

MOUNTAINS TO SOUND GREENWAY NATIONAL HERITAGE
AREA ACT

SEPTEMBER 6, 2016.—Ordered to be printed

Ms. MURKOWSKI, from the Committee on Energy and Natural
Resources, submitted the following

R E P O R T

[To accompany S. 1690]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1690) to establish the Mountains to Sound Greenway National Heritage Area in the State of Washington, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 14, after line 25, add the following:
(6) alters, modifies, diminishes, or extinguishes the treaty rights of any Indian tribe within the National Heritage Area;
2. On page 15, line 1, strike “(6)” and insert “(7)”.
3. On page 15, line 5, strike “(7)” and insert “(8)”.

PURPOSE

The purpose of S. 1690 is to establish the Mountains to Sound Greenway National Heritage Area in the State of Washington.

BACKGROUND AND NEED

Stretching from the shores of Puget Sound to the heart of Washington State, the Mountains to Sound Greenway is a mosaic of thriving communities, living history, and vast natural lands. With 1.5 million acres of rugged mountains, vast forests, high desert, suburban parks and gardens, and metropolitan streets, the Greenway encompasses a shared heritage of historic towns, healthy ecosystems, spectacular alpine wilderness, working farms and forests, and extensive outdoor recreation in a region that includes one of the major metropolitan areas in the United States.

Twenty years ago, a coalition of civic leaders and community activists came together around the need to preserve the Greenway and its natural and historical assets. During 2009 and 2010, the Mountains to Sound Greenway Trust (Trust) engaged stakeholders in discussions about the Greenway and potential opportunities for conserving and enhancing a sustainable balance into the future. In March 2012, the Trust completed a feasibility study on establishing the Mountains to Sound Greenway National Heritage Area.

LEGISLATIVE HISTORY

S. 1690 was introduced by Senators Cantwell and Murray on June 25, 2015. The Subcommittee on National Parks held a hearing on the measure on June 15, 2016.

Representative Reichert introduced similar legislation in the House of Representatives, H.R. 2900, on June 25, 2015.

In the 113th Congress, Senators Cantwell and Murray introduced similar legislation, S. 2602, on July 15, 2014. A hearing was held by the Subcommittee on National Parks on July 23, 2014 (S. Hrg. 113–493). The authorization to establish the Mountains to Sound Greenway National Heritage Area was included as part of the text of S. 2602, which was ordered reported by the Senate Committee on Energy and Natural Resources on November 13, 2014 (S. Rept. 113–300).

The Committee on Energy and Natural Resources met in open business session on July 13, 2016, and ordered S. 1690 favorably reported as amended.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on July 13, 2016, by a majority voice vote of a quorum present, recommends that the Senate pass S. 1690, if amended as described herein. Three Senators requested that their votes be recorded as follows:

NAYS

Mr. Barrasso

Mr. Risch

Mr. Lee

COMMITTEE AMENDMENTS

During its consideration of S. 1690, the Committee adopted amendments to clarify that nothing in this Act alters, modifies, diminishes, or extinguishes the treaty rights of any Indian tribe within the National Heritage Area.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 contains the short title, “Mountains to Sound Greenway National Heritage Area Act”.

Section 2. Purposes

Section 2 contains the purpose of the bill, to recognize the national significance through preservation, interpretation, and promotion of the natural, cultural, historical, scenic, and recreational

resources of the Mountains to Sound Greenway National Heritage Area.

Section 3. Definitions

Section 3 contains key definitions.

Section 4. Mountains to Sound Greenway National Heritage Area

Section 4(a) establishes the Mountains to Sound Greenway National Heritage Area in the State of Washington.

Subsection (b) identifies the boundaries of the National Heritage Area and allows for revision to the boundaries if the revision is proposed in the management plan, approved by the Secretary in accordance with section 4, Management Plan, and placed on file in accordance with subsection (c), Availability of Map.

Subsection (c) requires the map to be on file for public inspection in the offices of the National Park Service (NPS) and the local coordinating entity.

Subsection (d) recognizes the Trust as the local coordinating entity for the National Heritage Area.

Section 5. Management plan

Section 5(a) instructs the local coordinating entity to submit to the Secretary for approval a proposed management plan for the National Heritage Area no later than three years after the date of enactment of this Act.

Subsection (b) identifies requirements of the management plan to be implemented by the local coordinating entity to include: an integrated and cooperative approach for protection and interpretation of the natural, cultural, historic, scenic, and recreational resources of the National Heritage Area; take into consideration State and local plans such as inventories of property resources, related themes, and significance of the property; and produce comprehensive policies, strategies, and recommendations for funding and management of the National Heritage Area. In addition, the local coordinating entity develops actions that government, private organizations, and individuals agree to take to protect and manage the National Heritage Area. The entity also implements a program to carry out the management plan and solidifies partnerships and ongoing collaboration and commitments for the first five years of operation of the National Historic Area. The role of the NPS and other Federal, State, and local programs to carry out the management plan are identified and developed. Intergovernmental and interagency cooperative agreements, an interpretive plan, and funding sources are significant components also needed to protect and support the resources of the National Heritage Area.

Subsection (c) establishes a deadline of three years after date of enactment of this Act for the local coordinating entity to provide proposed management plan to Secretary in order to be eligible for additional funding under the Act.

Subsection (d) directs the Secretary to approve or disapprove the management plan no later than 180 days after receipt from the local coordinating entity. In consultation with the State, the Secretary shall apply criteria for approval based on whether or not local coordinating entity engaged diverse interests of the National Heritage Area through adequate opportunity for public involve-

ment, and that suitable protection of the National Heritage Area can be fulfilled. If the Secretary disapproves action, the local coordinating entity will be advised in writing, with recommendations for revision of the management plan, and the Secretary will review revised management plan no later than 180 days after receipt of proposed revisions. The Secretary has the discretion to approve or disapprove amendments to the management plan that make a substantial change to the plan, and will also only allow the local coordinating entity to use Federal funds to carry out any amendments to the plan after approval of the amendments are granted.

Section 6. Administration

Section 6(a) permits the Secretary through the local coordinating entity to enter into cooperative agreements and make grants to the State or political subdivision of the State, nonprofit organizations, and other persons; hire and compensate staff considered as subject matter experts on historical protection and heritage programming; accept money or services provided under any other Federal law or program; enter into contracts for goods or services; and serve as a catalyst for any other activity that furthers the purposes of the National Heritage Area and is consistent with the management plan.

Subsection (b) requires the local coordinating entity to coordinate with a variety of sources to include diverse units of government, regional planning and nonprofit organizations, businesses, and individuals, as well as conduct meetings open to the public at least semiannually in preparation of a management plan to be submitted to the Secretary. The management plan must specify programs and projects to enhance resource values, interpretative exhibits, recreational and educational opportunities, public awareness, historic sites and buildings, clear and consistent signage, and partnerships to further the National Heritage Area. An annual report is to be prepared and submitted to the Secretary for any year for which Federal funds have been received. Contents of the report shall include all expenses, activities, income, expenditure of funds, and matching funds that are in support of the National Heritage Area. The local coordinating entity will require any organizations receiving funds to also make available to the Secretary all records concerning the expenditure of the funds.

Subsection (c) authorizes the Secretary and the Secretary of Agriculture to provide technical and financial assistance to the local coordinating entity in developing and implementing the management plan, and the charge to enter into cooperative agreements with State and local agencies, and other interested parties to carry out the Act.

Subsection (d) prohibits the local coordinating entity from using Federal Funds to acquire real property or any interest in real property.

Section 7. Relationship to other Federal agencies

Section 7(a) states that the authority of a Federal agency to provide technical or financial assistance under any other law has no impact on this Act.

Subsection (b) requires the head of any Federal agency to consult and coordinate with the Secretary and local coordinating entity in

planning activities that may have an impact on the National Heritage Area.

Subsection (c) affirms that any law or regulation authorizing a Federal agency to manage or use Federal land under the jurisdiction of the Federal agency is not modified, altered, or amended by this Act.

Section 8. Private property and regulatory protections

Section 8 specifies that property owners are not required to permit public access to their property; modify use or public access of property under any Federal, State, or local law; alter any duly adopted land use regulation, use plan, or regulatory authority; transfer any land use or regulatory authority to the local coordinating entity; authorize the reservation of water or water rights; modify, diminish, or extinguish the reserved treaty rights of any Indian tribe within the National Heritage Area; affect the jurisdiction of the State to manage fishing and hunting within the National Heritage Area; or held to be liable to any person injured on private property.

Section 9. Evaluation and report

Section 9(a) tasks the Secretary with conducting an evaluation and preparing a report of the accomplishments of the National Heritage Area not later than three years before the termination date of Federal funding.

Subsection (b) makes clear that the evaluation should include a review of the management and partnership structure for sustaining the National Heritage Area, a progress assessment of the local coordinating entity measuring goals and objectives of the management plan, and an analysis of investments including funding made by Federal, State, tribal, and local government and private entities, and the impact of these investments on the National Heritage Area.

Subsection (c) requires the Secretary to submit a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives that describes the findings and conclusions of the evaluation along with recommendations for the future role of the NPS with respect to the National Heritage Area.

Section 10. Authorization of appropriations

Section 10(a) authorizes \$10 million to be appropriated, of which not more than \$1 million may be authorized to be appropriated for any fiscal year to carry out the bill.

Subsection (b) denotes that amounts made available shall remain available until expended.

Subsection (c) requires not more than a 50 percent share of non-Federal funding or in-kind contributions of goods or services for any activity under the Act.

Subsection (d) specifies the authority of the Secretary to provide assistance for this Act terminates 15 years after the bill is enacted.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the costs of this measure has been provided by the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 1, 2016.

Hon. LISA MURKOWSKI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1690, the Mountains to Sound Greenway National Heritage Area Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jon Sperl.

Sincerely,

KEITH HALL.

Enclosure.

S. 1690—Mountains to Sound Greenway National Heritage Area Act

S. 1690 would establish approximately 1.5 million acres of land in the state of Washington as the Mountains to Sound Greenway National Heritage Area. The bill would direct the National Park Service (NPS) to select a local entity to develop a plan to manage lands within the proposed heritage area, subject to the agency's approval. Finally, the legislation would authorize the appropriation of \$10 million over a 15-year period to cover the agency's oversight costs and to provide assistance to the local entity that will manage the heritage area.

Based on information from the NPS on the costs for oversight of existing heritage areas, CBO expects that the agency would spend between \$150,000 and \$300,000 annually to review the proposed management plan, provide assistance to the local management entity, and carry out other routine activities related to overseeing the proposed heritage area. Thus, CBO estimates that implementing S. 1690 would cost \$1 million over the 2017–2021 period and an additional \$3 million in later years.

Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting S. 1690 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

S. 1690 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. Any costs to state, local, or tribal entities resulting from designation of the greenway as a National Heritage Area, including cost-sharing contributions, would be incurred voluntarily.

The CBO staff contact for this estimate is Jon Sperl. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1690. The bill is not a regulatory measure in the sense of impos-

ing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1690, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 1690, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the June 15, 2016, Subcommittee on National Parks hearing on S. 1690 follows:

STATEMENT OF DR. STEPHANIE TOOTHMAN, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, PARTNERSHIPS, AND SCIENCE, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 1690, a bill to establish the Mountains to Sound Greenway National Heritage Area in the State of Washington.

The Department supports enactment of S. 1690 as the proposed Mountains to Sound Greenway National Heritage Area has been found to meet the National Park Service's interim criteria for designation as a national heritage area.

However, along with designating any new national heritage areas, the Department recommends that Congress pass national heritage area program legislation. There are currently 49 designated national heritage areas, yet there is no authority in law that guides the designation and administration of these areas. Program legislation that establishes criteria to evaluate potentially qualified national heritage areas and a process for the designation, funding, and administration of these areas would provide a much-needed framework for evaluating proposed national heritage areas. It would offer guidelines for successful planning and management, clarifying the roles and responsibilities of all parties, and standardize timeframes and funding for designated areas. The Department also notes that newly authorized national heritage areas will compete for limited resources in the Heritage Partnership Program. The President's FY17 Budget proposes \$9.4 million for the current 49 areas. The authorization of additional national heritage areas will leave less funding for each individual national heritage area.

The Mountains to Sound Greenway National Heritage Area would include lands within King and Kittitas Counties stretching from Snoqualmie Pass to Seattle. The pro-

posed local coordinating entity would be the nonprofit corporation Mountains to Sound Greenway Trust.

Initially, NPS review of the *Mountains to Sound Greenway National Heritage Area Feasibility Study* completed by the Mountains to Sound Greenway Trust (Trust) in March 2012, found that the study did not meet the NPS *Interim National Heritage Area Feasibility Study Guidelines*. In a subsequent May 27, 2014, *Addendum* the Trust provided a revised statement of national importance; themes and a list of associated resources; a summary of traditions, customs, beliefs and folk life; and a boundary justification.

The proposed Mountains to Sound Greenway National Heritage Area is important for its association with the expansion of our national transportation system and creation of our modern timber industry. It tells the story of how the Northern Pacific and Milwaukee railroads, and later the Sunset Highway and Interstate 90, created the final section of a historic transportation corridor that wove the Northwest into the nation's fabric, opened up trade between the United States and Asia, and led to development of the industrial timber practices in use today .

Although by 1850 the Puget Sound area was part of the United States, the Cascade Range isolated this region with its abundant natural resources and sheltered deep-water ports from the rest of the nation. In 1864, the Northern Pacific Railroad was chartered by President Lincoln. Constructed along a Native American pathway through the nearly impassible Snoqualmie Pass, it reached Seattle 20 years later. This railroad connection from the Eastern seaboard and the Great Lakes to the western most reaches of the continental United States reinforced the newlydrawn American-Canadian border. The city of Seattle grew into a booming hub for shipbuilding and trade of foreign goods and the region's own wealth of natural resources, opening the country's first trade routes on the Pacific Rim. Rail towns sprung up along the main lines, mill and coal towns on the spurs, while piers stretched into Puget Sound, attracting immigrant workers whose descendants live in the region today.

The Milwaukee Road crossed the Cascades in the early 1900s, pioneering tunneling and electrification techniques that allowed the high speed electric trains to carry Japanese silk, the nation's most precious rail commodity after gold and silver bullion, to New York. But the Milwaukee Road made its money carrying passengers to ski, hike and climb at Snoqualmie Pass. The conservation ethic that developed in the region from enjoyment of the region's natural beauty is strongly held today.

Washington's modern economy has developed directly from the Northern Pacific Land Grant used to build the railroad. In place of public financing, the railroad received the largest federal land grant in American history—40 million acres—every other square mile of land in a checkerboard pattern up to forty miles on either side of the right-of-way. This consolidated ownership, along with the steam

technology brought by the railroad, created the booming timber industry that helped rebuild San Francisco after the 1906 earthquake and fueled shipbuilding in World War I. Airplanes entering large-scale military production for the first time were built from the region's prized spruce. Demand for this aircraft led William Boeing in 1916 to found a company that supplies the nation's air transportation industry today.

Plantation forestry, involving sustained-yield harvest and reforestation, now the industry standard across much of the country, was invented in this region in the 1930's. William Weyerhaeuser, having amassed one-and-a-half million acres of Washington timberland, established the first seedling industry at Snoqualmie Falls, rolled out his "Timber is a Crop!" public relations campaign, and began to manage timber across multiple harvests, a radical idea at the time.

The cultural heritage of the Mountains to Sound Greenway National Heritage Area is alive in the ethnic diversity of the region's population and its traditions, customs and celebrations, and in the museums, festivals, historic sites and interpretive trails that both residents and visitors enjoy today. The proposed heritage area boundaries pragmatically follow modern-day political and land-management structures, a formula for long-term success as communities and their partners seek to manage, enhance, and interpret resources across this landscape.

Mr. Chairman, this concludes my testimony. I would be happy to answer any questions you or any other members of the subcommittee may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill as ordered reported.

