

TECHNICAL ASSISTANCE AND AMERICAN HERITAGE AREAS ACTS OF 1995

HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS, FORESTS
AND LANDS

OF THE

COMMITTEE ON
RESOURCES

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTH CONGRESS

FIRST SESSION

ON

H.R. 1280

**A BILL TO ESTABLISH GUIDELINES FOR THE DESIGNATION OF
NATIONAL HERITAGE AREAS, AND FOR OTHER PURPOSES**

AND

H.R. 1301

**A BILL TO ESTABLISH THE AMERICAN HERITAGE AREAS
PARTNERSHIP PROGRAM, AND FOR OTHER PURPOSES**

MARCH 28, 1995—WASHINGTON, DC

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TECHNICAL ASSISTANCE AND AMERICAN HERITAGE AREAS ACTS OF 1995

TUESDAY, MARCH 28, 1995

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON NA-
TIONAL PARKS, FORESTS AND LANDS, COMMITTEE ON
RESOURCES,

Washington, DC.

The subcommittee met, pursuant to call, at 10:00 a.m., in room 1324, Longworth House Office Building, Hon. James V. Hansen [chairman of the subcommittee] presiding.

STATEMENT OF HON. JAMES V. HANSEN, A U.S. REPRESENTA- TIVE FROM UTAH AND CHAIRMAN, SUBCOMMITTEE ON NA- TIONAL PARKS, FORESTS AND LANDS

Mr. HANSEN. The Subcommittee of National Parks, Forests and Lands will now come to order. Today, we will be hearing two bills reflecting very different approaches to establishment of a heritage area program in the National Park Service.

One version reflects legislation which passed the House by a large margin last session. That effort, authored by Mr. Vento, was opposed by a majority of Republican Members on this committee. The other legislation, offered by Mr. Hefley, is based on the legislation passed last session, but reflects the efforts of Mr. Hefley to address the concerns of those who opposed the heritage legislation last session. Of specific importance, H.R. 1280 ensures that this legislation can no longer serve the agenda of those seeking Federal land use planning and reduces the cost of this program by about 70 percent.

Heritage areas have become very popular across the country in recent years. Although Congress has designated only six Federal heritage areas, there are over 100 in existence. Several States have significant heritage programs. I know there remains a question in the minds of some as to whether the Federal Government needs to have such a program.

The fact is that the Federal Government is already involved in this program, and many more requests are pending. In fact, every time I go on the floor, there is another Member of Congress who wants a heritage area. The only real question is should there be sideboards placed on this program, or should we permit it to go forward on a piecemeal, case-by-case basis?

Despite Mr. Hefley's efforts today, it is my understanding that there may be additional concerns about this bill. I look forward to today's hearing as the opportunity to receive any comments on this matter and point out that while the record will be open for the

usual two weeks after this hearing, the subcommittee is not scheduled to mark up this bill for at least a month.

I appreciate the efforts of all of our witnesses today. I look forward to their testimony, and I apologize to many of you because I had an Intelligence Committee meeting. We had to delay this by half an hour, and that committee, which is different than all other committees on the Hill, we all have to be there for certain things. So it was a very important issue today, and I apologize to you for delaying this by a half hour. Mr. Richardson.

**STATEMENT OF HON. BILL RICHARDSON, A U.S.
REPRESENTATIVE FROM NEW MEXICO**

Mr. RICHARDSON. Thank you, Mr. Chairman, and I appreciate your holding today's hearing on this very important issue. Heritage areas are something that have commanded a lot of the subcommittee's attention over the past several years. I know that my colleague, Mr. Vento, has spent a lot of time and effort on this matter, and for that, he should be commended.

I am pleased to see that Representative Vento has introduced H.R. 1301, which is essentially the House-passed bill from last year. A solid bipartisan majority of 281 Members voted for that legislation, and many of us believe it sets an appropriate policy path for dealing with heritage areas.

I recognize, Mr. Chairman, that the legislation from last year was not without some controversy. Mr. Hefley has introduced, as you mentioned, H.R. 1280, which is a scaled-back version of the House-passed bill to deal with the concerns raised by many that objected to the initial bill.

I am glad both bills are out on the table. I look forward to the testimony of our witnesses on this important subject. And, hopefully, as a result of this hearing, we will be able to proceed with a legislative product that isn't only workable but bipartisan.

Mr. HANSEN. Thank you. Mr. Hefley from Colorado, do you have an opening statement?

**STATEMENT OF HON. JOEL HEFLEY, A U.S. REPRESENTATIVE
FROM COLORADO**

Mr. HEFLEY. Yes, Mr. Chairman. If I may, Mr. Chairman, it is with some trepidation that we approach this hearing here today on the subject of heritage areas. Nevertheless, I believe it is a subject that we must address if Congress is to get any kind of control over these units.

At this time, there are over 100 heritage areas nationwide generated at the local, State and Federal level. Admitting the fact that support for Federal involvement in these areas is profoundly mixed, there is no denying the need for a rigorous debate on the issue.

A number of years ago, the gentleman from Connecticut, Mr. Gedjensen, proposed a heritage area in his State. The Park Service wasn't sure what to make of his bill, not because it didn't think it was a good idea, but because as an agency the Park Service had no idea of what a heritage area was supposed to be.

Spending in the four Federal heritage areas is likewise undefined. At one end, we have the Illinois and Michigan Canal, estab-

lished 10 years ago, which costs about \$250,000 annually. At the other, we have the Southwest Pennsylvania Heritage Area, which may eventually cost the Federal Government up to \$418 million. Unless we take action to define what these areas are and what our responsibility should be to them, we risk a run on the Federal Treasury and other Park Service programs.

The two bills we have before us today represent different approaches to the same problem. H.R. 1280 has grown out of discussions with heritage groups, property rights associations, and the Park Service. The feeling is that these people do not want some huge overreaching Federal program, but rather some standards and some help in making their dreams happen.

This bill includes impact on private property rights as an issue that must be addressed early in the scoping process. It limits authorized Federal spending in any given year to \$8 million, and it limits the Federal role in heritage areas to an advisory one.

Today, we will hear from some people who will say the Federal Government should have no involvement in these areas, that if local people want them, then they should pay for them. And I would say to this, this might be fine. But budget pressures and the nature of newer park proposals are forcing us to examine partnerships with the States, such as those California partnerships cited in the hearing we had about a month ago on the National Park Service reform bill.

Indeed, without some well-thought-out idea of what the Federal role should be in these areas, it is questionable whether units like Wounded Knee or Shenandoah Valley can ever be part of the Federal Park System. They are simply too big and too diffuse for the Park Service to handle. They affect too many lives and too many interests for a government agency to be involved in under our present setup.

So I am looking forward to today's testimony. I doubt a final heritage bill will look wholly like either the one I am presenting or Mr. Vento's bill. Maybe we will decide we don't want a heritage bill at all, but it is time we try to get our arms around this issue. Thank you, Mr. Chairman.

Mr. HANSEN. Thank you. The gentleman from Minnesota, Mr. Vento, for an opening statement.

STATEMENT OF HON. BRUCE F. VENTO, A U.S. REPRESENTATIVE FROM MINNESOTA

Mr. VENTO. Well, thank you, Mr. Chairman. I will try to be brief. I am pleased to participate, of course, in the hearing, and we have introduced, as you have observed, H.R. 1301. And I did observe the introduction of H.R. 1280, and I want to commend my colleague, Mr. Hefley, for picking up on some of the points.

Insofar as it is a technical assistance bill, it does pick up on many of the commonalities that we have in terms of the technical assistance in the bill that we wrote in a bipartisan basis last year in this committee and which it passed out of and, of course, overwhelmingly passed on the floor after being hung up in the whole issue with regards to property rights. Hopefully this year the tenure of that will be different considering the fact that we have acted

on legislation and agreed to disagree on the issue of property rights and the regulatory compensation issue that embraces it.

Many areas of the Nation include important resources worthy of preservation conservation as all of us readily understand. However, the Federal Government cannot afford, of course, nor is it appropriate, to manage each of those areas. Such areas contain resources which may be worthy of joint Federal and State designation and assistance but do not necessarily qualify either in the suitability category or the ownership patterns of those lands.

The legislation that we have come together on last year and passed poses a solution. This proposed Act initiates a true local partnership program to preserve and prudently manage our Nation's resources so that they can be enjoyed by future generations.

Through heritage partnership arrangements, the Federal Government would provide limited assistance to the State, local and private organizations to develop and implement operation management plans in such heritage areas. The legislation provides national recognition—that is, the designation enacted by the Congress—and encouragement for protecting our national assets without instituting a massive new bureaucracy or providing significant increases in Federal funding.

Given the intense interest and importance of recognizing and preserving these areas, current Federal budgetary limitations and criticism for the National Park Service management that we have heard certainly intensify this year on the committee; the concept of heritage partnerships is a good fit for the time and the name.

I also would point out that I think there is a relationship between this bill and the park review bill that the committee has been considering because clearly as we look at possible alternatives to continued designation and bringing units into the National Park System, a concept like this which provides limited Federal assistance and designation is appealing. It may even be an alternative as we look to how we ought to manage units that are not suitable for continued inclusion in the Park System.

The American public has, of course, repeatedly demonstrated their support and positive response to this innovative concept. As my colleagues know, we have six areas, as the Chairman mentioned, and all of them serve as examples of what to do and what not to do. As is the case of the Western Pennsylvania area, as my colleague from Colorado mentioned, there is no authorization for that that exists actually. That is something that has come directly through appropriations.

The measures that we have written, the Blackstone, the issue with the Lehigh-Delaware heritage area, the Connecticut area—Quinebaug-Shetucket area—those are three measures that came through the committee. The others all sort of have been annealed. The Cane River area, of course, which is new, came through the committee as well.

Anyway, more specifically, the Vento legislation would establish a heritage area partnership program in the Department of Interior. The Secretary is authorized to provide limited assistance. It takes it from, of course, the Historic Preservation Fund that has authorized dollars that are not expended. It provides positive commit-

ments made both in the State and local level and the national level. And, of course, as a consequence, it enjoys a lot of support.

Just let me add, this session poses, of course, special challenges. The facts haven't changed, but the participants have, and the challenge is to any new program because of any costs associated with said program. But this common sense initiative and partnership will permit a cooperative approach which limits Federal spending, provides the designation, hence the recognition, while permitting and encouraging collaborative conservation for key parklike areas in our national landscape.

Simply, congressional designation of these areas, such as is proposed by my colleague's bill in the technical assistance, I don't believe is enough. If that were enough, basically, Historic Register status would have probably saved these areas.

American heritage partnerships are a written commitment to preserve and protect our natural and cultural legacy, and, of course, I look forward to working with my colleagues. I think this is a bill that we could come to closure and agreement on, and I hope that that happens, Mr. Chairman.

Mr. HANSEN. Thank you, Mr. Vento. We have had opening statements from myself, Mr. Richardson, the ranking member, Mr. Hefley and Mr. Vento. Now, in the interest of time, I would like to proceed. If there is someone on the committee that feels their eternal life is in jeopardy if they don't give an opening statement, we would be happy to consider you for a brief two-minute opening statement. I hear no one nor do I see any hands coming up.

Mr. Dennis Galvin, please come up, from the National Park Service. It is good to see you again, Mr. Galvin. How much time do you need?

Mr. GALVIN. Five minutes, Mr. Chairman, would be adequate.

Mr. HANSEN. Five minutes. Are you sure that is enough time?

Mr. GALVIN. Yes, sir. I will summarize.

Mr. HANSEN. OK. Now, watch that green light go on. And when it turns red, we expect you to live up to your commitment. The time is yours, sir.

Mr. GALVIN. I have a statement for the record, Mr. Chairman. I will simply summarize it in the interest of time.

STATEMENT OF DENNIS GALVIN, ASSOCIATE DIRECTOR FOR PLANNING AND DEVELOPMENT, NATIONAL PARK SERVICE

Mr. GALVIN. It is a pleasure to appear before the subcommittee on this subject. Again, Mr. Chairman, as was mentioned in the opening statements, it is a subject that the subcommittee has spent a lot of time on on both sides of the aisle, and it is certainly something that the National Park Service has pondered in terms of, as you have mentioned, putting sideboards on this phenomenon.

We have two bills here, Mr. Chairman, that I would characterize both as good bills and interesting and divergent approaches to the problem. We strongly support H.R. 1301 with some minor amendments discussed below. This bill is based on an Administration proposal transmitted to this committee in March of 1994, and it is similar to legislation H.R. 5044 that passed the House in the last Congress.

We could also support H.R. 1280 if amended to authorize the Secretary to provide grants as well as technical assistance which is the principal difference between the two bills. These bills do offer an alternative to those seeking establishment of new units in the National Park System. We believe that, in turn, H.R. 1280 should be amended to ensure that the Secretary has the ability to oversee how Federal assistance is utilized, and he should be authorized to approve management plans.

We strongly support the establishment of heritage area partnership programs that empower citizens at the State and local level to protect resources important to the heritage of their communities and the United States. We believe the creation of a system of congressionally designated heritage areas is critical to ensuring the long-term success of these local citizen-driven initiatives.

We recognize that the traditional approach to protecting resources—establishing a distinct park unit with defined boundaries and Federal management responsibility—is not always appropriate. As several of the members of the subcommittee have pointed out, there is extensive citizen interest in protecting resources through a heritage mechanism, and these resources have shaped the character of the communities and regions in which these people live. We believe their protection is critical to accomplish the goal of protecting the Nation's diverse character.

While the Congress has created six heritage areas, two are relatively new. We have experience at four areas—Blackstone, Illinois-Michigan Canal, the Delaware and Lehigh Navigation Canal, and Southwestern Pennsylvania. In addition, the last Congress created two additional heritage areas—Quinebaug-Shetucket and Cane River. We are just getting started in those areas.

We recognize through our work in these areas that the people who live on the land are uniquely qualified to protect it. The heritage area designation provides a significant impetus to divergent groups to come together and work to protect their community, care for their distinct culture and heritage, and protect their land. Heritage area designation fosters community pride. These places are and will continue to be places where people work and will influence future generations of Americans.

As I say, Mr. Chairman, these two bills are very similar. Both call for establishment of a system of heritage areas. Both contain definitions that are essentially similar. Both call on the expertise of the National Park Service to assist heritage areas. Both rely on similar commitments from and responsibilities for heritage areas, and both require the locality to be the primary agent responsible for making a heritage area happen. For the most part, they establish the same program.

Their basic difference is one of financial support. H.R. 1280 limits the role of the Secretary to one of providing technical assistance. H.R. 1301 goes beyond this and provides money for implementation of management plans. Oversight by the Secretary is also greater in H.R. 1301, and there are stricter Federal consistency requirements.

H.R. 1280 uses the term National Heritage Areas Partnership Program. We prefer the use of the term National as opposed to American for two reasons: It is a term consistently used by the Congress for designating systems—the National Trail System, the

National Park System, the National Wildlife Refuge System, the National Forest System. America is also a common term used to refer to all nations of the Western Hemisphere. National would denote a program more specific to the United States.

H.R. 1280 would require the management entity to be responsible for implementation. H.R. 1301 would, in addition, provide limited Federal dollars to assist the management entity. We believe that limiting Federal technical assistance may not be the most effective way to encourage local groups to propose and manage national designated areas. In some instances, implementation grants could be very useful.

We recommend that the full range of assistance available on H.R. 1301 remain a part of the partnership program. Although we support the full range of assistance opportunities that are available in H.R. 1301, we are concerned that the limited resources available to the States and local governments through the Heritage Preservation Fund would be diminished by using that fund. H.R. 1280 does not rely on the Historic Preservation Fund, and we support that position.

We would prefer the Federal consistency provision in H.R. 1301. There are additional titles in H.R. 1301 that principally relate to individual areas, Mr. Chairman, and I have summarized our position on some of them—as are outlined in my prepared statement. Funding for this bill would be subject to the Administration's budgeting priorities and constraints consistent with the Budget Enforcement Act. That concludes my summary, Mr. Chairman. I would be happy to answer questions.

[The prepared statement of Mr. Galvin can be found at the end of the hearing.]

Mr. HANSEN. Thank you for your statement. Mr. Galvin, in H.R. 1280, the funding authorization is about \$8 million a year, and in H.R. 1301 we go up to \$25 million. Now, you have got a flat budget. I don't see any more money coming in. We are way behind in a lot of things we are doing in the parks. In H.R. 1301, where do you get the additional money?

Mr. GALVIN. Well, in essence, Mr. Chairman, the question is a good one with respect to both bills. Clearly, the bills are similar with respect to the amount of money authorized for technical assistance—\$8 million for each. H.R. 1301 contains an additional \$14 million for implementation.

The question of where the additional money will come from is a good question with regard to either bill, Mr. Chairman. I guess the best answer is we are, as in the Federal budget, spending money on these heritage areas, and the question is, is a systematic approach more efficient than a case-by-case approach?

Mr. HANSEN. Well, in effect, doesn't it just stand to reason that you are going to take the money out of the other parks? You have only got so much money. If you have to come up with \$14 million, it has to come from somewhere.

Mr. GALVIN. That is right. Your assertion is correct that our budget targets in the out years are essentially flat so it is a matter of moving money around. That is clearly the case.

Mr. HANSEN. Does it bother you at all considering how far in debt we are and how much you don't have and all of the demands

of all your superintendents demanding more in their infrastructure and all this type of thing? \$14 million—you know, a little here, a little there.

Mr. GALVIN. Certainly it bothers me. It bothers me in a much larger context than simply the authorizations in either of these bills. It is certainly a problem to know how to deal with the existing system, but not only with the existing system, with existing programs. We believe though that these are programs of merit that meet a need that people are expressing all over the country, in fact, as Mr. Hefley mentioned in his opening remarks, and we believe, as I believe the subcommittee does, that some kind of systematic approach to the phenomenon would be useful.

Mr. HANSEN. OK. You know, in the West, the old pioneers had a statement that said, "Fix it up, wear it out and make it do, or do without." Tell Mr. Kennedy to put that on his desk, would you? Mr. Richardson.

Mr. RICHARDSON. Mr. Galvin, on this funding issue, what is the unappropriated balance of the Historic Preservation Fund, and how much is credited to the fund annually? Do you have those statistics?

Mr. GALVIN. No, I don't have those statistics right on hand, but it is hundreds of millions of dollars. Of course, the unappropriated balance is not available to the National Park Service in terms of our annual budget cycles. But, yes, there is a large unappropriated balance in the Historic Preservation Fund.

Mr. RICHARDSON. Well, State and local governments have funding problems too to replenish their Historic Preservation Fund. Right?

Mr. GALVIN. That is correct.

Mr. RICHARDSON. And that is why you are expressing concern that there is not much funding in H.R. 1301. Is that—

Mr. GALVIN. Well, in H.R. 1301, all the authorization is drawn from the Historic Preservation Fund. In H.R. 1280, the authorization is simply an authorization for general appropriations. In terms of budget formulation, it comes to much the same thing from year to year. Since the unappropriated balances in the Historic Preservation Fund are unavailable to us although it is an authorized source of money, it still comes down to \$8 million or \$22 million.

Mr. RICHARDSON. OK. Well, I didn't understand that, but I will let it pass. Tell me about national. Why do we have to use the word national for heritage areas when we already have 18 different names with the word national as part of the National Park System? Can't we find another word?

Mr. GALVIN. Well, there are two different schools of thought on that I believe, and I must say they are sort of evenly divided. We fought this battle out in-house. I think that the arguments for the word national are twofold. The first is, the most frequently used designation for conservation units is the word national. And, second, it does imply that the system is confined to the United States and not to the Americas at large.

The other argument for American is that this is a different system, and so to highlight the differences that we should use the word American, I am persuaded that it is a close argument, but we would come down on the national side.

Mr. RICHARDSON. Well, but, you know, there are already so many acronyms and abbreviations in the bureaucracy. You would be performing a service consistent with reducing the role of government, reinventing whatever by acceding to the word national used one less time and going with the other designation. Mr. Chairman, I have no further questions. Thank you.

Mr. HANSEN. Thank you. Mr. Hefley.

Mr. HEFLEY. Yes. I have concern too about the money that would come out for this—either way you go, the money that would come out for it. And we are struggling to figure out ways to better use the money we have in the public park system, and you seem not to be too concerned about that. You know, our National Park revision bill is based largely on the fact that we are doing a great many what I call pork projects within the Park Systems that aren't well thought out. Can you imagine how that is going to expand with heritage areas across the country?

Mr. GALVIN. Well, either bill places limitations on the amount of money that can be used for heritage area purposes which I would say is one of the major arguments for the bill as opposed to considering separate heritage areas authorized area by area with individual ceilings attached to each area.

That is another way of creating heritage areas which the Congress has availed itself of six times. So we feel that a systematic approach in a sense, as the Chairman said, puts sideboards on a program for which money is already being spent. This would place annual national limits on all these areas as part of a system and different limits, to be sure, from one bill to the other.

Mr. HEFLEY. Well, I think a logical approach is appropriate, and that is the reason for both of these bills. But given the success of this program, by and large without the Federal participation, we have six Federal heritage areas. We have 100 altogether so we have 94 that have done quite well without us. Why do you think the Federal Government ought to get as deeply involved as I feel the Vento bill takes us?

Mr. GALVIN. Well, without commenting specifically on the bill, Mr. Hefley, I think that—first off, we are convinced that this is sort of an idea that has turned the corner in American conservation. It is a grassroots movement as you point out. Now, of those 100 some areas, you may recall that there were something like 30 bills proposed before the last Congress to get the Federal Government and specifically the National Park Service involved.

So some of those areas that are out there have moved forward without Federal participation or at least without National Park Service participation. And as we survey the landscape, we see more of that. We believe that it is entirely possible to have viable heritage areas without the involvement of the National Park Service or the Federal Government.

In both of these bills, I think there is a high degree of local autonomy. They specify local management entities that can either avail themselves of technical assistance or not. So I guess the short answer to your question is we see a lot of interest even in that balance of 100 in areas that want additional Federal technical assistance or implementation. To be sure, there may be some that do not.

Mr. HEFLEY. You know, last year in the debate, I think you made the statement, Mr. Galvin, that evidence of commitment to modifying zoning regulations prior to designation of a Federal heritage area may be necessary. Can you see why people who are interested and concerned about private property rights would be afraid of statements like that?

Mr. GALVIN. Sure. In fact, I don't remember making that statement, but I will accept your assertion. But I believe that, having watched the debates last year, certainly the property rights, the land use issues were the principal focus of the debate. And I note that at the time H.R. 5044 was amended to include protections, and I also note that both these bills now contain additional language, language brought in from H.R. 5044, that excludes the Secretary from dabbling in land use regulation.

Mr. HEFLEY. I see the light is going on, Mr. Chairman. I will stop at that point.

Mr. HANSEN. Thank you. Mr. Duncan.

Mr. DUNCAN. Thank you, Mr. Chairman, and I will be very brief because I have to leave. But, Mr. Galvin, is there anything in the law that would prohibit a State or local government from designating one of these areas as a heritage area and handling it themselves?

Mr. GALVIN. With respect to national or American heritage areas, both bills require the Congress to designate a national heritage area or American heritage—

Mr. DUNCAN. Is there anything in the law right now that would prohibit some State from coming in and saying this is a heritage area?

Mr. GALVIN. No. In fact, there are States such as Pennsylvania that have a heritage area system. Massachusetts has a heritage area system.

Mr. DUNCAN. Now, Mr. Hansen mentioned our national debt which is rapidly approaching \$5 trillion, and all of these State and local governments, as strapped as they are for funds, almost all of them are in much better financial shape than is the Federal Government. You do recognize that, don't you?

Mr. GALVIN. They certainly don't have deficits. That is correct.

Mr. DUNCAN. And yet you say there is this national clamor or insistence that we do this, and yet really in truth it is simply somebody always wants somebody else to pay the bill. Don't you agree with that?

Mr. GALVIN. Well, I think there are a lot of people paying the bills in these heritage areas, even in the federally designated heritage areas—the six that we now have. There is a considerable amount of State, local, and private money going into those so it is not strictly a Federal investment.

Mr. DUNCAN. In your testimony though you said that what you feel should be done is that we should get into these areas, but the primary Federal role should be financial.

Mr. GALVIN. Well, technical assistance—

Mr. DUNCAN. Yet the main decision should be left up to the people in the area.

Mr. GALVIN. That is correct.

Mr. DUNCAN. That is what you said yourself just a few minutes ago.

Mr. GALVIN. That is right. There is a financial dimension to both these bills, and the difference is one is an \$8 million authorization and the other is a \$22 million authorization. And that is the principal difference in the bill.

Mr. DUNCAN. My undergraduate degree in college was in journalism, but I took so many history courses that I had a major in history also. And I have always been sort of a history buff, and I love these different historical areas and so forth. But we have been designating many, many areas of very questionable significance in recent years. And, in addition, every piece of ground in this land has been here the same amount of time, the same number of years. You can come up with a historical designation for almost every place in the country, can't you?

Mr. GALVIN. Well, every place in the country, certainly your assertion is correct, has had patterns of human activity. These bills both establish very similar criteria against which these areas would be tested before designation.

Mr. DUNCAN. The problem that many of us see, we have 368 units in the National Park System I believe it is right now, and you and your associates are always telling us and some of us agree that we are not taking adequate care of the facilities that we have. And if we keep coming and designating all these other areas under all these different names and classifications, we are only going to make a bad situation much, much worse it seems to many of us on this committee. And we, obviously, can't spend huge amounts more in money on these things, and so some of us think we should take better care of the 368 units we have instead of continually looking for ways to expand, expand, expand.

Mr. GALVIN. Well, I think that, as I said in my testimony, these bills try to come up with an alternative way to keep from expanding the National Park System by designating units that are really very different than traditional national park units.

Mr. DUNCAN. Well, I think, Mr. Chairman, that some of us feel that the time has come that we need to tell the State and local governments that they are going to have to play a bigger role in these types of decisions, and they can't always come to Big Brother in Washington for every single thing that occurs like this. Thank you very much.

Mr. HANSEN. Thank you, Mr. Duncan. Mr. Vento.

Mr. VENTO. Well, Mr. Chairman, Mr. Duncan, I would just say that that is exactly what this particular proposal does because right now, I mean, in the absence of the heritage area, these partnership types of programs, we are going to be designating some of these as units.

That is exactly what you want to avoid, but you have to have a sufficient incentive and participation by the Park Service or the Federal Government in order to actually accomplish and to provide the designation. That is very significant.

And this bill, we say what they have to study. That has to come before Congress, and once they get done with the study, they come back to us with a compact—an agreement—commitments by the States, commitment by the local governments or entities, and they

present a contract to us, and then we decide whether that should be designated as to what it should be.

So it is exactly for those reasons, because in the absence of that, what are we going to tell our colleagues? And the way many of these have grown, in fact, you could easily include a seventh one, and that would be Wheeling, West Virginia, as sort of a heritage area. Because the way much of this has gone on in the past save the three, the Blackstone, Lehigh, Delaware and the Quinebaug and Shetucket heritage areas—the other four including Wheeling have all come about because the Appropriations Committee has sought and put money in without any framework in terms of what has accomplished.

And I think if you search around, you could probably find another couple of projects exactly like that, and so here we are. We are trying to put a format in place where we have some screening, where you have a study, where you have consistent standards, and where you would have designation action by the authorizing committee and limited funding by the Appropriations Committee.

The issue and the dilemma, of course, that we have is that visitor visitation to the parks is nearly 300 million visitor days now. And, of course, the dilemma is if you expand the units, that would be one way to respond. The other is to try to recognize that many of these areas that are proposed as heritage areas have a pattern of ownership and participation. Like the community of Wheeling, do we want to take it over and make it a park? I don't think so.

But, clearly, it is an area for a restrained or limited amount of involvement in terms of this so I hope that we could dissuade ourselves. Obviously, we have serious problems within the Park System in terms of meeting the funding needs, but we need to get ahead of the curve, and that is what these bills try to do; one with a limited amount of technical assistance.

And I would say that this is, of course, the pattern of the last 20 or 25 years in terms of the Historic Preservation Act and the more full development of the Historic Register. And I would suggest that for the dollars we spend on the Historic Register and the activities of our State historic preservation officers, which are in town this week as most of you will be visiting with them, we get a hell of a lot back for what we do in terms of trying to have some national standards.

Now, that may be intimidating to some, and, of course, the issue on property rights, this bill really didn't address that. There are many that would say, well, through this bill I want to limit what the local governments and the State governments can do in terms of property rights.

We don't try to expand that or limit that. We don't expand or limit the Federal Government's role in terms of that. Clearly, other measures are addressing that in this Congress which we are sharply divided upon. But these bills shouldn't be the vehicle, and some look at them as the vehicle in terms of trying to superimpose their views with regards to regulatory compensation.

Mr. Galvin, the bill that I have introduced, H.R. 1301, has amendments to the Southwest Pennsylvania Heritage Area. It has amendments to the Blackstone, and those are examples of one we are trying to put limits on; the other, obviously, is an expansion of

that area, but it is coming before Congress to be expanded. And we are trying to get the other one under control. As Mr. Hefley said, the amount that could be spent in Southwest without direction from this authorizing committee could be quite substantial. And so we are really trying to limit what damage is being done by that.

I think we really have a responsibility. We are not kidding anyone. You can kill these bills and do nothing. But the fact is, you are going to have programs that are going to be going into effect, units that are going to be designated, the Park Service—you are growing. We are going to get less for the dollars spent, and we are going to create more of a problem with the Park System.

Mr. Galvin, why did you suggest it was so important for the Secretary to have approval of the management plans? In other words, he wouldn't regulate the land. Why is that important?

Mr. GALVIN. Well, particularly in terms of the management plan in H.R. 1301—the management plan sets forth the actions taken by the management entity, and it is with respect to the financial assistance that comes with the approval of that management plan that would make the approval of the Secretary important to us.

Mr. VENTO. One of the other aspects of these bills that is absolutely unique and that is the ability to actually act and provide grants based on some economic benefit to the local community. Isn't it true that every unit in the Park System now is devoid of any claim of economic benefit to the local communities? Every unit that you have in the Park System now does not make a positive statement with regards to economic benefit to the communities although there may well be some. In fact, there is great economic benefit?

Mr. GALVIN. That is correct.

Mr. VENTO. But the law does not state that that is not a criteria, that there be an economic benefit to the community. Is that correct?

Mr. GALVIN. That is right.

Mr. VENTO. And these bills for the first time actually address that particular point so that is a very, very important difference in both of these bills. I just want to call my colleagues' attention to that. Just an additional minute, I was just going to point out—

Mr. HANSEN. The gentleman asks unanimous consent for an additional minute?

Mr. VENTO. Yes.

Mr. HANSEN. I will give the gentleman an additional minute.

Mr. VENTO. I would just point out that these bills provide that the Federal Government can take through the capital spending no ownership position or purchase any land or equity value from these grants. Is that correct?

Mr. GALVIN. That is correct.

Mr. VENTO. That is unique, is it not?

Mr. GALVIN. Prohibited in both bills. That is unique.

Mr. VENTO. That is unique. And that means we would not be buying, but the local government units by using that money then or nonprofit groups would actually obtain the ownership of those resources. Is that correct, Mr. Galvin?

Mr. GALVIN. That is correct. Not the Federal Government.

Mr. VENTO. Not the Federal Government.

Mr. GALVIN. Right, not the Federal Government.

Mr. VENTO. So, I mean, there are many, many limitations and many innovations in these bills, and I think that it should follow. As I said, the facts haven't changed. Obviously, the participants have, but I think as we review this, it is worthy of our careful consideration. They aren't all my ideas. The other is that there is an absolute limitation in time on the participation of these particular dollars in these bills—15 years maximum in H.R. 1301. I guess H.R. 1280 has no limitation as such, does it?

Mr. GALVIN. It does. It does for technical assistance. I believe it is 13 years.

Mr. VENTO. 13 years. The time limit, in other words, we are looking at is an absolute sunset. And then after that, the Federal Government would simply monitor the management plan—and, of course, there is a provision in this law for dedesignation if there is action. That does not follow very closely with the Historic Preservation Act, does it, Mr. Galvin?

Mr. GALVIN. The parallel really is with the National Historic Landmarks Program where we have dedesignated landmarks or threatened to dedesignate landmarks.

Mr. VENTO. And the landmark program is entirely—it is a Park Service program. There is no congressional designation or involvement in that. Is that correct?

Mr. GALVIN. That is right. It is merely the recognition of a nationally significant resource.

Mr. VENTO. There is in terms of dedesignation, you hold public hearings. So that is an important provision. Do you have any comments on it?

Mr. GALVIN. I think it is a very important provision, and I think both bills contain time limits, time limits for which the program is authorized and time limits in which individual areas can participate. So the notion is that heritage areas get Federal assistance for a limited period of time, but they remain heritage areas forever.

That is, once the Federal assistance is over, if the criteria are met and if the standards are maintained and if the integrity is maintained, they remain heritage areas. The reason that the Secretary has in both bills the power of dedesignation is to ensure that the standards set for the heritage area in the planning documents are maintained.

Mr. HANSEN. The time of the gentleman has expired.

Mr. VENTO. Thanks, Mr. Chairman. Thank you, Mr. Galvin.

Mr. HANSEN. The gentleman from California, Mr. Doolittle.

Mr. DOOLITTLE. Mr. Galvin, existing heritage areas have language requiring that the Secretary of the Interior be afforded an opportunity to review actions of other Federal agencies within the heritage areas to determine their compatibility. Could you identify significant impacts to heritage areas which have been avoided based on this review requirement?

Mr. GALVIN. I think principally it relates to things like the alignment of roads. I can think of one instance in which the siting of an airport was an issue. I should say that even in the existing Federal law on heritage areas and the individual heritage areas, the Secretary has no approval authority in the sense that he could stop the Federal Aviation Administration or the Federal Highway Ad-

ministration or a State highway administration. The requirement is a consultative requirement and an attempt to make the actions of other Federal agencies consistent with the objectives of the area.

Mr. DOOLITTLE. Where was the airport situation?

Mr. GALVIN. Blackstone River.

Mr. DOOLITTLE. And what happened in the final outcome of the airport?

Mr. GALVIN. Well, the proposal on the table was to build a second regional airport in the Boston metropolitan area. There were four alternatives. I am not sure what the nature of the study is now, but the alternative to place it someplace in the Blackstone River Valley was eliminated from the study.

Mr. DOOLITTLE. And the issue of alignment of highways, can you elaborate somewhat upon that?

Mr. GALVIN. Well, first I should say that in many instances Federal money that has gone into these heritage areas has been ISTEA money. It has been one of the most common sources of revenue for these heritage areas.

And it is precisely because of the objectives set in the ISTEA, the Intermodal Surface Transportation Act, that allowed the construction of bicycle trails, paths, and other things as parts of transportation issues that has made that funding available.

So it doesn't always come down to saying, "We are going to block highway construction here." What it has been far more frequently is, "If you are going to build a highway through here, could you put a trail on the same corridor? Could you put a trail adjacent to the river?" So the Federal consistency provision works in both a positive and a negative way.

Mr. DOOLITTLE. I gather the 1966 Department of Transportation Act already requires that DOT consider parks and historic resources in their planning, so is it your feeling that this provision of consulting the other Federal agencies is designed to include other agencies besides DOT, or does this add some new requirement beyond that that is contained in Section 4[f] presently of that 1966 law?

Mr. GALVIN. No. 4[f] would be consistent with the requirements of this Act with respect to transportation. I should point out too that the requirements in the two Acts that we are looking at here are different. In H.R. 1280, it is the governor of the State that is more central to the consistency provision. In H.R. 1301, it is the governor of the State and the Secretary of Interior that are involved in the consistency provision.

Mr. DOOLITTLE. Are you aware of any issues regarding private property which have arisen from designation of the six Federal heritage areas to date?

Mr. GALVIN. I am not—I can't think of an issue that has come up. Now, maybe because I am not that familiar with what is going on at the local level in some of those, but I can't think of an issue that has come to Washington with relation to private property or land use in any of the existing areas.

Mr. DOOLITTLE. All right. Thank you.

Mr. HANSEN. Thank you. The gentleman from California, Mr. Pombo, is recognized for five minutes.

Mr. POMBO. Thank you, Mr. Chairman. I think that in a way I agree with something that Mr. Vento said. Don't be afraid, but one of the things that he brought up was that if we don't do something, Members will continue to try to go through the appropriations process and establish these heritage things on their own and just do it through getting money applied.

And I think maybe the debate that we are really having or should be having is whether or not we should allow heritage corridors to be established under Federal law and whether or not we should have them at all. I think that is really the quandary that we are in is whether or not we should do them at all. And whether it be done through the matter of H.R. 1280 or H.R. 1301, it is the fact that we are establishing these under Federal law that really I have a question with and a real problem with—whether we should be doing that.

But, Mr. Galvin, historically, Federal land use has been limited to properties that the Federal Government owns; if they own a national park they establish Federal land use; if the DOD owns a base, they establish a base. Historically, that was the case with the Federal Government. In recent years, many of the pieces of legislation that we have passed in Congress have delved into local land use.

In reviewing these two bills as they are before us as well as what we had before us last year, what would make you think that in some way this is not Federal land use? I know that in H.R. 1301, it establishes boundaries, it establishes goals for the different heritage areas of what needs to be protected and what should be managed in that area. It also establishes a Federal management authority over what happens in those heritage areas. And in H.R. 1280, even though it does not establish official boundaries as language in the bill, it does establish as part of the management plan that certain things should happen inside these areas.

Now, the hammer that the Federal Government holds over people is the money. "If you do these things, we will give you money." And, you know, that is Federal land use. We are telling them that within these boundaries you must do these certain things, and once you have established that a county or State is going to participate in one of these heritage corridors and begins to accept the money, we have then established Federal land use control.

You have brought up the idea of the airport and whether or not that was consistent with what should be happening within the heritage corridor, and I can think of other instances of activity that maybe a local community or a local government may decide that that is an ideal location for an airport. But because they have this national heritage corridor hanging over them, then it becomes Federal land use because we hold the big hammer of the money that they established this with. So how do you get around the argument that this is Federal land use?

Mr. GALVIN. Well, if I might, let me just go back to the airport example. The objections to the airport in that instance were local. They were not Federal objections. They were the objections of local government officials in the town selected, and they went through the local commission in essence saying, "You have got to consult with us." They weren't saying, "You don't have to have an airport."

You have got to consult with us." Now, ultimately, FAA decided to go someplace else.

With respect to the land use issue, I think in the debate on the floor last year, which, as I mentioned, centered on the land use issues, both of these bills contain statements that enforce State and local authority and try to make very clear that these are not Federal land use bills. And the language in both bills is very similar because it was language agreed to by the previous Congress.

But as an example, Section 10 of the Hefley bill says,

"LACK OF EFFECT ON AUTHORITY OF GOVERNMENTS.—Nothing in this Act shall be construed to modify, enlarge, or diminish any authority of Federal, State, or local governments to regulate any use of land as provided for by law or regulation.

"LACK OF ZONING OR LAND USE POWERS OF ENTITY. Nothing in this Act shall be construed to grant powers of zoning or land use to any management entity for a National Heritage Area."

Both bills also call for local management entities but do not specify what they shall be. They don't say that they have to be a unit of government. It is, in essence, the locals who will decide the nature of the management entity in both of these bills.

Mr. HANSEN. The gentleman's time has expired. Do you want an additional minute?

Mr. POMBO. I ask unanimous consent for an additional minute.

Mr. HANSEN. Without objection, so ordered.

Mr. POMBO. But also in H.R. 1280 in Section 5[c], "To be eligible for designation as a National Heritage Area, an area shall meet each of the following criteria:" They lay out criteria that the heritage corridor must meet in order to establish that. And getting back to Mr. Vento's comment earlier, if we do this at all, you have to have some type of criteria.

Mr. GALVIN. Yes.

Mr. POMBO. But the criteria is there, and then in a subsequent section, it describes how this is revoked—how the heritage corridor would be revoked.

Mr. GALVIN. Right.

Mr. POMBO. And one of those is if they verge away from the management plan that was established to establish the heritage corridor to begin with.

Mr. GALVIN. Right.

Mr. POMBO. So what happens is if a local community decides that they want an airport, and I am just using that as an example, in what happens to be a heritage corridor, the possibility is great that they would lose their heritage corridor designation, therefore losing the Federal dollars that are attached to that.

In the Vento bill, it goes much further in establishing criteria for being within a heritage corridor and specifically what things should be protected, what the goal is of each individual criteria of each individual heritage corridor. And, in effect, this bill is establishing national land use. That is exactly the purpose of doing it.

I think the debate that we are having here is whether or not we should do that at all. Whether it is in the respect that Mr. Hefley wants to do it or whether it is in the respect that Mr. Vento wants to do it, it is establishing national land use.

Mr. HANSEN. Do you want to respond, Mr. Galvin?

Mr. GALVIN. Well, I would respond by saying the controls all remain at the local level. Certainly, there are criteria. Certainly a plan is required, and dedesignation could be accomplished if the plan is not carried out. Now, that—

Mr. POMBO. If I may interrupt you there just briefly, yes, it establishes local criteria, but with your example of the airport, a local group of people who may not want the airport there use national heritage corridor as their method of stopping the airport from getting it located there.

Mr. GALVIN. Of getting it talked about. Now, this bill does not prevent people from building airports. Let me be clear about that. If an airport were built on top of a historic resource that was called for preservation in the plan, then you might have cause to take a look at the plan—at dedesignation at some future time.

Mr. HANSEN. The time of the gentleman has expired. I would ask Mr. Hefley of Colorado if he would briefly take the Chair, and we will now turn to Mr. Cooley of Oregon for five minutes followed by Mrs. Chenoweth of Idaho. At the conclusion of Mrs. Chenoweth's remarks, the first panel will be Chuck Cushman, Ed Norton, and Elizabeth Watson. So, Mr. Hefley, if you would briefly take the Chair, I would appreciate it.

Mr. COOLEY. Thank you, Mr. Chairman. Pursuing Congressman Pombo's line of questioning, and I am very concerned about what he is bringing up also. In H.R. 1280, under Section 6, there is a section called management plans. It reads, "This plan shall take into consideration the existing Federal, State, county, and local plans." If you go down into Section A, it reads, "An inventory of resources contained in the national heritage area including a list of property in the area should be conserved, restored, managed, or developed." Does this not infringe upon private property rights under this issue?

Mr. GALVIN. I would not see it that way, Mr. Cooley. Since this plan is locally derived particularly in H.R. 1280, to the extent that this infringed on property rights, it simply could be left off the inventory. There is no prescriptive requirement to include all properties. It would presumably include properties that locals want to preserve, want to use to attract tourism. Certainly, that is the way it has worked in existing heritage areas.

Mr. COOLEY. Well, but you would not allow property within the corridor when you are Federal funding if we have an area that is designated as heritage, and then all of a sudden have one or two buildings in that particular area going to high rises, modern development, or otherwise you wouldn't list the funding. The problem we have here is what we call technical assistance. I am not sure what technical assistance means. What does that really entail? What does that term mean?

Mr. GALVIN. Well, H.R. 1280 is limited to technical assistance, and that would include assistance in inventorying resources and doing plans. The National Park Service would assist locals in doing a plan and developing a feasibility study, and that is it. We would not be there as an operating presence or as a landowner.

Mr. COOLEY. With your experience in planning and development, do you agree with the assessment that the heritage area proposals carry enormous potential cost liabilities?

Mr. GALVIN. Well, I think in the opening remarks before the subcommittee, the members, and Mr. Hefley in particular, accurately pointed out that our experience has been quite different in different areas. Most of these heritage areas have not cost a lot. Some of them have entailed fairly significant Federal expenditures. One of the reasons for trying to develop a system here is to try to prevent that from happening. But, yes, there have been areas or there has been an area where there have been fairly significant expenditures, and there are a couple of others that are potentially that way.

Mr. COOLEY. Well, if you take the Southwest Pennsylvania Heritage Area, it cost the Federal Government \$63 million, and you have right now estimated potential costs of \$355 million. What drives these costs that we seem to not have any control over or you don't have any control over?

Mr. GALVIN. Well, as Mr. Vento pointed out, much of that came through actions of the Appropriations Committee, specifically with respect to the \$60 million expenditure. A good portion of that was spent within the boundaries of several national parks there—Johnstown Flood, Allegheny Portage, and Friendship Hill and Fort Necessity. In that particular heritage area, there are four units of the National Park System. So not all those expenditures were straight heritage area expenditures. And, of course, in Title II in H.R. 1301, there are provisions to try to amend the Southwestern Pennsylvania area to limit expenditures there.

Mr. COOLEY. When I look over these two pieces of legislation, I have a feeling that we are trying to redefine parks so we are calling it national heritage now where we don't have the same commitment, but we are still designating really park areas with some control by the Federal Government through the funding process in preserving areas that maybe the locals and only maybe part of the community is really agreeable to. Are we just changing the name now? Are we just changing the bells and whistles, or do we really have a completely different designation?

Mr. GALVIN. I think these are quite different in the sense that there is no Federal ownership, and they deal with large and fairly complex landscapes that require a different kind of approach. And I would say that there is a good deal of local support for these areas. You know, if you went into the Blackstone River Valley, you would find a very substantial amount of support for what is going on there by the local-State officials. We have had several hearings before the subcommittee in which a broad cross-section of people including business interests have come in and supported these areas. So I think they are different.

Mr. HEFLEY. [presiding]. The gentleman's time has expired. Mrs. Chenoweth.

Mrs. CHENOWETH. Thank you, Mr. Chairman. Mr. Galvin, you know, I cannot quite figure out how many square acres or square miles are involved altogether in this proposal—in H.R. 1301 and in H.R. 1280.

Mr. GALVIN. Well, it is difficult to say since they would come by virtue of studies that happen in the future. Let me give you an example. With respect to the existing heritage areas, Illinois and Michigan Canal is probably on the order of 100 miles long. Black-

stone River Valley is probably about 30 miles long; probably contains about 30 towns.

One of the things that H.R. 1301 does to modify the Blackstone River Valley is to include Worcester, Massachusetts, which, of course, is a large town, and is really at the source of the Blackstone River. The reason for that amendment is because Worcester wants to be included. It was not included in the original designation so that this isn't an expansionist move, it is because they wanted to be excluded in the original area. They were excluded, and now they want to be included.

Mrs. CHENOWETH. Mr. Galvin, how many acres or square miles are involved in these proposed bills?

Mr. GALVIN. Well, as I say, it is impossible to come up with a number for that without having a feasibility study and a compact that the Congress can look at prior to designation.

Mrs. CHENOWETH. Is the Park Service looking at doing an environmental impact statement and an economic impact statement under the requirements of NEPA?

Mr. GALVIN. If NEPA is involved, we will meet the requirements of NEPA. Now, normally, we do not do those. The full environmental impact statement with things like feasibility studies we do comply.

Mrs. CHENOWETH. Well, in one area, we are involving six areas or eight new areas, three heritage area studies and two existing area modifications. Wouldn't you consider that a major Federal action? Some of them are 100 miles long, undefined widths.

Mr. GALVIN. It is not necessary under either of these bills that the Federal Government do any study.

Mrs. CHENOWETH. And why isn't it necessary to prescribe to the mandates of NEPA?

Mr. GALVIN. Well, we will meet the mandates of NEPA. I am just saying that the question of whether or not there is a major Federal action with the creation of a heritage area would have to be decided on a case-by-case basis. It is entirely possible that you are correct, that you might have a situation where the dictates of NEPA need to be met. But it is also possible I think with these heritage areas that NEPA wouldn't apply and, again, on a case-by-case basis.

Mrs. CHENOWETH. Well, I would dispute that with you, but we are sort of defining NEPA out of the argument lately. But I was interested in your testimony, Mr. Galvin, where you stated, "We strongly support the establishment of heritage area partnership programs that empower citizens." And yet, you know, under Mr. Vento's bill, the Secretary has all final say on all management plans, all technical assistance, everything. And so to say that it empowers citizens, I find that not quite convincing. I am not convinced when the Secretary still has total control over the final determination.

And I also was interested in the fact that you said at the bottom of page two that, "We recognize the traditional approach to protecting resources"—this is the traditional approach you mention—"that establishing a distinct park unit with defined boundaries and Federal management responsibilities is not always appropriate." Mr. Galvin, until you are able to come to the Congress with defined

boundaries and defined responsibilities, how can you ask us to sign onto a blank check in either bill?

Mr. GALVIN. The purpose of that sentence in the statement is to point out that this is really very different than creating a unit of the National Park System.

If you are talking about whether or not Worcester, Massachusetts, belongs in a heritage area, clearly we are not talking about arresting the development of Worcester or changing the character of that town. They have some interests that they seek to pursue by being added to a heritage area, and both these bills allow those people to do that. But we have no intention of creating a unit of the National Park System there. I think that was the purpose of that statement.

Mrs. CHENOWETH. Mr. Galvin, can you tell me what lands now under consideration in either one of these bills are currently held by the Nature Conservancy?

Mr. GALVIN. I don't know of any. Now, obviously, and in H.R. 1280, no areas are specified at all. I know of none in H.R. 1301, and I would point out again there is an absolute prohibition against Federal acquisition in these areas using funds authorized by the bill—in both bills.

Mr. VENTO. Would the gentlewoman yield to me?

Mrs. CHENOWETH. Yes, Mr. Vento, I will as soon as I finish, and I would like to ask unanimous consent for one more minute.

Mr. HEFLEY. Without objection, the lady is granted one more minute.

Mrs. CHENOWETH. I would like to know who the Hudson River Valley Greenway Communities Council is and the Greenway Conservancy, and are any of these supported by Nature Conservancy?

Mr. GALVIN. I don't know. I would have to supply that for the record. I would say that the Hudson River Valley Commission is a body established under State law. It is financed by a hotel tax passed at the State level. And there is a Hudson Valley Greenway established under State law. They are interested in becoming a national heritage area.

Mrs. CHENOWETH. And that is your testimony for the record, that Greenway Conservancy is not affiliated with Nature Conservancy?

Mr. GALVIN. I would have to answer that I do not know.

Mrs. CHENOWETH. Could you find out for me?

Mr. GALVIN. Sure.

Mrs. CHENOWETH. OK. Now, also in the management of the Ohio and Erie Canal American Heritage Area, I am a little leery because part of the management will be turned over to the superintendent of the Cuyahoga Valley National Recreation Area. And I think that the National Park Service knows how I feel about what happened in Cuyahoga Valley. I am a little nervous about that because, you know, you mentioned how we want to preserve the heritage of the areas, and yet in Cuyahoga Valley, we literally destroyed homes and did away with any semblance of the heritage that was created by man there.

So I am leery of the bill, and I wish that we were at a better time in our budget where we could afford to set aside areas. Our land base is going to be impacted, our tax base is going to be impacted by taking these areas out of the tax base in some parts. And

not being able to define that which is private and that which is already held by a trust under a 501[c][3] makes it difficult for us to realize the impact on the tax base, and, sir, that is why I ask, when you come to this committee, we need to have defined boundaries and impacts.

Mr. GALVIN. And, in fact, ultimately, in the processes laid out in both of these bills, you would have a boundary.

Mrs. CHENOWETH. Thank you. Thank you, Mr. Chairman.

Mr. HEFLEY. Thank you, Mrs. Chenoweth. Thank you, Mr. Galvin. We appreciate your coming. Does anyone have further questions of Mr. Galvin?

Mr. VENTO. Mr. Chairman, I would just say Mrs. Chenoweth didn't have time to yield, but I would just point out that it is quite right that the designations in the H.R. 1301, which was a bill introduced last week, there had been hearings on those, and there is a complete record. There are maps. There are boundaries established in each of those. Those are areas that have all undergone study and are now being proposed for designation as an American heritage partnership under the provisions of the Act. And, of course, they all have advocates.

And the issue with regards to local participation, there is overwhelming local support for those. One of our problems is trying to hold locals down so they don't become designated units of the park. The part through Cuyahoga is actually the part that is in the recreation area in Cuyahoga already, and that is why the superintendent would be involved in that instance. But I think there are a number of questions you raise that I think can be answered. Thank you.

Mr. DOOLITTLE. Mr. Chairman.

Mr. HEFLEY. Yes. Mr. Doolittle.

Mr. DOOLITTLE. These two bills are being offered under the assumption that this piecemeal process as it has happened in the past is going to continue into the future of members going to Appropriations. I just want to ask if given the declaration by Mr. Regula, Chairman of the relevant Appropriations subcommittee, of the matters affecting this committee, that he would not fund what we don't authorize. Would it be safe to assume that under that criteria we wouldn't have any more piecemeal approach to this in the future by people going around this committee and to appropriations? I am just asking that as a question of you or anybody else on the committee who would care to comment. I just want to make sure I understand that.

Mr. VENTO. If the gentleman would yield to me, I would just point out that during the discussion of the Southwest Pennsylvania Heritage Corridor, that, in fact, we did not designate that. It was a commission that was established by the study, and that was the extent of it. And so I don't want to take credit for or have the committee take credit for what has occurred there.

I will leave the gentleman's question whether Mr. Regula can answer that or other members of that committee can answer that. We also have, of course, the U.S. Senate which has been a participant in this process on an equal or more than equal footing in terms of what has occurred in this process. I thank the gentleman for yielding.

Mr. HEFLEY. Yes. And I would respond by saying that as long as the committee is structured the way it is here and as long as Mr. Regula is in that spot, that might be the case, but that is not going to be forever. And don't you, Mr. Galvin, also have general authority to provide technical assistance and restore historic buildings and some of those kinds of things anyway, if we do nothing?

Mr. GALVIN. Yes, we do. We have under various previous Acts authorities to provide technical assistance in a wide variety of areas.

Mr. HEFLEY. One of the problems I guess I have, Mr. Doolittle, with Mr. Vento's approach, and first of all, he has worked very diligently on this in this area and deserves credit for that, but one of the problems I have with that particular bill is that it does designate areas at the same time it designates a process. And I think that ought to be separated. Whichever direction we end up going, if we pass anything out of here, I think those two things ought to be separated. Now, if you want your process to have a better chance of getting through the Congress, then you can designate areas and pick up a lot of votes by doing it, but I don't think that is the appropriate way to do this.

Mr. Galvin, we appreciate your testimony, and we will get to the next panel. If Mr. Chuck Cushman, Executive Director of the American Land Rights Association, Mr. Ed Norton, Vice President of Public Policy, National Trust for Historic Preservation, Ms. Elizabeth Watson, Chairman of the National Coalition for Heritage Areas would join us at the table. Mr. Cushman, would you like to start, and we will just kind of go down the table?

Mr. VENTO. Have we received written testimony from this witness prior to—

Mr. HEFLEY. I don't believe Mr. Cushman has written testimony.

Mr. CUSHMAN. No. I have been sick, Mr. Vento, and I will provide it within 10 days, and I apologize for not having it today. I feel fortunate just to get here—to be able to do that, and I ask leave of the committee to allow me to submit it later.

Mr. HEFLEY. Without objection, we will do that, Mr. Cushman. We appreciate you being here.

[Mr. Cushman's testimony had not been submitted at press time.]

STATEMENT OF CHUCK CUSHMAN, EXECUTIVE DIRECTOR, AMERICAN LAND RIGHTS ASSOCIATION

Mr. CUSHMAN. Thank you, ladies and gentlemen, for inviting me to participate today. As you know, I am Executive Director of the American Land Rights Association, formerly the National Inholders Association. I am also Chairman of the League of Private Property Voters, 600 organizations strong throughout the country. I am a former member of the National Park System Advisory Board.

I guess I would ask first of all why are we considering doing this? I know it has the best of intentions by some, but we have got an agency here who cannot account for all its money. It is \$6 million behind in deferred maintenance, health and safety. It is \$5 to \$10 billion behind in land acquisition, and we, of course, only endorse willing sellers, but that is the numbers placed on it by the GAO and others. They are very much behind in ranger housing and

other services. I wonder if we can afford to fragment the National Park Service and diffuse its goals and its manpower and its ability to service the public.

As all of you have to run on your record every two years, I think so the Park Service should have to run on its record. And while there are many good people in the Park Service—I was a volunteer for the Park Service as a young man; my father was a Park Service employee—there are still a great many difficulties within the agency. And the key words or buzz words in these bills refer to some of these things, and I am going to just harken back and remind the committee of a little history. What is that old quote? “If you don’t remember history, you are bound to repeat it,” and, “If you don’t know where you are going, you are probably going to get there.”

There have been a number of GAO reports in recent years, over the last 10—12 years, and Inspector General reports about land acquisition, land management problems, maintenance problems, other policies within this agency. This agency needs to kind of take a look inward; tighten its belt; take a look at where it is going; get more efficient; be able to deliver the services at a more rational cost.

I guess another concern I would have about this bill is diversity. We have a tendency to think that the Park Service always does it better, and in many cases they may do that. But it is our view that to maintain cultural diversity in this country, the Park Service’s record in enhancing that as being the curator of our history has not always been laudable.

Having all the planning done for these areas from one planning base in Colorado may not enhance the diversity of this country or in these areas. And no matter how these communities want to be part of a national system for whatever reason, whether it is tourism or other reasons, they may, in the process, lose a good portion of their diversity.

Partnerships. The record of Park Service working as a partnership has not been good. I will just touch on them because of the shortness of time, but the Upper Delaware River—now, actually that has turned into a pretty decent partnership in recent years, but without an active citizen aggressive attack on the original plan by the Park Service, it certainly was not. It was a top-down management plan designed from Denver which was exactly the opposite of what Congress had in mind.

Culture. This agency has, as has been referred to earlier today I am sorry to say, destroyed the culture in many areas of this country. I will just touch on a couple here, but the Buffalo River in Arkansas. It was clearly the intent of Congress not to buy a lot of land. It was clearly the intent to be a partner with the local community, to work with local people.

When NBC did an investigation of this area, they said there were 1,108 landowners when that Buffalo River was created in Arkansas, and when they did their investigation, which was like 1987, there were eight landowners left. So this unique cultural heritage which had been documented by National Geographic a couple of times and in various films had virtually been eliminated. I mean, I could cite lots of examples. We don’t have time here today.

Promises. There are a many good things about both of these bills. The problem is can this agency implement them? Can they be trusted to honor their promises? Look at the National Natural Landmark Program. I mean, we can go into detail, but the fact is that this agency promised all landowners they would be notified ahead of time. They would be notified if they were going to be considered and, in fact, decided that that was too much of a bother. They went ahead and designated people as National Natural Landmarks or their property without telling them. And this program is just in suspension. It is still there, and a real investigation of the Park Service has never gone on.

Appalachian Trail. This started out as a very good volunteer program and gradually expanded and expanded partly through congressional action so that it involved massive land acquisition and land use controls.

Training. There is no difference in the Park Service in training. They train the rangers exactly the same way if they are going to manage a National Park on the high end of the scale and a National Recreation Area on the low end of the scale.

Good neighbors. I am sorry, but the Park Service does not have a good record of being good neighbors. So the terms of compatibility of heritage areas no matter how well intended cast a shadow over local communities.

Cost. Anybody who thinks this bill is not going to massively increase in costs over the years just has not tracked how the National Park Service has functioned. We can go and document—I mean, many of you know the numbers, and you know the locations. There are literally hundreds of places that started out at modest costs and just consistently over time gradually expanded.

And, finally, please don't turn these into seed areas to become new Santa Monica Mountains or Gateways or Golden Gates. Should the Park Service become, in effect, a dumping ground for open space, or should we concentrate our resources on taking care of the crown jewels and the really important areas? Thank you for the opportunity.

Mr. HEFLEY. Thank you, Mr. Cushman. Ms. Watson.

STATEMENT OF ELIZABETH WATSON, CHAIR, NATIONAL COALITION FOR HERITAGE AREAS

Ms. WATSON. Thank you, Mr. Chairman. It is a great pleasure to appear before this committee and members of the subcommittee. As you know, I am Chairman of the National Coalition for Heritage Areas, and I am here to speak to proposed legislation that will allow local and State governments and other partners to seek voluntary national recognition and assistance for their efforts to preserve distinctive landscapes.

In preparing this testimony, we learned late last week that H.R. 1301 is also under consideration by this subcommittee. We believe that most of our comments today also apply to that bill, and should you have any specific questions about H.R. 1301, I will be happy to respond.

I will summarize my remarks, but for the record I would like to establish that we are extremely pleased that Mr. Hefley and Mr. Torkildsen, sponsor and co-sponsor for H.R. 1280, and Mr. Vento

and the several co-sponsors for H.R. 1301, have made such an excellent start at bringing forward all issues considered by this body in the last Congress, and we are most grateful for their leadership in returning to this issue so early in this Congress.

H.R. 1301 is a slightly changed version of the bill that passed the House in the last Congress, H.R. 5044, which the National Coalition for Heritage Areas supported with the exception of the source of the funding which was identified as the Historic Preservation Fund. This fund is inappropriate as a sole source of support for a program that extends well beyond historic preservation in its goals and objectives.

H.R. 1280, in general, streamlines and refines H.R. 5044, remaining faithful to the basic concept negotiated last year. There are only five significant differences between the two as we see it, which my written testimony does address.

Today, what we are asking Congress to do is to authorize the Department of the Interior to participate as the lead Federal partner in an extraordinary new program to recognize communities who are willing to undertake a comprehensive program of stewardship, economic revitalization, and education—words which I am afraid I have not yet heard in this committee discussion, and I would like very much to receive any questions on those topics.

Property owners remain property owners and key partners under this program. Civic and community leaders remain in charge of the community's future. What is added from the national level is a program of national recognition, technical guidance, information sharing, and standard setting, things that I believe the Federal Government can do well. From the community level comes the recognition of the special resources in a place—cultural, natural, and historical—and, again, I must emphasize the voluntary commitment to make the most of these resources for the sake of their residents and the many new visitors who will be drawn to these newly recognized places.

The bulk of the responsibility and investment properly falls on local, State, and private partners in this national program. Such a commitment under the process set forth in both of these bills can only follow extensive public discourse and evaluation. That is to say what I call "long lead time". There is a lot of public discussion before the community goes back to Congress and asks for that designation, especially under H.R. 1280 with no "instant designations", as they are called.

This public discourse and evaluation is designed to assure that all involved parties are heard and their concerns addressed before asking Congress to confer national recognition by naming these places national or American heritage areas.

Why do communities want to do this? Because they are proud of their accomplishments and their assets, and they want that special recognition; because the many existing programs for stewardship have taught them much about themselves, and they want to celebrate and educate well beyond any impulse to regulate.

What I would like to emphasize is that this program adds nothing new in the tool kit, as folks in the conservation and environmental and historic preservation world would call it. It doesn't change land use. It doesn't change zoning. It does confer recogni-

tion on communities that have taken special steps to protect assets that they all recognize.

Sometimes historic preservation is talked about as "putting history back into historic preservation". That is essentially the concept that I am trying to get across here. This program is about more than regulation. It is a matter of education and celebration for the history in this country.

And also communities want to do this because they want to capitalize on their special assets for the economic betterment of their citizens. In particular, I would like to call attention to a recommendation for changes to both bills before you today—for one change especially. We strongly believe that the economic aspirations for the national heritage area should be defined by the partners who develop the management plan.

In describing what a management plan must include, both bills call for policies for the management of resources and recreational opportunities "in a manner consistent with the support of appropriate and compatible economic viability." We believe that the management plan should also be required to define what "appropriate and compatible economic viability" actually means to the partners in the national heritage area rather than leave the interpretation up to others outside the process.

We suggest the following language: "Identification of sustainable economic development needs, including heritage tourism support services and planning, small business opportunities, resource restoration and revitalization, the continuation of traditional land uses, infrastructure development, heritage area marketing and promotion, and ways to address the continuing sustainability of the management entity."

Mr. Chairman, I have worked as a consultant in the Delaware and Lehigh National Heritage Corridor, and I would be pleased to offer comments on the process that is designed in both bills. I have spent quite a lot of time thinking about these issues, and I believe that a very well-designed process is now before this committee. That concludes my remarks at this time. I would be happy to answer questions.

[The prepared statement of Ms. Watson can be found at the end of the hearing.]

Mr. HEFLEY. Thank you, Ms. Watson. Mr. Norton.

STATEMENT OF ED NORTON, VICE PRESIDENT FOR PUBLIC POLICY

Mr. NORTON. Thank you, Mr. Chairman. I am the Vice President for Public Policy of the National Trust for Historic Preservation, and we are delighted to be here today to testify on the heritage bills now before you.

The National Trust strongly supports Federal legislation to rationalize, systemize, and make the designation of heritage areas work. And we support this legislation for essentially two reasons: First of all, as we look around the United States, it is clear that heritage areas, whether they be Federal heritage areas or State heritage areas or local heritage areas, are clearly an idea whose time has come.

From New England to the Midwest to Texas, the Four Corners area in Utah, Colorado, Arizona, and New Mexico, Wyoming, California, citizens locally driven, concerned about the quality of their life have come together to establish heritage areas. And this movement, I believe, arises out of a really profound human desire to know and to understand our history, our culture, and our heritage, and who we are as a people. And so it is that locally driven, up-from-the-bottom desire that is really fueling and promoting heritage areas. And we believe that the Federal Government ought to respond to that.

Second, Mr. Chairman, we believe that there is a need for this legislation, as I said, to rationalize what heretofore has been somewhat a whimsical system. We recognize that there are limits on what the National Park Service can do and that the Park Service has many other responsibilities. We recognize that there is a limit on the amount of Federal money that will be available for programs such as heritage areas.

But we believe that this is a system that should have support from the national government, and I would remind you of the statement once attributed, I believe, to a British statesman during the days of the Second World War when he said, "Well, now that we are out of money, we are going to have to think." And we do face limited resources, and I think that we are going to have to think creatively about how we can satisfy the important national purpose reflected in the desire for heritage areas and the limits imposed upon us by the availability of both financial and human resources to address that need.

We believe that the heritage areas bills now under consideration by the community do establish a rational system, a system that has limits, both limits in terms of the role of the Federal Government and the primacy of the role of local government, and also sets forth a system that will also set priorities and regularize and make the Federal and financial involvement in this equitable.

We think that the bills by their establishment of clear criteria and a definite process, a rigorous criteria and a rigorous process for creating a Federal heritage area will make those heritage areas which are sustainable and which can continue without continuing Federal involvement—those are the heritage areas that will be established.

In addition to that, we think that the bills also provide the heavy funding on the front end, if you will, of the heritage area designation process, and that by doing that, providing critical Federal support at the time in which it is most difficult to get these heritage areas moving that the Federal involvement will be used in the most efficient and in the most cost-effective way.

So we think that the money for the heritage areas can come and will come from a partnership between the Federal Government, the States and local government, and the Federal involvement will be at a time when it is most needed, but there will not be a continuing requirement for Federal involvement.

Finally, Mr. Chairman, let me say that of the other issues that have been raised here today, the question of whether or not the Federal legislation results in a taking of private property or creates an impingement on private property rights, having read the bill

many times, I think that it is clear from a reading of the bill that the government authority and power to create and manage heritage areas rests exclusively with State and local government. And we support that strongly. We support that division of authority and responsibility with respect to the creation, the designation and the management of heritage areas. Thank you.

[The prepared statement of Mr. Norton can be found at the end of the hearing.]

Mr. HEFLEY. Thank you, Mr. Norton, and committee. Ms. Watson, we have all talked about the 100 heritage areas that are out there and six of which are designated by the Federal Government. Do you anticipate that 94 areas will come rushing into this committee for designation?

Ms. WATSON. I hope not. I think it would be a workload you wouldn't want to have and would be kind of tough on us out in the field as well. That number 100 is one I think that is just an estimate. We have more than 100 organizational members. There are various lists, and I think it is going to be a matter of putting this process forward so that the rules are out there, and communities that feel that they can pursue this process want to engage in it.

One of the advantages of this sort of rushing forward, as you say, is there is a long lead time so that feasibility studies would proceed on course and then work through the compact. It is going to take several years for any community to work through this kind of process before they decide whether or not they want to come to this committee and get designated and receive that Federal recognition that is put forward in this process.

Mr. HEFLEY. You know, we know that one of the driving forces at the local level for creating heritage areas is economic development, and you mention that in your testimony. Can you give us some examples of how this has enhanced economic development in places around the country?

Ms. WATSON. Sure. In the Illinois and Michigan Canal, new restaurants have been established; access to the canals. The canals have been restored. Basically, what is happening is that people are coming back down to some places that maybe have been forgotten or lost in the public memory, and they are getting access to trails along canal sides and rivers. And merchants and people in the hospitality industry are able to offer new services in those ways so that you would have bicycling, for example, and overnight accommodations and lunch preparation. Small business development of that kind is taking place in these areas.

I want to emphasize though that this is new. Illinois and Michigan have been around more than 10 years. Blackstone River Valley has been around almost 10 years. Delaware and Lehigh is not nearly that old. Southwestern Pennsylvania, of course, has had quite a lot of investment to move it faster in that process. We are expecting this (economic development) to happen but I can't give you as many hard figures as I would like. It is one of the jobs, I think, of the National Coalition to track that.

Mr. HEFLEY. Thank you. Mr. Norton, I think you could tell the question on the minds of many of our committee is, do we need to do anything at all? I mean, after all, these things have been developing and progressing on their own and through the appropriations

process and without the Federal Government. And you said it is essential that we do this. How do we tell the members of our committee that are skeptical about this that we need to even do anything?

Ms. WATSON. I guess there are two answers to that, Mr. Chairman. The main thing is that this process, and by this I mean both the first title in H.R. 1301 and H.R. 1280, essentially, you are setting rules for yourselves to consider these proposals. And I am not going to be able to sit here and tell you that you will follow those rules. That is up to the Congress to follow those rules.

Could you repeat that question? I had another thought in there.

Mr. HEFLEY. I was wondering how we would convince the skeptics on our committee that we need to do anything when, you know, it has been progressing and we have developed heritage areas without the Federal Government's involvement.

Ms. WATSON. Yes. I guess what I want to call attention to in my written testimony is that there is a Federal role here that is exclusive to the Federal Government, and that is in extending this national recognition. I think if these communities are going to be building these programs, if they are not going to get the recognition and, therefore, I think over the long term the visitation and the excitement really of the national recognition, that they will falter. And that is one of the efficient uses of the Federal role.

There is not money necessarily involved in strictly national recognition. I do think that in addition to that, without consistency, some level of standard setting, I think that standard setting is a two-edged sword because you have the issue of being top-down. But we are looking for something that across the board says that those communities that want to do this, that are willing to undertake the additional commitment and expense, deserve special recognition. They deserve promotion, international marketing, creation of recognizable national signage, the kinds of things that would create, in essence, a national system that would be something that would tell a different American story than programs that are reserving land in special natural areas.

Mr. HEFLEY. Mr. Norton, would you like to comment on that as well?

Mr. NORTON. I think that those are all very good answers, Mr. Chairman, and I agree with them. I think that in addition to the factors that Ms. Watson has just cited, that there are perhaps several others. One is, I think that there is a great deal of agreement on this. Our national history is our national history.

I know that sounds like just the most straightforward of statements, but the fact is it does belong to all of us, and there is a strong sense among people that this history, whether it took place in Massachusetts or in Utah or in California, does belong to us, and that we have a national interest in protecting and promoting that. Practically every Congress and every Administration since the beginning of the Republic has in some way recognized and sought to foster and enhance that.

So then it becomes, I think, a question of, under our present circumstances, do we have the resources given all the other demands to go ahead and do that? I think that both of the bills and certainly your bill, Mr. Chairman, provide a very modest amount of money to recognize that national interest.

I think also that we should recognize that this Federal involvement can have a tremendous stimulant and multiplier effect on many local economies. The National Trust has learned through our Main Street Program, for example, that this kind of technical assistance and working with local communities has a tremendous leveraging effect; in the case of Main Street, almost a 22-to-1 leveraging effect so that really what we are doing with programs like this is really enhancing economic development, economic growth, and communities' sustainability in a very positive way.

Mr. HEFLEY. Thank you. Mr. Vento.

Mr. VENTO. Thanks, Mr. Chairman. I appreciate the testimony of the witnesses. Obviously, our friend, Mr. Cushman, suggests we ought not to give anything to the Park Service because the Park Service can't do anything right. And so I don't know if there is any reason to pursue a line of questioning, but I did appreciate, I guess, probably his focus on the Park Service left him less opportunity to critique our bills. But I think they are a different step, and I think this will make a kinder and gentler Park Service even to Mr. Cushman's evaluation. I think that is the purpose.

I look at this as sort of an evolution of what has happened in terms of designation of recreation and other areas where there are substantially nonfederal lands, and we have tried with Santa Monica, you mentioned, and other areas. And this offers an opportunity to do it differently in terms of giving the designation. I think it is enormously important when we put the Federal imprimatur on there in terms of a heritage area. That is something that they want.

We have a couple of examples of that that rely pretty much on that in terms of the landmark and the Historic Register programs. They don't function all by themselves. Obviously, the surveys take funds on the part of the Park Service. They take funds on the part of the Stage Historic Preservation Offices to oversee and to guide and to educate as it were and to review their multiple functions that they have but certainly to review the candidates for the Historic Register.

So this, obviously, is built on that, and I think your experience, Ms. Watson, with Delaware-Lehigh, which I think I pronounced Lehigh-Delaware before and I apologize for that, is instructive because it gives me a little reason for optimism because I know we wrote that. You know, my staff, Rick Healy who is behind me, at that time and others with regards to Blackstone worked hard trying to find the balance. I don't know where we got all those ideas from, but we are all right to take good ideas wherever we find them. And so I invite my colleagues to take my ideas and do things with them.

But one of the things that comes through here, the difference between the two principal bills in trying to set aside, and I think Mrs. Chenoweth specifically is right about saying we are not looking at all these designations in here. I guess that if we are trying to go forward, I would suggest we do so.

I respectfully disagree with my colleague, Mr. Hefley, about not including areas that have undergone study because I think we need to address that. You need that to get the Senate's attention, I think too. But the major differences between this technical assistance

versus some small amount, really a modest amount, \$14 or \$15 million of capital type of investment.

First of all, there are matching funds in here. Are these matching funds just one to one, three to one matching? Are these easy to meet, and will they be met by candidate communities that want to receive heritage designation?

Ms. WATSON. Yes, sir. I believe these are reasonable. I remember in the last Congress raising this issue specifically for rural communities where a 25 percent match seemed to be doable, but larger than that would have been difficult. Now, I want to be specific that technical assistance in both bills is \$8 million. Actually, the \$8 million in H.R. 1301 also pertains to grants, but in any case, expenditures in either of those \$8 million pots would be a 75 percent Federal-25 percent local match, and that is doable. Under H.R. 1301, the 50 percent match for capital development, I believe, is also reasonable.

Mr. VENTO. One of the points, of course, Mr. Norton mentioned, a 22-to-1 leveraging, but there are other incentives like tax benefits. We could go in that direction if you think our tax historic preservation and the alternative minimum if you want to get into modifying that, you won't be talking about tens of millions of dollars. You will be talking probably about billions of dollars just to look at what is out there to be engaged in the use so we are necessarily putting this out there with \$14 million. There are some other tools out there that can be used. There are private purpose bonds that can be used that are also a Federal Government purpose.

There are also other resources like you said, ISTEA. Now, are those resources in and of themselves adequate? Do we really need the money that Vento has in this bill, as an example, as an authorization?

Ms. WATSON. Congressman, I believe that that money should be reserved for covering gaps that are not addressed in ISTEA or Land and Water Conservation Fund and other kinds of Federal programs where funding may be available; watershed planning under EPA, for example. There are a wide range of Federal programs available.

We do not see funding—and this is where, again, keeping in close touch with our constituents over time will tell us better, but what appears to be needed is restoration funding. Bricks and mortar money, as you know, under the Historic Preservation Fund has long been gone. There also have been uses of the money for some trail-building that extended beyond some of the limits that the local programs have—

Mr. VENTO. Let me get Mr. Norton into it because the National Trust for Historic Preservation has a lot of advice, a lot of technical assistance. Basically, that is your forte, and you don't do really much in terms of grants at all, Mr. Norton. Do you think the Park Service should have a program like that?

Mr. NORTON. I think a grants program is a useful tool for heritage areas and other similar programs. The National Trust does have modest grants programs which we find to be very successful. The Preservation Services Fund, Preservation Loan Fund, Critical Issues Fund, Inner City Ventures Fund are all grants or loans programs which the National Trust uses in a very targeted way for ei-

ther specific historic preservation projects, brick-and-mortar-type projects, or also for conducting critical feasibility and other type studies and also for educational activities. So I think that a grants program for the reasons that Mr. Galvin cited are a very useful arrow in the quiver for the administration of a program such as this.

Mr. VENTO. Mr. Chairman, just let me add with the tolerance of the members here, I think that having up-front in terms of the compact of the feasibility study some format in terms of knowing what the parameters are is enormously important.

One of the problems we have had here where we have set up commissions and done other matters without any authorization for any type of capital is that the committees, others, have taken it upon themselves to decide what the amount would be, and that has proven to be a disaster.

If you do this up front, you at least say in the compact then what the dollars are going to be, where they are going to come from, what the parameters are, and the amount here really is quite modest. We may not have the money to appropriate it.

I suspect though that the driving force behind this would be well advised in terms of providing this type of format in terms of knowing what the Federal participation is going to be and then recognizing that there are other programs that can be engaged and will be like these tax credit programs in terms of revenue expenditures. We are spending billions of dollars in terms of these goals. This permits them to tie it together and to really receive the type of recognition and commitment in terms of getting a lot for Federal effort.

Mr. HANSEN. [presiding] The time of the gentleman has expired.

Mr. VENTO. Thank you, Mr. Chairman.

Mr. HANSEN. Mrs. Chenoweth has five minutes.

Mrs. CHENOWETH. Thank you. Mr. Norton, I was very interested in your testimony. Can you tell me what the annual budget for the National Trust for Historic Preservation is?

Mr. NORTON. Yes, ma'am. Our budget is approximately \$33 million.

Mrs. CHENOWETH. \$33 million. And isn't it true that you receive \$7 to \$8 million annually from the National Parks Department?

Mr. NORTON. In fiscal 1994, I think we received just about \$7 million, actually \$6.9 million.

Mrs. CHENOWETH. Mr. Cushman, you represent the National Alliance for Property Rights?

Mr. CUSHMAN. Well, we are involved with a whole group of private property owner organizations.

Mrs. CHENOWETH. Do you receive \$7 to \$8 million from the Park Service?

Mr. CUSHMAN. Oh, no. I have never had the Park Service call and offer me money. They did give me a ticket once to speak at a seminar in Grand Canyon. I am grateful for that.

Mrs. CHENOWETH. Mr. Cushman, I am interested in knowing what political forces might cause the cost of these proposed heritage areas to increase?

Mr. CUSHMAN. Well, it typically happens when a designation comes in. The local community thinks and expects more than what

we are talking about here in these bills. And so by designation, you create a critical mass of support within the community. And there is almost always support within the community. Then there are some opponents too, but this support mechanism has this funding and seed money and this national designation. And then it begins to lobby to expand its role, and this happens. So all this is is a seeding program to set up these heritage areas all over the country.

I am not disputing the concept of setting up heritage areas, having them on a local or statewide basis. In fact, we have spoken before this committee endorsing that concept before. I guess I am just very concerned that this process is a nose under the tent which will then lead to a vast expansion of expenditures for these projects, and we will look back in 20 years and wonder how this project got away from us just like we can look at many others in the Park Service and other agencies similar to that.

Mrs. CHENOWETH. Thank you. You know, I just want to say to the participants on the panel that my granddad used to tell about the man that was standing by his well-groomed, well-organized, beautiful farm land when somebody drove by and said, "Well, Mr. Bailey, you have got a beautiful spread here. God has been very good to you." And Mr. Bailey looked at the man and said, "You should have seen this land when God had it all by himself."

And, you know, I know you have heard this before, but the fact is that the reason that these areas are beautiful is because of the impact of the different cultures that the different ethnic groups brought to this great land. And I share a great enthusiasm and a great interest in history. I love being in this area and being able to enjoy the history, but I went to Mount Vernon last weekend, and I also try to take a trek every once in a while to Monticello. And those areas are run by private organizations, and yet in Mount Vernon, they have one million visitors a year, and it is doing very well.

I am just saying I think that that is the area that we as a governing, law-making body need to look at, that there really is people empowerment, that there really are private organizations who can take this on; and also that we will always take into consideration private property rights, and the fact that we don't want to go in and destroy cultures like we have seen happen before. And I think that we can reach a commonality of goals in the future without coming to the Federal Government for the authority and the power that comes with the money from Congress. Mr. Cushman.

Mr. CUSHMAN. I wanted to expand on something I said a minute ago. I just want to read from Heritage Links which is published by the National Coalition for Heritage Areas, April 1995, to give you a sense of expectation of what you will see down the line. This is on the front page, and it says, "In general, it appears that if we are to see Federal legislation addressing heritage areas in this Congress, we must be prepared to accept a shortened step along the pathway many of us envision.

"In the best of all possible worlds, perhaps someday we will see a combination of what has been laid out in other national heritage corridor legislation and ideas for linking other Federal agency programs to the basic foundation of a designation program." I mean,

it is clear that this is a nose under the tent, and it risks a mass expansion and I think can do really terrible damage to the culture and the history and the framework of this country. We need to empower local people, encourage them to go forward and do these kinds of projects. If they are worthwhile, there are lots of examples where they will survive on their own without Federal intervention.

Mrs. CHENOWETH. Thank you, Mr. Cushman. Thank you, Mr. Chairman.

Mr. HANSEN. Thank you. I apologize to the panel for not being here during your presentation. I had to step out for just a few minutes. I get the distinct impression, Mr. Cushman, that you are a Pombo fan when it comes to the comment that he made that there is no reason to do heritage areas. You know, we have National Parks, and then not quite fitting though, I guess, would be heritage areas. The obvious difference between the two bills is cost that we are looking at. And I assume you are not in favor of either one of these bills. Is that right?

Mr. CUSHMAN. Yes. That is accurate. I mean, there are a lot of good things to be said for the motivation of why these bills were drafted. Many of these areas are worthy of activities to create areas, to enhance the local economy and the local community. But at some point, we have to check the appetite of the Park Service, and I am very concerned the motivation here is to get the Park Service to look at its existing problems.

You can't constantly solve your existing problems by going out and doing other new and exciting things while trying to pretend that the old egregious problems are just going to go away. We have got to deal with the housing problem. We have got to deal with the maintenance problem.

We have got to deal with the land acquisition backlog. We have got to focus on trying to be good neighbors in local communities, and when we have a track record of that kind of activity, when we have a record that shows that the agency can be a good neighbor, then you can expand out into these neighbor programs.

Mr. HANSEN. Now, you feel that if the local and the State governments believe in their own minds that an area justifies a certain designation that they should be the ones that should bring that project about?

Mr. CUSHMAN. I do and I have to say that I don't think that this agency, the Park Service, has a record it can stand on and be proud of in these areas I am sorry to say because, I mean, I have an involvement in the Park Service. It is over 40 years, having been a volunteer and on the National Park System Advisory Board, and my father was a ranger for the Park Service. And it manages wonderful places. Many people confuse the issue of a great agency—that it is a great agency because it manages great places. We need to make it a great agency, but we need to get it to fix its problems.

Mr. HANSEN. Thank you. Our other two witnesses, excuse me for not hearing your testimony. I have been trying to read it briefly. What is wrong with the idea of locals and States doing it? Do you feel the Federal Government has some expertise or knowledge or understanding that gives them a better advantage than the locals and the States doing these things?

Ms. WATSON. Yes, sir. Obviously, Mr. Cushman and I differ in our faith in the National Park Service, and certainly we wouldn't have so many local and State efforts expressing hope that there would be national recognition at some point in establishment of this program. I think reasonable people can differ as to whether the Federal Government should engage in this program at all.

I do believe that the National Park Service and the Department of the Interior and the Federal Government can contribute to these areas by a very limited amount of funding over a very limited amount of time in order to put these places into a position to take advantage of the kind of visitation that a Monticello or a Mount Vernon might engender. But I do think that in the beginning as you get something like this started up, the ability to obtain technical assistance and information and shared standards across the Nation is an advantage to those local and State efforts.

Mr. HANSEN. Mr. Norton, would you also like to respond to the question regarding why you feel the Federal Government can do a better job than State and local?

Mr. NORTON. Well, Mr. Chairman, I think that I would not quite accept that exact characterization of the issue because I think the virtue of the Hefley bill and Mr. Vento's bill is, in fact, they turn the camel around and head him back out of the tent.

The way I read these bills, and I look at the structure and the process that you set up with these bills, is that you are committing the major responsibility in developing the feasibility for these areas and developing—which includes almost a business plan for whether these areas will be sustainable, the whole criteria in the bill, the process set up by the bill, and then the actual implementation really is a locally driven program, and that the Federal involvement is very much limited to providing technical advice, technical assistance, and providing that assistance at the most difficult time for really getting these heritage programs moving which is at the beginning.

And in that sense, I do believe that these areas will succeed. They will stand or fail largely on the result of local efforts. Indeed, I believe that that is their greatest virtue, that they are locally driven. They will be locally developed and locally managed and controlled. But I do not think that that means that the Federal Government, therefore, has no role whatsoever in trying to start this process in the designation and creation of these heritage areas forward at the time when that kind of help can be most critical, most needed, and that it will have none of the parade of horrors that Mr. Cushman holds out for it.

Mr. HANSEN. It is always an interesting discussion, isn't it, to see, and I agree with your statement that the locals would be the ones that would drive it and probably the ones that would bring it about. And the statement always comes down—

Mr. CUSHMAN. Should be, must be.

Mr. HANSEN. We always draw this down to the bottom line, and we eventually get there when we do this. What is technical assistance? And I am sure that Mr. Vento, who is the institutional memory of this entire committee, could easily respond to that.

But seeing as I have the mike and the gavel right now, I will just say that my past AA back in the early 1980's is now the Director

of Natural Resources, a very bright, young attorney. And so I sat him down with some of his Park people, and I said, "What technical assistance can they give you that is better than you have got?" And it was one of those tough questions that shouldn't be. It seems like a simple question. I am still waiting for a response to that, and I will turn to my friend from Minnesota because I know you could respond.

Mr. VENTO. I didn't want to respond to the technical assistance issue, Mr. Chairman, but I wanted to point out there has been some discussion about whether or not we ought to write a generic Act on heritage areas. I think it is very important because I think that as you look even at the six measures or seven measures because I would add Wheeling to that—never authorized but seems to be well funded, Mr. Chairman, and I would add that pointing out that we need to, as you said, put some sideboards in place, and a generic Act would do that.

I think, in fact, it would actually be limiting on the Park Service as well as it would be on those that are bringing these proposals to us. You know, the working up where Mr. Hansen is, it is hard to tell your colleagues that their baby isn't a beautiful candidate for adoption to the National Park System. And so we need, as Mr. Norton so aptly put it, to turn the camel out of the tent around and to—with leveraging dollars and matching dollars, it becomes adopting ground for what doesn't happen to fit locally or some bright idea that someone has to get money out of the Federal Government.

And if you look at these seven areas, you find all different degrees of that that has gone on, and I would just suggest that, you know, having a generic Act is going to be a lot better than having some sort of goals in terms of the amount of dollars; in terms of what our capital commitments are going to be is also very important. I mean, you know, we have sliced it pretty thin in terms of that and then having enough incentive.

Mr. Hefley when you were gone mentioned he didn't think we should designate this Act, but I would suggest that doing so will give great strength to the legislation as it is considered in the Senate because otherwise this enthusiasm for authorization and generic Acts may not be so great in the Senate as it is in this subcommittee, Mr. Chairman.

Mr. HANSEN. You may be right, Mr. Vento. Let me point out on one of your comments, that is true, those six areas have been well funded. However, under the new world since November 8, Mr. Regula and others have been instructed and have all taken the oath that no authorization, no funding. That is why in front of this committee in a short time we are going to have some real problems with BLM authorization because it really hasn't been authorized since 1982.

Mr. VENTO. Just look what they did with the timber sales the other week, Mr. Hansen.

Mr. HANSEN. Well, that is true. So we may find ourselves in a little problem on that one. Let me thank the witnesses. I appreciate you being here and all of you folks who have been with us today and the Park Service for being with us. It has been very informative. We will try to digest what you have said, and we would hope

we could turn to each one of you for a resource. If that would be permissible, we would appreciate having the option of calling you for further knowledge. We realize your great expertise, and your beliefs are very strong. I thank you, and this will adjourn this subcommittee hearing.

[Whereupon, at 12:35 p.m., the subcommittee was adjourned, and the following was submitted for the record:]

STATEMENT OF DENIS P. GALVIN, ASSOCIATE DIRECTOR FOR PLANNING AND DEVELOPMENT, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND LANDS, HOUSE COMMITTEE ON RESOURCES, CONCERNING H.R. 1280 AND H.R. 1301, BILLS TO ESTABLISH A NATIONAL HERITAGE AREAS PARTNERSHIP PROGRAM.

March 28, 1995

Mr. Chairman, thank you for the opportunity to speak before the subcommittee today on H.R. 1280 and H.R. 1301, bills to establish a Heritage Areas Partnership Program. I appreciate the opportunity to continue the dialogue we began in the 103rd Congress on Heritage Areas and how we can best conserve some of the Nation's most important resources.

We strongly support H.R. 1301 with two minor amendments discussed below. This bill is based on an Administration proposal transmitted to this Committee on March 21, 1994. It is very similar to legislation (H.R. 5044) reported from this Committee and passed by the House of Representatives at the end of the 103rd Congress.

We could also support H.R. 1280 if amended to authorize the Secretary to provide grants, as well as technical assistance, to a National Heritage Area's management entity. One of the principal benefits from a National Heritage Area Program is that it offers those seeking Federal assistance in protecting nationally significant resources an alternative to the establishment of new units in the National Park System. This alternative would not be as viable without the possibility of financial assistance. In turn, H.R. 1280 should be amended to ensure that the Secretary has the ability to oversee how Federal assistance is utilized. For example, the Secretary should be authorized to approve management plans as provided in

H.R. 1301.

We strongly support the establishment of a heritage areas partnership program that empowers citizens at the state and local level to protect resources important to the heritage of their communities and the United States. The Department of the Interior and specifically the National Park Service have been looking at the issue of heritage conservation for several years. We believe the creation of a system of Congressionally designated heritage areas is critical to ensuring the success of local, citizen-driven initiatives aimed at protecting the heritage of our communities and regions and in turn the nation.

The National Park System has traditionally been viewed as the place where the United States' important, nationally significant cultural, natural and recreation resources are protected. Through the designation of national parks, the Congress has recognized the diversity of the nation's character and has worked to create a system that is truly representative of that character. In turn, the National Park Service works to ensure that each unit's story reflects its part of the nation's character and that the unit preserves its piece of our heritage.

Through the National Park Service's work we have a greater awareness of the forces that have helped to shape our nation's character. The interaction of natural processes, distinctive landscapes, cultural traditions, and economic and social forces have created a unique pattern of human settlement and activity. We recognize that the traditional approach to protecting resources -- establishing a distinct park unit with defined boundaries and federal management

responsibility -- is not always appropriate.

Throughout the country there is an increasing awareness of the importance of community, the individuality of place. There is extensive citizen interest in protecting resources that have shaped the character of communities and regions. The working, cultural landscapes that exist in all communities embody much of this individuality and their protection is critical in accomplishing our goal of protecting the nation's diverse character.

For a number of years the National Park Service has been participating in a very different approach to protecting our nation's heritage. We have experience at four areas, Blackstone River Valley National Heritage Corridor, the Illinois and Michigan Canal National Heritage Corridor, the Delaware and Lehigh Navigation Canal National Heritage Corridor, and Southwestern Pennsylvania Heritage Preservation Project. Although we do not recommend the establishment of Federal commissions, such as those managing some existing heritage areas, as a method of ensuring public input and participation in the management of newly designated national heritage areas, we recognize through our work in these areas that the people who live on the land are uniquely qualified to protect it. This experience reinforces our belief that the coming together of citizens, businesses, public and private organizations, and local governments to work together is critical to ensuring the protection of community character and the individuality of each community or region. The heritage area designation provides a significant impetus to divergent groups to come together and work in a holistic manner to protect their community, care for their distinct culture and heritage, and protect

their land and its vast resources. Heritage area designation fosters community pride and reinforces the need for local determination of and responsibility for community resources.

The creation of a national heritage area partnership program and thus a system of nationally recognized heritage areas is critical to bringing citizens, businesses and state and local governments into a partnership with the National Park Service and the nation as a whole to protect the resources that represent our diversity and help define our national character. These places are and will continue to be the places where people work and live and will influence future generations of Americans.

The two bills before us today are very similar. Both call for the establishment of a system of heritage areas in which a partnership is developed as a means of protecting, interpreting and promoting these areas. Both call upon the expertise of the National Park Service to assist heritage areas in the development of plans and programs that will help citizens and local governments protect the distinct resources and culture of their community or region. Both rely on similar commitments from and responsibilities for heritage areas and the federal government. Both require the locality to be the primary agent responsible for making a heritage area happen. For the most part they establish the same program.

Their basic difference is one of financial support. H.R. 1280 limits the role of the Secretary of the Interior to one of providing technical assistance to a heritage area on feasibility studies, the development of compacts, and management plans. H.R. 1301 goes beyond this and

provides money for implementation of management plans. Implementation grants are available and managed by the Secretary. Oversight by the Secretary is also greater in H.R. 1301, and there are stricter federal consistency requirements. H.R. 1301 would also designate certain areas as heritage areas, require studies of other areas, and provide amendments for existing heritage areas.

H.R. 1280 creates the National Heritage Areas Partnership Program. We prefer the use of the term National as opposed to American for two reasons. First of all it is a term consistently used by the Congress for designating systems; for example: the National Trails System, the National Park System, the National Wildlife Refuge System, the National Forest System. The second reason is that this is a program of the United States of America. America is a common term used to refer to all nations of the Western Hemisphere. National would denote a program specific to the United States. Therefore we recommend that National, as used in H.R. 1280, be the descriptive term for the heritage areas partnership program.

H.R. 1280 would require the management entity to be responsible for implementation of its plan through current means and mechanisms that are available at the local level. H.R. 1301 would provide limited federal dollars to assist the management entity that is responsible for implementing the plan. We believe that limiting federal assistance to technical assistance only, may not be the most effective way to encourage local groups to propose and manage nationally designated heritage areas. In some instances the greatest need may be an implementation grant as local resources may be available for studies and planning. Therefore

we recommend that the full range of assistance available in H.R. 1301 remain a part of the heritage areas partnership program. This would allow the greatest flexibility for assistance at the local level and allow local entities the ability to determine their greatest need.

Although we support the full range of assistance opportunities that are available in H.R. 1301, we are concerned that the limited resources available to the states and local governments through the Historic Preservation Fund would be diminished through this program. H.R. 1280 does not rely on the Historic Preservation fund as the source of funds for this program. We support that position and recommend that any funding made available for the heritage areas partnership program not diminish existing programs that currently support state and local conservation initiatives.

With regards to federal consistency, we prefer the language of H.R. 1301. The Secretary of the Interior is the appropriate convener of federal agencies when disputes or conflicts between federal entities arise. It is at the Cabinet level where differences are worked out and the President is the final arbiter. The Governor may be able to bring groups together but does not have the authority to direct a federal agency to comply with a decision or enforce federal consistency. However, we support including the Governor in the review process and the discussion of alternatives to ensure state support of decisions that resolve conflicts and provide for consistency. Therefore we support the provisions in each section of Title II that require the Secretary to approve the compact for each area before the area can be designated.

With regards to the areas being considered for designation as heritage areas in H.R. 1301, it is important to understand that some are more prepared to take on the designation than are others. In some, feasibility studies have been completed and management entities exist which are prepared to develop compacts. In others, the studies are only beginning or are completed but there is not yet a designated management entity. We believe that any area which is designated a heritage area should be required to meet the criteria of a feasibility study and an approved compact before it officially becomes a national heritage area.

Title IV of H.R. 1301 amends the Blackstone River Valley National Heritage Corridor Act of 1986. These amendments would expand the boundary of the heritage corridor, change the appointment process for commission membership, extend the life of the commission, increase the Commission's annual operating ceiling, revises planning requirements, and reauthorizes Secretarial funding authority for corridor development with a ceiling of \$5,000,000. The National Park Service supports the provisions of Title IV. The changes to the boundary are at the request of the communities in the Blackstone Valley not included in the original boundary and would make them a part of the heritage corridor. The changes to the Commission appointment process address the legal questions which have been raised by the Justice Department concerning Federal commission membership. Extension of the Commission is critical for the continued smooth management of the corridor. The changes in planning requirements address the additional planning needs that result from the expanded boundary. The changes in operating and development ceilings will provide the Commission the necessary funds to carry out its mandates and complete its work.

These amendments will provide the Blackstone River Valley National Heritage Corridor the appropriate tools and authorities to effectively protect and interpret nationally significant resources through a willing partnership among federal, state, local, and private parties. Blackstone currently stands as a model for how to create effective partnerships for protecting resources where Federal ownership is inappropriate. These amendments can only help to strengthen the work underway in the Blackstone River Valley. We request that the committee incorporate these amendments into a final heritage areas partnership initiative.

Title VI of H.R. 1301 amends the legislation which established the Southwestern Pennsylvania American Heritage Preservation Commission. The amendments would establish the Southwest Pennsylvania Heritage Area and provide the authorities available to other heritage areas to the Southwest Pennsylvania Heritage Project. The work the Southwestern Pennsylvania Historic Preservation Commission has undertaken more than qualifies the Project for designation as a heritage area. We recommend that the amendments which establish the Southwestern Pennsylvania Heritage Area be incorporated into a final heritage areas partnership initiative.

Funding for this bill would be subject to the Administrations budgeting priorities and constraints consistent with the Budget Enforcement Act.

We believe this is an important program and commend the subcommittee for taking up this discussion so early in this session. We believe that H.R. 1301, with some minor changes in language, will provide the best legislative proposal for a successful heritage partnership

program. The Administration is prepared to work with the subcommittee to promote a heritage areas partnership program that will be of the greatest value to those responsible for creating and managing heritage areas and that will ensure the strongest and most successful program possible. This completes my comments. I am prepared to answer any questions which you or members of the committee may have.

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**TESTIMONY OF A. ELIZABETH WATSON
CHAIR, NATIONAL COALITION FOR HERITAGE AREAS.**

MARCH 28, 1995

**BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS,
FORESTS, AND LANDS.**

COMMITTEE ON RESOURCES, U. S. HOUSE OF REPRESENTATIVES

RE: H.R. 1280, THE TECHNICAL ASSISTANCE ACT OF 1995

Thank you for the opportunity to appear before this committee on behalf of the National Coalition for Heritage Areas to speak to proposed legislation that will allow local and state governments and other partners to seek voluntary national recognition and assistance for their efforts to preserve distinctive landscapes. In preparing this testimony, we learned late last week that H.R. 1301 is also under consideration by this committee. We believe that most of our comments today also apply to that bill, and should you have any specific questions about H.R. 1301, I will be happy to respond.

Both H.R. 1280 and H.R. 1301 establish a national program to identify and support places deserving of national recognition not only for their resources but also for their commitment to development and protection. Mr. Hefley and Mr. Torkildsen, sponsor and cosponsor for H.R. 1280, and Mr. Vento and the several cosponsors for H.R. 1301, have made an excellent start at bringing forward all issues considered by this body in the last Congress, and we are most grateful for their leadership in returning to this issue early in this Congress. H.R. 1301 is a slightly changed version of the bill that passed the House in the last Congress, H.R. 5044, which the National Coalition for Heritage Areas supported with the exception of the source of the funding, which was identified as the Historic Preservation Fund. This fund is inappropriate as a sole source of support for a program that extends well beyond historic preservation in its goals and objectives. H.R. 1280 in general streamlines and refines H.R. 5044, remaining faithful to the basic concept negotiated last year. There are only five significant differences between the two, which this testimony addresses at a later point.

The National Coalition for Heritage Areas, which was founded two years ago, is an open membership organization with more than 100 organizations represented among our members. Our point of view is from the "bottom up," that is, we seek to support efforts that are in many cases well underway in communities and some states to recognize, celebrate and enhance special historic and natural places in this country. We do this not only by working to inform Congress about our concerns, but by surveying our membership, sharing information, and creating opportunities for our members to learn from one another. Our members are already hard at work in many communities around this nation, working together to create new opportunities for education, community development, and stewardship. Some represent areas already

named as "national heritage corridors"; others are working with the National Park Service or their state or community leaders to bring this new approach to other special places. They are educators, folklife specialists, parks and recreation planners, historic preservation experts, naturalists, volunteers, public administrators, elected officials, and civic leaders of all kinds. We believe our members represent a dividend from a generation of conservation leaders, homegrown and practical in their approaches to the needs of their communities.

First, and speaking now more generally, what are the **conditions in many communities that have led us to this point today?** We believe that efforts in many places, generically known as "heritage areas," but which may instead be called "urban cultural parks" or "heritage corridors," are a **natural outgrowth of the increasing ability in many communities to protect and develop special resources.** As these communities have gained experience with such programs as Main Street revitalization, rail-trail conversions, adaptive re-use of historic buildings, creation of visitors' centers and museums, stream cleanups, community folk festivals, and other successful means of revitalizing and celebrating special community assets, they have sought to **make greater use of these assets for economic betterment of their citizens.**

Moreover, as the nurturing of a community's unique resources begins to pay dividends, the "big picture" begins to emerge in such places, as people begin to ask questions about their **local history and geography: "Why did our community grow and become as it did?"** The answer to such a question in these places can be fascinating. Special landscapes around this nation are not simply a product of history, but of natural resources, and the interaction of different kinds of people -- from African American to Swedish, from Thai to Latino to Native American to English, Russian and French -- with the land as they sought to earn their living, raise families, and create communities under the conditions they found on this continent. **The story of how these places were settled, grew and changed in response to the overall American story of technological change, exploration, war, politics, and economic development is a story that knowledgeable communities want to explore and celebrate.**

The benefits of celebrating a community's heritage and the organizing this requires are many: greater understanding of the diverse populations who remain in these places, learning about civic traditions and the building of civic trust among diverse leaders -- from environmental activists to members of the Chamber of Commerce to church groups to high school principals -- shared civic pride manifested in successful joint projects, educating and involving the youth of the community, attracting and hosting tourists who seek authentic American history and experience, improving recreation opportunities and other conditions for the people who live in these places. We believe that the open-ended nature of the organizing that has taken place to date has given these communities just enough structure and just enough permission to invent their own new leadership patterns. They are reaching out across community lines, across disciplines like education and economic development, and creating a healthy new "small-p" political vitality at the community level.

H.R. 1280 and H.R. 1301 respond to what is already awakening in these special places. Both define a **unique approach in creating a limited federal role that follows the lead provided by community action.** The National Coalition, in fact, was formed to assure that the federal role in any nationally organized program would be responsive to the experience and experimentation that is to be found in many localities and larger regions, and those few states with statewide programs. **This is not a program solely for resource protection. Nor is any extensive public ownership of land or federal regulation expected to flow from recognition of a "National Heritage Area."** Rather, the basic idea here is that **those places that desire such recognition be offered appropriate levels of federal attention and support.**

We believe it is important first to explain our view of the federal role in heritage areas. It is a multiple role, potentially involving:

- o federal recognition as a signal honor;
- o national promotion and international marketing;
- o creation of uniform or recognizably national signage;
- o maintenance of a fair and open process that leads to designation;
- o maintenance of recognized standards throughout federal involvement;
- o technical assistance (including training, information-sharing, and other educational activities);
- o alignment of federal agencies under existing authorities to recognize and support community values inherent in heritage areas and their management; and
- o funding that both leverages other funding (private and public) and also expects adherence to standards.

Overall, we want a program that expresses the national interest by stimulating local and state leadership, both private and public.

Briefly, the process that this legislation advances reflects existing experience. Overall, there are two basic sets of expectations for any heritage area: (1) That these places **have special historic, natural, and cultural resources and educational and recreational opportunities**, and (2) that these places **will enter into a voluntary process for achieving federal recognition** and managing the resources and public offerings based on those resources. (By public offerings, we mean programs for both residents and visitors: recreational development, small business development such as retail and hospitality opportunities, interpretation and education related to associated geographic and historic themes, linkages via trails and roadways to move visitors through an area, and the like.) To be a "National Heritage Area," then, a given place must not only have special resources, but be prepared to develop and manage these resources for the benefit of residents and visitors.

The process itself is a simple one. First, an interested community can apply to the Secretary of the Interior, through a program to be called the National Heritage Areas Partnership Program, for technical assistance to conduct a **feasibility study**. This study examines the resources in light of criteria -- both bills have virtually the same criteria -- considers effects on various partners, and identifies possible boundaries, themes, and ways of organizing willing partners. The idea for this study is to gather enough information for the public and all affected parties effectively to consider the proposition that the community or region become a heritage area. Following up on the feasibility study, if sufficient resource quality and public support is evident, **willing partners form an agreement among themselves, called a compact**, also with public participation and technical assistance from the national program. This compact will set forth the partners' goals and objectives, finalize the boundary, and identify the lead agency, called the **"management entity"** (which might be a regional government, an existing or new nonprofit organization or quasi-public agency, or a federal commission), and outline the state's role. Only after the study and the compact are completed will it be possible for a place to become a National Heritage Area.

Congress itself is required to name any given heritage area. Places seeking recognition as a National Heritage Area must forward to the Secretary the results of the feasibility study and a copy of the compact, along with a **statement of approval from the Governor or Governors involved**. The approval of local governments is also required. The Secretary then relays this information, together with appropriate comments, to the Congress for action.

Following favorable action by the Congress, the National Heritage Area continues to be eligible to receive assistance from the national program for a number of years -- a total of 13 in H.R. 1280. The first task for the National Heritage Area will be to **create a management plan**, guided by the feasibility study and compact. Public participation and consideration of existing plans and programs are required in both bills, although H.R. 1280 is more explicit in more places about public participation. Under H.R. 1280, federal plans must be considered, giving federal agencies the opportunity to participate in the development of the management plan. This management plan will guide the activities of the managing entity for the area and **federal agencies contemplating action that will affect a National Heritage Area must consider the management plan and consult with the Governor**. This represents a fair expectation that the right hand and the left hand of the federal government will be coordinated with respect to federal investments in heritage areas.

If the National Heritage Area fails to uphold the standards and expectations set forth in this bill, the Secretary is permitted to withhold assistance and, in an extreme case, to withdraw the designation after notice is given to Congress.

We would like to comment briefly on one modest alternative to this process. In our original work with the committee last year, we urged that the management plan be developed in advance of Congressional designation. Our thinking is that we want sufficient lead time for all affected parties to understand what they are asking for before approaching the Congress for this recognition, for we do not want to see either the time of the Congress or further federal investment wasted. You may recall that the Wild and Scenic Rivers Act, as written, follows the process of "study, designate, plan." Lately, requests to Congress for these designations have actually followed local development of a plan, which allows everyone locally to understand what they are getting into. H.R. 1280 and H.R. 1301 reflect awareness of this practice, but offer a refinement in the form of the compact. Instead of developing a full-blown plan prior to recognition, involved communities and partners are asked to work out their commitments in the compact. We will be willing to work with the committee if it is deemed advisable to ask that a management plan be prepared before Congressional involvement, but we suggest that the practice of, in essence, **dividing** the planning into a compact before designation, and a final plan afterward, is an appropriate compromise. Actually creating a plan prior to designation can take more time and investment than may be necessary or advisable, given the financial limits to this program.

H.R. 1280 appropriates a total of **\$8 million dollars** to support the national program. This is the same level of technical assistance that is called for in H.R. 1301, with the same **matching requirement**, no more than 75 percent from the federal government, at least 25 percent from the area. We believe this is an adequate level of support for this program and believe the choice of technical assistance over development funding is the proper strategy to support leadership at the local level and should fulfill our expectations for the federal role as described above. **In one of the major differences between the two bills**, H.R. 1301 allows use of these funds for grants as well as technical assistance. In view of the reductions in force at Interior planned over the next several years, we would hope that all funding can be used flexibly, so that success of the program is not reliant on the size of Interior's workforce.

Another major difference between the two bills is that H.R. 1301 supplies funding to support the operations of management entities recognized by Congress (an unspecified amount in total but limited to \$250,000 per year per area) and further provides \$14.5 million for implementation of heritage area plans. Naturally enough, H.R. 1301's higher funding amounts appear very attractive, and we wouldn't be unhappy with a compromise between the two bills. We look to the committee for reconciliation of this major difference, and recognize concerns expressed on all sides for the cost of this program in an

era of reduced federal spending. We suggest, however, that the appropriate way to consider the difference is to decide what is honestly required to make this a successful program, with all of its benefits.

There are three other differences between these two bills we should mention briefly. The most obvious difference, in fact, is that H.R. 1301 names specific areas for study or designation, subject to certain conditions. (It also addresses a need to adjust the terms of the Blackstone River Valley National Heritage Area, but we prefer the proposal that has been introduced in the Senate. We have taken no positions on new designations, preferring to concentrate on obtaining a fair national program, but we are concerned that existing heritage areas be treated well as the standard-bearers for this movement.) The two other differences between these two bills are more technical in nature: H.R. 1280 requires the Secretary's approval of the compact only, while H.R. 1301 requires such approval for both the compact and the management plan. And, while both require a modest level of review of federal actions that would affect a recognized area, each approaches the review in a slightly different way. H.R. 1301 has the Secretary and the management entity involved in consultation; H.R. 1280 has the Governor and the management plan involved.

The Coalition suggests two changes for both bills before you today. First, we strongly believe that **economic aspirations for the National Heritage Area should be defined by the partners who develop the management plan.** In describing what a management plan must include, both bills call for policies for the management of resources and recreational opportunities "in a manner consistent with the support of appropriate and compatible economic viability." We believe that the management plan should also be required to define what "appropriate and compatible economic viability" actually means to the partners in the National Heritage Area -- rather than leave the interpretation up to others outside the process. We suggest the following language:

[insert after line 12, page 13:] *"(C) Identification of sustainable economic development needs, including heritage tourism support services and planning, small business opportunities, resource restoration and revitalization, the continuation of traditional land uses, infrastructure development, heritage area marketing and promotion, and ways to address the continuing sustainability of the management entity."*

We further suggest moving the requirement that local governments consent to the inclusion of private property within a proposed National Heritage Area to the section that lists "conditions for designation." This change will elevate the consent of local governments to the same level as the approval of the Governor, and identifies the appropriate time to secure local government approval following full public participation and development of agreements in the compact. This language is essentially an amendment made to H.R. 5044 on the floor last year, and one which in principle the National Coalition supports as being consistent with the intent of the compact. We believe, however, that in both H.R. 1280 and H.R. 1301, this language is inappropriately placed in the list of criteria for a heritage area.

Once again, we thank you for this opportunity to share our views on H.R. 1280 and H.R. 1301. In closing, the National Coalition believes that this legislation achieves an appropriate balance in providing for a partnership among private and public parties at the local, state and national levels to preserve some of the nation's most distinctive and special places for the enjoyment of their residents and to welcome visitors from around the nation and the world.



National Trust for Historic Preservation

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TESTIMONY OF EDWARD M. NORTON, JR.

VICE PRESIDENT FOR PUBLIC POLICY

THE NATIONAL TRUST FOR HISTORIC PRESERVATION

SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND LANDS

COMMITTEE ON RESOURCES, U.S. HOUSE OF REPRESENTATIVES

H.R. 1280 - TECHNICAL ASSISTANCE ACT OF 1995

H.R. 1301 - AMERICAN HERITAGE AREAS ACT OF 1995

MARCH 28, 1995

The mission of the National Trust for Historic Preservation is to foster an appreciation of the diverse character and meaning of our American cultural heritage and to preserve and revitalize the buildings of our communities. By leading the nation in sound historic preservation, the Trust is committed to the preservation of our nation's history and heritage.

Mr. Chairman and members of the subcommittee.

Thank you for the opportunity to testify today on H.R. 1280, the Technical Assistance Act of 1995, and H.R. 1301, the American Heritage Areas Act of 1995.

The National Trust for Historic Preservation strongly supports federal legislation that, in partnership with state and local government and the private sector, will serve to recognize, protect, and provide opportunities to learn about and understand our country's heritage. Equally important, the National Trust believes that federal legislation is necessary at this time for several reasons. The interest in and enthusiasm for our history and cultural, the built environment, and working industrial and rural landscapes continues to gather momentum for all the right reasons. The vitality of the heritage movement provides cause for great optimism for those who believe that a sense of our history fosters civic responsibility. Thus, we need to define with precision the federal role in a National Heritage Area program. We also must establish a rational, systematic, and equitable process for Congressional designation of National Heritage Areas and for providing targeted federal assistance to the state and local partners in the program.

The heritage movement thus presents important policy questions that all of us who care about preserving, protecting, and using our natural resources, our National Park System, and our history and culture should address now - whether we serve in federal, state or local government or with private enterprise or non-profit organizations. Financial resources at all levels of government are limited. We need to think carefully about which levels of government should have primary responsibility for specific functions. Both H.R. 1280 and H.R. 1301 represent major steps forward in establishing a National Heritage Area policy and in fostering the necessary federal, state, and local government and public-private partnership. The National Trust looks forward to working with the Subcommittee on National Parks, Forests and Lands in shaping the final legislation.

The National Trust for Historic Preservation and Heritage Areas

The mission of the National Trust for Historic Preservation is "to foster an appreciation of the diverse character and meaning of our American cultural heritage and to preserve and revitalize the livability of our communities by leading the nation in saving America's historic environments." Congress has assigned to the National Trust, in both the 1949 Act granting our charter and in the National Historic Preservation Act, a very central role in education, public involvement, and financial and technical assistance to organizations and individuals working on historic

preservation. In that role, the National Trust has become a committed advocate for heritage areas because we have seen their tremendous success - success measured in restored buildings, heavily used and widely enjoyed educational and interpretative programs, increased tourism whose benefits remain in the local community, new private capital invested, new businesses thriving and new jobs created, and people actively engaged in improving the quality of life in their community.

For example, the National Trust's Main Street Center, a program that provides technical assistance to revitalize downtowns in some 870 communities in 40 states, established in 1991 the first linear Main Street program in the Illinois & Michigan National Canal Heritage Corridor with three demonstration communities. Since the program's establishment, nearly \$10 million of public and private funds have been reinvested in those communities, with a net gain of 51 businesses and 150 full-time jobs. Our Heritage Tourism Program has worked in heritage areas in Iowa, Wisconsin, Indiana, Tennessee, Pennsylvania, and Texas, among others, to develop strong tourism programs. And our Rural Heritage Program has provided technical assistance to many rural heritage areas, as communities seek to protect valuable open space and establish greenways. The National Trust is an active member of the National Coalition for Heritage Areas.

Based on our experience with heritage areas and our experience with the National Main Street Center, which has been working now for 15 years, the National Trust offers the following observations as a framework for federal heritage area legislation.

(1) Heritage areas are different from National Parks, National Monuments, National Recreation Areas. Heritage areas embrace very different resources and different combinations of resources; they have different purposes and goals. People live, work, play, and travel in heritage areas. Thus, heritage areas present different management and interpretation challenges, and a different relationship between federal and state and local agencies. Developing and managing heritage areas requires the on-going close co-ordination of state and local government officials, planning agencies, educators, architects, and business leaders.

(2) The broad based support for heritage areas mirrors the broad based desire for a more prominent role for local government. As Elizabeth Watson, Chair of the National Coalition for Heritage Areas points out in her testimony, support for heritage areas is a "bottom up" phenomenon. However, locally heritage organizations have recognized the need for partnerships with state and federal government. Also, since heritage areas do not conform to political boundaries, successful heritage area programs have necessarily involved regional and inter-state organizations.

(3) Heritage areas respond to the need to integrate and reconcile natural and historic resource protection with sustainable economic activity. Successful heritage area programs intentionally enlist the participation of all interests and sectors in planning and management.

(4) Heritage areas respond to local communities desire to maintain and promote their individual character and identity and to resist being overwhelmed with homogeneous sprawl. As a report prepared by Governor Wilson's California Resource Agency, the Bank of America, and the Greenbelt Alliance recognized recently in Beyond Sprawl: New Patterns of Growth to Fit the New California, "unfettered sprawl will make the state less competitive, burden taxpayers with higher costs, degrade the environment, and lower the quality of life for every Californian." Restoring buildings and preserving natural and cultural heritage sustain a community's special character, as well as enhance economic activity.

(5) Like most new enterprises, the beginning is the most difficult period in the creation of viable heritage areas. Organizing and involving the diverse public and private interests is extremely labor intensive. "Seed" support, in the form of technical assistance and start up funds, is critical.

The Federal Role in National Heritage Areas

Heritage areas must originate from and be sustained by state, regional and local efforts. However, the National Trust strongly supports a targeted role for the federal government in National Heritage Area creation and designation. Given the historic and continuing mobility of our population, heritage areas and their historic, cultural, scenic, and recreation resources possess true national significance. These nationally significant resources deserve federal support. Federal designation carries an imprimatur that is important for national and international education and marketing. In many instances, particularly in the western states, heritage areas and corridors adjoin or pass through federal public lands, and consequently the federal land management agencies are necessary partners. The federal government can serve as a clearinghouse for technical expertise and information so that lessons learned in one heritage area can be transmitted to others.

H.R. 1280 - Technical Assistance Act of 1995

We endorse the efficient and orderly process and structure set forth in H.R. 1280 for the creation of National Heritage Areas - the targeted federal involvement in the form of technical assistance, the primacy of state and local government, and the opportunities for public involvement in the feasibility study preparation, compact development, and management plan preparation. These elements of H.R. 1280 address the on-the-ground realities of

heritage areas and heritage corridors that are in progress today.

With respect to the "Duties of Other Federal Agencies," as provided for in Section 9(b), we recommend that federal agencies conducting activities directly affecting any National Heritage Area should also be required to consult with the Secretary as well as the Governor. We also recommend that, in addition to the direct technical assistance, the Secretary be given the authority to make grants to units of government and designated management entities to prepare feasibility studies and compacts for approval by the Secretary in accordance with the criteria and conditions provided for in Section 5(c) and (d) and Section 6.

H.R. 1301 - The American Heritage Areas Act of 1995

The National Trust for Historic Preservation supported this legislation when it was introduced in the 103rd Congress with the exception of the provisions in Section 111 that provided that funding for the heritage program come from the Historic Preservation Fund established by the National Historic Preservation Act. Because heritage areas provide for protection, use, and management of a diverse array of cultural, natural, scenic, and recreational resources, as well as historic resources, funding for the National Heritage Areas Program should not come from the Historic Preservation Fund.

In conclusion, Mr. Chairman, let me say that the National Trust supports federal heritage legislation as essential to preserving the nation's natural and cultural resources. We look forward to working with you and the subcommittee toward this worthwhile goal.

104TH CONGRESS
1ST SESSION

H. R. 1280

To establish guidelines for the designation of National Heritage Areas, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 1995

Mr. HEFLEY (for himself and Mr. TORKILDSEN) introduced the following bill;
which was referred to the Committee on Resources

A BILL

To establish guidelines for the designation of National
Heritage Areas, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Technical Assistance
5 Act of 1995”.

6 **SEC. 2. CONGRESSIONAL FINDINGS.**

7 The Congress finds that—

8 (1) certain areas of the United States represent
9 the diversity of the national character through the
10 interaction of natural processes, distinctive land-

1 scapes, cultural traditions, and economic and social
2 forces that have combined to create a particular pat-
3 tern of human settlement and activity;

4 (2) in these areas, natural, historic, or cultural
5 resources, or some combination thereof, combine to
6 form a cohesive, nationally distinctive landscape aris-
7 ing from patterns of human activity shaped by geog-
8 raphy;

9 (3) these areas represent the national experi-
10 ence through the physical features that remain and
11 the traditions that have evolved in the areas;

12 (4) continued use and adaptive reuses of the
13 natural and cultural fabric within these areas by
14 people whose traditions helped to shape the land-
15 scapes enhance the significance of the areas; and

16 (5) the complexity and character of these areas
17 distinguish them and call for a distinctive system of
18 recognition and management.

19 **SEC. 3. STATEMENT OF PURPOSE.**

20 The purposes of this Act are—

21 (1) to recognize that the natural, historic, see-
22 nic, and cultural resources and recreational opportu-
23 nities of the United States represent and are impor-
24 tant to the great and diverse character of the Na-
25 tion, and that these resources and opportunities

1 must be wisely managed so they may be passed on
2 to future generations;

3 (2) to recognize that combinations of such re-
4 sources and opportunities, as they are geographically
5 assembled and thematically related, form areas that
6 provide unique frameworks for understanding the
7 historical, cultural, and natural development of com-
8 munities and their surroundings;

9 (3) to encourage appropriate partnerships
10 among Federal agencies, State and local govern-
11 ments, nonprofit organizations, and the private sec-
12 tor, or combinations thereof, to conserve and man-
13 age those resources and opportunities;

14 (4) to encourage within these areas a broad
15 range of economic opportunities which enhance the
16 quality of life for present and future generations;

17 (5) to authorize the Secretary of the Interior to
18 provide technical assistance to State and local gov-
19 ernments and private nonprofit organizations, or
20 combinations thereof, to study and promote the po-
21 tential for conserving and interpreting these areas;
22 and

23 (6) to prescribe the process by which areas may
24 be designated as National Heritage Areas and the

1 standards according to which areas may be assessed
2 for eligibility for such designation.

3 **SEC. 4. DEFINITIONS.**

4 For purposes of this Act:

5 (1) **COMPACT.**—The term “compact” means a
6 compact described in section 6(a)(2).

7 (2) **FEASIBILITY STUDY.**—The term “feasibility
8 study” means a study described in section 6(a)(1).

9 (3) **INDIAN TRIBE.**—The term “Indian tribe”
10 means any Indian tribe, band, nation, pueblo, or
11 other organized group or community, including any
12 Alaska Native village or regional corporation as de-
13 fined in or established pursuant to the Alaska Na-
14 tive Claims Settlement Act (43 U.S.C. 1601 et seq.),
15 which is recognized as eligible for the special pro-
16 grams and services provided by the United States to
17 Indians because of their status as Indians.

18 (4) **MANAGEMENT PLAN.**—The term “manage-
19 ment plan” means a plan described in section
20 6(a)(3).

21 (5) **NATIONAL HERITAGE AREA.**—The term
22 “National Heritage Area” means a place designated
3 by the Congress where natural, cultural, and historic
4 resources combine to form a cohesive, nationally dis-
5 tinctive landscape arising from patterns of human

1 activity shaped by geography. These patterns make
2 National Heritage Areas representative of the na-
3 tional experience through the physical features that
4 remain and the traditions that have evolved in the
5 areas. Continued use of National Heritage areas by
6 people whose traditions helped to shape the land-
7 scapes enhances their significance.

8 (6) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

10 (7) TECHNICAL ASSISTANCE.—The term “tech-
11 nical assistance” includes preparation of plans, com-
12 pacts, resource inventories, and feasibility studies
13 and professional guidance provided by the Secretary.

14 (8) UNIT OF GOVERNMENT.—The term “unit of
15 government” means the government of a State or
16 Commonwealth, a political subdivision of a State or
17 Commonwealth, or an Indian tribe.

18 **SEC. 5. NATIONAL HERITAGE AREAS PARTNERSHIP PRO-**
19 **GRAM.**

20 (a) ESTABLISHMENT.—In order to conserve nation-
21 ally distinctive natural, historic, scenic, and cultural re-
22 sources, and to provide opportunities for conservation,
23 education, and recreation through recognition of and as-
24 sistance to areas containing such resources, there is here-
25 by established within the Department of the Interior a Na-

1 tional Heritage Areas Partnership Program, which shall
2 assist the Secretary in carrying out this Act.

3 (b) GENERAL AUTHORITY OF SECRETARY.—In ac-
4 cordance with the purposes of this Act, the Secretary is
5 authorized—

6 (1) to evaluate, in accordance with the criteria
7 established in subsection (c), areas nominated under
8 this Act for designation as National Heritage Areas;
9 and

10 (2) to advise State and local governments, non-
11 profit organizations, and other appropriate entities
12 regarding suitable methods of recognizing and con-
13 serving thematically and geographically linked natu-
14 ral, historic, and cultural resources and recreational
15 opportunities.

16 (c) CRITERIA.—To be eligible for designation as a
17 National Heritage Area, an area shall meet each of the
18 following criteria:

19 (1) ASSEMBLAGE OF RESOURCES.—The area
20 shall be an assemblage of natural, historic, or cul-
21 tural resources that—

22 (A) together represent distinctive aspects
23 of American heritage worthy of recognition,
24 conservation, interpretation, and continuing
25 use; and

1 (B) are best managed as such an assem-
2 blage, through partnerships among public and
3 private entities.

4 (2) TRADITIONS, CUSTOMS, BELIEFS, OR
5 FOLKLIFE.—The area shall reflect traditions, cus-
6 toms, beliefs, or folklife, or some combination there-
7 of, that are a valuable part of the story of the Na-
8 tion.

9 (3) CONSERVATION OF NATURAL, CULTURAL,
10 OR HISTORIC FEATURES.—The area shall provide
11 outstanding opportunities to conserve natural, cul-
12 tural, or historic features, or some combination
13 thereof.

14 (4) RECREATIONAL AND EDUCATIONAL OPPOR-
15 TUNITIES.—The area shall provide outstanding rec-
16 reational and educational opportunities.

17 (5) THEMES AND INTEGRITY OF RESOURCES.—
18 The area shall have an identifiable theme or themes,
19 and resources important to the theme or themes
20 shall retain integrity capable of supporting interpre-
21 tation.

22 (6) SUPPORT.—Residents, nonprofit organiza-
23 tions, other private entities, and governments within
24 the proposed area shall demonstrate support for des-

1 ignation of the area and for management of the area
2 as appropriate for such designation.

3 (7) AGREEMENTS.—The principal organization
4 and units of government supporting the designation
5 shall be willing to commit to agreements to work in
6 partnership to implement the compact for the area.

7 (8) CONSISTENCY WITH ECONOMIC VIABIL-
8 ITY.—The compact shall be consistent with contin-
9 ued economic viability in the affected communities.

10 (9) CONSENT OF LOCAL GOVERNMENTS.—No
11 privately owned property shall be included within the
12 boundaries of the area unless the government of the
13 county, city, or town in which the property is located
14 agrees to be so included and submits notification of
15 such agreement to the Secretary.

16 (d) CONDITIONS FOR DESIGNATION.—An area may
17 be designated as a National Heritage Area only by an Act
18 of Congress. The Congress may designate an area as a
19 National Heritage Area only after each of the following
20 conditions is met:

21 (1) SUBMISSION OF STUDY, COMPACT, AND
22 STATEMENT OF APPROVAL TO SECRETARY.—An en-
23 tity requesting National Heritage Area designation
24 for the area submits to the Secretary—

25 (A) a feasibility study and compact; and

1 (B) a statement, from the Governor of
2 each State in which the proposed National Her-
3 itage Area lies, that such Governor approves of
4 the requested National Heritage Area designa-
5 tion.

6 (2) APPROVAL AND SUBMISSION BY SEC-
7 RETARY.—The Secretary approves, pursuant to sec-
8 tion 6(b), the compact referred to in paragraph (1)
9 and submits the feasibility study for the area and
10 the compact to the Congress together with any com-
11 ments that the Secretary deems appropriate regard-
12 ing a preferred action.

13 **SEC. 6. FEASIBILITY STUDIES, COMPACTS, AND MANAGE-**
14 **MENT PLANS.**

15 (a) CONTENTS AND REQUIREMENTS.—

16 (1) FEASIBILITY STUDIES.—Each feasibility
17 study submitted under this Act shall include suffi-
18 cient information to determine whether an area has
19 the potential to meet the criteria referred to in sec-
20 tion 5(c). Each such feasibility study shall be pre-
21 pared with public participation. Each such feasibility
22 study shall include, but need not be limited to, each
23 of the following:

24 (A) A description of the natural, historic,
25 and cultural resources and recreational opportu-

1 nities presented by the area, including an as-
2 sessment of the quality and degree of integrity
3 of, the availability of public access to, and the
4 themes represented by such resources and op-
5 portunities.

6 (B) An assessment of the interest of and
7 impact upon potential partners, units of govern-
8 ment, nonprofit organizations, and other private
9 entities, including property owners.

10 (C) A description of tentative boundaries
11 for a National Heritage Area proposed to be es-
12 tablished in the area.

13 (D) Identification of a possible manage-
14 ment entity for a National Heritage Area pro-
15 posed to be established in the area.

16 (2) COMPACTS.—

17 (A) IN GENERAL.—A compact submitted
18 under this Act shall include information relat-
19 ing to the objectives and management of an
20 area proposed for designation as a National
21 Heritage Area. Such information shall include,
22 but not be limited to, each of the following:

23 (i) A delineation of the boundaries of
24 the proposed National Heritage Area.

1 (ii) A discussion of the goals and ob-
2 jectives of the proposed National Heritage
3 Area, including an explanation of the ap-
4 proach, proposed by the partners referred
5 to in clause (iv), to conservation and inter-
6 pretation of resources.

7 (iii) An identification and description
8 of the management entity that will admin-
9 ister the proposed National Heritage Area.

10 (iv) A list of the initial partners to be
11 involved in developing and implementing
12 the management plan for the proposed Na-
13 tional Heritage Area, and a statement of
14 the financial commitment of the partners.

15 (v) A description of the role of the
16 State or States in which the proposed Na-
17 tional Heritage Area is located.

18 (B) PREPARATION OF AND ACTIONS
19 CALLED FOR IN COMPACT.—

20 (i) PREPARATION.—The compact shall
21 be prepared with public participation.

22 (ii) ACTIONS.—Actions called for in
23 the compact shall be likely to be initiated
24 within a reasonable time after designation
25 of the proposed National Heritage Area

1 and shall ensure effective implementation
2 of the State and local aspects of the com-
3 pact.

4 (3) MANAGEMENT PLANS.—A management
5 plan submitted under this Act for a National Herit-
6 age Area shall present comprehensive recommenda-
7 tions for the conservation, funding, management,
8 and development of the area. The plan shall be pre-
9 pared with public participation. The plan shall take
10 into consideration existing Federal, State, county,
11 and local plans and involve residents, public agen-
12 cies, and private organizations in the area. The plan
13 shall include a description of actions that units of
14 government and private organizations are rec-
15 ommended to take to protect the resources of the
16 area. The plan shall specify existing and potential
17 sources of funding for the conservation, manage-
18 ment, and development of the area. The plan also
19 shall include the following, as appropriate:

20 (A) An inventory of the resources con-
21 tained in the National Heritage Area, including
22 a list of property in the area that should be
23 conserved, restored, managed, developed, or
24 maintained because of the natural, cultural, or

1 historic significance of the property as it relates
2 to the themes of the area.

3 (B) A recommendation of policies for re-
4 source management that consider and detail the
5 application of appropriate land and water man-
6 agement techniques, including (but not limited
7 to) the development of intergovernmental coop-
8 erative agreements to manage the historical,
9 cultural, and natural resources and the rec-
10 reational opportunities of the area in a manner
11 consistent with the support of appropriate and
12 compatible economic viability.

13 (C) A program, including plans for res-
14 toration and construction, for implementation
15 of the management plan by the management
16 entity specified in the compact for the area and
17 specific commitments, for the first 5 years of
18 operation of the plan, by the partners identified
19 in the compact.

20 (D) An analysis of means by which Fed-
21 eral, State, and local programs may best be co-
22 ordinated to promote the purposes of this Act.

23 (E) An interpretive plan for the National
24 Heritage Area.

25 (b) APPROVAL AND DISAPPROVAL OF COMPACTS.—

1 (1) IN GENERAL.—The Secretary, in consulta-
2 tion with the Governors of each State in which the
3 relevant National Heritage Area, or proposed area,
4 is located, shall approve or disapprove every compact
5 submitted under this Act not later than 90 days
6 after receiving such compact.

7 (2) DISAPPROVAL AND REVISIONS.—If the Sec-
8 retary disapproves a compact submitted under this
9 Act, the Secretary shall advise the submitter, in
10 writing, of the reasons for the disapproval and shall
11 make recommendations for revisions of the compact.
12 The Secretary shall approve or disapprove a pro-
13 posed revision to such a compact within 90 days
14 after the date on which the revision is submitted to
15 the Secretary.

16 **SEC. 7. MANAGEMENT ENTITIES.**

17 (a) DUTIES OF MANAGEMENT ENTITY.—The man-
18 agement entity for a National Heritage Area shall do each
19 of the following:

20 (1) MANAGEMENT PLAN.—The management
21 entity shall develop and submit to the Secretary a
22 management plan not later than 3 years after the
23 date of the designation of the area as a National
24 Heritage Area.

1 (2) PRIORITIES.—The management entity shall
2 give priority to the implementation of actions, goals,
3 and policies set forth in the compact and manage-
4 ment plan for the area, including—

5 (A) assisting units of government, regional
6 planning organizations, and nonprofit organiza-
7 tions—

8 (i) in conserving the National Herit-
9 age Area;

10 (ii) in establishing and maintaining
11 interpretive exhibits in the area;

12 (iii) in developing recreational oppor-
13 tunities in the area;

14 (iv) in increasing public awareness of
15 and appreciation for the natural, historical,
16 and cultural resources of the area;

17 (v) in the restoration of historic build-
18 ings that are located within the boundaries
19 of the area and relate to the themes of the
20 area; and

21 (vi) in ensuring that clear, consistent,
22 and environmentally appropriate signs
23 identifying access points and sites of inter-
24 est are put in place throughout the area;
25 and

1 (B) consistent with the goals of the man-
2 agement plan, encouraging economic viability in
3 the affected communities by appropriate means.

4 (3) CONSIDERATION OF INTERESTS OF LOCAL
5 GROUPS.—The management entity shall, in develop-
6 ing and implementing the management plan for the
7 area, consider the interests of diverse units of gov-
8 ernment, businesses, private property owners, and
9 nonprofit groups within the geographic area.

10 (4) PUBLIC MEETINGS.—The management en-
11 tity shall conduct public meetings at least quarterly
12 regarding the implementation of the management
13 plan for the area.

14 (b) DISQUALIFICATION FOR FEDERAL FUNDING.—If
15 a management plan regarding a National Heritage Area
16 is not submitted to the Secretary as required under sub-
17 section (a)(1) within the time specified in such subsection,
18 the National Heritage Area shall cease to be eligible for
19 technical assistance under this Act until such a plan re-
20 garding the National Heritage Area is submitted to the
21 Secretary.

22 (c) PROHIBITION OF ACQUISITION OF REAL PROP-
23 ERTY.—A management entity for a National Heritage
24 Area may not use Federal funds received under this Act
25 to acquire real property or any interest in real property.

1 (d) DURATION OF ELIGIBILITY FOR TECHNICAL AS-
2 SISTANCE.—A management entity for a National Heritage
3 Area shall be eligible to receive technical assistance from
4 funds appropriated pursuant to this Act for a 13-year pe-
5 riod beginning on the day on which the National Heritage
6 Area is designated.

7 **SEC. 8. WITHDRAWAL OF DESIGNATION.**

8 (a) IN GENERAL.—The National Heritage Area des-
9 ignation of an area shall continue unless—

10 (1) the Secretary determines that—

11 (A) the National Heritage Area no longer
12 meets the criteria referred to in section 5(c);

13 (B) the parties to the compact approved in
14 relation to the area under section 6(b) are not
15 in compliance with the terms of the compact;

16 (C) the management entity of the area has
17 not made reasonable and appropriate progress
18 in developing or implementing the management
19 plan for the area; or

20 (D) the use, condition, or development of
21 the area is incompatible with the criteria re-
22 ferred to in section 5(c) or with the compact
23 approved in relation to the area under section
24 6(b); and

1 (2) after making a determination referred to in
2 paragraph (1), the Secretary submits to the Con-
3 gress notification that the National Heritage Area
4 designation of the area should be withdrawn.

5 (b) PUBLIC HEARING.—Before the Secretary makes
6 a determination referred to in subsection (a)(1) regarding
7 a National Heritage Area, the Secretary or a designee
8 shall hold a public hearing within the area.

9 (c) TIME OF WITHDRAWAL OF DESIGNATION.—

10 (1) IN GENERAL.—The withdrawal of the Na-
11 tional Heritage Area designation of an area shall be-
12 come final 90 legislative days after the Secretary
13 submits to the Congress the notification referred to
14 in subsection (a)(2) regarding the area.

15 (2) LEGISLATIVE DAY.—For purposes of this
16 subsection, the term “legislative day” means any
17 calendar day on which both Houses of the Congress
18 are in session.

19 **SEC. 9. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.**

20 (a) DUTIES AND AUTHORITIES OF SECRETARY.—

21 (1) TECHNICAL ASSISTANCE.—

22 (A) IN GENERAL.—The Secretary may
23 provide technical assistance to units of govern-
24 ment and private nonprofit organizations re-
25 garding feasibility studies and compacts and,

1 upon request of the management entity for the
2 relevant National Heritage Area, regarding
3 management plans and their implementation.

4 (B) PROHIBITION OF CERTAIN REQUIRE-
5 MENTS.—The Secretary may not, as a condition
6 of the award of technical assistance under this
7 section, require any recipient of such technical
8 assistance to enact or modify land use restric-
9 tions.

10 (2) DETERMINATIONS REGARDING ASSIST-
11 ANCE.—The Secretary shall decide which National
12 Heritage Areas shall be awarded technical assistance
13 and the amount of the assistance. Such decisions
14 shall be based on the relative degree to which each
15 National Heritage Area effectively fulfills the objec-
16 tives contained in the management plan for the area
17 and achieves the purposes of this Act. Such deci-
18 sions shall give consideration to projects which pro-
19 vide a greater leverage of Federal funds.

20 (3) OVERSIGHT OF HERITAGE AREAS WITH EX-
21 PIRED ELIGIBILITY.—The Secretary shall inves-
22 tigate, study, and monitor the welfare of all National
23 Heritage Areas whose eligibility for technical assist-
24 ance under this title has expired and shall report to

1 the Congress periodically regarding the condition of
2 such National Heritage Areas.

3 (4) PROVISION OF INFORMATION.—In coopera-
4 tion with other Federal agencies, the Secretary shall
5 provide the general public with information regard-
6 ing the location and character of National Heritage
7 Areas.

8 (b) DUTIES OF OTHER FEDERAL AGENCIES.—Any
9 Federal entity conducting any activity directly affecting
10 any National Heritage area shall consider the potential ef-
11 fect of the activity on the management plan for the area
12 and shall consult with the Governor of the State or Com-
13 monwealth containing the area with respect to the activity
14 to minimize the adverse effects of the activity on the area.

15 **SEC. 10. LACK OF EFFECT ON LAND USE REGULATION.**

16 (a) LACK OF EFFECT ON AUTHORITY OF GOVERN-
17 MENTS.—Nothing in this Act shall be construed to modify,
18 enlarge, or diminish any authority of Federal, State, or
19 local governments to regulate any use of land as provided
20 for by law or regulation.

21 (b) LACK OF ZONING OR LAND USE POWERS OF EN-
22 TITY.—Nothing in this Act shall be construed to grant
23 powers of zoning or land use to any management entity
24 for a National Heritage Area.

1 **SEC. 11. FISHING AND HUNTING SAVINGS CLAUSE.**

2 (a) NO DIMINISHMENT OF STATE AUTHORITY.—The
3 designation of a National Heritage Area shall not diminish
4 the authority of the affected State or Commonwealth to
5 manage fish and wildlife, including the regulation of fish-
6 ing and hunting within such Area.

7 (b) NO CONDITIONING OF APPROVAL AND ASSIST-
8 ANCE.— The Secretary may not make limitations on fish-
9 ing, hunting, or trapping a condition for the approval of
10 a compact or the determination of eligibility for technical
11 assistance under this Act, and neither the Secretary nor
12 any other Federal agency may make such limitations a
13 condition for the receipt, in connection with the National
14 Heritage Area status of an area, of any other form of as-
15 sistance from the Secretary or such agencies.

16 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) IN GENERAL.—There is hereby authorized to be
18 appropriated for technical assistance pursuant to section
19 9(a), and the administration of such assistance, annually
20 not more than \$8,000,000, to remain available until ex-
21 pended.

22 (b) PERCENT OF COST.—Technical assistance under
23 this Act for a feasibility study, compact, or management
24 plan may not exceed 75 percent of the cost for such study,
25 compact, or plan.

1 (c) **LIMITATION ON TOTAL FUNDING FOR EACH**
2 **AREA.**—Not more than a total of \$1,000,000 may be
3 made available under this section to each National Herit-
4 age Area.

5 (d) **LIMITATION ON ANNUAL FUNDING.**—The
6 amount of Federal funding made available under this sec-
7 tion for a National Heritage Area for a fiscal year may
8 not exceed \$150,000.

9 **SEC. 13. EXPIRATION OF AUTHORITIES.**

10 The authorities contained in this Act shall expire on
11 September 30 of the 15th fiscal year beginning after the
12 date of the enactment of this Act.

13 **SEC. 14. REPORT.**

14 The Secretary shall submit to the Congress, every 5
15 years while the authorities contained in this Act remain
16 in force, a report on the status and accomplishments of
17 the National Heritage Areas Partnership Program as a
18 whole.

19 **SEC. 15. SAVINGS PROVISION.**

20 Nothing in this Act shall be construed to expand or
21 diminish any authorities contained in any law that des-
22 ignates an individual National Heritage Area or Corridor
23 before the date of the enactment of this Act.

104TH CONGRESS
1ST SESSION

H. R. 1301

To establish the American Heritage Areas Partnership Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 22, 1995

Mr. VENTO (for himself, Mr. REGULA, Mr. RAHALL, Mr. NEAL of Massachusetts, Mr. TORKILDSEN, Mr. HINCHEY, Mr. BLUTE, Mr. COYNE, Mr. SAWYER, Mr. TRAFICANT, Mr. HALL of Ohio, Mr. MEEHAN, Mr. REED, Mr. BOEHLERT, Mr. BOUCHER, Mr. MOLLOHAN and Mr. HOKE) introduced the following bill; which was referred to the Committee on Resources

A BILL

To establish the American Heritage Areas Partnership Program, and for other purposes.

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

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “American Heritage Areas Act of 1995”.

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

- Sec. 1. Short title and table of contents.
- Sec. 2. Definitions.

TITLE I—AMERICAN HERITAGE AREAS PARTNERSHIP PROGRAM

- Sec. 101. Short title.
- Sec. 102. Congressional findings.
- Sec. 103. Statement of purpose.
- Sec. 104. Definitions.
- Sec. 105. American Heritage Areas Partnership Program.
- Sec. 106. Feasibility studies, compacts, management plans, and early actions.
- Sec. 107. Management entities.
- Sec. 108. Withdrawal of designation.
- Sec. 109. Duties and authorities of Federal agencies.
- Sec. 110. Lack of effect on land use regulation.
- Sec. 111. Authorization of appropriations.
- Sec. 112. Expiration of authorities.
- Sec. 113. Report.
- Sec. 114. Savings provision.

TITLE II—DESIGNATION OF AMERICAN HERITAGE AREAS

- Sec. 201. American Coal Heritage Area.
- Sec. 202. Essex American Heritage Area.
- Sec. 203. Hudson River Valley American Heritage Area.
- Sec. 204. Ohio & Erie Canal American Heritage Area.
- Sec. 205. Shenandoah Valley Battlefields American Heritage Area.
- Sec. 206. Steel Industry American Heritage Area.
- Sec. 207. Wheeling American Heritage Area.

**TITLE III—STUDIES REGARDING POTENTIAL AMERICAN
HERITAGE AREAS**

- Sec. 301. Ohio River Corridor.
- Sec. 302. Fox and Lower Wisconsin River Corridors.
- Sec. 303. Northern Frontier.

**TITLE IV—BLACKSTONE RIVER VALLEY NATIONAL HERITAGE
CORRIDOR AMENDMENTS**

- Sec. 401. Boundaries, commission, and revision of plan.
- Sec. 402. Implementation of plan.
- Sec. 403. Authorization of appropriations.

TITLE V—BRAMWELL NATIONAL HISTORIC DISTRICT

- Sec. 501. Bramwell National Historic District.

**TITLE VI—SOUTHWESTERN PENNSYLVANIA AMERICAN
HERITAGE AREA AMENDMENTS**

- Sec. 601. Short title.
- Sec. 602. Designation of Southwestern Pennsylvania American Heritage Area.
- Sec. 603. Powers of the commission.
- Sec. 604. Federal participation.
- Sec. 605. Congressional oversight.
- Sec. 606. Authorization of appropriations.
- Sec. 607. Path of progress.

1 **SEC. 2. DEFINITIONS.**

2 For purposes of this Act:

3 (1) The term “compact” means a compact de-
4 scribed in section 106(a)(2).

5 (2) The term “Secretary” means the Secretary
6 of the Interior.

7 **TITLE I—AMERICAN HERITAGE**
8 **AREAS PARTNERSHIP PROGRAM**

9 **SEC. 101. SHORT TITLE.**

10 This title may be cited as the “American Heritage
11 Areas Partnership Program Act of 1995”.

12 **SEC. 102. CONGRESSIONAL FINDINGS.**

13 The Congress finds that—

14 (1) certain areas of the United States represent
15 the diversity of the national character through the
16 interaction of natural processes, distinctive land-
17 scapes, cultural traditions, and economic and social
18 forces that have combined to create a particular pat-
19 tern of human settlement and activity;

20 (2) in these areas, natural, historic, or cultural
21 resources, or some combination thereof, combine to
22 form a cohesive, nationally distinctive landscape aris-
23 ing from patterns of human activity shaped by geog-
24 raphy;

1 (3) these areas represent the national experi-
2 ence through the physical features that remain and
3 the traditions that have evolved in the areas;

4 (4) continued use and adaptive reuses of the
5 natural and cultural fabric within these areas by
6 people whose traditions helped to shape the land-
7 scapes enhance the significance of the areas;

8 (5) despite existing Federal programs and exist-
9 ing efforts by States and localities, the natural, his-
10 toric, and cultural resources and recreational oppor-
11 tunities in these areas are often at risk; and

12 (6) the complexity and character of these areas
13 distinguish them and call for a distinctive system of
14 recognition, protection, and partnership manage-
15 ment.

16 **SEC. 103. STATEMENT OF PURPOSE.**

17 The purposes of this title are—

18 (1) to recognize that the natural, historic, and
19 cultural resources and recreational opportunities of
20 the United States represent and are important to
21 the great and diverse character of the Nation, and
22 that these resources and opportunities must be
23 guarded, preserved, and wisely managed so they may
24 be passed on to future generations;

1 (2) to recognize that combinations of such re-
2 sources and opportunities, as they are geographically
3 assembled and thematically related, form areas that
4 provide unique frameworks for understanding the
5 historical, cultural, and natural development of the
6 community and its surroundings;

7 (3) to preserve such assemblages that are wor-
8 thy of national recognition, designation, and assist-
9 ance, and to encourage linking such resources within
10 such areas through greenways, corridors, and trails;

11 (4) to encourage appropriate partnerships
12 among Federal agencies, State and local govern-
13 ments, nonprofit organizations, and the private sec-
14 tor, or combinations thereof, to preserve, conserve,
15 and manage those resources and opportunities, ac-
16 commodate economic viability, and enhance the qual-
17 ity of life for the present and future generations of
18 the Nation;

19 (5) to authorize Federal financial and technical
20 assistance to State and local governments and pri-
21 vate nonprofit organizations, or combinations there-
22 of, to study and promote the potential for conserving
23 and interpreting these areas; and

24 (6) to prescribe the process by which, and the
25 standards according to which, prospective American

1 Heritage Areas may be assessed for eligibility and
2 included in the American Heritage Areas Partner-
3 ship Program established by this title.

4 **SEC. 104. DEFINITIONS.**

5 For purposes of this title:

6 (1) **AMERICAN HERITAGE AREA.**—The term
7 “American Heritage Area” means an area so des-
8 ignated under this title.

9 (2) **INDIAN TRIBE.**—The term “Indian tribe”
10 means any Indian tribe, band, nation, pueblo, or
11 other organized group or community, including any
12 Alaska Native village or regional corporation as de-
13 fined in or established pursuant to the Alaska Na-
14 tive Claims Settlement Act (43 U.S.C. 1601 et seq.),
15 which is recognized as eligible for the special pro-
16 grams and services provided by the United States to
17 Indians because of their status as Indians.

18 (3) **TECHNICAL ASSISTANCE.**—The term “tech-
19 nical assistance” means any guidance, advice, help,
20 or aid, other than financial aid.

21 (4) **UNIT OF GOVERNMENT.**—The term “unit of
22 government” means the government of a State, a
23 political subdivision of a State, or an Indian tribe.

1 **SEC. 105. AMERICAN HERITAGE AREAS PARTNERSHIP PRO-**
2 **GRAM.**

3 (a) **ESTABLISHMENT.**—In order to preserve nation-
4 ally distinctive natural, historic, and cultural resources,
5 and to provide opportunities for conservation, education,
6 and recreation through recognition of and assistance to
7 areas containing such resources, there is hereby estab-
8 lished within the Department of the Interior an American
9 Heritage Areas Partnership Program, which shall consist
10 of American Heritage Areas designated under subsection
11 (d).

12 (b) **GENERAL AUTHORITY OF SECRETARY.**—In ac-
13 cordance with the purposes of this title, the Secretary is
14 authorized—

15 (1) to evaluate, in accordance with the criteria
16 established in subsection (c), areas nominated under
17 this title for designation as American Heritage
18 Areas;

19 (2) to advise State and local governments, non-
20 profit organizations, and other appropriate entities
21 regarding suitable methods of recognizing and pre-
22 serving thematically and geographically linked natu-
23 ral, historic, and cultural resources and recreational
24 opportunities; and

25 (3) to consider any American Heritage Area,
26 designated under this or any other Act, for nomina-

1 tion to the World Heritage List if the Secretary de-
2 termines that such area meets the qualifications for
3 such nomination.

4 (c) CRITERIA.—To be eligible for designation as an
5 American Heritage Area, an area shall meet each of the
6 following criteria:

7 (1) ASSEMBLAGE OF RESOURCES.—The area
8 shall be an assemblage of natural, historic, or cul-
9 tural resources that—

10 (A) together represent distinctive aspects
11 of American heritage worthy of recognition,
12 preservation, interpretation, and continuing use;
13 and

14 (B) are best managed as such an assem-
15 blage, through partnerships among public and
16 private entities, and by combining diverse and
17 sometimes noncontiguous resources and active
18 communities.

19 (2) TRADITIONS, CUSTOMS, BELIEFS, OR
20 FOLKLIFE.—The area shall reflect traditions, cus-
21 toms, beliefs, or folklife, or some combination there-
22 of, that are a valuable part of the story of the
23 Nation.

24 (3) CONSERVATION OF NATURAL, CULTURAL,
25 OR HISTORIC FEATURES.—The area shall provide

1 outstanding opportunities to conserve natural, cul-
2 tural, or historic features, or some combination
3 thereof.

4 (4) RECREATIONAL AND EDUCATIONAL OPPOR-
5 TUNITIES.—The area shall provide outstanding rec-
6 reational and educational opportunities.

7 (5) THEMES AND INTEGRITY OF RESOURCES.—
8 The area shall have an identifiable theme or themes,
9 and resources important to the identified theme or
10 themes shall retain integrity capable of supporting
11 interpretation.

12 (6) SUPPORT.—Residents, nonprofit organiza-
13 tions, other private entities, and governments within
14 the proposed area shall demonstrate support for des-
15 ignation of the area and for management of the area
16 as appropriate for such designation.

17 (7) AGREEMENTS.—The principal organization
18 and units of government supporting the designation
19 shall be willing to commit to agreements to work in
20 partnership to implement the management plan of
21 the area.

22 (8) CONSISTENCY WITH ECONOMIC VIABIL-
23 ITY.—The proposal shall be consistent with contin-
24 ued economic viability in the affected communities.

1 (9) CONSENT OF LOCAL GOVERNMENTS.—No
2 county, city, or town shall be included within the
3 boundaries of the area unless the government of
4 such county, city, or town agrees to be so included
5 and submits notification of such agreement to the
6 Secretary.

7 (d) CONDITIONS FOR DESIGNATION.—An area may
8 be designated as an American Heritage Area only by an
9 Act of Congress or by the means provided in title II. Ex-
10 cept as otherwise provided in title II, the Congress may
11 designate an area as an American Heritage Area only
12 after each of the following conditions is met:

13 (1) SUBMISSION OF STUDY AND COMPACT TO
14 SECRETARY.—An entity requesting American Herit-
15 age Area designation for the area submits to the
16 Secretary a feasibility study and compact meeting
17 the requirements of section 106(a). The comments
18 of the Governor of each State in which the proposed
19 American Heritage Area lies, or a statement by the
20 entity that such Governor has failed to comment
21 within a reasonable time after receiving the study
22 and compact, accompanies such submittal to the
23 Secretary.

24 (2) APPROVAL AND SUBMISSION BY SEC-
25 RETARY.—The Secretary approves, pursuant to sec-

1 tion 106(b), the feasibility study and compact re-
2 ferred to in paragraph (1) and submits the study
3 and compact to the Congress together with any com-
4 ments that the Secretary deems appropriate regard-
5 ing a preferred action.

6 (e) RELATION TO NATIONAL REGISTER OF HISTORIC
7 PLACES.—The act of designation of an American Heritage
8 Area shall not be deemed to signify that such American
9 Heritage Area is included on, or eligible for inclusion on,
10 the National Register of Historic Places, as established
11 in accordance with section 101 of the National Historic
12 Preservation Act (16 U.S.C. 470a). Designation of an
13 American Heritage Area shall not preclude the American
14 Heritage Area or any district, site, building, structure, or
15 object located within the American Heritage Area from
16 subsequently being nominated to, or determined eligible
17 for inclusion on, the National Register.

18 **SEC. 106. FEASIBILITY STUDIES, COMPACTS, MANAGEMENT**
19 **PLANS, AND EARLY ACTIONS.**

20 (a) CONTENTS AND REQUIREMENTS.—

21 (1) FEASIBILITY STUDIES.—Each feasibility
22 study submitted under this title shall include suffi-
23 cient information to determine whether an area has
24 the potential to meet the criteria referred to in sec-

1 tion 105(c). Such information shall include, but need
2 not be limited to, each of the following:

3 (A) A description of the natural, historic,
4 and cultural resources and recreational opportu-
5 nities presented by the area, including an as-
6 sessment of the quality and degree of integrity
7 of, the availability of public access to, and the
8 themes represented by such resources and op-
9 portunities.

10 (B) An assessment of the interest of poten-
11 tial partners, including units of government,
12 nonprofit organizations, and other private enti-
13 ties.

14 (C) A description of tentative boundaries
15 for an American Heritage Area proposed to be
16 established in the area.

17 (D) Identification of a possible manage-
18 ment entity for an American Heritage Area
19 proposed to be established in the area.

20 (E) An inventory of the amount of land in
21 the area owned by public, private, and private
22 nonprofit entities, respectively.

23 (2) COMPACTS.—(A) A compact submitted
24 under this title shall include information relating to
25 the objectives and management of an area proposed

1 for designation as an American Heritage Area. Such
2 information shall include, but need not be limited to,
3 each of the following:

4 (i) A delineation of the boundaries of the
5 proposed American Heritage Area.

6 (ii) A discussion of the goals and objectives
7 of the proposed American Heritage Area, in-
8 cluding an explanation of the proposed ap-
9 proach to conservation and interpretation and a
10 general outline of the protection measures com-
11 mitted to by the partners referred to in clause
12 (iv).

13 (iii) An identification and description of
14 the management entity that will administer the
15 proposed American Heritage Area.

16 (iv) A list of the initial partners to be in-
17 volved in developing and implementing the man-
18 agement plan referred to in paragraph (3) for
19 the proposed American Heritage Area, and a
20 statement of the financial commitment of the
21 partners.

22 (v) A description of the role of the State
23 or States in which the proposed American Her-
24 itage Area is located.

1 (B)(i) The compact shall be prepared with pub-
2 lic participation.

3 (ii) Actions called for in the compact shall be
4 likely to be initiated within a reasonable time after
5 designation of the proposed American Heritage Area
6 and shall ensure effective implementation of the
7 State and local aspects of the compact.

8 (3) MANAGEMENT PLANS.—A management
9 plan submitted under this title for an American Her-
10 itage Area shall present comprehensive recommenda-
11 tions for the conservation, funding, management,
12 and development of the area. The plan shall take
13 into consideration existing State, county, and local
14 plans and involve residents, public agencies, and pri-
15 vate organizations in the area. It shall include a de-
16 scription of the actions recommended to be taken, to
17 protect the resources of the area, by units of govern-
18 ment and private organizations. It shall specify ex-
19 isting and potential sources of funding for the pro-
20 tection, management, and development of the area.
21 The plan also shall include the following, as appro-
22 priate:

23 (A) A recommendation of policies for re-
24 source management that consider and detail the
25 application of appropriate land and water man-

1 agement techniques, including (but not limited
2 to) the development of intergovernmental coop-
3 erative agreements to protect the historical, cul-
4 tural, and natural resources and the rec-
5 reational opportunities of the area in a manner
6 consistent with the support of appropriate and
7 compatible economic viability.

8 (B) A program, including plans for res-
9 toration and construction, for implementation
10 of the management plan by the management
11 entity specified in the compact referred to in
12 paragraph (2) and specific commitments, for
13 the first 5 years of operation of the plan, by the
14 partners identified in the compact.

15 (C) An analysis of means by which Fed-
16 eral, State, and local programs may best be co-
17 ordinated to promote the purposes of this title.

18 (D) An interpretive plan for the American
19 Heritage Area.

20 (4) EARLY ACTIONS.—After designation of an
21 American Heritage Area but prior to approval of the
22 management plan for that area, the Secretary may
23 provide technical and financial assistance for early
24 actions that are important to the theme of the area
25 and that protect resources that would be in immi-

1 nent danger of irreversible damage without such
2 early actions.

3 (b) APPROVAL AND DISAPPROVAL OF COMPACTS AND
4 MANAGEMENT PLANS.—

5 (1) IN GENERAL.—The Secretary, in consulta-
6 tion with the Governors of each State in which the
7 relevant American Heritage Area, or proposed area,
8 is located, shall approve or disapprove every compact
9 or management plan submitted under this title not
10 later than 90 days after receiving such compact or
11 management plan. Prior to approving the compact
12 or plan, the Secretary shall consult with the Advi-
13 sory Council on Historic Preservation in accordance
14 with section 106 of the National Historic Preserva-
15 tion Act (16 U.S.C. 470f).

16 (2) DISAPPROVAL AND REVISIONS.—If the Sec-
17 retary disapproves a compact or management plan
18 submitted under this title, the Secretary shall advise
19 the submitter, in writing, of the reasons for the dis-
20 approval and shall make recommendations for revi-
21 sions of the compact or plan. The Secretary shall ap-
22 prove or disapprove a proposed revision to such a
23 compact or plan within 90 days after the date on
24 which the revision is submitted to the Secretary.

1 (3) AMENDMENTS TO MANAGEMENT PLANS.—

2 The Secretary shall review substantial amendments
3 to management plans for American Heritage Areas.
4 Funds appropriated pursuant to this title may not
5 be expended to implement such amendments until
6 the Secretary approves the amendments.

7 (4) NO REQUIREMENT FOR LAND USE REGULA-
8 TION AS CONDITION FOR APPROVAL.—No provision
9 of this title shall be construed to require any change
10 in land use regulation as a condition of approval of
11 a compact, management plan, or revision of a com-
12 pact or management plan by the Secretary.

13 **SEC. 107. MANAGEMENT ENTITIES.**

14 (a) IN GENERAL.—

15 (1) RECEIPT OF FEDERAL FUNDS.—Manage-
16 ment entities that are designated in compacts ap-
17 proved under section 106(b) for American Heritage
18 Areas are authorized to receive Federal funds in
19 support of cooperative partnerships to prepare and
20 implement the management plans regarding the
21 American Heritage Areas and to otherwise perform
22 the functions contemplated in this title.

23 (2) ELIGIBILITY.—To be eligible for designa-
24 tion as the ~~management~~ entity of an American Her-

1 itage Area, a unit of government or private nonprofit
2 organization must possess the legal ability to—

3 (A) receive Federal funds for use in pre-
4 paring and implementing the management plan
5 for the area;

6 (B) disburse Federal funds to other units
7 of government or other organizations for use in
8 preparing and implementing the management
9 plan;

10 (C) account for all Federal funds so re-
11 ceived or disbursed; and

12 (D) sign agreements with the Federal Gov-
13 ernment.

14 (3) MEMBERSHIP.—A management entity for
15 an American Heritage Area should, to the fullest ex-
16 tent possible, consist of diverse governmental, busi-
17 ness, and nonprofit groups within the geographic
18 area of the American Heritage Area.

19 (b) AUTHORITIES OF MANAGEMENT ENTITY.—The
20 management entity of an American Heritage Area may,
21 for purposes of preparing and implementing the manage-
22 ment plan for the area, use Federal funds made available
23 under this title—

1 (1) to make grants and loans to States, political
2 subdivisions thereof, private organizations, and other
3 persons;

4 (2) to enter into cooperative agreements with
5 Federal agencies; and

6 (3) to hire and compensate staff.

7 (c) DUTIES OF MANAGEMENT ENTITY.—The man-
8 agement entity for an American Heritage Area shall do
9 each of the following:

10 (1) MANAGEMENT PLAN.—The management
11 entity shall develop, and submit to the Secretary for
12 approval, a management plan described in section
13 106(a)(3) within 3 years after the date of the des-
14 ignation of the area as an American Heritage Area.

15 (2) PRIORITIES.—The management entity shall
16 give priority to the implementation of actions, goals,
17 and policies set forth in the compact and manage-
18 ment plan referred to in section 106(a), including—

19 (A) assisting units of government, regional
20 planning organizations, and nonprofit organiza-
21 tions—

22 (i) in preserving the American Herit-
23 age Area;

24 (ii) in establishing and maintaining
25 interpretive exhibits in the area;

1 (iii) in developing recreational oppor-
2 tunities in the area;

3 (iv) in increasing public awareness of
4 and appreciation for the natural, historical,
5 and cultural resources of the area;

6 (v) in the restoration of historic build-
7 ings that are located within the boundaries
8 of the area and relate to the themes of the
9 area; and

10 (vi) in ensuring that clear, consistent,
11 and environmentally appropriate signs
12 identifying access points and sites of inter-
13 est are put in place throughout the area;
14 and

15 (B) consistent with the goals of the man-
16 agement plan referred to in section 106(a)(3),
17 encouraging economic viability in the affected
18 communities by appropriate means.

19 (3) CONSIDERATION OF INTERESTS OF LOCAL
20 GROUPS.—The management entity shall, in develop-
21 ing and implementing the management plan referred
22 to in section 106(a)(3), consider the interests of di-
23 verse governmental, business, and nonprofit groups
24 within the geographic area.

1 (4) PUBLIC MEETINGS.—The management en-
2 tity shall conduct public meetings at least quarterly
3 regarding the implementation of the management
4 plan referred to in section 106(a)(3).

5 (5) SUBMISSION OF CHANGES IN PLAN.—The
6 management entity shall submit any substantial
7 changes to the management plan referred to in sec-
8 tion 106(a)(3) (including any increase of more than
9 20 percent in the cost estimates for implementation
10 of the management plan) to the Secretary for the
11 approval of the Secretary.

12 (6) ANNUAL REPORT.—The management entity
13 shall, for any fiscal year in which it receives Federal
14 funds under this title or in which a loan made by
15 the entity with Federal funds under section
16 107(b)(1) is outstanding, submit an annual report to
17 the Secretary setting forth its accomplishments, its
18 expenses and income, and the entities to which it
19 made any loans and grants during the year for
20 which the report is made.

21 (7) COOPERATION WITH AUDITS.—The manage-
22 ment entity shall, for any fiscal year in which it re-
23 ceives Federal funds under this title or in which a
24 loan made by the entity with Federal funds under
25 section 107(b)(1) is outstanding, make available for

1 audit by the Congress, the Secretary, and appro-
2 priate units of government all records and other in-
3 formation pertaining to the expenditure of such
4 funds and any matching funds, and require, for all
5 agreements authorizing expenditure of Federal funds
6 by other organizations, that the receiving organiza-
7 tions make available for such audit all records and
8 other information pertaining to the expenditure of
9 such funds.

10 (8) LIABILITY FOR LOANS.—The management
11 entity shall be liable to the Federal Government for
12 any loans that the management entity makes under
13 section 107(b)(1).

14 (d) DISQUALIFICATION FOR FEDERAL FUNDING.—If
15 a management plan regarding an American Heritage Area
16 is not submitted to the Secretary as required under sub-
17 section (c)(1) within the time specified in such subsection,
18 the American Heritage Area shall cease to be eligible for
19 Federal funding under this title until such a plan regard-
20 ing the American Heritage Area is submitted to the Sec-
21 retary.

22 (e) PROHIBITION OF ACQUISITION OF REAL PROP-
23 ERTY.—A management entity for an American Heritage
24 Area may not use Federal funds received under this title
25 to acquire real property or interest in real property. No

1 provision of this title shall prohibit any management entity
2 from using Federal funds from other sources for their per-
3 mitted purposes.

4 (f) DURATION OF ELIGIBILITY FOR FINANCIAL AS-
5 SISTANCE.—

6 (1) IN GENERAL.—A management entity for an
7 American Heritage Area shall be eligible to receive
8 funds appropriated pursuant to this title for a 10-
9 year period beginning on the day on which the
10 American Heritage Area is designated, except as
11 provided in paragraph (2).

12 (2) EXTENSION OF ELIGIBILITY.—The eligi-
13 bility of a management entity for funding under this
14 title may be extended, by the Secretary, for a period
15 of not more than 5 years after the 10-year period
16 referred to in paragraph (1), if—

17 (A) the management entity determines
18 that the extension is necessary in order to carry
19 out the purposes of this title and notifies the
20 Secretary of such determination not later than
21 180 days prior to the end of the 10-year period
22 referred to in paragraph (1);

23 (B) the management entity, not later than
24 180 days prior to the end of the 10-year period
25 referred to in paragraph (1), presents to the

1 Secretary a plan of its activities for the period
2 of the extension, including provisions for becoming
3 independent of the funds made available
4 pursuant to this title; and

5 (C) the Secretary, after consulting with the
6 Governor of each State in which the American
7 Heritage Area is located, approves such extension
8 of eligibility.

9 (3) LACK OF EFFECT OF EXTENSION ON FUND-
10 ING LIMITATIONS.—An extension provided under
11 this subsection shall not be construed as waiving any
12 limitation on funds provided pursuant to this title.

13 (g) PROTECTION OF PRIVATE PROPERTY.—The
14 management entity for an American Heritage Area shall
15 publish procedures to ensure that the rights of owners of
16 private property are protected. Such procedures shall include
17 a process to provide information to the owners of
18 private property with respect to obtaining just compensation
19 due as a result of a taking of private property under
20 the Fifth Amendment of the Constitution of the United
21 States.

22 **SEC. 108. WITHDRAWAL OF DESIGNATION.**

23 (a) IN GENERAL.—The American Heritage Area designation
24 of an area shall continue unless—

25 (1) the Secretary determines that—

1 (A) the American Heritage Area no longer
2 meets the criteria referred to in section 105(c);

3 (B) the parties to the compact approved in
4 relation to the area under section 106(b) are
5 not in compliance with the terms of the com-
6 pact;

7 (C) the management entity of the area has
8 not made reasonable and appropriate progress
9 in developing or implementing the management
10 plan approved for the area under section
11 106(b); or

12 (D) the use, condition, or development of
13 the area is incompatible with the criteria re-
14 ferred to in section 105(c) or with the compact
15 approved in relation to the area under section
16 106(b); and

17 (2) after making a determination referred to in
18 paragraph (1), the Secretary submits to the Con-
19 gress notification that the American Heritage Area
20 designation of the area should be withdrawn.

21 (b) PUBLIC HEARING.—Before the Secretary makes
22 a determination referred to in subsection (a)(1) regarding
23 an American Heritage Area, the Secretary or a designee
24 shall hold a public hearing within the area.

25 (c) TIME OF WITHDRAWAL OF DESIGNATION.—

1 (1) IN GENERAL.—The withdrawal of the
2 American Heritage Area designation of an area shall
3 become final 90 legislative days after the Secretary
4 submits to the Congress the notification referred to
5 in subsection (a)(2) regarding the area.

6 (2) LEGISLATIVE DAY.—For purposes of this
7 subsection, the term “legislative day” means any
8 calendar day on which both Houses of the Congress
9 are in session.

10 **SEC. 109. DUTIES AND AUTHORITIES OF FEDERAL AGEN-**
11 **CIES.**

12 (a) DUTIES AND AUTHORITIES OF SECRETARY.—

13 (1) GRANTS.—(A) The Secretary may make
14 matching grants to provide assistance regarding fea-
15 sibility studies and compacts described in section
16 106(a) and, upon request of the management entity
17 for the relevant American Heritage Area, regarding
18 management plans and early actions described in
19 section 106(a) and capital projects and improve-
20 ments undertaken pursuant to such management
21 plans. The Secretary may make grants under this
22 section to units of government, and, in consultation
23 with affected units of government, to private non-
24 profit organizations. In awarding grants under this
25 section, the Secretary shall be guided by the criteria

1 for eligibility for designation referred to in section
2 105(c).

3 (B) The Secretary may not, as a condition of
4 the award of a grant under this section, require any
5 recipient of such a grant to enact or modify land use
6 restrictions.

7 (2) TECHNICAL ASSISTANCE.—(A) The Sec-
8 retary may provide technical assistance to units of
9 government and private nonprofit organizations re-
10 garding feasibility studies and compacts described in
11 section 106(a) and, upon request of the management
12 entity for the relevant American Heritage Area, re-
13 garding management plans and early actions de-
14 scribed in section 106(a) and capital projects and
15 improvements undertaken pursuant to such manage-
16 ment plans. In providing the technical assistance,
17 the Secretary shall be guided by the criteria for eli-
18 gibility for designation referred to in section 105(c).

19 (B) The Secretary may elect to provide all or
20 part of the technical assistance authorized by this
21 subsection through cooperative agreements with
22 units of government and private nonprofit organiza-
23 tions whose missions and resources can contribute
24 substantially to the purposes of this title.

1 (3) OTHER ASSISTANCE.—Nothing in this title
2 shall be deemed to prohibit the Secretary or units of
3 government from providing technical or financial as-
4 sistance under any other provision of law.

5 (4) PRIORITIES FOR ASSISTANCE.—In assisting
6 an American Heritage Area, the Secretary shall give
7 priority to actions that assist in—

8 (A) conserving the significant natural, his-
9 toric, and cultural resources which support the
10 themes of the American Heritage Area; and

11 (B) providing educational, interpretive, and
12 recreational opportunities consistent with the
13 resources and associated values of the American
14 Heritage Area.

15 (5) DETERMINATIONS REGARDING ASSIST-
16 ANCE.—The Secretary shall decide which American
17 Heritage Areas shall be awarded technical and fi-
18 nancial assistance and the amount of the assistance.
19 Such decisions shall be based on the relative degree
20 to which each American Heritage Area effectively
21 fulfills the objectives contained in the management
22 plan for the area, achieves the purposes of this title,
23 and fulfills the criteria referred to in section 105(c)
24 and shall give consideration to projects which pro-
25 vide a greater leverage of Federal funds.

1 (6) NON-FEDERALLY OWNED PROPERTY.—The
2 Secretary is authorized to spend Federal funds di-
3 rectly on nonfederally owned property to further the
4 purposes of this title, giving priority to assisting
5 units of government in appropriate treatment of dis-
6 tricts, sites, buildings, structures, and objects listed
7 or eligible for listing on the National Register of
8 Historic Places.

9 (7) ANNUAL REPORT.—The Secretary shall
10 submit an annual report to the Congress regarding
11 the American Heritage Areas Partnership Program.
12 Each report shall include—

13 (A) the number, amount, and recipients of
14 any grants provided by the Secretary under this
15 title and the nature of any technical assistance
16 or early action provided under this title;

17 (B) a description of the status and condi-
18 tion of, and Federal funding provided under
19 this Act to, each American Heritage Area;

20 (C) a description of the areas nominated
21 for the American Heritage Partnership Pro-
22 gram;

23 (D) the recommendations of the Secretary
24 regarding areas to be designated by the Con-
25 gress as American Heritage Areas; and

1 (E) the status of the implementation of all
2 contractual agreements entered into by the Sec-
3 retary under this title.

4 (8) OVERSIGHT OF HERITAGE AREAS WITH EX-
5 PIRED ELIGIBILITY.—The Secretary shall inves-
6 tigate, study, and continually monitor the welfare of
7 all American Heritage Areas whose eligibility for
8 Federal funding under this title has expired and
9 shall report to the Congress periodically regarding
10 the condition of such American Heritage Areas.

11 (9) PROVISION OF INFORMATION.—In coopera-
12 tion with other Federal agencies, the Secretary shall
13 provide the general public with information regard-
14 ing the location and character of components of the
15 American Heritage Areas Partnership Program.

16 (10) PROMULGATION OF REGULATIONS.—The
17 Secretary shall promulgate such regulations as are
18 necessary to carry out the purposes of this title.

19 (b) DUTIES OF FEDERAL ENTITIES.—Any Federal
20 entity conducting or supporting activities within an Amer-
21 ican Heritage Area, and any unit of government acting
22 pursuant to a grant of Federal funds or a Federal permit
23 or agreement and conducting or supporting such activities,
24 shall, to the maximum extent practicable—

1 (1) consult with the Secretary and the manage-
2 ment entity for the American Heritage Area with re-
3 spect to such activities; and

4 (2) cooperate with the Secretary and the man-
5 agement entity in the carrying out of the duties of
6 the Secretary and the management entity under this
7 title, and coordinate such activities to minimize any
8 real or potential adverse impact on an American
9 Heritage Area.

10 **SEC. 110. LACK OF EFFECT ON LAND USE REGULATION.**

11 (a) LACK OF EFFECT ON AUTHORITY OF GOVERN-
12 MENTS.—Nothing in this title shall be construed to mod-
13 ify, enlarge, or diminish any authority of Federal, State,
14 and local governments to regulate any use of land as pro-
15 vided for by current law or regulation.

16 (b) LACK OF ZONING OR LAND USE POWERS OF EN-
17 TITY.—Nothing in this title shall be construed to grant
18 powers of zoning or land use to any management entity
19 for an American Heritage Area.

20 (c) MANAGEMENT PLAN AVAILABILITY TO LOCAL
21 GOVERNMENTS.—Any management plan referred to in
22 section 106(a) and submitted to the Secretary by the man-
23 agement entity for an American Heritage Area shall be
24 made available to the local governments having jurisdic-
25 tion over land use regulations affecting the American Her-

1 itage Area for the use of the local governments in updating
2 their growth management plans and in the event that such
3 governments desire to amend current land use legislation
4 as they may deem appropriate and in accordance with
5 their legal authority.

6 **SEC. 111. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) **FEASIBILITY STUDIES, COMPACTS, MANAGE-**
8 **MENT PLANS, AND EARLY ACTIONS.**—From the amounts
9 made available to carry out the National Historic Preser-
10 vation Act (16 U.S.C. 470 et seq.), there is authorized
11 to be appropriated to the Secretary, for grants and tech-
12 nical assistance pursuant to section 109(a) and the admin-
13 istration of such grants and assistance, annually not more
14 than \$8,000,000, to remain available until expended, with
15 the following conditions:

16 (1) **PERCENT OF COST.**—No grant under this
17 title for a feasibility study, compact, management
18 plan, or early action may exceed 75 percent of the
19 cost, to the grantee, for such study, compact, plan,
20 or early action.

21 (2) **STUDIES.**—The total amount of Federal
22 funding under this title for feasibility studies for a
23 proposed American Heritage Area may not exceed
24 \$100,000.

1 (3) COMPACTS.—The total amount of Federal
2 funding under this title for compacts for a proposed
3 American Heritage Area may not exceed \$150,000.

4 (4) EARLY ACTION GRANTS.—The total amount
5 of Federal funding under this title for early action
6 grants for an American Heritage Area may not ex-
7 ceed \$250,000.

8 (5) MANAGEMENT PLANS.—The total amount
9 of Federal funding under this title for management
10 plans for an American Heritage Area may not ex-
11 ceed \$150,000.

12 (b) MANAGEMENT ENTITY OPERATIONS.—

13 (1) OPERATING COSTS.—From the amounts
14 made available to carry out the National Historic
15 Preservation Act (16 U.S.C. 470 et seq.), there is
16 authorized to be appropriated to the Secretary, for
17 each management entity of an American Heritage
18 Area, not more than \$250,000 annually for the oper-
19 ating costs of such management entity pursuant to
20 section 107.

21 (2) COST SHARE.—The Federal contribution
22 under this title to the operations of any management
23 entity of an American Heritage Area shall not ex-
24 ceed 50 percent of the annual operating costs of the
25 entity.

1 (c) PLAN IMPLEMENTATION.—From the amounts
2 made available to carry out the National Historic Preser-
3 vation Act (16 U.S.C. 470 et seq.), there is authorized
4 to be appropriated to the Secretary, for grants and tech-
5 nical assistance for the implementation of management
6 plans for designated American Heritage Areas and the ad-
7 ministration of such grants and assistance, not more than
8 \$14,500,000 annually, to remain available until expended,
9 with the following conditions:

10 (1) PERCENT OF COST.—No grant under this
11 title for implementation of a management plan may
12 exceed 50 percent of the cost to the grantee of the
13 implementation.

14 (2) PERCENT OF FUNDING FOR EACH AREA.—
15 Not more than 10 percent of the annual appropria-
16 tion for this subsection shall be made available, in
17 any 1 year, to each American Heritage Area.

18 (3) TOTAL FUNDING FOR EACH AREA.—Not
19 more than a total of \$10,000,000 may be made
20 available under this subsection to each American
21 Heritage Area.

22 (4) AGREEMENTS.—Any payment made under
23 this subsection shall be subject to an agreement that
24 conversion, use, or disposal of the project so assisted
25 for purposes contrary to the purposes of this title,

1 as determined by the Secretary, shall result in a
2 right of the United States to the greater of—

3 (A) reimbursement of all funds made avail-
4 able for such project; and

5 (B) the proportion of the increased value
6 of the project attributable to such funds, as de-
7 termined at the time of such conversion, use, or
8 disposal.

9 (d) **LIMITATION ON AMOUNTS FOR TECHNICAL AS-**
10 **SISTANCE.**—The amount of Federal funding made avail-
11 able under this section for technical assistance for an
12 American Heritage Area for a fiscal year may not exceed
13 \$150,000.

14 **SEC. 112. EXPIRATION OF AUTHORITIES.**

15 The authorities contained in this title shall expire on
16 September 30 of the 25th fiscal year beginning after the
17 date of the enactment of this title.

18 **SEC. 113. REPORT.**

19 The Secretary shall submit to the Congress, every 5
20 years while the authorities contained in this title remain
21 in force, a report on the status and accomplishments of
22 the American Heritage Areas Partnership Program as a
23 whole.

1 **SEC. 114. SAVINGS PROVISION.**

2 Nothing in this title shall be construed to expand or
3 diminish any authorities contained in any law designating
4 an individual National Heritage Area or Corridor before
5 the date of the enactment of this title.

6 **SEC. 115. FISHING AND HUNTING SAVINGS CLAUSE.**

7 (a) NO DIMINISHMENT OF STATE AUTHORITY.—The
8 designation of an American Heritage Area shall not dimin-
9 ish the authority of the affected State or States to manage
10 fish and wildlife, including the regulation of fishing and
11 hunting within such Area.

12 (b) NO CONDITIONING OF APPROVAL AND ASSIST-
13 ANCE.—Limitations on fishing, hunting, or trapping may
14 not be made a condition for the approval of a compact
15 or management plan, the provision of assistance for early
16 actions pursuant to section 106(a)(4), the determination
17 of eligibility for Federal funds, or the receipt, in connec-
18 tion with the American Heritage Area status of an area,
19 of any other form of assistance from the Secretary or
20 other Federal agencies.

21 **TITLE II—DESIGNATION OF**
22 **AMERICAN HERITAGE AREAS**

23 **SEC. 201. AMERICAN COAL HERITAGE AREA.**

24 (a) CONGRESSIONAL FINDINGS.—The Congress finds
25 that—

1 (1) the rise of American industry in the late
2 19th and 20th centuries led to tremendous growth
3 in the Appalachian coal fields, creating an area of
4 national historic significance in terms of its con-
5 tributions to the industrial revolution, architecture,
6 culture, and diversity;

7 (2) within the Appalachian coal belt, the coal
8 mined in southern West Virginia and in southwest-
9 ern Virginia produced some of the purest and most
10 sought-after coal in the Nation, and the region asso-
11 ciated with this coal contains a rich cultural herit-
12 age;

13 (3) the influx of labor needed to mine coal in
14 this region created a diverse community of African
15 Americans from the south, recent immigrants from
16 southern and southeastern Europe, Americans from
17 northern mining areas, and native Appalachians;

18 (4) it is in the national interest to preserve and
19 protect physical remnants of the late 19th and early
20 20th century rise of American industry for the edu-
21 cation and benefit of present and future generations;
22 and

23 (5) there is a need to provide assistance to the
24 preservation and promotion of the vestiges of the

1 coal heritage of Appalachia that have outstanding
2 cultural, historic, and architectural value.

3 (b) STATEMENT OF PURPOSE.—The purposes of this
4 section are to preserve and interpret, for the educational
5 and inspirational benefit of present and future genera-
6 tions, certain lands and structures with unique and signifi-
7 cant historical and cultural values associated with the coal
8 mining heritage of southern West Virginia and southwest-
9 ern Virginia.

10 (c) DESIGNATION.—

11 (1) IN GENERAL.—Upon publication by the
12 Secretary in the Federal Register of notice that a
13 compact meeting the requirements for a compact
14 under section 106(a)(2) has been approved by the
15 Secretary under the procedures referred to in section
16 106(b), there is hereby designated the American
17 Coal Heritage Area (hereinafter in this section re-
18 ferred to as the “Heritage Area”).

19 (2) COMPACT.—The Secretary may not require,
20 as a condition of approving a compact submitted
21 pursuant to this section regarding the Heritage
22 Area, that both the State of West Virginia and the
23 Commonwealth of Virginia sign the compact.

24 (d) BOUNDARIES.—The Heritage Area shall be com-
25 posed of the lands generally depicted on the map entitled

1 “Coal Industry National Heritage Area”, numbered
2 CMNHA-80,008, and dated August 1994. The map shall
3 be on file and available for public inspection in the office
4 of the Director of the National Park Service.

5 (e) ADMINISTRATION.—The Heritage Area shall be
6 considered to be part of the American Heritage Areas
7 Partnership Program and shall be considered for all pur-
8 poses, including but not limited to the management plan
9 submission requirement of section 107(c)(1) and the pro-
10 visions of section 108, to have been designated an Amer-
11 ican Heritage Area under section 105(d) on the date on
12 which the Heritage Area is designated under subsection
13 (c) of this section.

14 **SEC. 202. ESSEX AMERICAN HERITAGE AREA.**

15 (a) CONGRESSIONAL FINDINGS.—The Congress finds
16 that—

17 (1) Essex County, Massachusetts, was host to
18 a series of historic events that influenced the course
19 of the early settlement of the United States, its
20 emergence as a maritime power, and its subsequent
21 industrial development;

22 (2) the North Shore of Essex County and
23 Merrimack River valley contain examples of signifi-
24 cant early American architecture and significant
25 Federal-period architecture, many sites and build-

1 ings associated with the establishment of the mari-
2 time trade in the United States, the site of the
3 witchcraft trials of 1692, the birthplace of successful
4 iron manufacture, and the establishment of the tex-
5 tile and leather industries in and around the cities
6 of Peabody, Beverly, Lynn, Lawrence, and Haver-
7 hill;

8 (3) Salem, Massachusetts, has a rich heritage
9 as one of the earliest landing sites of the English
10 colonists, the first major world harbor for the Unit-
11 ed States, and an early thriving hub of American
12 industries;

13 (4) the Saugus Iron Works National Historic
14 Site is the site of the first sustained, integrated iron
15 works in Colonial America, and the technology em-
16 ployed at the Iron Works was dispersed throughout
17 the Colonies and was critical to the development of
18 industry and technology in America;

19 (5) the Salem Maritime National Historic Site
20 contains nationally significant resources that explain
21 the manner in which the Nation was settled, its evo-
22 lution into a maritime power, and its development as
23 a major industrial force, and the story told at the
24 Salem Maritime and Saugus Iron Works National
25 Historic Sites would be greatly enhanced through

1 the interpretation of significant theme-related re-
2 sources in Salem and Saugus and throughout Essex
3 County;

4 (6) partnerships between the private and public
5 sectors have been created and additional partner-
6 ships will be encouraged to preserve the rich cultural
7 heritage of the region, which will stimulate cultural
8 awareness and preservation and economic develop-
9 ment through tourism; and

10 (7) the resident and business communities of
11 the region have formed the Essex Heritage Ad Hoc
12 Commission for the preservation, interpretation, pro-
13 motion, and development of the historic, cultural,
14 and natural resources of the area and are investing
15 significant private funds and energy to develop a
16 plan to preserve the nationally significant resources
17 of Essex County.

18 (b) PURPOSES.—The purposes of this section are—

19 (1) to designate the Essex American Heritage
20 Area in order to recognize, preserve, promote, inter-
21 pret, and make available for the benefit of the public
22 the historic, cultural, and natural resources of the
23 North Shore and lower Merrimack River valley in
24 Essex County, Massachusetts, which encompass the
25 3 primary themes of the Salem Maritime National

1 Historic site and Saugus Iron Works National His-
2 toric site (the histories of early settlement and in-
3 dustry, maritime trade, and textile and leather man-
4 ufacturing); and

5 (2) to provide a management framework to as-
6 sist the Commonwealth of Massachusetts and its
7 units of local government in the development and
8 implementation of an integrated cultural, historical,
9 and land resource management program in order to
10 retain, enhance, and interpret the significant values
11 of the lands, waters, and structures located in the
12 district.

13 (c) DESIGNATION.—Upon publication by the Sec-
14 retary in the Federal Register of notice that a compact
15 regarding the Heritage Area and meeting the require-
16 ments for a compact under section 106(a)(2) has been ap-
17 proved by the Secretary under the procedures referred to
18 in section 106(b), there is hereby designated the Essex
19 American Heritage Area (hereinafter in this section re-
20 ferred to as the “Heritage Area”), within the county of
21 Essex in the Commonwealth of Massachusetts.

22 (d) BOUNDARIES.—The Heritage Area shall be com-
23 prised of the lands generally depicted on the map num-
24 bered NAR-51-80,000 and dated August 1994. The map

1 shall be on file and available for public inspection in the
2 office of the Director of the National Park Service.

3 (e) ADMINISTRATION.—The Heritage Area shall be
4 considered to be part of the American Heritage Areas
5 Partnership Program and shall be considered for all pur-
6 poses, including but not limited to the management plan
7 submission requirement of section 107(e)(1) and the pro-
8 visions of section 108, to have been designated an Amer-
9 ican Heritage Area under section 105(d) on the date on
10 which the Heritage Area is designated under subsection
11 (c) of this section.

12 **SEC. 203. HUDSON RIVER VALLEY AMERICAN HERITAGE**
13 **AREA.**

14 (a) CONGRESSIONAL FINDINGS.—The Congress finds
15 that—

16 (1) the Hudson River Valley between Yonkers,
17 New York, and Troy, New York, possesses impor-
18 tant historical, cultural, and natural resources, rep-
19 resenting themes of settlement and migration, trans-
20 portation, and commerce;

21 (2) the Hudson River Valley played an impor-
22 tant role in the military history of the American
23 Revolution;

24 (3) the Hudson River Valley gave birth to im-
25 portant movements in American art and architecture

1 through the works of Andrew Jackson Downing, Al-
2 exander Jackson Davis, Thomas Cole, and their as-
3 sociates, and played a central role in the recognition
4 of the esthetic values of landscape and the develop-
5 ment of an American esthetic ideal;

6 (4) the Hudson River Valley played an impor-
7 tant role in the development of the iron, textile, and
8 collar and cuff industries in the 19th century, exem-
9 plified in surviving structures such as the Harmony
10 Mills complex at Cohoes, and in the development of
11 early men's and women's labor and cooperative orga-
12 nizations, and is home of the first women's labor
13 union in the United States and the first women's
14 secondary school in the United States;

15 (5) the Hudson River Valley, in its cities and
16 towns and its rural landscapes—

17 (A) displays exceptional surviving physical
18 resources illustrating these themes and the so-
19 cial, industrial, and cultural history of the 19th
20 and early 20th centuries; and

21 (B) includes numerous national historic
22 sites and landmarks;

23 (6) the Hudson River Valley is the home of the
24 traditions associated with Dutch and Huguenot set-
25 tlements dating to the 17th and 18th centuries, was

1 the locus of characteristic American stories such as
2 “Rip Van Winkle” and the “Legend of Sleepy Hol-
3 low”, and retains physical, social, and cultural evi-
4 dence of these traditions and the traditions of other
5 more recent ethnic and social groups;

6 (7) the State of New York has established a
7 structure, in the Hudson River Greenway Commu-
8 nities Council and the Greenway Conservancy, for
9 the Hudson River Valley communities to join to-
10 gether to preserve, conserve, and manage these re-
11 sources and to link them through trails and other
12 means; and

13 (8) the Heritage Area Committee jointly estab-
14 lished by the Hudson River Valley Greenway Com-
15 munities Council and the Greenway Conservancy
16 (agencies established by the State of New York in its
17 Hudson River Greenway Act of 1991) is expected to
18 be the management entity for an American Heritage
19 Area established in the Hudson River Valley.

20 (b) STATEMENT OF PURPOSE.—The purposes of this
21 section are—

22 (1) to recognize the importance of the history
23 and resources of the Hudson River Valley to the
24 Nation;

1 (2) to assist the State of New York and the
2 communities of the Hudson River Valley in preserv-
3 ing and interpreting these resources for the benefit
4 of the Nation;

5 (3) to maintain agricultural viability and pro-
6 ductivity in the region; and

7 (4) to authorize Federal financial and technical
8 assistance to serve these purposes.

9 (c) DESIGNATION.—Upon publication by the Sec-
10 retary in the Federal Register of notice that a compact
11 regarding the Heritage Area and meeting the require-
12 ments for a compact under section 106(a)(2) has been ap-
13 proved by the Secretary under the procedures referred to
14 in section 106(b), there is hereby designated the Hudson
15 River Valley American Heritage Area (hereinafter in this
16 section referred to as the “Heritage Area”).

17 (d) BOUNDARIES.—

18 (1) IN GENERAL.—Except as otherwise pro-
19 vided in paragraph (2), the Heritage Area shall be
20 comprised of the lands generally depicted on the
21 map entitled “Hudson River Valley National Herit-
22 age Area”, numbered P50-8002, and dated August
23 1994. The map shall be on file and available for
24 public inspection in the office of the Director of the
25 National Park Service.

1 (2) LOCAL AGREEMENT TO INCLUSION.—Each
2 of the following counties, cities, and towns in the
3 State of New York shall not be included within the
4 boundaries of the Heritage Area unless the govern-
5 ment of such county, city, or town agrees to be so
6 included and submits notification of such agreement
7 to the Secretary:

8 (A) The counties of Greene and Columbia.

9 (B) Any city or town within the county of
10 Greene or Columbia.

11 (C) The counties of Rensselaer and
12 Dutchess.

13 (D) Any city or town (except the town of
14 Hyde Park) within the county of Rensselaer or
15 Dutchess and located entirely within the 22d
16 Congressional District of New York.

17 (e) ADMINISTRATION.—The Heritage Area shall be
18 considered to be part of the American Heritage Areas
19 Partnership Program and shall be considered for all pur-
20 poses, including but not limited to the management plan
21 submission requirement of section 107(c)(1) and the pro-
22 visions of section 108, to have been designated an Amer-
23 ican Heritage Area under section 105(d) on the date on
24 which the Heritage Area is designated under subsection
25 (c) of this section.

1 **SEC. 204. OHIO & ERIE CANAL AMERICAN HERITAGE AREA.**

2 (a) CONGRESSIONAL FINDINGS.—The Congress finds
3 that—

4 (1) the Ohio & Erie Canal, which opened for
5 commercial navigation in 1832, was the first inland
6 waterway to connect the Great Lakes at Lake Erie
7 with the Gulf of Mexico via the Ohio and Mississippi
8 Rivers and was a part of a canal network in Ohio
9 that was one of the most extensive and successful
10 systems in America during a period in history when
11 canals were essential to the growth of the Nation;

12 (2) the Ohio & Erie Canal spurred economic
13 growth in the State of Ohio that took the State from
14 near bankruptcy to a position as the third most eco-
15 nomically prosperous State in the Union in just 20
16 years;

17 (3) a 4-mile section of the Ohio & Erie Canal
18 was designated a National Historic Landmark in
19 1966 and other portions of the Ohio & Erie Canal
20 and many associated structures have been placed on
21 the National Register of Historic Places;

22 (4) in 1974, 19 miles of the Ohio & Erie Canal
23 were declared nationally significant, under National
24 Park Service new area criteria, in the designation of
25 the Cuyahoga Valley National Recreation Area;

1 (5) the National Park Service found the Ohio
2 & Erie Canal nationally significant in a 1975 study
3 entitled “Suitability/Feasibility Study, Proposed
4 Ohio & Erie Canal”; and

5 (6) a 1993 Special Resource Study of the Ohio
6 & Erie Canal Corridor, conducted by the National
7 Park Service and entitled “A Route to Prosperity”,
8 has concluded that the corridor is eligible to become
9 a National Heritage Corridor, an affiliated unit of
10 the National Park System.

11 (b) STATEMENT OF PURPOSE.—The purposes of this
12 section are—

13 (1) to preserve and interpret for the educational
14 and inspirational benefit of present and future gen-
15 erations the unique and significant contributions to
16 the national heritage of certain historic and cultural
17 lands, waterways, and structures within the 87-mile
18 Ohio & Erie Canal Corridor between Cleveland and
19 Zoar; and

20 (2) to provide a management framework to as-
21 sist the State of Ohio and its political subdivisions
22 in developing and implementing a management plan
23 for the area and developing policies and programs
24 that will preserve, enhance, and interpret the cul-

1 tural, historical, natural, recreational, and scenic re-
2 sources of the corridor.

3 (c) DESIGNATION.—Upon publication by the Sec-
4 retary in the Federal Register of notice that a compact
5 regarding the Heritage Area and meeting the require-
6 ments for a compact under section 106(a)(2) has been ap-
7 proved by the Secretary under the procedures referred to
8 in section 106(b), there is hereby designated the Ohio &
9 Erie Canal American Heritage Area (hereinafter in this
10 Act referred to as the “Heritage Area”).

11 (d) BOUNDARIES.—The Heritage Area shall be com-
12 posed of the lands that are generally the route of the Ohio
13 & Erie Canal from Cleveland to Zoar, Ohio, as depicted
14 in the 1993 National Park Service Special Resources
15 Study, “A Route to Prosperity”. The specific boundaries
16 shall be those specified in the management plan submitted
17 under subsection (e). The Secretary shall prepare a map
18 of the area which shall be on file and available for public
19 inspection in the office of the Director of the National
20 Park Service.

21 (e) ADMINISTRATION.—The Heritage Area shall be
22 considered to be part of the American Heritage Areas
23 Partnership Program and shall be considered for all pur-
24 poses, including but not limited to the management plan
25 submission requirement of section 107(c)(1) and the pro-

visions of section 108, to have been designated an American Heritage Area under section 105(d) on the date on which the Heritage Area is designated under subsection (c) of this section.

(f) MANAGEMENT ENTITY.—Upon petition, the Secretary is authorized to recognize a coalition consisting of the following persons as the management entity, for purposes of title I, for the Ohio & Erie Canal American Heritage Area:

(1) The Superintendent of the Cuyahoga Valley National Recreational Area.

(2) 2 individuals submitted by the Governor of Ohio, who shall be representatives of the Directors of the Ohio Department of Natural Resources and the Ohio Historical Society.

(3) 8 individuals submitted by the county commissioners or county chief executive of the Ohio counties of Cuyahoga, Summit, Stark, and Tuscarawas, including—

(A) from each county, 1 representative of the planning offices of the county; and

(B) from each county, 1 representative of a municipality in the county.

1 (4) 3 individuals submitted by the county or
2 metropolitan park boards of the Ohio counties of
3 Cuyahoga, Summit, and Stark.

4 (5) 1 individual with knowledge and experience
5 in the field of historic preservation, submitted by the
6 Director of the National Park Service.

7 (6) 1 individual with knowledge and experience
8 in the field of historic preservation, submitted by the
9 Ohio Historic Preservation Officer.

10 (7) 1 individual who is a director of a conven-
11 tion and tourism bureau within the area, submitted
12 by the Director of the Ohio Department of Travel
13 and Tourism.

14 (8) 4 individuals, who shall include 1 represent-
15 ative of business and industry from each of the
16 counties of Cuyahoga, Summit, Stark, and
17 Tuscarawas, submitted by the Greater Cleveland
18 Growth Association, the Akron Regional Develop-
19 ment Board, the Stark Development Board, and the
20 Tuscarawas County Chamber of Commerce.

21 (g) ASSISTANCE.—The Secretary may provide to pub-
22 lic and private entities within the Heritage Area (including
23 the management entity for the Heritage Area) technical,
24 financial, development, and operational assistance. Assist-
25 ance provided under this subsection shall be provided on

1 a reimbursable basis through the Cuyahoga Valley Na-
2 tional Recreation Area.

3 **SEC. 205. SHENANDOAH VALLEY BATTLEFIELDS AMERICAN**
4 **HERITAGE AREA.**

5 (a) CONGRESSIONAL FINDINGS.—The Congress finds
6 that—

7 (1) there are situated in the Shenandoah Valley
8 in the Commonwealth of Virginia the sites of several
9 key Civil War battles;

10 (2) certain sites, battlefields, structures, and
11 districts in the Shenandoah Valley are collectively of
12 national significance in the history of the Civil War;

13 (3) in 1990 the Congress enacted legislation di-
14 recting the Secretary of the Interior to prepare a
15 comprehensive study of significant sites and struc-
16 tures associated with Civil War battles in the Shen-
17 andoah Valley;

18 (4) the study, which was completed in 1992,
19 found that many of the sites within the Shenandoah
20 Valley possess national significance and retain a
21 high degree of historical integrity;

22 (5) the preservation and interpretation of these
23 sites will make an important contribution to the un-
24 derstanding of the heritage of the United States;

1 (6) the preservation of Civil War sites within a
2 regional framework requires cooperation among local
3 property owners and Federal, State, and local gov-
4 ernment entities; and

5 (7) partnerships between Federal, State, and
6 local governments and their regional entities, and
7 the private sector, offer the most effective opportuni-
8 ties for the enhancement and management of the
9 Civil War battlefields and related sites in the Shen-
10 andoah Valley.

11 (b) STATEMENT OF PURPOSE.—The purposes of this
12 section are—

13 (1) to preserve, conserve, and interpret the leg-
14 acy of the Civil War in the Shenandoah Valley;

15 (2) to recognize and interpret important events
16 and geographic locations representing key Civil War
17 battles in the Shenandoah Valley, including those
18 battlefields associated with the Thomas J. (Stone-
19 wall) Jackson campaign of 1862 and the decisive
20 campaigns of 1864;

21 (3) to recognize and interpret the effect of the
22 Civil War on the civilian population of the Shen-
23 andoah Valley during the war and postwar recon-
24 struction period; and

1 (4) to create partnerships among Federal,
2 State, and local governments and their regional enti-
3 ties, and the private sector, to preserve, conserve,
4 enhance, and interpret the nationally significant bat-
5 tlefields and related sites associated with the Civil
6 War in the Shenandoah Valley.

7 (c) DESIGNATION.—Upon publication by the Sec-
8 retary in the Federal Register of notice that a compact
9 regarding the Heritage Area and meeting the require-
10 ments for a compact under section 106(a)(2) has been ap-
11 proved by the Secretary under the procedures referred to
12 in section 106(b), there is hereby designated the Shen-
13 andoah Valley Battlefield American Heritage Area (here-
14 inafter in this section referred to as the “Heritage Area”).

15 (d) BOUNDARIES.—The Heritage Area shall be com-
16 posed of the areas of the Commonwealth of Virginia gen-
17 erally depicted on the map entitled “Shenandoah Valley
18 National Heritage Area”, numbered SVNHA–80,006, and
19 dated August 1994. The map shall be on file and available
20 for public inspection in the office of the Director of the
21 National Park Service

22 (e) ADMINISTRATION.—The Heritage Area shall be
23 considered to be part of the American Heritage Areas
24 Partnership Program and shall be considered for all pur-
25 poses, including but not limited to the management plan

1 submission requirement of section 107(c)(1) and the pro-
2 visions of section 108, to have been designated an Amer-
3 ican Heritage Area under section 105(d) on the date on
4 which the Heritage Area is designated under subsection
5 (c) of this section.

6 **SEC. 206. STEEL INDUSTRY AMERICAN HERITAGE AREA.**

7 (a) CONGRESSIONAL FINDINGS.—The Congress finds
8 that—

9 (1) the industrial and cultural heritage of
10 southwestern Pennsylvania, including the city of
11 Pittsburgh and the counties of Allegheny, Beaver,
12 Fayette, Greene, Washington, and Westmoreland,
13 related directly to steel and steel-related industries,
14 is nationally significant;

15 (2) these industries include steel-making, iron-
16 making, aluminum, specialty metals, glass, coal min-
17 ing, coke production, machining and foundries,
18 transportation, and electrical industries;

19 (3) the industrial and cultural heritage of the
20 steel and related industries in this region includes
21 the social history and living cultural traditions of the
22 people of the region;

23 (4) the labor movement of the region played a
24 significant role in the development of the Nation, in-
25 cluding both the formation of many key unions, such

1 as the Congress of Industrial Organizations (CIO)
2 and the United Steel Workers of America (USWA),
3 and crucial struggles to improve wages and working
4 conditions, such as the Rail Strike of 1877, the
5 Homestead Strike of 1892, and the Great Steel
6 Strike of 1919;

7 (5) there are significant examples of cultural
8 and historic resources within this 6-county region
9 that merit the involvement of the Federal Govern-
10 ment to develop programs and projects, in coopera-
11 tion with the Steel Industry Heritage Task Force,
12 the Commonwealth of Pennsylvania, and other local
13 and governmental bodies, to adequately conserve,
14 protect, and interpret this heritage for future gen-
15 erations while providing opportunities for education
16 and revitalization; and

17 (6) the Steel Industry Heritage Task Force
18 would be an appropriate management entity for a
19 Heritage Area established in the region.

20 (b) STATEMENT OF PURPOSE.—The purposes of this
21 section are—

22 (1) to foster a close working relationship be-
23 tween all levels of government, the private sector,
24 and the local communities in the steel industry re-
25 gion of southwestern Pennsylvania and empower the

1 communities to conserve their heritage while con-
2 tinuing to pursue economic opportunities; and

3 (2) to conserve, interpret, and develop the his-
4 torical, cultural, natural, and recreational resources
5 related to the industrial and cultural heritage of the
6 6-county steel industry region of southwestern Penn-
7 sylvania.

8 (c) DESIGNATION.—Upon publication by the Sec-
9 retary in the Federal Register of notice that a compact
10 regarding the Heritage Area and meeting the require-
11 ments for a compact under section 106(a)(2) has been ap-
12 proved by the Secretary under the procedures referred to
13 in section 106(b), there is hereby designated the Steel In-
14 dustry American Heritage Area (hereinafter in this section
15 referred to as the “Heritage Area”).

16 (d) BOUNDARIES.—The Heritage Area shall be com-
17 posed of the lands generally depicted on the map entitled
18 “The Steel Industry American Heritage Area”, numbered
19 SINHA-80,007, and dated August 1994. The map shall
20 be on file and available for public inspection in the office
21 of the Director of the National Park Service.

22 (e) ADMINISTRATION.—The Heritage Area shall be
23 considered to be part of the American Heritage Areas
24 Partnership Program and shall be considered for all pur-
25 poses, including but not limited to the management plan

1 submission requirement of section 107(c)(1) and the pro-
2 visions of section 108, to have been designated an Amer-
3 ican Heritage Area under section 105(d) on the date on
4 which the Heritage Area is designated under subsection
5 (c) of this section.

6 **SEC. 207. WHEELING AMERICAN HERITAGE AREA.**

7 (a) CONGRESSIONAL FINDINGS.—The Congress finds
8 that—

9 (1) Wheeling, West Virginia, and its vicinity
10 possess important historical, cultural, and natural
11 resources, representing major heritage themes of
12 transportation, commerce, industry, and Victorian
13 culture in the United States;

14 (2) the city of Wheeling played an important
15 part in the settlement of the Nation by serving as
16 the western terminus of the National Road in the
17 early 1800's, by serving as the Crossroads of Amer-
18 ica throughout the 19th century, by serving as one
19 of the few major inland ports in the United States
20 in the 19th century, and by hosting the establish-
21 ment of the Restored State of Virginia, and later the
22 State of West Virginia during the Civil War years;

23 (3) the city of Wheeling was the first capital of
24 the new State of West Virginia, during the develop-
25 ment and maintenance of many industries crucial to

1 the expansion of the Nation, including iron, steel,
2 and textile manufacturing, boat building, glass man-
3 ufacturing, and stogie and chewing tobacco manu-
4 facturing, many of which are industries that
5 continue to play an important role in the Nation's
6 economy;

7 (4) the city of Wheeling has retained its na-
8 tional heritage themes with the designations of the
9 old custom house, now Independence Hall, as a Na-
10 tional Historic Landmark, with the designation of
11 the historic suspension bridge as a National Historic
12 Landmark, with 5 historic districts, and with many
13 individual properties in the Wheeling area listed on
14 or eligible for nomination to the National Register of
15 Historic Places; and

16 (5) the heritage themes and number and diver-
17 sity of the remaining resources of Wheeling should
18 be appropriately retained, enhanced, and interpreted
19 for the education, benefit, and inspiration of the
20 people of the United States.

21 (b) STATEMENT OF PURPOSE.—The purposes of this
22 section are—

23 (1) to recognize the special importance of the
24 history and development of the Wheeling, West Vir-
25 ginia, area in the cultural heritage of the Nation;

1 (2) to provide a framework to assist the city of
2 Wheeling and other public and private entities and
3 individuals in the appropriate preservation, enhance-
4 ment, and interpretation of resources in the Wheel-
5 ing area that are emblematic of the contributions of
6 Wheeling to the cultural heritage of the Nation; and

7 (3) to allow for limited Federal, State, and local
8 capital contributions for planning and infrastructure
9 investments to create the Wheeling American Herit-
10 age Area, in partnership with the State of West Vir-
11 ginia, the city of Wheeling, West Virginia, and their
12 designees, and to provide for an economically self-
13 sustaining American Heritage Area that will not be
14 dependent on Federal assistance beyond the initial
15 years necessary to establish the American Heritage
16 Area.

17 (c) DESIGNATION.—Upon publication by the Sec-
18 retary in the Federal Register of notice that a compact
19 regarding the Heritage Area and meeting the require-
20 ments for a compact under section 106(a)(2) has been ap-
21 proved by the Secretary under the procedures referred to
22 in section 106(b), there is hereby designated the Wheeling
23 American Heritage Area (hereinafter in this Act referred
24 to as the “Heritage Area”) in the State of West Virginia.

1 (d) BOUNDARIES.—The Heritage Area shall be com-
2 posed of the lands generally depicted on the map entitled
3 “Boundary Map, Wheeling American Heritage Area, West
4 Virginia”, numbered WHNA–80,005, and dated August
5 1994. The map shall be on file and available for public
6 inspection in the office of the Director of the National
7 Park Service.

8 (e) ADMINISTRATION.—The Heritage Area shall be
9 considered to be part of the American Heritage Areas
10 Partnership Program and shall be considered for all pur-
11 poses, including but not limited to the management plan
12 submission requirement of section 107(e)(1) and the pro-
13 visions of section 108, to have been designated an Amer-
14 ican Heritage Area under section 105(d) on the date on
15 which the Heritage Area is designated under subsection
16 (e) of this section.

17 (f) AUTHORIZATION OF APPROPRIATIONS.—

18 (1) IN GENERAL.—There is authorized to be
19 appropriated to carry out this section not more
20 than—

21 (A) \$5,000,000 for capital projects;

22 (B) \$1,000,000 for planning and studies;

23 and

24 (C) \$500,000 for technical assistance.

1 (2) LIMITATIONS.—(A) Funds made available
2 pursuant to subparagraph (A) or (B) of paragraph
3 (1) for a capital project or for planning and studies
4 regarding a project shall not exceed 50 percent of
5 the total costs of the capital project or project, re-
6 spectively.

7 (B) Funds made available under this section or
8 any other Federal law for the Heritage Area or the
9 Wheeling National Heritage Area (including the
10 Wheeling project) may not exceed \$6,500,000 in the
11 aggregate.

12 (3) NOT ELIGIBLE FOR FUNDS UNDER TITLE
13 I.—No funds may be appropriated under title I for
14 purposes of the Heritage Area.

15 **TITLE III—STUDIES REGARDING**
16 **POTENTIAL AMERICAN HER-**
17 **ITAGE AREAS**

18 **SEC. 301. OHIO RIVER CORRIDOR.**

19 (a) CONGRESSIONAL FINDINGS.—The Congress finds
20 that—

21 (1) the amenities and resources of the Ohio
22 River, which flows through 6 States from its head-
23 waters in the Commonwealth of Pennsylvania to its
24 confluence with the Mississippi River and comprises
25 a chain of commercial, industrial, historical, archae-

1 ological, natural, recreational, scenic, wildlife, urban,
2 rural, cultural, and economic areas, are of major sig-
3 nificance and importance to the Nation;

4 (2) the national interest is served by—

5 (A) preserving, protecting, and improving
6 such amenities and resources for the benefit of
7 the people of the United States; and

8 (B) improving the coordination between all
9 levels of government in the Ohio River Corridor;

10 (3) the preservation, protection, and improve-
11 ment of such amenities and resources are failing to
12 be fully realized despite efforts by the States
13 through which the Ohio flows, political subdivisions
14 of such States, and volunteer associations and pri-
15 vate businesses in such States;

16 (4) existing Federal agency programs are offer-
17 ing insufficient coordination to State and local plan-
18 ning and regulatory authorities to provide for re-
19 source management and economic development in a
20 manner that is consistent with the protection and
21 public use of the amenities and resources of the Cor-
22 ridor; and

23 (5) the Federal Government should assist in the
24 coordination, preservation, and interpretation activi-
25 ties of public and private entities with respect to the

1 significant amenities and resources associated with
2 the Ohio River.

3 (b) STUDY OF OHIO RIVER CORRIDOR.—

4 (1) IN GENERAL.—Not later than 2 years after
5 the date on which funds are made available to carry
6 out this section, the Secretary shall complete a study
7 on the suitability and feasibility of designating the
8 Ohio River corridor, from its headwaters in the
9 Commonwealth of Pennsylvania to its confluence
10 with the Mississippi River, as an American Heritage
11 Area.

12 (2) REPORT TO CONGRESS.—On completion of
13 the study required by subsection (a), the Secretary
14 shall submit a report describing the results of the
15 study to the Committee on Natural Resources of the
16 House of Representatives and the Committee on En-
17 ergy and Natural Resources of the Senate.

18 **SEC. 302. FOX AND LOWER WISCONSIN RIVER CORRIDORS.**

19 (a) CONGRESSIONAL FINDINGS.—The Congress finds
20 that—

21 (1) the Fox-Wisconsin waterway is famous as
22 the discovery route of Marquette and Joliet;

23 (2) as the connecting route between the Great
24 Lakes and the Mississippi River, the waterway was
25 critical to the opening of the Northwest Territory

1 and served as a major artery in bringing commerce
2 to the interior of the United States and providing
3 a vital communication link for early explorers, mis-
4 sionaries, and fur traders;

5 (3) within the Fox and Lower Wisconsin River
6 corridors are an abundance of historic and archae-
7 ological sites and structures representing early Na-
8 tive Americans, European exploration, and 19th-cen-
9 tury transportation and settlement; and

10 (4) the unique aspects of the waterway, from
11 the heavily developed portions of the Fox River to
12 the pristine expanses of the Lower Wisconsin River,
13 should be studied to determine the suitability and
14 feasibility of the waterway for designation as an
15 American Heritage Area.

16 (b) STUDY OF FOX-WISCONSIN RIVER CORRIDORS.—

17 (1) IN GENERAL.—Not later than 2 years after
18 the date on which funds are made available to carry
19 out this section, the Secretary shall complete a study
20 on the suitability and feasibility of designating the
21 Fox and Lower Wisconsin River corridors in the
22 State of Wisconsin as an American Heritage Area.

23 (2) REPORT TO CONGRESS.—On completion of
24 the study referred to in subsection (a), the Secretary
25 shall submit a report describing the results of the

1 study to the Committee on Natural Resources of the
2 House of Representatives and the Committee on En-
3 ergy and Natural Resources of the Senate.

4 **SEC. 303. NORTHERN FRONTIER.**

5 (a) CONGRESSIONAL FINDINGS.—The Congress finds
6 that—

7 (1) the area comprising Tryon County, in the
8 Mohawk Valley of the State of New York, and the
9 Country of the Six Nations (Iroquois Confederacy),
10 known during the American Revolutionary War pe-
11 riod as the “Northern Frontier”, offers excellent op-
12 portunities to study a little known or understood as-
13 pect of the American Revolution—the frontier expe-
14 rience;

15 (2) the Northern Frontier territory was ex-
16 tremely valuable to both sides of the American Revo-
17 lutionary War and was contested because of its geo-
18 political, military, agricultural, transportation, and
19 commercial attributes;

20 (3) because a complex social, economic, and po-
21 litical society was emerging on the Northern Fron-
22 tier, the Continental Congress established the North-
23 ern Indian Department to conduct affairs there, and
24 the English made the area, and its Indian popu-

1 lation, the centerpiece of the English strategy to
2 split the colonies;

3 (4) due to the struggle to control the Northern
4 Frontier, privation and hardship were inflicted upon
5 nearly all who lived there, a diverse mix of ethnic
6 and racial groups willingly and unwillingly thrust
7 into the struggle for independence, leaving many
8 dead, homeless, orphaned, or dislocated by the end
9 of the hostilities;

10 (5) the tensions on the Northern Frontier
11 reached such a pitch that hostilities erupted, pitting
12 neighbors, families, tribes, and clans against each
13 other, and led to a bloody, savage, and destructive
14 battle;

15 (6) new interpretations and interdisciplinary
16 studies of this human drama are not only necessary,
17 but timely because of the abundant supply of assets
18 in the area, including sites, buildings, celebrations,
19 folklore, and collections, many safely preserved and
20 many at risk; and

21 (7) if these Northern Frontier assets can be
22 thematically related and portrayed for the education
23 and enjoyment of Americans and foreign visitors, an
24 important and often overlooked chapter in the herit-

1 age of the Nation will be displayed for the benefit
2 and edification of all peoples.

3 (b) STUDY.—

4 (1) IN GENERAL.—Not later than 2 years after
5 the date on which funds are made available to carry
6 out this section, the Secretary shall complete a study
7 on the suitability and feasibility of designating
8 Tryon County, in the Mohawk Valley of the State of
9 New York, and the Country of the Six Nations (Iro-
10 quois Confederacy) as an American Heritage Area.

11 (2) REPORT TO CONGRESS.—On completion of
12 the study referred to in subsection (a), the Secretary
13 shall submit a report describing the results of the
14 study to the Committee on Natural Resources of the
15 House of Representatives and the Committee on En-
16 ergy and Natural Resources of the Senate.

17 **TITLE IV—BLACKSTONE RIVER**
18 **VALLEY NATIONAL HERITAGE**
19 **CORRIDOR AMENDMENTS**

20 **SEC. 401. BOUNDARIES, COMMISSION, AND REVISION OF**
21 **PLAN.**

22 (a) BOUNDARIES.—Section 2(a) of the Act entitled
23 “An Act to establish the Blackstone River Valley National
24 Heritage Corridor in Massachusetts and Rhode Island”,
25 approved November 10, 1986 (Public Law 99-647; 100

1 Stat. 3625), is amended by striking the first sentence and
2 inserting the following new sentence: “The boundaries
3 shall include the lands and waters generally depicted on
4 the map entitled ‘Blackstone River Valley National Herit-
5 age Corridor Boundary Map’, numbered BRV-80-80,011,
6 and dated May 2, 1993.”.

7 (b) COMMISSION MEMBERSHIP.—(1) Section 3 of the
8 Act entitled “An Act to establish the Blackstone River
9 Valley National Heritage Corridor in Massachusetts and
10 Rhode Island”, approved November 10, 1986 (Public Law
11 99-647; 100 Stat. 3625), is amended—

12 (A) by amending subsection (b) to read as fol-
13 lows:

14 “(b) MEMBERSHIP.—(1) The Commission shall be
15 composed of 19 members, appointed as follows:

16 “(A) the Director of the National Park Service,
17 or a designee, ex officio;

18 “(B) 5 individuals appointed by the Secretary
19 after consideration of recommendations from the
20 Governor of Rhode Island;

21 “(C) 5 individuals appointed by the Secretary
22 after consideration of recommendations from the
23 Governor of Massachusetts;

1 “(D) 4 individuals appointed by the Secretary
2 to represent the interests of local government in the
3 State of Rhode Island; and

4 “(E) 4 individuals appointed by the Secretary
5 to represent the interests of local government in the
6 State of Massachusetts.

7 “(2) A vacancy in the Commission shall be filled in
8 the manner in which the original appointment was made.”;
9 and

10 (B) in subsection (c), by inserting immediately
11 before the period at the end the following: “, but
12 may continue to serve until a successor has been
13 appointed”.

14 (2) Paragraph (1) shall take effect upon the expira-
15 tion of the 90-day period beginning on the date of the
16 enactment of this Act.

17 (c) REVISION OF PLAN.—Section 6 of the Act enti-
18 tled “An Act to establish the Blackstone River Valley Na-
19 tional Heritage Corridor in Massachusetts and Rhode Is-
20 land”, approved November 10, 1986 (Public Law 99-647;
21 100 Stat. 3625), is amended by adding at the end the
22 following new subsection:

23 “(d) REVISION OF PLAN.—(1) Not later than 1 year
24 after the date of the enactment of this subsection, the
25 Commission shall revise the Cultural Heritage and Land

1 Management Plan submitted under subsection (a) and
 2 shall submit the revised plan to the Secretary and the Gov-
 3 ernors of Massachusetts and Rhode Island for approval
 4 under the procedures referred to in subsection (b). The
 5 revision shall address any change in the boundaries of the
 6 Corridor that occurs after the submission of the plan re-
 7 quired by subsection (a) and shall include a natural re-
 8 source inventory of areas or features that should be pro-
 9 tected, restored, or managed because of the natural and
 10 cultural significance of the areas or features.

11 “(2) No changes other than minor boundary revisions
 12 may be made in the plan approved under subsection (b)
 13 and revised under paragraph (1) of this subsection, unless
 14 the Secretary approves such changes. The Secretary shall
 15 approve or disapprove any proposed change in the plan,
 16 except minor revisions, in accordance with subsection
 17 (b).”.

18 (d) TERMINATION OF COMMISSION.—Section 7 of the
 19 Act entitled “An Act to establish the Blackstone River
 20 Valley National Heritage Corridor in Massachusetts and
 21 Rhode Island”, approved November 10, 1986 (Public Law
 22 99-647; 100 Stat. 3630), is amended to read as follows:

23 “TERMINATION OF COMMISSION

24 “SEC. 7. The Commission shall terminate on Decem-
 25 ber 31, 2003.”.

1 **SEC. 402. IMPLEMENTATION OF PLAN.**

2 Section 8(c) of the Act entitled “An Act to establish
3 the Blackstone River Valley National Heritage Corridor
4 in Massachusetts and Rhode Island”, approved November
5 10, 1986 (Public Law 99-647; 100 Stat. 3630), is amend-
6 ed to read as follows:

7 “(c) IMPLEMENTATION.—(1) To assist in the imple-
8 mentation of the Cultural Heritage and Land Manage-
9 ment Plan, submitted and revised under section 6, in a
10 manner consistent with the purposes of this Act, and to
11 assist in the preservation and restoration of structures on
12 or eligible for inclusion on the National Register of His-
13 toric Places, the Secretary is authorized to provide funds
14 for projects in the Corridor that exhibit national signifi-
15 cance or provide a wide spectrum of historic, recreational,
16 environmental, educational, or interpretive opportunities,
17 without regard to whether the projects are in public or
18 private ownership. Applications for funds under this sec-
19 tion shall be made to the Secretary through the Commis-
20 sion. Each such application shall include the recommenda-
21 tion of the Commission and its findings regarding the
22 manner in which the project proposed to be funded will
23 further the purposes of this Act.

24 “(2) The Commission shall not be eligible for funds
25 under this section unless it submits to the Secretary an
26 application that includes—

1 “(A) a 10-year development plan including the
2 resource protection needs and projects critical to
3 maintaining or interpreting the distinctive character
4 of the Corridor; and

5 “(B) specific descriptions of any projects that
6 have been identified and of the participating parties,
7 roles, cost estimates, cost-sharing, or cooperative
8 agreements necessary to carry out the development
9 plan.

10 “(3) Funds made available pursuant to this sub-
11 section for any project shall not exceed 50 percent of the
12 total cost of such project.

13 “(4) In making funds available under this subsection,
14 the Secretary shall give priority to projects that attract
15 greater non-Federal than Federal funding.

16 “(5) Any payment made under this subsection for the
17 purposes of conservation or restoration of real property
18 or of any structure shall be subject to an agreement—

19 “(A) to convey a conservation or preservation
20 easement to the Department of Environmental Man-
21 agement or to the Historic Preservation Commis-
22 sion, as appropriate, of the State in which the real
23 property or structure is located; or

24 “(B) that upon conversion, use, or disposal of
25 the real property or structure for purposes contrary

1 to the purposes of this Act, the recipient of the pay-
2 ment, or the successors or assigns of the recipient,
3 shall pay to the United States the greater of—

4 “(i) the total of all Federal funds made
5 available for conservation or restoration of the
6 real property or structure, reduced pro rata
7 over the useful life of the improvements funded;
8 and

9 “(ii) the increased value attributable to
10 such funds, as determined at the time of the
11 conversion, use, or disposal.

12 “(6) The determination that, for purposes of para-
13 graph (5)(B), a conversion, use, or disposal has been car-
14 ried out contrary to the purposes of this Act shall be solely
15 within the discretion of the Secretary.”.

16 **SEC. 403. AUTHORIZATION OF APPROPRIATIONS.**

17 Section 10 of the Act entitled “An Act to establish
18 the Blackstone River Valley National Heritage Corridor
19 in Massachusetts and Rhode Island”, approved November
20 10, 1986 (Public Law 99-647; 100 Stat. 3630), is
21 amended—

22 (1) in subsection (a), by striking “\$350,000”
23 and inserting “\$500,000”; and

24 (2) by amending subsection (b) to read as
25 follows:

1 “(b) DEVELOPMENT FUNDS.—There is authorized to
2 be appropriated to carry out section 8 for fiscal years be-
3 ginning after September 30, 1994, not more than
4 \$5,000,000 in the aggregate, to remain available until
5 expended.”.

6 **TITLE V—BRAMWELL NATIONAL**
7 **HISTORIC DISTRICT**

8 **SEC. 501. BRAMWELL NATIONAL HISTORIC DISTRICT.**

9 (a) CONGRESSIONAL FINDINGS.—The Congress finds
10 that—

11 (1) the coal mining heritage of southern West
12 Virginia is of historical and cultural significance;

13 (2) the town of Bramwell, West Virginia, pos-
14 sesses remarkable and outstanding historical, cul-
15 tural, and architectural values relating to the coal
16 mining heritage of southern West Virginia; and

17 (3) it is in the national interest to preserve the
18 unique character of the town of Bramwell, West Vir-
19 ginia, and to enhance the historical, cultural, and ar-
20 chitectural values associated with its coal mining
21 heritage.

22 (b) STATEMENT OF PURPOSE.—The purpose of this
23 section is to encourage the preservation, restoration, and
24 interpretation of the historical, cultural, and architectural
25 values of the town of Bramwell, West Virginia.

1 (c) DESIGNATION.—In order to preserve, protect, re-
2 store, and interpret the unique historical, cultural, and ar-
3 chitectural values of Bramwell, West Virginia, there is
4 hereby designated the Bramwell National Historic District
5 (hereinafter in this section referred to as the “Historic
6 District”). The Historic District shall consist of the lands
7 and interest therein within the corporate limits of the town
8 of Bramwell, West Virginia.

9 (d) COOPERATIVE AGREEMENTS.—

10 (1) IN GENERAL.—The Secretary is authorized
11 to enter into cooperative agreements with the State
12 of West Virginia, or any political subdivision thereof,
13 to further the purposes of the Historic District.

14 (2) RATIO OF NON-FEDERAL FUNDS.—Funds
15 authorized to be appropriated to the Secretary for
16 the purposes of this subsection shall be expended in
17 the ratio of 1 dollar of Federal funds for each dollar
18 contributed by non-Federal sources. With the ap-
19 proval of the Secretary, any donation of land, serv-
20 ices, or goods from a non-Federal source, fairly val-
21 ued, may be considered as a contribution of dollars
22 from a non-Federal source for the purposes of this
23 subsection.

24 (3) AGREEMENTS REGARDING PAYMENTS.—Any
25 payment made by the Secretary pursuant to a coop-

1 erative agreement under this subsection shall be sub-
 2 ject to an agreement that conversion, use, or dis-
 3 posal of the project so assisted for any purpose con-
 4 trary to the purpose of this section, as determined
 5 by the Secretary, shall result in a right of the Unit-
 6 ed States to the greater of—

7 (A) reimbursement of all funds made avail-
 8 able to such project; or

9 (B) the proportion of the increased value
 10 of the project attributable to such funds, as de-
 11 termined at the time of the conversion, use, or
 12 disposal.

13 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
 14 authorized to be appropriated \$1,000,000 to carry out this
 15 section.

16 **TITLE VI—SOUTHWESTERN**
 17 **PENNSYLVANIA AMERICAN**
 18 **HERITAGE AREA AMEND-**
 19 **MENTS**

20 **SEC. 601. SHORT TITLE.**

21 This title may be cited as the “Southwestern Penn-
 22 sylvania American Heritage Area Amendments Act”.

1 **SEC. 602. DESIGNATION OF SOUTHWESTERN PENNSYLVANIA**
2 **AMERICAN HERITAGE AREA.**

3 The Act entitled "An Act to establish in the Depart-
4 ment of the Interior the Southwestern Pennsylvania Herit-
5 age Preservation Commission, and for other purposes",
6 approved November 19, 1988 (102 Stat. 4618), is amend-
7 ed by adding at the end the following new title:

8 **"TITLE III—SOUTHWESTERN**
9 **PENNSYLVANIA AMERICAN**
10 **HERITAGE AREA**

11 **"SEC. 301. DESIGNATION.**

12 "There is hereby designated the Southwestern Penn-
13 sylvania American Heritage Area, which shall be com-
14 prised of the region in southwestern Pennsylvania de-
15 scribed in section 101(a).

16 **"SEC. 302. CLASSIFICATION.**

17 "The Southwestern Pennsylvania American Heritage
18 Area shall not be considered to be an American Heritage
19 Area for purposes of the American Heritage Areas Part-
20 nership Program Act of 1994 or the American Heritage
21 Areas Partnership Program established by section 105(a)
22 of such Act."

23 **SEC. 603. POWERS OF COMMISSION.**

24 Section 103(h)(3) of the Act entitled "An Act to es-
25 tablish in the Department of the Interior the Southwest-
26 ern Pennsylvania Heritage Preservation Commission, and

1 for other purposes", approved November 19, 1988 (102
2 Stat. 4618), is amended by inserting "or an appropriate
3 private nonprofit organization exempt from income taxes
4 under section 501(c)(3) of the Internal Revenue Code of
5 1986," after "public agency,".

6 **SEC. 604. FEDERAL PARTICIPATION.**

7 Section 105 of the Act entitled "An Act to establish
8 in the Department of the Interior the Southwestern Penn-
9 sylvania Heritage Preservation Commission, and for other
10 purposes", approved November 19, 1988 (102 Stat.
11 4618), is amended to read as follows:

12 **"SEC. 105. PROCEDURES FOR FEDERAL PARTICIPATION.**

13 "(a) REVISION OF COMPREHENSIVE MANAGEMENT
14 PLAN AND SCOPE AND COST DOCUMENT.—(1) The Com-
15 mission shall revise, to carry out this title in a manner
16 that provides for limited Federal involvement, the manage-
17 ment plan developed before the date of the enactment of
18 this section. The Commission shall also revise the scope
19 and cost document developed before the date of the enact-
20 ment of this section to reflect the total cost of each project
21 proposed for approval under this section and the Federal
22 portion of such cost. Both the management plan and the
23 scope and cost document shall be submitted to the Sec-
24 retary for approval.

1 “(2) The Secretary shall approve or disapprove any
2 management plan or scope and cost document submitted
3 under paragraph (1) not later than 90 days after receiving
4 such plan or document. If the Secretary disapproves the
5 submitted management plan or scope and cost document,
6 the Secretary shall advise the Commission in writing of
7 the reasons therefor and shall make recommendations for
8 revisions in the plan or document. The Secretary shall ap-
9 prove or disapprove a proposed revision to such a plan
10 or document within 90 days after the date on which the
11 proposed revision is submitted to the Secretary.

12 “(b) LOANS, GRANTS, AND TECHNICAL ASSISTANCE
13 USING FEDERAL FUNDS.—The Commission may not
14 make loans or grants involving Federal funds under sec-
15 tion 104 except as provided in this subsection. The Sec-
16 retary may provide a loan, a grant, or technical assistance,
17 for the purpose described in section 104, pursuant to an
18 application made to the Secretary through the Commis-
19 sion in accordance with procedures required by the Sec-
20 retary. Each such application shall include the findings
21 of the Commission regarding the manner in which the pro-
22 posed loan, grant, or technical assistance will further the
23 purpose of this Act. Each such application shall also in-
24 clude the recommendations of the Commission regarding
25 the proposed loan, grant, or technical assistance. The Sec-

1 retary may approve such an application only if the Federal
2 funds provided pursuant to the application will be used
3 in a manner that is generally consistent with Federal law
4 relating to the type of project or activity to be funded,
5 as determined by the Secretary. Federal funds made avail-
6 able for loans or grants pursuant to section 104 or this
7 subsection may be used to provide for the preservation or
8 restoration of historic properties in an amount not to ex-
9 ceed \$100,000 for each project so assisted.

10 “(c) USE OF FEDERAL FUNDS.—(1) Federal funds
11 made available under this Act with respect to projects may
12 be made available only for projects that are consistent with
13 the Standards and Guidelines for Historic Properties pro-
14 mulgated by the Secretary.

15 “(2) Federal funds made available under this Act
16 after the date of the enactment of this section with respect
17 to a project may be used only for planning and design
18 with respect to the project, except that such funds may
19 be used to complete construction commenced before such
20 date regarding Saltsburg Canal Park or West Overton
21 Village.

22 “(3) The total amount of Federal assistance provided
23 under this section for a project in any fiscal year may not
24 exceed 20 percent of the total amount of Federal funds

1 made available for that fiscal year for the Southwestern
2 Pennsylvania National Heritage Area.

3 “(4) Federal funds made available under this title
4 with respect to a project may not exceed 50 percent of
5 the total costs of the project. In making such funds avail-
6 able, the Secretary shall give consideration to projects that
7 provide a greater leverage of Federal funds. Any payment
8 made under section 104 or 105 shall be subject to an
9 agreement that conversion, use, or disposal of the project
10 so assisted for any purpose contrary to the purpose of this
11 Act, as determined by the Secretary, shall result in a right
12 of the United States to the greater of—

13 “(A) compensation for all funds made available
14 with respect to such project; and

15 “(B) the proportion of the increased value of
16 the project attributable to such funds, as determined
17 at the time of such conversion, use, or disposal.

18 “(5) No Federal funds made available to carry out
19 this Act for fiscal years beginning after September 30,
20 1995, may be used to provide operational or maintenance
21 support with respect to any building, site, or structure
22 that is not owned by the Federal Government, except the
23 Railroaders Memorial Museum, Saltsburg Canal Park,
24 and West Overton Village. Such funds for the Railroaders
25 Memorial Museum, Saltsburg Canal Park, and West

1 Overton Village may not exceed \$200,000 annually, in the
2 aggregate.

3 “(6) No Federal funds made available to carry out
4 this Act may be used for the construction of any visitor
5 center, interpretive center, or museum, except West
6 Overton Village.

7 “(7) The Secretary shall approve or disapprove the
8 use of Federal funds made available pursuant to this title
9 within 30 days after application for such funds by the
10 Commission.”.

11 **SEC. 605. CONGRESSIONAL OVERSIGHT.**

12 Section 104(b) of the Act entitled “An Act to estab-
13 lish in the Department of the Interior the Southwestern
14 Pennsylvania Heritage Preservation Commission, and for
15 other purposes”, approved November 19, 1988 (102 Stat.
16 4618), is amended—

17 (1) in the first sentence, by inserting “and to
18 the Congress” after “Secretary”; and

19 (2) by inserting after the first sentence the fol-
20 lowing: “Funds made available for a fiscal year to
21 carry out this Act may not be obligated for that fis-
22 cal year until the report required for the preceding
23 fiscal year by the preceding sentence is submitted to
24 the Congress.”.

1 **SEC. 606. AUTHORIZATION OF APPROPRIATIONS.**

2 Title I of the Act entitled "An Act to establish in
3 the Department of the Interior the Southwestern Penn-
4 sylvania Heritage Preservation Commission, and for other
5 purposes", approved November 19, 1988 (102 Stat.
6 4618), is amended by adding at the end the following new
7 section:

8 **"SEC. 106. AUTHORIZATION OF APPROPRIATIONS.**

9 "There are authorized to be appropriated to the
10 Secretary to carry out this Act the following:

11 "(1) For each of the fiscal years 1996, 1997,
12 and 1998, \$1,000,000 for planning and design,
13 \$1,600,000 for construction, \$600,000 for grants
14 and loans, and \$400,000 for the operations of the
15 Commission.

16 "(2) For that portion of fiscal year 1999 that
17 occurs before the Commission ceases to exist under
18 section 104(e), \$250,000 for planning and design,
19 \$400,000 for construction, \$150,000 for grants and
20 loans, and \$100,000 for the operations of the Com-
21 mission."

22 **SEC. 607. PATH OF PROGRESS.**

23 Title II of the Act entitled "An Act to establish in
24 the Department of the Interior the Southwestern Penn-
25 sylvania Heritage Preservation Commission, and for other

1 purposes", approved November 19, 1988 (102 Stat.
2 4618), is amended as follows:

3 (1) By amending the heading of the title to
4 read as follows:

5 **"TITLE II—PATH OF PROGRESS".**

6 (2) By amending section 201 to read as follows:

7 **"SEC. 201. IDENTIFICATION OF ROUTE.**

8 "In order to provide for public appreciation, edu-
9 cation, understanding, and enjoyment of certain nationally
10 and regionally significant sites in Southwestern Penn-
11 sylvania which are accessible by public roads, the Sec-
12 retary, with the concurrence of the agency having jurisdic-
13 tion over such roads, may provide signs, interpretive mate-
14 rials, and other informational devices for a vehicular tour
15 route, commonly known as the 'Path of Progress Heritage
16 Route'.".

17 **TITLE VII—BUY AMERICAN**
18 **POLICY**

19 **SEC. 701. PURCHASE OF AMERICAN-MADE EQUIPMENT AND**
20 **PRODUCTS.**

21 (a) SENSE OF THE CONGRESS.—It is the sense of the
22 Congress that, to the greatest extent practicable, all equip-
23 ment and products purchased with funds made available
24 under this Act should be American-made.

1 (b) NOTICE REQUIREMENT.—In using funds made
2 available under this Act to provide financial assistance to,
3 or enter into any contract with, any entity, the Secretary,
4 to the greatest extent practicable, shall provide to the en-
5 tity a notice describing the statement made by the Con-
6 gress in subsection (a).

○

THE PROPERTY RIGHTS FOUNDATION OF AMERICA, INC

P.O. Box 75, Stony Creek, New York 12878 - 518/696-5748

*The right to own private property is a fundamental American freedom that
guarantees personal liberty and promotes economic prosperity.*

Testimony of

Carol W. LaGrasse

Technical Assistance Act of 1995

to Establish a

National Heritage Areas Partnership Program

March 28, 1995

This Congress is about reining in Government. It is no accident that the same people who are working for regulatory reform also stand for tax and spending cuts, which mean less government.

It is the magnitude and power of government that give rise to government abuse.

For people concerned across the country with property rights, the National Park Service is the oldest and most established agent of maltreatment of property owners.

The National Park Service is a giant agency that administers lands totalling 81 million acres in 21 separate management categories from National Parks to National Rivers. In addition, the Park Service extends influence over ten more categories from UN Biosphere Reserves amounting to 51 million acres in the US to 9,000 miles of National Trails. These additional categories of Park Service influence often lead to National Park status, but at any rate, are always forces leading to more regulatory control. The National Heritage Areas Program comes under this category of programs that would lead to additional regulatory control and

THE PROPERTY RIGHTS FOUNDATION OF AMERICA, INC

March 28, 1995

possibly to inclusion in an actual National Park Service administrative unit. The program is a subterfuge.

The property rights movement would like to see the National Park Service narrowed in scope and its funding reduced. We do not support the extension of Park Service powers to 100 and more new National Heritage Partnership Areas that could encompass counties along river beds in much of the east and midwest.

The pork barrel that would go to each Congressional District is a mere bit of pottage that will take a toll on our birthright of freedom. In its May 1993 report on the Scope and Cost of America's Industrial Heritage Project, the General Accounting Office has already faulted one of the pioneering Heritage Areas for lack of clear definition of the scope -- the "number, size, and cost" -- of the included projects, leading to a cost overrun from an original taxpayer expenditure of a predicted \$63 million to an actual \$355 million.

Anything can qualify for inclusion in the program, even with the lengthy requirements in the modified bill being submitted this year by the Committee on Resources. The bill refers only to the costs external to the National Park Service in its funding of \$1,000,000 per Heritage Area and places no restrictions on the internal costs of the Heritage Program, which would include large internal costs, considering it is a "technical assistance" effort.

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March 28, 1995

While the Contract for America is underway to downsize government and cut away the regulatory juggernaut, it is especially ironic for Congress to take up the increased scope of such an oversized, overextended agency. To increase the scope of the National Park Service is a betrayal of the voters' trust and of the vision of the Contract with America.

The Park Service's treatment of rural people runs counter to its image. It squeezes landowners into selling by threatening them and using eminent domain. It subverts rural culture by denying real history and destroying communities. It even subverts religious tradition by closing access to cemeteries. It has singlehandedly destroyed the self-sufficient gold mining way of life in Alaska's new and expanded National Parks by regulatory abuse without compensation, and bankrupted the miners.

This agency is so preoccupied with power that it had a man arrested in leg irons in Montana for riding in a car in Alaska on the old Denali Highway without a permit.

The National Park Service is a major player in the elite movement to greenline rural America to the detriment of country and village people. Its model Heritage program, the Blackstone Heritage Area in Rhode Island and Massachusetts was criticized by New York sportsmen for cutting out the use of the corridor by all sportsmen except hikers.

Rural people do not need or desire the National Park Service for "technical assistance" for preservation or the Park Service's version of "planning." Rural America is not clamoring for compacts between new regional greenways and the National Park Service.

Other Editors Say

Montana Miner Faces Jail, Leg Irons After Dispute With NPS In Alaska

(Editor's Note: The following story is reprinted from *The Alaska Miner* concerning the experiences of Steve Hicks, a member of the Montana Mining Association. The MMA currently is reviewing transcripts of the case in Mr. Hicks' behalf.)

By Rose Rybachek
Alaska Miners Association

Recently, the newspapers carried a story about geologist Steve Hicks being handcuffed, fitted with leg-irons and dragged to jail in Billings, Montana, for driving on a highway in Denali National Park without a permit. Shades of Gestapoism! Since when is it a crime to drive on a state-owned highway in Alaska? Well, evidently since the Park Service decided it was!

As most of you know, the Denali highway was deeded to the State of Alaska by the federal government, therefore, it is a state-owned highway. The incident with Hicks started on a Saturday night last July. Hicks found out that neither his name, nor the name of the miner he was representing in Kantishna, were on the list to use the Denali park road. The Park Service wanted Hicks to return during business hours on Monday to obtain a permit. Not wanting to waste precious time, Hicks drove on to Kantishna.

Three days later, and apparently after much discussion within the agency, the National Park Service issued Hicks a ticket for "engaging in an activity subject to a permit without first obtaining a permit." The ticket carried a maximum \$500 fine and/or six months in jail.

Hicks returned to his home in Montana and allegedly wrote to the court, informing them that he was in Montana, and could not afford to come back to Alaska for trial. Being undaunted in its duty to prosecute dangerous criminals, and in its warped idea of what constituted a dangerous criminal, the Park Service had Hicks arrested in Montana. Hicks was offered a settlement, but was willing to stick up for the rights of free people to access their property, and stand trial. After listening to the evidence, the court fined Hicks \$200.00.

What right does the federal government have to restrict travel of citizens on a state-owned highway? In particular, when people have in-holdings, isn't the right of access guaranteed? The court stated that the ownership of the highway and right of access might be an issue, but it could not be raised in an enforcement case. Perhaps it is time that the issue is raised on its own merits. Why must people wishing to access their property in Kantishna be subjected to continual harassment by the federal government? Why must an honest citizen be hand-cuffed, fitted with leg irons, thrown in jail and extradited to Alaska for driving on a state highway? When will the federal government concentrate on real criminals instead of those trying to make an honest living? These questions must be answered soon, if we are to remain a free people. ➤



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711 North C
Livingston, MT 59047
March 16, 1995

Carol W. LaGrasse
Property Rights Foundation of America
P.O. Box 75
Stony Creek, NY 12878

Dear Ms. LaGrasse:

Instead of a long narrative letter concerning my ticket for driving through Denali National Park without a permit, I'll just list things in a chronological order. If you would like more detailed information or confirmation of any of the following items, I would be more than happy to supply it.

1. In 1985 a court injunction shuts down mining in the Kantishna Mining District within Denali National Park. It is highly likely that NPS personnel provided the environmental organizations with the information on how the NPS could be sued and thus shut down mining.
2. In July of 1986 I was hired as a geologist by the Alaska Regional Office of the NPS to perform validity examinations of mining claims in Kantishna. It was my job to determine if the claims were valid or not. If the claims were determined to be valid, then supposedly the miners could mine the claims if they were able to jump through all the endless hoops.
3. I was the lead geologist in Kantishna for the NPS for the summers of 86, 87, and 88. The rest of the year I had an official NPS duty station in Livingston, Montana where I worked on the mineral reports on a part time basis.
4. In February 1989 I was subpoenaed by two Kantishna miners to testify in their court case in Anchorage. The Park Service had charged the miners with operating an off road vehicle (D-6 Cat) on their mining claims without a permit. After the court case I visited my NPS mineral co-workers at the Park Service regional office. A couple of them thought I was too helpful to the miners and thought I should have played dumb and not volunteered so much information.

5. After the trial I was never invited back for more field work and was officially terminated from my temporary job in August 1990. The reason for the termination was lack of work yet two years ago my former boss explained the slow progress on getting validity reports done because of an excessive workload.

6. Around May of 1990 I started helping one of the Kantishna mining claimants.

7. Spring of 1991 I start coordinating with NPS geologists to be present on some Kantishna mining claims as the claimant's representative during validity exams. It is common practice when validity exams are conducted to invite the mining claimant or his representative to be present during the examinations.

8. On July 6, 1991 (Saturday night) I was a passenger with my two helpers when we entered Denali National Park. We first tried to obtain a road travel permit at Park Headquarters but it was closed. At mile 14 at the end of the paved road is a Park Service guard. We stopped there about 12 minutes trying to obtain a road travel permit but my name or the claimants I was representing was not on the list. Frequently NPS management keeps park rangers uninformed. In 1991 two of the claimants I was representing had owned Kantishna claims since 1964. The Park Service guard told us to return to Park headquarters Monday through Friday during business hours to obtain a permit. I said we had a legal right of access and were going to Kantishna with or without a permit.

9. Ranger Thompson was informed by radio that my helpers and I were traveling the road without a permit. Twice that night Ranger Thompson pulled over our vehicle but no tickets were issued. On July 9 Ranger Thompson along with two other armed rangers issue me the ticket. The verbatim charge was "Engaging in an activity subject to permit without first obtaining a permit (Road Travel Permit)." I was told that the maximum fine for this violation was \$500 and or six months in jail. The ticket was also unusual in that it included a mandatory court appearance for August 30, 1991. It is important to note that Denali Park management instructed Thomson to ticket me and how to write the ticket. (court transcript for proof).

10. After returning to Montana near the end of July I wrote to the federal magistrate in Fairbanks several times and tried to get the ridiculous charges dropped. I never received a response from the magistrate.

11. I arranged to make my initial court appearance by telephone when I pleaded not guilty. The trial date was set

for 9/18/91. A couple of days before the 18th the U.S. attorney in Fairbanks called me and tried to offer me a

ticket for an undetermined amount under \$100 if I would plead guilty. I said something to the effect that I might accept two cents and an apology from the Park Service. I found out two years later this really irritated the attorney along with letters to the Fairbanks and Anchorage papers where I stated how the U.S. Attorney tried to intimidate me by saying I would be arrested if I didn't show up for trial. On the morning of the trial I faxed the magistrate and said that I would not be in court. It is this failure to appear that triggered an arrest warrant.

12. On September 24, 91 two U.S. Marshals arrested me at my home in Livingston, Montana. I was fitted with handcuffs attached to a chain around my waist and hauled to jail in Billings, Montana 120 miles away. I complained that this was not necessary since they knew what my ticket was for and I didn't have any other criminal record. (The Marshals operate by the book and are not allowed to think for themselves.)

13. On September 25 the Marshals transported me to a federal magistrate in Billings after I was fitted with the above handcuffs, belly chain, and this time leg irons. After sitting in a holding cell, more fingerprints and photos, I had a short appearance before the magistrate. The magistrate was wondering what is going on and why the Park service wanted to transport me back to Alaska for driving through a park without a permit. The magistrate wanted to find out more information but only from other government employees. My bond was set at \$500 but I did not post it and I was returned to jail shackled as above.

14. On September 26 it was another round trip from the jail to the federal magistrate complete with leg irons, belly chains, and handcuffs. The return trip is significant because the magistrate had released me on my promise to appear back in Billings on October 1 for transport to Fairbanks. It seems as though the message from the justice department is do not mess with the feds.

15. On October 1 I reported back to Billings with two small suitcases for the trip to Fairbanks with two U.S. Marshals. The marshals made the comment "Why didn't you just get a permit? This is crazy transporting you all the way to Fairbanks." They were also upset that the magistrate allowed me to travel with suitcases. I did make the trip to Fairbanks without handcuffs.

16. Stayed in jail overnight in Fairbanks. On October 2 I went before the federal magistrate. My transport between the courthouse and the jail is with the handcuffs, belly chain, and leg irons even on the return trip after I had been released on my own recognizance to appear in court October 9.

17. I represented myself in court for the two day trial. I had asked for a jury trial but was denied one. Even though I showed I had an undisputed legal right of access as the claimant's representative, the magistrate finds me guilty since I didn't obtain a permit as the regulations state even though I tried to obtain a permit and was refused one. The magistrate is a little concerned that I wasn't the driver of the vehicle but the federal prosecuting attorney explains that I was the only one that had authority to travel the road and the other two people with me were just my helpers.

18. At the end of my trial, a very colorful Joe Vogler that had twice run for governor and had a strong dislike for the federal government said "You would have received more justice in a whorehouse with the madam as the judge."

19. An attorney took my appeal pro bono to the District Court but we lost. Since district judges are the ones that hire the magistrates, it does not look good when they overrule their magistrates.

20. I appealed the district court's decision pro se but lost in the Ninth Circuit Court of Appeals.

Would I do it again? Yes, without question. What the Park Service counts on is individuals not fighting back because they know most people will take the easy way out and pay the fine. What this does is simply give the NPS more power and precedent and then when a person comes along that stands up for their rights, the NPS tries to make this individual out like some kind of radical.

One problem with dealing with the feds is that it is difficult to get a jury trial for minor cases. If I had a jury in Fairbanks, most likely the justice department would not even had wanted to prosecute the case.

If I can provide you with more details or documentation, feel free to write or call me a (406) 222-1707.

Sincerely,

Steve Hicks
Steve Hicks

Sorry for computer problems, using an old 12 year old Apple II c

CRZLR, Inc.

P.O. Box 16 Maiden Rock, WI 54750
Tel/FAX 715-448-3213

Working together
along the corridor
to protect:

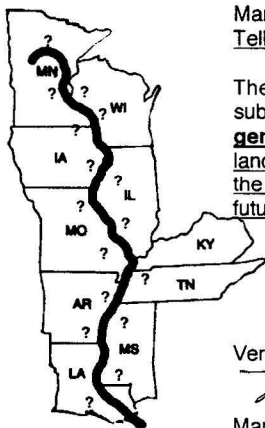
Agriculture
Agri-business
Industry
Land owners
Local economies
Local government
Recreation
River users
Small businesses
Timbering

as well as

Culture
Flora and fauna
Heritage
Scenic beauty

MISSISSIPPI RIVER

~~HERITAGE CORRIDOR~~



March 17, 1995

TO: All parties interested in the Mississippi River

RE: Efforts to stop designation of the Mississippi River
Heritage Corridor and other Heritage programs.

Ladies and Gentlemen:

The Mississippi River Heritage Corridor Study Commission will be in Washington D.C. on March 27. They plan to request additional funding and hope to meet with members of Congress, especially those who are newly elected.

The enclosed letter in opposition will be directed to every Governor, Senator and Congressman from the ten river states. These are being mailed today.

They will also receive the list of over 60 business organizations, local governments and property groups who have passed resolutions, or agreed to SIGN ON to our resolution opposing the corridor. We expect this list will continue to grow.

Please follow up with phone calls and faxes the week of March 20. Advise them to rescind, or withhold further funding. Tell them we do not want ANY designation, at ANY time.

The **Technical Assistance Act of 1995** is going to the subcommittee on Parks, Forests and Lands on March 28. This generic heritage bill is very dangerous. It does not specify lands to be managed, so it puts people off guard, while setting the entire heritage program in place for easy application in the future.

Now is the time to **STOP this bill. Tell your Congressmen to kill this one, at the same time!**

Please circulate this information in your state.

Very truly,

Marilyn F. Hayman, President
Citizens for Responsible Zoning and Landowner Rights, Inc.

Board of Directors:

Jack E. Brown
Vernon Martin

William Holst III
Francis H. Ogden
Joe Wieser

Dr. Ernest Larson
Frederick Richter

CRZLR, Inc.

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Agriculture
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Culture
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Scenic beauty

March 17, 1995

The Hon.

Dear:

Without exaggeration, the list following this letter represents thousands of businesses and millions of people who oppose the **Mississippi River Heritage Corridor proposal**.

We have grave objections to the process and substance of this plan, and are apprehensive of the eventual effect.

Public Law 101-398, which created the Mississippi River Heritage Corridor Study Commission, suggests the corridor has not been adequately protected, but provides no data to support this claim.

MISSISSIPPI RIVER



Though the public has been told this was just a "study" to determine "feasibility," the law itself asserts the national government "should assist" in co-ordinating and interpreting activities along the River.

The decision to request this study was made by unelected officials without the knowledge and participation of business and landowners.

The study was not done by an independent agency; rather, it was done by the Park Service, the very entity which created the Heritage Corridor concept.

The Interim Report prepared by the Commission gives cause for urgent concern:

- . Recommendations are vague and open to capricious interpretation.
- . A "preserve and restore" philosophy is inimical to growth and development.

Board of Directors:

Jack E. Brown
Vernon Martin

William Holst III
Francis H. Ogden
Joe Wieser

Dr. Ernest Larson
Frederick Richter

- . The "common goals" and "collective attitudes" being advanced negate individual initiative and the concept of private property which are the foundation of this Nation.
- . "Co-ordinated management" and "comprehensive planning" suggest decisions will be made by a higher, central authority.
- . Emphasis on "public enjoyment" and "increased public access" should alert property owners of serious intrusions to come.

Our concerns were expressed most accurately by a businessman who wrote to the Commission: *"...we have seen laws passed by Congress, which were predicted to have little impact on private lands, eventually strip the landowner of his ability to receive traditional benefits from the property."*

This seemingly virtuous piece of legislation is viewed with apprehension by the people who live and work in the Valley. Based on the results of other noble-sounding programs, they have ample reason to fear:

- . The 'taking' of property rights;
- . The erosion of property value;
- . Bureaucratic initiatives to restrict use and development;
- . An uncertain climate for maintaining or expanding business;
- . Loss of well-paying jobs in industry;
- . Loss of local control;
- . Alteration or destruction of small communities;
- . Loss of the traditional culture, heritage and economic base.

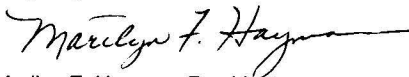
A Texas businessman has written to us: *"Try to stop it now and forever. Once the bureaucrats get a foot in the door there's no stopping them."*

We are unequivocally opposed to designation of the Mississippi River Heritage Corridor. Even a simple designation, a name only, would be a *"foot in the door."*

We respectfully request your support:

- . **Withhold any further funding of the Mississippi River Heritage Corridor Study Commission;**
- . **Rescind any current funding;**
- . **Vote NO to any bill which would designate the Mississippi River Heritage Corridor or give the Mississippi any other special status.**

Very truly



Marilyn F. Hayman, President
Citizens for Responsible Zoning and Landowner Rights, Inc.

RESOLUTION

Whereas:

Designation of a Mississippi River Heritage Corridor would have a serious impact on property rights and on the ability of people to use their land and

Whereas:

Economic development and the unique natural and human resources of the corridor are already being adequately addressed by the states, federal government and existing regional organizations,

Therefore be it Resolved:

We oppose designation of the Mississippi River Heritage Corridor.

+++++

We are aware of the following individuals and organizations that have already expressed their opposition to the Mississippi River Heritage Corridor proposal:

Wisconsin Governor Tommy Thompson
11,000 Signatures on Petitions
Against the Corridor
WI All Terrain Vehicle Ass'n (WATVA)
Lake States Lumber Ass'n
Iowa Wood Industries Ass'n
MN County Boards:
Houston, Winona, Fillmore, Goodhue, Wabasha
WI County Boards:
Vernon, Crawford, Pierce
IA Drainage District Ass'n
National Federal Lands Conference
Private Land Owners of WI (PLOW)
Blue Ribbon Coalition
MN Agri-Growth Council
Anderson-Tully Co.
MI-WI Timber Producers Ass'n (TPA)
Intern'l Freight Forwarders and Customs
Brokers of New Orleans
IL Ass'n of Snowmobile Clubs
Environmental Conservation Organization (ECO)
Black Hills Women in Timber
National Hardwood Lumber Ass'n (NHLA)
Guttenberg Industries, Inc.
Abel Island Resort
Esmann Island Ass'n
Elmed Incorporated
Illinois Agri-Women
Cenex/Land O'Lakes Agronomy Co.
Protect America's Rights & Resources
Tri Club River Improvement Ass'n. (IL)
Property Rights Foundation of America
Concerned Citizens Coalition (AR)
Sho-Me State Heritage Landowners

National Cattlemen's Ass'n
Minnesota Farm Bureau
Wisconsin Farm Bureau
IL County Farm Bureaus: Ogle and Adams
WI County Farm Bureaus: Pierce and Grant, WI
CRZLR, Inc.
Land Improvement Contractors Ass'n
MN LICA
IA LICA
Lake States Resource Alliance (LSRA)
WI Floodplain Ass'n
B & L Construction & Excavating
Ass'n of WI Snowmobile Clubs
Alliance for America
MN United Snowmobilers Ass'n (MNUSA)
South Side Boat Club - Quincy IL
WI Trappers Ass'n
Mississippi Valley Hunters & Fisherman's Ass'n
WI Women in Agriculture
WI Muck Farmers Ass'n
Duluth Area Ass'n of Snowmobile Clubs
East Perry Lumber Co.
Battle Island Area Landowners Ass'n
Brower Sales and Leasing
Livingston Lumber Co.
American Medi-Matic, Inc.
Karl Hausner Farms
River Warren Research Committee
IL Ass'n of Drainage Districts
Citizens for Private Property Rights (MO)
Specific policy relating to the Heritage Corridor
has been adopted by:
American Farm Bureau Federation
Illinois Farm Bureau
Iowa Farm Bureau

" SPORTSMEN DEWARE HR 4720 "

CONGRESSMAN MAURICE HINCHEY HAS PROPOSED A "HUDSON RIVER VALLEY AMERICAN HERITAGE AREA" (OR PARK) SIMILAR TO THE BLACKSTONE HERITAGE AREA, WHICH COVERS VAST AREAS OF MASSACHUSETTS AND RHODE ISLAND AND PROMOTES TOURISM.

I ATTENDED A TOUR OF THE BLACKSTONE HERITAGE AREA (OR PARK) ORGANIZED BY CON. HINCHEY ON AUGUST 26, 1994, TO INVESTIGATE THE CREATION OF A HERITAGE PARK AND THE DIRECT EFFECT IT WOULD HAVE ON SPORTSMEN. CONGRESSMAN MAURICE HINCHEY AND GREENWAY CZAR DAVID SAMPSON WERE AMONG THE NOTABLES ON THE TOUR.

AFTER A FULL DAY TRIP AND A FULL REVIEW OF THE BLACKSTONE HERITAGE PARK (OR AREA) THERE WERE NO WILDLIFE, OR TOURISTS IN EVIDENCE AND THERE WAS NO HUNTING, FISHING, OR TRAPPING ALLOWED. SPORTSMEN ARE NOT ALLOWED TO EVEN CROSS THE HERITAGE TRAIL, WHICH COST A MILLION DOLLARS A MILE TO CONSTRUCT.

ON FURTHER INVESTIGATION, I FOUND MR. JACK PETERS, A SPOKESMAN FOR RHODE ISLAND SPORTSMEN AND THE SOURCE OF MUCH INFORMATION. JACK PETERS MAY BE REACHED BY TELEPHONE AT 401-437-0429.

IN CONCLUSION, I RECOMMEND ALL SPORTSMEN SHOULD ACTIVELY OPPOSE HR 4720.

SINCERELY
ROBERT CONKLIN
SAUGERTIES, NY

914-246-5001

ULSTER CO. FEDERATED SPORTSMEN, VICE PRES.

Pg 2

Carol LaGrasse

NATIONAL COALITION FOR HERITAGE AREAS



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WASHINGTON, D.C. 20033-0011
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National Coalition for Heritage Areas Statement of National Need

Background

The phenomenon of American regional heritage areas has been growing over the past ten years. Efforts are now underway to seed and systematize the current ad hoc, project-by-project initiatives that designate and fund regional heritage development efforts by the federal government. This statement has been prepared by the National Coalition for Heritage Areas to provide a basis for evaluating legislation relating to a national program for heritage areas.

Concept

Heritage areas are most often regions with a distinctive sense of place unified by large-scale resources: rivers, lakes or streams, canal systems, historic roads and trails, railroads. They may include both rural and urban settlement, and are cohesive, dynamic environments where private ownership predominates, and will continue to predominate, but where change can be creatively guided to benefit both people and place.

Heritage areas encourage both the protection of a wide variety of environmental, scenic, and cultural resources and sustainable development for tourism and other economic opportunities. They educate residents and visitors about community history, traditions, and the environment, and provide for outdoor recreation.

Heritage areas most often comprise more than one jurisdiction, with regional management that combines public and private sector leadership and engages grass-roots enthusiasm for celebrating community assets.

Purpose of a National Program

A national program will result in the conservation of resources in the nation's distinctive regions, representative of the diverse origins of our uniquely American character and vital to our national heritage and identity. Limited federal investment and involvement will stimulate innovative partnerships and economic development—private and public, local, state, and federal—across geographic regions. Heritage areas will create a greater sense of a shared natural and cultural heritage and new and renewed connections, leading to greater commitments to conservation, education, and recreational opportunities in the public realm.

(over)

Principles

The national program must stimulate creativity, encourage partnerships, and create a designation for locally driven initiatives. A well-designed program:

Enlists Local Support

Encourages and promotes heritage awareness at the grass-roots and responds to a local sense of what is significant for inclusion in a heritage area.

Stimulates widespread interest among communities to investigate their eligibility for the program and to compete for funds and designation.

Designs a process that builds enduring local commitment, capacity, and public awareness.

Inspire renewed commitment to planning as the basis for community action and investment.

Stimulates Creativity

Established flexible funding, criteria, and administrative processes. Grants should be awarded competitively on the basis of merit rather than entitlement.

Encourages immediate and visible results to create momentum for long-term achievement.

Promotes strategic, problem-driven, action-oriented planning in preference to comprehensive, information-driven planning.

Encourages Partnerships

Stimulates investment and cooperation among business, labor, and professional organizations and individuals.

Empowers grass-roots, state, and national nonprofit and civic organizations that can assist heritage areas.

Develops a national advisory body that reflects the diversity of public and private interest within regional heritage areas.

Builds on existing experience among federal and non-federal heritage areas and encourages the development of regional and state programs.

Provides a mechanism for creative and flexible involvement of federal, state, and local agencies both in the national program and in individual heritage areas.

Incorporates and encourages continued reliance on existing authorities and systems at the federal and state levels for resource evaluation and protection.

Establishes a National System of Heritage Areas

Includes federal designation as rewarded for community achievement, planning, and resource quality, maintaining the integrity of federal designation as a signal honor. Federal designation is expected to follow a period of education, technical, and funding assistance, and experimentation.

Authorizes a substantial level of new funding and grants for early-action, planning, and implementation of heritage area initiatives.

Responds fully to the diversity of the American experience and the strengths and needs of different heritage areas.

Stimulates continuing public and private support for resource conservation and greater economic and educational benefits than would otherwise be the case.



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