point how the evaluation will be conducted. For example, will historians with subject matter expertise have an opportunity to comment on the quality of the historical component of proposals and on how a proposal contributes to the goal of presenting an accurate and comprehensive view of the American past? The legislation states in Section 2, item 4 that one of the purposes is to "preserve these nationally important recreational, cultural, historic, and natural resources which are worthy of joint Federal and State designation and assistance, which may not qualify or be managed as units of the National Park Service." We support this goal but

would like to see more specific language about how the Secretary of Interior will evaluate the resources and what kind of oversight there will be of the program.

A second major area of concern is how this new initiative will be funded. Many existing programs, which many feel are underfunded, also must come from the Historic Preservation Fund. This seems to be a limited pot of funds that is already spread thin. If the Heritage Areas legislation is passed, can we be assured that financial support will come from new funds or will funding for existing programs, such as the state historic preservation programs and the National Trust, have to be reduced?

We would appreciate your consideration of these issues.

Sincerely,

A handwritten signature in cursive script that reads "Page Putnam Miller". The signature is written in dark ink and is positioned above the printed name.

Page Putnam Miller

TESTIMONY  
IN SUPPORT OF  
HOUSE BILL 5144  
VANCOUVER NATIONAL HISTORICAL RESERVE  
BY  
BRUCE E. HAGENSEN  
MAYOR  
CITY OF VANCOUVER, WASHINGTON  
CLARK COUNTY, WASHINGTON  
PRESENTED TO  
HOUSE SUBCOMMITTEE FOR NATIONAL PARKS AND PUBLIC LANDS  
JULY 31, 1990

Mr. Chairman and Members of the Subcommittee:

Thank you for this opportunity to appear before you and share my thoughts as you consider the proposed legislation for the Vancouver National Historical Reserve. This is a significant piece of legislation that offers the opportunity to mold a common vision for 300 acres of urban land that is commonly known as the birthplace of the great Pacific Northwest. It offers the opportunity for partnership between local, state and federal agencies to shape a vision, manage it and fund it for the benefit of all of our citizens who share an interest in our common heritage.

Background

Situated on the north side of the Columbia River opposite Portland, Oregon, Vancouver was the location selected for the first U.S. military outpost in the Northwest Territory. The original military reserve was 640 acres, and all of this

**TESTIMONY BY BRUCE E. HAGENSEN  
PAGE 2**

property, now in the heart of Vancouver, remains in public ownership, occupied by a variety of federal, state and local agencies including the:

- U.S. Army - Vancouver Barracks
- Federal Highway Administration - Regional Office
- National Parks Service - Ft. Vancouver Historic Site
- Veterans Administration - Hospital
- Clark College - State Community College
- Washington State University
- Washington State Patrol
- Vancouver School District Hudson's Bay High School
- Fort Vancouver Regional Library
- Clark County Public Utility District
- City of Vancouver - Officers' Row Historic District
- City of Vancouver - George C. Marshall Recreation Center
- Southwest Washington Health District
- City of Vancouver - Pearson Airpark and Museum
- City of Vancouver - Old Apple Tree Park
- City of Vancouver/NPS - Waterfront Park
- City of Vancouver Water Station and Waterworks Park

**TESTIMONY BY BRUCE E. HAGENSEN**  
**PAGE 3**

Over the last forty plus years, community groups and the various public agencies have been collaborating to preserve, reconstruct, and interpret the several historical assets, while continuing to use many of the facilities to meet current needs. Thousands of local residents and visitors come to Central Park every day.

The proposal advanced by Rep. Unsoeld is to draw the most significant historical elements into a reserve to better coordinate planning and management of these resources.

To date, the major efforts in historical preservation have been the federal government expenditures on the replica of the Hudson's Bay Trading Fort, and the City of Vancouver restoration of Officers' Row which was transferred to the city by a discount conveyance in 1984. The city and state have invested \$10 million in the restoration of these 21 buildings, completed in 1988. Many of the pictures being shown to the committee show various Officers' Row buildings.

**Reasons**

In support of this legislation, I would like to make a few brief points:

**TESTIMONY BY BRUCE E. HAGENSEN**  
**PAGE 4**

1. While cooperation among the various federal, state and local agencies has been good over the years, there is a need for a more comprehensive approach to assure the objectives of each agency are met and are complimentary to each other.
2. Cooperative planning for improvements and control over uses will make the area more attractive and useful to the public.
3. The possibility of the U.S. Army phasing out some or all of its activities makes it imperative that work start now to determine what to do with the property before further deterioration occurs.
4. Establishment of the reserve will enable us all to maximize our limited resources and work together to better leverage private funding for projects.

**Commitment**

The City of Vancouver is ready to proceed with substantial effort and commitment to continue the historic preservation of the area. For example, we are ready to make the capital expenditures necessary to remove airport buildings

**TESTIMONY BY BRUCE E. HAGENSEN**  
**PAGE 5**

on the property adjacent to the historic fort site, and to make improvements on this property consistent with an acceptable mitigation plan.

We are also ready to take on the challenge of restoration of a former Vancouver Barracks Headquarters, recently damaged by fire, possibly making this into a museum.

And we are ready to support the Pearson Airpark Historical Society in its effort to establish a permanent aviation museum in a replica hanger building.

**Partnership**

The City of Vancouver is committed to a meaningful partnership with federal and state agencies and to involve the local community in all activities. Partnership to us means working together everyday not just meeting once in awhile to exchange pleasantries. The city is experienced in partnership and has a record that is illustrative.

1. The city and NPS have already worked out an arrangement for a park on the waterfront (point to map). In this case, the Park Service was unable to obtain resources to improve the site of a former Coast Guard Station. The

TESTIMONY BY BRUCE E. HAGENSEN  
PAGE 6

city, under a use agreement, constructed the park with local dollars and help from various community groups, and continues to maintain the park. Our commitment is not lessened by the fact that we don't own the land.

We worked cooperatively with the NPS just last year to erect a monument, adjacent to the Fort Site Visitor Center, commemorating the occasion of the first Japanese visitors to the Northwest.

We have a record of effective partnership with many other local agencies, especially the Vancouver School District, to build and operate parks and recreation areas.

**Support**

I would like to note the strong local support for the establishment of the reserve. The list is as follows:

Please note that this is not just a list of airport supporters. Yet much of the dialogue concerning the reserve has focused on the airport, and I would like to make a few comments.

TESTIMONY BY BRUCE E. HAGENSEN  
PAGE 7

It is true that when the agreement was made in 1972 to sell a portion of the land to the Parks Service, there was an expectation that the airport could close after a new airport was sited and constructed. Repeated efforts have been made to site a new airport, and it is now clear that this cannot be accomplished in any foreseeable time frame. Therefore, Pearson is needed by the community to serve the general aviation needs. It is also apparent that in 1972 we made a mistake in not fully recognizing the historical significance of Pearson. We now have a chance to correct that error.

In addition, I believe Pearson can and will be a good neighbor to the Historic Fort Vancouver site. The continued existence of the airport will assure largely open space to the east. If the airport is forced to close, the likely result will be commercial or industrial development of a more intense nature, and further encroachment of flights from Portland International Airport.

Closing

You have heard or will hear about Officers' Row, Pearson Airpark, the Army Barracks, and Fort Vancouver. They are all significant pieces in the historical development of our community and region. I would submit that the whole is greater than the sum of the pieces, and it is the whole that deserves your support

**TESTIMONY BY BRUCE E. HAGENSEN**  
**PAGE 8**

under the auspices of the Reserve act. The benefits of joint planning, management and funding cannot be over estimated. It is a unique opportunity for collective action, marshalling the resources of the public sector in a unified effort to preserve, interpret and share the history of the Pacific Northwest.

Visiting the "pieces" of history on the Reserve will be interesting, but a more compelling vision is the depiction of the evolution of the whole. The potential for education is exciting, as young and old learn about our Native Americans; the struggle for dominance between Spain, Russia, England and the United States; the roles of the early sea captains and the overland explorers; the arrival of international traders; the pioneers and settlers who traveled the Oregon Trail; the military and its effect on the political, social and economic development of the Oregon Territory; the birth of aviation and its effect on the mail system, the military and the "polar bridge." The reserve is a unique history lesson waiting to be shared - a composite of international competition and nation building that has a common site on 300 acres of land on the banks of the Columbia River.

I ask you to join the City Council of Vancouver, the Commissioners of Clark County, the local and state historic preservation officers, the Governor of the State of Washington, and the congressional delegations of the States of Washington and Oregon in support of the Vancouver National Historical Reserve

**TESTIMONY BY BRUCE E. HAGENSEN**  
**PAGE 9**

Act. This bill provides a unique opportunity for partnership devoted to preserving and sharing our rich historical resources. The Vancouver National Historical Reserve Act deserves your support.

C0072501/BEH:MFF/4

LIST OF SUPPORTERS FOR VANCOUVER NATIONAL HISTORICAL RESERVE

1. Congress of the United States
  - . Mark O. Hatfield, USS
  - . Brock Adams, USS
  - . Bob Packwood, USS
  - . Slade Gorton, USS
  - . Les AuCoin, MC
  - . Norm Dicks, MC
  - . Al Swift, MC
  - . Ron Wyden, MC
  - . Sid Morrison, MC
  - . Denny Smith, MC
  - . Robert Smith, MC
  - . Rod Chandler, MC
  - . John Miller, MC
  - . Peter DeFazio, MC
  - . Jim McDermott, MC
  - . Jolene Unsoeld, MC
 March 2, 1990
  
2. *The Columbian*  
 "A Congresswoman's View"  
 Jolene Unsoeld, Member of Congress  
 March 22, 1990
  
3. State of Washington  
 Office of the Governor  
 Booth Gardner, Governor  
 March 5, 1990
  
4. State of Washington  
 House of Representatives  
 Joseph E. King  
 Speaker of the House  
 July 25, 1990
  
5. Washington State Senate  
 Senator Al Bauer, 49th District  
 July 10, 1990

**List of Supporters****Page 2**

6. City of Portland, Oregon  
J. E. Bud Clark, Mayor  
July 2, 1990
7. City of Camas, Washington  
Nan A. Henriksen, Mayor  
July 9, 1990
8. Clark County Board of Commissioners  
Dave Sturdevant, Chairman  
John McKibbin, Commissioner  
John Magnano, Commissioner  
July 23, 1990
9. Heritage Trust of Clark County  
Anita L. Fisher, Chair  
March 21, 1990
10. Washington State University  
Vancouver Campus  
H. A. Dengerink, Ph. D.  
Acting Campus Dean  
March 15, 1990
11. The Washington State Historical Society  
David L. Nicandri, Director  
April 19, 1990 and July 26, 1990
12. Fort Vancouver Historical Society of Clark County  
Gus Norwood, President  
June 7, 1990
13. Fort Vancouver Regional Library  
Sharon Hammer, Library Director  
July 3, 1990
14. State of Washington  
Secretary of State  
Sid McAlpin, State Archivist  
May 8, 1990

**List of Supporters**

Page 3

15. Clark County Natural Resources Council  
John S. Karpinski, Chair Emeritus  
July 11, 1990
16. George C. Marshall Foundation  
Gordon R. Beyer, President  
March 28, 1990
17. Aircraft Owners and Pilots Association  
John L. Baker, President  
July 13, 1990
18. U.S. Department of Transportation  
Federal Aviation Administration  
David A. Field  
March 29, 1990
19. Southwest Washington Medical Center  
Jeffrey D. Selberg, President  
July 2, 1990
20. *The Columbian*  
"Opinion"  
June 27, 1990
21. *The Columbian*  
"A Citizen's View"  
Tom Koenninger, Editor/Vice President  
May 6, 1990
22. Greater Vancouver Chamber of Commerce  
Steve Straub, Chairman



**Peter Tulo**  
Chairman

**Nancy E. Carey**  
Board Member

**William C. Warren III**  
Board Member

## New York State Thruway Authority

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Albany, New York 12201-0189

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**John H. Shafer, P.E.**  
Executive Director

Canal Recreationway  
Commission

**Susan Kupferman**  
Director

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TDD/TTY 1-800-253-6244  
Fax (518) 426-3996

Representative Bruce Vento, Chairman  
House Subcommittee on National Parks,  
Forests and Public Lands  
Room 812 House Annex 1  
Washington, D.C. 20515

Dear Chairman Vento:

The preservation of America's cultural and historic resources through the creation of national system of Heritage Areas is a laudable objective. The need for such a program is apparent. Our cities, villages, and natural and man-made resources that once played a vital role in the country's development have, in many cases, been neglected and even abandoned. Similarly, the stories of those who labored in the factories, and built the canals and railroads have been forgotten. We cannot act too soon to begin preserving this rich and distinctive past for future generations. That is why we commend you, Mr. Chairman, and your colleague, Representative Hinchey, for the leadership you have both demonstrated in developing your respective proposals, H.R. 3707, The American Heritage Areas Partnership Act, and H.R. 2416, National Partnership System of Heritage Areas Act.

We at the New York State Canal Recreationway Commission know about the importance of regional heritage protection and development. The Commission, which is responsible for canal planning and policy development, was established in 1992 under legislation that transferred the Canal System to the New York State Thruway Authority. The bill also created the New York State Canal Corporation, a subsidiary of the Thruway Authority, to maintain and operate the canal system. The Commission, in partnership with the Canal Corporation and Thruway Authority, is working on a Canal Recreationway Master Plan that will provide the planning framework for future development and preservation of the Canal System. The Commission is comprised of citizen members, representatives from several state agencies including the Office of Parks,



New York State Canal Corporation

Recreation and Historic Preservation, the Department of Economic Development, the Department of Transportation, the Department of Environmental Conservation, the State Department, and representatives from the eight regional planning boards along the canal corridor.

The New York State Canal System, which includes the Erie, Champlain, Cayuga-Seneca, and Oswego Canals, exemplifies the many characteristics being considered in the Heritage Area proposals before the subcommittee and should be included into a federal system of heritage areas. The 524 mile corridor links some of the most distinctive regions in our state, including eight of the 14 Urban Cultural Parks (UCP) that Parks Commissioner Joan Davidson spoke about in her testimony before the subcommittee on March 22: Albany and Buffalo, where the original Erie Canal began and terminated; Rochester; Syracuse; Schenectady; Riverspark (which includes Troy, Waterford and Cohoes); Whitehall; and Seneca Falls, where the women's suffrage movement began under Elizabeth Cady Stanton's inspirational leadership.

The New York State Canal System is indeed rich in history and cultural significance. It includes a vast number of historic structures (713), National Register sites (156), archeological sites (79) cultural resources (100). The canal is a unifying thread connecting these resources. The comprehensive plan that is currently being developed will provide a role for existing and future preservation and interpretive programs within the context of the entire system. The Canal Way Trail, currently being developed parallel to the canal, will further reinforce the notion of the canal as a system by offering the possibility for thematic interpretation through a program of uniform kiosks and signs.

Prior to the inception of the canal system in the early nineteenth century, history was already being made in the canal corridor. It was home to Native American culture, including the League of Iroquois, a confederacy of Five Nations: the Seneca, Cayuga, Onondaga, Oneida and Mohawk groups. Many Revolutionary War scenarios were played out in the canal corridor, including major battles at Saratoga and Oriskany.

Construction of the Erie Canal began in 1817, and opened for business in 1825. Built under the direction of Governor DeWitt Clinton, the Erie Canal's detractors referred to it as "Clinton's Ditch," a nickname that has stuck with the canal. The Champlain Canal was also initiated in 1817, but was completed two year's earlier, in 1823. It linked the Hudson Mohawk corridor with Lake Champlain. Its ability to export iron and lumber from the Lake Champlain area contributed greatly to the rise of an industrial center at Troy-Cohoes-Albany. The Cayuga-Seneca Canal dates back to the same time period. The Oswego canal was built later.

Not only did the canal system provide a link to the Great Lakes and greatly facilitate the movement of goods and people throughout New York State, but it had a profound impact on the communities it served. According to some scholars, after the flurry of new prosperity canal had abated, communities turned to moral and religious matters. Evangelism found fertile ground in the evils and immoralities of canal life (as the transplanted New Englanders along the canal belt viewed the canal construction crews and boatmen, who were often of foreign origin). Particularly noteworthy were the Antimasonic movement and introduction of the Mormon religion. The canal was also the scene of the massive nineteenth century emigration movement, as people who had arrived in New York Harbor from Europe followed the canal to Buffalo, transferring to other vessels to head to the "old northwest."

Predicated on the Canal System's rich history, the New York State Canal Recreationway Commission today has a keen interest in the development of national Heritage Area legislation. While we agree in concept with the provisions of H.R. 3707 and H.R. 2416, we share some of the concerns expressed by Commissioner Davidson in her testimony to the subcommittee. We would like to reiterate several of the recommendations made by the Commissioner for revising the proposals:

1) Broad Definition - Heritage Areas should be defined in the broadest, most flexible terms. They should set a standard of "greater than local significance" but not be restricted to National Historic Landmark or National Register of Historic Places properties of national significance. Widely diverse geography and thematic representation, like that found in the New York State Canal System, should be eligible for recognition as a National Heritage Area.

2) Planning - Heritage Area designation should precede the requisite comprehensive planning studies. In regions, states, and areas that have embarked on heritage area projects before enactment of the legislation, all studies and material that meet the national standard should be accepted.

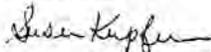
3) Community involvement - Heritage areas should encourage community based partnerships that would be supported by federal and state governments. It is essential that the municipality, non-profit organization and corporation, having themselves established the goals and aspirations of the Heritage Area, maintain a continuing and direct ownership in the Heritage Area and its achievements.

4) Early Action - Heritage Areas should provide Early Action grants for capital projects, including programs or products that further the overall goals of the heritage partnership effort.

5) Funding - Funding should be derived neither from the Land and Water Conservation Fund nor the National Historic Preservation Fund, but from a new source. Funding should be divided into categories for Early Action Grants and Planning and Capital Projects and should require matching funds from respective state and local participants.

Mr. Chairman, once again we applaud the efforts that you and your colleagues have made toward the establishment of a system of national heritage areas. We appreciate the opportunity you have provided for us to comment on the proposals being considered by the subcommittee, and we thank you for the chance to share with you one of New York's best kept secrets, the state Canal System.

Sincerely,



Susan Kupferman  
Director, New York State  
Canal Recreationway Commission

STATE  
RESOURCE  
STRATEGIES

STATEMENT SUBMITTED BY  
PHYLLIS MYERS, PRESIDENT OF STATE RESOURCE STRATEGIES  
TO THE  
HOUSE COMMITTEE ON NATURAL RESOURCES  
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS  
HEARINGS ON H.R. 3707 AND H.R. 2416  
TO ESTABLISH THE AMERICAN HERITAGE PARTWERSHIPS PROGRAM

April 6, 1994

STATE  
RESOURCE  
STRATEGIES

**STATEMENT SUBMITTED BY PHYLLIS MYERS, PRESIDENT OF STATE RESOURCE STRATEGIES,  
TO THE HOUSE COMMITTEE ON NATURAL RESOURCES  
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS  
HEARINGS ON H.R. 3707 AND H.R. 2416  
TO ESTABLISH THE AMERICAN HERITAGE PARTNERSHIPS PROGRAM**

April 5, 1994

I am Phyllis Myers, President of State Resource Strategies, a planner and private consultant to governments and private groups on collaborative land historic, and cultural conservation issues. Over the past two decades I have worked extensively on issues relating to the revitalization of distinctive cultural, historic, and natural communities and landscapes in cities, rural areas, and suburbs, on public and private lands. I was a senior researcher for The Use of Land, a seminal book on conservation and development published in 1973, a principal co-author of National Parks for a New Generation, which set a new agenda for the National Park System, director of the first study of state parks in 25 years, and author of a report, for the Land Trust Alliance, on recent state laws which private sharply increased funds for protecting distinctive land and historic resources in cities, suburbs, and rural areas. While I serve on the executive board of the National Coalition for Heritage Areas, this statement reflects my own views and not necessarily those of the Coalition.

My experience, which now focusses principally on state and grassroots actions, is directly relevant to the two major forces which intersect so hopefully in the Heritage Areas initiative. The first is the vital and growing interest of Americans in saving distinctive elements of their natural and historic heritage and integrating them as assets into their communities, workplaces, and recreational activities. The second is a changing view of the roles of federal, state, and local governments and the private sector in fostering community cohesiveness and revitalization.

My statement is directed principally to the second point. The Heritage Area concept is not advanced primarily on economic or intergovernmental efficiency grounds. It is at its core based on values, on the individual and collective inner strengths we gain from a stronger tangible connection to the history and geography of the places we live, work, and visit. But others have spoken with greater eloquence and authority on these values.

A core issue in the Heritage Areas initiative involves the use of federal dollars and authority in a catalytic, collaborative arrangement between the National Park Service and other federal agencies, state and local governments, and the private sector. While each of the bills before the Subcommittee works out this institutional arrangement somewhat differently, all envision a flexible arrangement which contrasts quite sharply with the Park Service's much-admired role as protector of places like Yellowstone and Grand Canyon.

This flexible arrangement, which supporters see as a great strength, may also be a source of considerable skepticism, precisely because people either believe the national government should contribute to and control more of the action, or that the national government should not be involved at all. A key issue then is, why should the federal government be in the business of promoting and fostering Heritage Areas? Shouldn't states and communities bear the sole responsibility for their selection, funding, and management?

There are several responses which I would like to submit for the subcommittee's attention:

1. The Heritage Area concept is in the mainstream of a newer view of federalism which is soundlessly taking hold in many areas of our lives. Federal assistance is premised on its capacity to empower and catalyze sensitive, productive collaboration with states and communities. The latter take the lead role, and the federal government acts as partner, leader, and catalyst.

Federal assistance to states has often been justified on the basis of states' empty pockets or their inability or unwillingness to change in response to newly recognized needs. While this statement is admittedly simplistic -- state models often provided the "beacon" for new national programs, for example, and transboundary and equity effects have been important additional justifications for federal assistance -- the view of states as recalcitrant dependents has provided the main impetus for a generation of federal grants and programmatic intervention.

But states have changed substantially in recent decades. They have become, in the words of economist Alice Rivlin, Assistant Director of OMB, more "modern, responsive, and competent," in part because of the federal government's sweeping responsibilities, and in part because states are "closer to the problem." She argues for state pre-eminence in community development, and also in education, job training, housing, social services, and other areas where grass roots responsiveness is essential.

A similar argument is advanced by another economist, DeWitt John of the National Academy of Public Administration, who points out that states have a comparative advantage vis-a-vis the federal government in land use and sustainable development issues, because of their greater ability to respond to the peculiar challenges in fashioning successful approaches to these issues: to customize solutions, to engage a broad range of citizens, to overcome pervasive fragmentation in institutions and programs, and to fashion nonregulatory, collaborative partnerships.

Neither Rivlin nor John conclude that federal involvement is unneeded. Rivlin has the more radical solution, preferring to see federal action to release a large stream of new money to help states do what they do best. John sees the emergence of "a new kind alliance between the national and state or local governments," where the federal government plays a varying and flexible role in providing such things as cash, expertise, and information to encourage independent, voluntary state, private, and local action. The Heritage Area initiative falls squarely in this emerging area of public action.

2. The Heritage Areas initiative is thus not a walkaway from federal responsibilities, another unfunded mandate, or simply a "make do" response to federal deficits. It is a positive experiment building on successful efforts by the National Park Service and shaped by people who believe in the power of the federal government but know its limitations.

The Heritage Area initiative brings together lessons from decades of successes and failures in efforts to promote and foster resource conservation and community revitalization. It builds on a proven track record of the National Park Service in working with communities and governments to spark grass roots energies, creativity, and investment in identifying, protecting, and revitalizing special natural and cultural resources, and extending this vision beyond protection to new and unmet needs.

While deficits play a role in the Heritage areas partnerships approach,

and many who are excited by this proposal would like to see more money in the program (certainly more than Rep. Vento envisions), as conservationists we are not put off by a modest beginning and an openly experimental approach which is entirely consistent with the underlying philosophy.

3. All the Heritage Area proposals reflect this newer view of federalism. Their key differences -- in planning, criteria, and management -- seem to reflect the question of whether this national program is embraced wholeheartedly or gingerly.

The bills have many common elements. Aligning the differences should not prove difficult. I would urge Congress not to fall into the counterproductive trap of trying to define boxes of federal, state, and local responsibilities in advance, and rather to allow for maximum flexibility and ongoing opportunities for areas to benefit from national standards, expertise, catalytic funding, leadership, and information.

A highly competitive process, rigorous planning requirements especially in the Park Service- and Coalition-sponsored proposals, and spare but entrepreneurial use of federal dollars will ensure excellence and quality in the federally assisted models. Such models can usher in a new era of heritage-based community revitalization throughout the country.

4. Congress is usually besieged by requests for federal assistance in order to do something which will otherwise not be done. The case for an overarching federal program for Heritage Areas rests, finally, on the fact that Heritage Areas are being created, regardless. It is the lack of an overarching system, rather than the opposite, which poses the most danger of waste and loss

Designated and pending Heritage Areas do not now benefit sufficiently from the lessons of each others' successes and missteps. There is no system for selecting and assisting the most worthy Heritage Areas. There is no focal point for exchanging information about pivotal common issues in Heritage Area management. Heritage Areas designated solely through the political process are diminished individually and as a group while at the same time the absence of a broader program means losses of critical resources which often hold out communities' best hope for revival and jobs.

This is indefensible. I commend Rep. Vento for his initiative in introducing the legislation and scheduling this hearing, and as a member of the Heritage Areas Coalition, hope to be working with the Subcommittee to help move a strong Heritage Area program forward.

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WRITTEN STATEMENT OF PAUL M. BRAY, CITIZEN, SUBMITTED TO THE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS, HOUSE COMMITTEE ON NATURAL RESOURCES, REGARDING H.R. 3707 AND H.R. 2416, BILLS TO ESTABLISH AN AMERICAN HERITAGE AREAS PARTNERSHIP PROGRAM IN THE DEPARTMENT OF INTERIOR.

Hearing held on March 22, 1994

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I am pleased to have the opportunity to submit my written comments to the Subcommittee on H.R. 3707 and H.R. 2416. The Subcommittee's serious consideration of these bills is a milestone in the coming of age of a new era in the American park tradition, the addition to our public estate parks of partnership parks encompassing entire settings which offer many benefits including insights into the distinctive forces that shaped our cities and countryside. Consideration of these bills brings together outstanding legislators to provide a blueprint for the future, Congressman Vento who is reknown and respected as a staunch advocate for protecting the nation's valuable park resources and Congressman Hinchey who has been a leader in many innovative and successful park, conservation and heritage planning initiatives as a former New York State legislator.

My interest and experience with heritage areas and environmental heritage planning (EHP) has grown over the last ten years. I was one of the organizers and for many the years the General Counsel of New York State's first heritage area, the Hudson Mohawk Urban Cultural Park established by six neighboring cities, towns and villages in 1977. I have also had the good fortune to be Congressman Hinchey's legislative draftsman for the 17 years when, as a State Assemblyman, he advanced many creative heritage conservation bills. A number of these bills like the one creating the Hudson River Valley Greenway have become law. In addition, I have tried to foster understanding and appreciation of EHP and heritage areas by writing articles and

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participating in forums on the subject. I would like to share my comments on the legislation based on my experience with the Subcommittee.

It is clear that a growing and diverse coalition of interests support the concept behind H.R. 3707 and H.R. 2416. The concept is viewed as encompassing efforts ranging from partnerships to establish hiking and scenic road trails to broad, holistic efforts to manage cities and regions as parks or reserves. The latter examples include New York State's urban cultural parks or cities as a park and greenline parks like the New Jersey Pine Barrrens. The concept reflects a growing societal awareness that land and natural and cultural resources are a common heritage to provide equal benefits for persons in all generations and the need to find a way to balance economic requirements with ecological and cultural values. Environmental heritage planning has also helped communities and regions to develop a shared image and better define themselves, fostered public and private and intergovernmental partnerships to attain resource conservation objectives, fostered physical and programmatic linkages and connections, changed the perception of some places from dull to interesting and ushered in a new approach of resource based urban and regional planning which can be seen in Lowell, Massachusetts and in the Hudson River Valley Greenway.

So momentous a change, for that is what it is, comes slowly and necessitates changes in entrenched attitudes and institutional arrangements. This results in a process of trial and error. With regard to the larger picture, I suggest three guiding principles for American Heritage Areas Partnership Legislation:

- Flexibility to allow for both urban and regional heritage areas;
- Opportunity for the concept to flower and for institutional arrangements to work themselves out over time. For example, the National Park Service will not be the owner or even managing partner of heritage areas and will have to learn to exercise a more subtle guiding and supportive role. This will take time;

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-Use of values, approaches and techniques from the American park tradition which can be adapted and applied to heritage areas. These include organizing the areas in a supportive system and actively using techniques for interpretation and historic preservation.

Both bills before the Subcommittee are consistent with the spirit of these principles, but I would like to highlight some specific items which might advance their application further.

American heritage areas should be established as units of a system and not just be the product of a program. The National Park System has clearly demonstrated the value of joining parks together into a system with guiding policies and standards, thematic context and other links between individual units and an array of support services. Though it will take time to evolve, American heritage area legislation should establish a national system and direct the National Park Service to prepare a management plan for such system.

Heritage areas call for new institutional roles and arrangements. Implementing a heritage area management plan will often require not only coordination and consistency from federal agencies including transportation, housing and environment, but also in some cases proactive assistance from them. An advisory commission as proposed in H.R. 2416 or like the New York State Urban Cultural Park Advisory Council serves a vital role in engaging representatives from a variety of public agencies in heritage area and system development. There is minimal cost in such advisory bodies and the potential of multifold benefits therefrom.

Identifying criteria for American Heritage Areas calls for a new and more inclusive approach fitting a system where the federal government is not an owner or managing partner. H.R. 3707 meets this need if instead of total reliance on the existing thematic framework of NPS, it is used only until NPS prepared a new thematic framework designed for purposes of the American Heritage Area System. Under the new framework it would be appropriate to provide a role for each state to identify distinctive aspects of American

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heritage worthy of recognition within its borders which are represented, in part, by resources designated or eligible for the National Landmarks and/or National Register status. This could be a framework inclusive of all states and could result in a system which is a heritage mosaic of the nation with active state participation in area management.

Underlying the heritage area phenomena is the desire to make linkages and manage the total landscape, urban and regional, in a manner that preserves and capitalizes on natural and cultural resources and integrates conservation with education, recreation and economic objectives. Besides creating specific heritage areas, regional greenways, reserves and urban cultural parks, we are seeing and should support in the national interest an approach to urban and regional planning which can be called environmental heritage planning. It is important that national legislation not only direct the Secretary of Interior to participate in establishing individual heritage areas, but also, similar to the NPS Rivers, trails and Conservation Assistance Program, provide technical assistance to interested communities in doing environmental heritage planning. This planning assistance would include support for heritage resource surveys, participatory EHP at the community level, comprehensive interpretive planning and techniques to integrate conservation, education, recreation and economic development. It offers an alternative to national designation.

H.R. 2416 specifically and H.R. 3707 generally, if a heritage area could be made up of non-contiguous areas, allow for state systems of heritage areas to be designated be part of the American System and Program. I urge that an American Heritage Areas Partnership System have a clear option for designation of state systems if the specific areas therein meet the criteria for individual areas. This would encourage states to assume a valuable supportive role in the partnership for identification, planning and management of heritage areas. States are well suited to foster and support heritage area planning and management through an array of state programs. This has been the case in New York State where the state transportation, education, tourism, economic development and park and preservation agencies have supported the development of a statewide

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urban cultural park a.k.a. heritage area system. New York's UCPs are planned and operated at the local level, but the state provides recognition, overall coherence and consistency, technical assistance and financial assistance. In the case of the New York UCP System, the national significance is clearly evident. The areas in the System possess a multitude of resources with demonstrated national importance including numerous Register properties and districts and in two cases, Seneca Falls and the New York City Harbor Park, a direct overlap with national themes and sites. While I don't believe that designation of state systems or as in H.R. 3707 state participation through contract agreements should be required in all instances, state participation should be encouraged.

Finally, I urge the Subcommittee to seriously consider designating New York's Statewide Urban Cultural Park System for inclusion in American Heritage Areas System. In its twelve year history, New York's System has become a model for partnership planning and development of heritage areas. Fourteen extensive management plans documenting natural and cultural resources, proposed facilities and programs and blueprinting state mandated preservation of critical resources have been approved by the State and are being implemented. Visitor interpretive centers in each of the fourteen UCPs are operating or are scheduled to be open in the near future. The thematic framework of the System highlights the story of the state and, as noted, is significantly related to the national story (Birthplace of the Navy, location of the first women's labor union, etc.). On the occasion of the National Park Service 75th Anniversary, New York was the site and showplace for the Service to co-sponsor a National Partnership Park Conference. Early inclusion of a state system like the one in New York State subject to Secretary of Interior approval of a system management plan would speed the development of appropriate state and federal institutional arrangements to advance an American Heritage Areas Partnership System.

The thought and commitment to resource conservation ideals that has gone into H.R. 3707 and H.R. 2416 and proposed legislation from the Secretary of Interior creates confidence that the final

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legislative product will incorporate the best of what know now while allowing room for adjustment as we continue to learn about this evolving subject. I commend the Chairman and the Subcommittee for their vision and leadership.

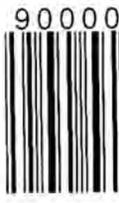
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