

Calendar No. 155

115TH CONGRESS }
1st Session }

SENATE

{ REPORT
{ 115-118

NATIONAL HERITAGE AREA AUTHORIZATION ACT OF 2017

—————
JUNE 26, 2017.—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. 713]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 713) to establish the Mountains to Sound Greenway National Heritage Area in the State of Washington, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and an amendment to the title, and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Heritage Area Authorization Act of 2017”.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term “Secretary” means the Secretary of the Interior.

SEC. 3. NATIONAL HERITAGE AREA DESIGNATIONS.

The following areas are designated as national heritage areas, to be administered in accordance with this Act:

(1) APPALACHIAN FOREST NATIONAL HERITAGE AREA, WEST VIRGINIA AND MARYLAND.—

(A) IN GENERAL.—There is established the Appalachian Forest National Heritage Area in the States of West Virginia and Maryland, as depicted on the map entitled “Appalachian Forest National Heritage Area”, numbered T07/80,000, and dated October 2007, including—

(i) Barbour, Braxton, Grant, Greenbrier, Hampshire, Hardy, Mineral, Morgan, Nicholas, Pendleton, Pocahontas, Preston, Randolph, Tucker, Upshur, and Webster Counties in West Virginia; and

(ii) Allegany and Garrett Counties in Maryland.

(B) LOCAL COORDINATING ENTITY.—The Appalachian Forest Heritage Area, Inc., shall be—

(i) the local coordinating entity for the national heritage area designated by subparagraph (A) (referred to in this subparagraph as the “local coordinating entity”); and

(ii) governed by a board of directors that shall—

(I) include members to represent a geographic balance across the counties described in subparagraph (A) and the States of West Virginia and Maryland;

(II) be composed of not fewer than 7, and not more than 15, members elected by the membership of the local coordinating entity;

(III) be selected to represent a balanced group of diverse interests, including—

- (aa) the forest industry;
- (bb) environmental interests;
- (cc) cultural heritage interests;
- (dd) tourism interests; and
- (ee) regional agency partners;

(IV) exercise all corporate powers of the local coordinating entity;

(V) manage the activities and affairs of the local coordinating entity; and

(VI) subject to any limitations in the articles and bylaws of the local coordinating entity, this section, and other applicable Federal or State law, establish the policies of the local coordinating entity.

(2) MARITIME WASHINGTON NATIONAL HERITAGE AREA, WASHINGTON.—

(A) IN GENERAL.—There is established the Maritime Washington National Heritage Area in the State of Washington, to include land in Whatcom, Skagit, Snohomish, San Juan, Island, King, Pierce, Thurston, Mason, Kitsap, Jefferson, Clallam, Grays Harbor Counties in the State that is at least partially located within the area that is ¼-mile landward of the shoreline, as generally depicted on the map entitled “Maritime Washington National Heritage Area Proposed Boundary”, numbered 584/125,484, and dated August, 2014.

(B) LOCAL COORDINATING ENTITY.—The Washington Trust for Historic Preservation shall be the local coordinating entity for the national heritage area designated by subparagraph (A).

(3) MOUNTAINS TO SOUND GREENWAY NATIONAL HERITAGE AREA, WASHINGTON.—

(A) IN GENERAL.—There is established the Mountains to Sound Greenway National Heritage Area in the State of Washington, to consist of land in King and Kittitas Counties in the State, as generally depicted on the map entitled “Mountains to Sound Greenway National Heritage Area Proposed Boundary”, numbered 584/125,483, and dated August, 2014.

(B) LOCAL COORDINATING ENTITY.—The Mountains to Sound Greenway Trust shall be the local coordinating entity for the national heritage area designated by subparagraph (A).

(C) REFERENCES TO INDIAN TRIBE; TRIBAL.—Any reference in this Act to the terms “Indian tribe” or “tribal” shall be considered, for purposes of the heritage area established by subparagraph (A), to refer to each of the tribal governments of the Snoqualmie, Yakama, Tulalip, Muckleshoot, and Colville Indian tribes.

(4) SACRAMENTO SAN JOAQUIN DELTA NATIONAL HERITAGE AREA, CALIFORNIA.—

(A) IN GENERAL.—There is established the Sacramento-San Joaquin Delta National Heritage Area in the State of California, to consist of land in Contra Costa, Sacramento, San Joaquin, Solano, and Yolo Counties in the State, as generally depicted on the map entitled “Sacramento-San Joaquin Delta National Heritage Area Proposed Boundary”, numbered T27/105,030, and dated October 2012.

(B) LOCAL COORDINATING ENTITY.—The Delta Protection Commission established by section 29735 of the California Public Resources Code shall be the local coordinating entity for the national heritage area designated by subparagraph (A).

SEC. 4. ADMINISTRATION.

(a) AUTHORITIES.—For purposes of carrying out the management plan for each of the national heritage areas designated by section 3, the Secretary, acting through the local coordinating entity, may use amounts made available under section 9—

(1) to make grants to the State or a political subdivision of the State, Indian tribes, nonprofit organizations, and other persons;

(2) to enter into cooperative agreements with, or provide technical assistance to, the State or a political subdivision of the State, Indian tribes, nonprofit organizations, and other interested parties;

(3) to hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, and heritage programming;

(4) to obtain money or services from any source including any money or services that are provided under any other Federal law or program;

(5) to contract for goods or services; and

(6) to undertake to be a catalyst for any other activity that furthers the national heritage area and is consistent with the approved management plan.

(b) DUTIES.—The local coordinating entity for each of the national heritage areas designated by section 3 shall—

(1) in accordance with section 5, prepare and submit a management plan for the national heritage area to the Secretary;

(2) assist Federal agencies, the State or a political subdivision of the State, Indian tribes, regional planning organizations, nonprofit organizations and other interested parties in carrying out the approved management plan by—

(A) carrying out programs and projects that recognize, protect, and enhance important resource values in the national heritage area;

(B) establishing and maintaining interpretive exhibits and programs in the national heritage area;

(C) developing recreational and educational opportunities in the national heritage area;

(D) increasing public awareness of, and appreciation for, natural, historical, scenic, and cultural resources of the national heritage area;

(E) protecting and restoring historic sites and buildings in the national heritage area that are consistent with national heritage area themes;

(F) ensuring that clear, consistent, and appropriate signs identifying points of public access and sites of interest are posted throughout the national heritage area; and

(G) promoting a wide range of partnerships among the Federal Government, State, tribal, and local governments, organizations, and individuals to further the national heritage area;

(3) consider the interests of diverse units of government, businesses, organizations, and individuals in the national heritage area in the preparation and implementation of the management plan;

(4) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(5) for any year that Federal funds have been received under this section—

(A) submit to the Secretary an annual report that describes the activities, expenses, and income of the local coordinating entity (including grants to any other entities during the year that the report is made);

(B) make available to the Secretary for audit all records relating to the expenditure of the funds and any matching funds; and

(C) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(6) encourage by appropriate means economic viability that is consistent with the national heritage area.

(c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds made available under section 9 to acquire real property or any interest in real property.

SEC. 5. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the local coordinating entity for each of the national heritage areas designated by section 3 shall submit to the Secretary for approval a proposed management plan for the national heritage area.

(b) REQUIREMENTS.—The management plan shall—

(1) incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, and recreational resources of the national heritage area;

(2) take into consideration State, local, and tribal plans;

(3) include—

(A) an inventory of—

(i) the resources located in the national heritage area; and

(ii) any other property in the national heritage area that—

- (I) is related to the themes of the national heritage area; and
 - (II) should be preserved, restored, managed, or maintained because of the significance of the property;
 - (B) comprehensive policies, strategies and recommendations for conservation, funding, management, and development of the national heritage area;
 - (C) a description of actions that the Federal Government, State, tribal, and local governments, private organizations, and individuals have agreed to take to protect the natural, historical and cultural resources of the national heritage area;
 - (D) a program of implementation for the management plan by the local coordinating entity that includes a description of—
 - (i) actions to facilitate ongoing collaboration among partners to promote plans for resource protection, restoration, and construction; and
 - (ii) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, or individual for the first 5 years of operation;
 - (E) the identification of sources of funding for carrying out the management plan;
 - (F) analysis and recommendations for means by which Federal, State, local, and tribal programs, including the role of the National Park Service in the national heritage area, may best be coordinated to carry out this section; and
 - (G) an interpretive plan for the national heritage area; and
- (4) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the natural, historical, cultural, educational, scenic, and recreational resources of the national heritage area.
- (c) DEADLINE.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the local coordinating entity shall be ineligible to receive additional funding under this Act until the date on which the Secretary receives and approves the management plan.
- (d) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—
- (1) IN GENERAL.—Not later than 180 days after the date of receipt of the management plan under subsection (a), the Secretary, in consultation with the State, shall approve or disapprove the management plan.
 - (2) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—
 - (A) the local coordinating entity is representative of the diverse interests of the national heritage area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;
 - (B) the local coordinating entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and
 - (C) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historical, and cultural resources of the national heritage area.
 - (3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under paragraph (1), the Secretary shall—
 - (A) advise the local coordinating entity in writing of the reasons for the disapproval;
 - (B) make recommendations for revisions to the management plan; and
 - (C) not later than 180 days after the receipt of any proposed revision of the management plan from the local coordinating entity, approve or disapprove the proposed revision.
 - (4) AMENDMENTS.—
 - (A) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines make a substantial change to the management plan.
 - (B) USE OF FUNDS.—The local coordinating entity shall not use Federal funds authorized by this section to carry out any amendments to the management plan until the Secretary has approved the amendments.

SEC. 6. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

- (a) IN GENERAL.—Nothing in this Act affects the authority of a Federal agency to provide technical or financial assistance under any other law.
- (b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a national heritage area des-

ignated by section 3 is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(c) OTHER FEDERAL AGENCIES.—Nothing in this Act—

- (1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;
- (2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a national heritage area designated by section 3; or
- (3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

SEC. 7. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this Act—

- (1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within a national heritage area designated by section 3;
- (2) requires any property owner—
 - (A) to permit public access (including access by Federal, State, or local agencies) to the property of the property owner; or
 - (B) to modify public access or use of property of the property owner under any other Federal, State, or local law;
- (3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, tribal, or local agency;
- (4) conveys any land use or other regulatory authority to the local coordinating entity;
- (5) authorizes or implies the reservation or appropriation of water or water rights;
- (6) affects the treaty rights of any Indian tribe within the national heritage area;
- (7) diminishes—
 - (A) the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within a national heritage area designated by section 3; or
 - (B) the authority of Indian tribes to regulate members of Indian tribes with respect to fishing and hunting in the exercise of treaty rights; or
- (8) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

SEC. 8. EVALUATION AND REPORT.

(a) IN GENERAL.—For each of the national heritage areas designated by section 3, not later than 3 years before the date on which authority for Federal funding terminates for each national heritage area, the Secretary shall—

- (1) conduct an evaluation of the accomplishments of the national heritage area; and
- (2) prepare a report in accordance with subsection (c).

(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—

- (1) assess the progress of the local management entity with respect to—
 - (A) accomplishing the purposes of the authorizing legislation for the national heritage area; and
 - (B) achieving the goals and objectives of the approved management plan for the national heritage area;
- (2) analyze the investments of the Federal Government, State, tribal, and local governments, and private entities in each national heritage area to determine the impact of the investments; and
- (3) review the management structure, partnership relationships, and funding of the national heritage area for purposes of identifying the critical components for sustainability of the national heritage area.

(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that includes recommendations for the future role of the National Park Service, if any, with respect to the national heritage area.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for each national heritage area designated by section 3 to carry out the purposes of this Act \$10,000,000, of which not more than \$1,000,000 may be made available in any fiscal year.

(b) AVAILABILITY.—Amounts made available under subsection (a) shall remain available until expended.

(c) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The Federal share of the total cost of any activity under this Act shall be not more than 50 percent.

(2) FORM.—The non-Federal contribution of the total cost of any activity under this Act may be in the form of in-kind contributions of goods or services fairly valued.

(d) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this Act terminates on the date that is 15 years after the date of enactment of this Act.

2. Amend the title so as to read: “A bill to establish certain national heritage areas, and for other purposes.”

PURPOSE

The purpose of S. 713, as ordered reported, is to establish the following four National Heritage Areas (NHAs): the Appalachian Forest National NHA in the States of Maryland and West Virginia; the Maritime Washington NHA and the Mountains to Sound Greenway NHA in the State of Washington; and the Sacramento-San Joaquin Delta NHA in the State of California.

BACKGROUND AND NEED

S. 713 would establish four new NHAs: the Appalachian Forest National Heritage Area (Maryland and West Virginia), the Maritime Washington National Heritage Area (Washington), the Mountains to Sound Greenway National Heritage Area (Washington), and the Sacramento-San Joaquin Delta National Heritage Area (California).

Since 1984, Congress has designated 49 NHAs as places where natural, cultural, and historic resources combine to form a cohesive, nationally important landscape. Unlike national parks, NHAs are large, lived-in landscapes and are not managed by a federal agency. Consequently, NHA local coordinating entities collaborate with communities to determine how to make heritage relevant to local interests and needs. NHAs are a grassroots, community-driven approach to heritage conservation and economic development. Through public-private partnerships, NHA local coordinating entities support historic preservation, natural resource conservation, recreation, heritage tourism, and educational projects. Leveraging funds and long-term support for projects, NHA partnerships seek to foster pride of place and an enduring stewardship ethic.

S. 713 provides for a total authorization of \$10 million for each NHA with a sunset date for the funding authorization of 15 years after the date of enactment. The legislation also designates a local coordinating entity for each NHA responsible for preparing and submitting a management plan to the Secretary of the Interior for review and approval, and for coordinating with partners to carry out the programs and projects that recognize, protect, and enhance important resource values in each of the NHAs.

Appalachian Forest NHA: The Appalachian Forest NHA is comprised of 18 counties—16 in West Virginia and two in Maryland—that make up a landscape rich in cultural, natural, and historical resources shaped by the geography of the forested central Appalachian Mountains and the people who have lived there over the centuries. During the late 19th century and early 20th century, timber harvesting activities in the region helped to foster industrial growth throughout the nation. This timber “boom” was led by a

number of notable industrialists in the region and fueled by timber workers who were immigrants of European and African-American descent.

Both historic and modern uses of the forest by residents and people from around the nation demonstrate the significant impact the landscape has on people and people on the landscape. Traditions such as folklife, music, dance, and crafts are celebrated and tied directly into the forest land of the region. Majestic physical resources provide spectacular scenic vistas, recreational resources, and reflect America's core central hardwood forest. In addition, a number of significant historic sites and resources are in the Heritage Area, as well as five national historic landmarks, segments of four National Scenic Byways, and one All-American Road.

The existing Appalachian Forest Heritage Area has successfully operated for more than 13 years, demonstrating the commitment of a vast number of stakeholders, partners, public agencies, local government and communities, and members of the forest industry to help maintain this nationally significant forest region. S. 713 would establish the Appalachian Forest NHA and designate the Appalachian Forest Heritage Area, Inc., as the local coordinating entity for the NHA responsible for overseeing the development of a management plan.

Maritime Washington NHA: Western Washington State's heritage is shaped by its relationship to the waters of Puget Sound, the Straits of Juan de Fuca, and the Pacific Ocean. Native communities found a bounty of resources in the waters and shorelines of this area. While salmon and sea life provided an abundance of sustenance, western red cedar provided the material to establish permanent settlements and a maritime culture. Canoe culture allowed an extensive trade and social network to develop throughout the region, which was reliant on these open waterways. The very resources that provided for native peoples to thrive also attracted European and American explorers and settlers.

In 1846, following the settlement of the international boundary between British North America and the United States west of the Rocky Mountains, European American settlements began to gain strength. The timber industry spurred these settlements and the transformation of the region from a backwater to a center of maritime commerce. Pacific Northwest ships helped supply the Klondike Gold Rush. Lumber shipped from the region helped rebuild San Francisco after the earthquake of 1906 and was exported throughout the world.

Shipyards followed soon after a spike in lumber exports. In fact, the history of ship building, both civilian and military, highlights a major economic activity of the region today. Naval activity at Bremerton, Bangor, and Everett provide a vital connection to the region's maritime past.

Today, the region continues to be tied to its saltwater heritage both in commerce and recreation. In 2010, the Washington State Department of Archeology and Historic Preservation undertook a feasibility study of the designation of a NHA to preserve and promote this heritage. Designation of a NHA and a coordinating organization would allow for the significant number of maritime resources (e.g., museums and interpretive centers, historic vessels,

maritime education centers, lighthouses and locks, waterfronts, and public spaces) to develop opportunities for visitors.

Mountains to Sound Greenway NHA: 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 NHA.

Sacramento-San Joaquin Delta NHA: The Sacramento-San Joaquin Delta is formed by the confluence of the Sacramento and San Joaquin Rivers, as well as the Mokelumne, Cosumnes, and Calaveras Rivers. The resulting inland Delta is the largest estuary on America's West Coast. Today, the Delta's diverse habitats support a wide variety of plants and animals including migrating birds and anadromous fish.

Native American groups used the Delta prior to the influx of fur traders in the 18th and 19th centuries. During the mid-1800's Gold Rush prospectors recognized the agricultural value of the Delta's fertile soils and abundant water. Marshlands were converted into agricultural lands, which are still in production today. The process of reclamation and the ensuing agriculture brought with it a diversity of cultural heritage including Chinese, Japanese, Filipinos, East Indians, Portuguese, and Italian immigrants who helped develop the former marshlands into highly productive agricultural lands. By 1930, the Delta marshlands had been reclaimed into a network of waterways and islands. Approximately 1,000 square miles of levees are still in use today to support the agricultural industry.

Recreational opportunities within the Delta include boating, wakeboarding, windsurfing, fishing, and bird watching. These opportunities attract visitors and provide outdoor experiences for people living nearby in the large urban centers that surround the area. The Delta area also serves as an important infrastructure corridor between northern and central California for power, gas, water, roads, and shipping canals.

In 2009, the California State Legislature charged the Delta Protection Commission to develop a proposal to establish State and Federal designation of the Delta as a place of special significance, including the ability to apply for designation as a NHA. As a result, the Delta Protection Commission, along with public and private stakeholders, worked together to develop a draft feasibility study of the Sacramento-San Joaquin Delta NHA. The Feasibility Study for a Sacramento-San Joaquin Delta National Heritage Area

was completed on July 10, 2012. The study supports the inclusion of the Delta Protection Commission as the management entity with Technical and Stakeholder Advisory Committees to bring diverse perspectives and expertise to NHA planning and management.

LEGISLATIVE HISTORY

S. 713 (the Mountains to Sound Greenway National Heritage Area Act), S. 401 (the Appalachian Forest National Heritage Area Act), S. 627 (the Maritime Washington National Heritage Area Act), and S. 731 (the Sacramento-San Joaquin Delta National Heritage Area Establishment Act) were introduced individually.

S. 713 was introduced by Senators Cantwell and Murray on March 23, 2017. A related bill, H.R. 1791 was introduced by Representatives Reichert and Adam Smith on March 29, 2017.

S. 401 was introduced by Senators Manchin, Capito, Cardin, and Van Hollen on February 15, 2017.

S. 627 was introduced by Senator Cantwell on March 14, 2017. A related bill, H.R. 1513 was introduced by Representatives Kilmer and Denny on March 13, 2017.

S. 731 was introduced by Senators Feinstein and Harris on March 27, 2017. An identical bill, H.R. 1738 was introduced by Representatives Garamendi, DeSaulnier, and McNerney on March 27, 2017.

In the 114th Congress, similar legislation was introduced. S. 630, the Sacramento-San Joaquin Delta National Heritage Area Establishment Act, was introduced by Senators Feinstein and Boxer on March 3, 2015. The Subcommittee on National Parks held a hearing on the measure on June 15, 2016. An identical bill, H.R. 1208, was introduced by Representative Garamendi, DeSaulnier, Matsui, McNerney, and Thompson on March 3, 2015.

S. 1623, the Maritime Washington National Heritage Area Act of 2016, was introduced by Senators Cantwell and Murray on June 18, 2015. The Subcommittee on National Parks held a hearing on the measure on June 15, 2016. The Committee on Energy and Natural Resources met in open business session on July 13, 2016, and ordered S. 1623 favorably reported as amended (S. Rept. 114–310). An identical bill, H.R. 2833, was introduced by Representatives Kilmer and Denny on June 18, 2015.

S. 1690, the Mountains to Sound Greenway National Heritage Area Act, 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. The Committee on Energy and Natural Resources met in open business session on July 13, 2016, and ordered S. 1690 favorably reported as amended (S. Rept. 114–317). A related bill, H.R. 2900, was introduced by Representatives Reichert, DelBene, McDermott, and Smith on June 25, 2015.

S. 3167, the Appalachian Forest National Heritage Area Act of 2016, was introduced by Senators Manchin, Capito, Cardin, and Mikulski on July 12, 2016. The Energy and Natural Resources Committee held a hearing on S. 3167 on September 22, 2016. A related bill, H.R. 693, was introduced by Representatives McKinley, Delaney, Jenkins, and Mooney on February 3, 2015.

In the 113th Congress, Senators Cantwell and Murray introduced related legislation, S. 2602, on July 15, 2014. The Subcommittee on National Parks held a hearing on the bill on July 23,

2014 (S. Hrg. 113–493). The Committee on Energy and Natural Resources met in open business session on November 13, 2014, and ordered S. 2602 favorably reported as amended (S. Rept. 113–300).

The Committee on Energy and Natural Resources met in open business session on March 30, 2017, and ordered S. 713 favorably reported as amended.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on March 30, 2017, by a majority voice vote of a quorum present, recommends that the Senate pass S. 713, if amended as described herein.

COMMITTEE AMENDMENTS

During its consideration of S. 713, the Committee on Energy and Natural Resources adopted an amendment in the nature of a substitute to establish four new NHAs, and a title amendment. These amendments are further described in the section-by-section analysis.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 contains the short title.

Section 2. Definition of Secretary

Section 2 defines the term “Secretary” to mean the Secretary of the Interior.

Section 3. National heritage area designations

Section 3 designates four national heritage areas:

Paragraph (1) establishes the Appalachian Forest NHAs in the States of West Virginia and Maryland, as depicted on the map entitled “Appalachian Forest National Heritage Area,” numbered T07/80,000, and dated October 2007; identifies the local coordinating entity; and establishes its structure and responsibilities.

Paragraph (2) establishes the Maritime Washington NHA in the State of Washington, as depicted on the map entitled “Maritime Washington National Heritage Area Proposed Boundary,” numbered 584/125,484, and dated August, 2014, and identifies the local coordinating entity.

Paragraph (3) establishes the Mountains to Sound Greenway NHA in the State of Washington, as depicted on the map entitled “Mountains to Sound Greenway National Heritage Area Proposed Boundary,” numbered 584/125,483, and dated August, 2014; identifies the local coordinating entity; and defines references to “Indian tribe” and “tribal” within the legislation as pertaining to the Mountains to Sound Greenway NHA.

Paragraph (4) establishes the Sacramento-San Joaquin NHA in the State of California; references the map entitled “Sacramento-San Joaquin Delta National Heritage Area Proposed Boundary,” numbered T27/105,030, and dated October 2012; and identifies the local coordinating entity.

Section 4. Administration

Section 4(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 NHA and is consistent with the management plan.

Subsection (b) requires the local coordinating entity to, in accordance with section 5, prepare and submit a management plan for the national heritage area to the Secretary and assist Federal, State, tribal, and other stakeholders in carrying out the approved management plan. As such, the local coordinating entity must carry out programs and projects that recognize, protect, and enhance important resources values in the national heritage area; establish and maintain interpretive exhibits and programs; develop recreational and educational opportunities; increase public awareness and appreciation for the site; protect and restore historic sites and buildings in the heritage area that are consistent with area themes; ensure clear, consistent, and appropriate signage is posted throughout the area; and promote a wide range of partnerships in support of the heritage area. In addition, the local coordinating entity must conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan, and submit an annual report to the Secretary describing the activities, expenses, and income of the entity (including grants) for any year that Federal funds have been received under this section. The local coordinating entity must make an audit available to the Secretary relating to the expenditure of funds and any matching funds received. The local coordinating entity shall not use Federal funds made available under section 9 to acquire real property or any interest in real property.

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 NHA 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 NHA; 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 NHA. In addition, the local coordinating entity develops actions that government, private organizations, and individuals agree to take to protect and manage the NHA. The entity is directed to develop, as a component of the management plan: a description of actions to facilitate collaboration to promote resource protection, specific commitments for implementation by the coordinating entity for the first five years of operation, the identification of funding sources,

analysis and recommendations for the role of all partners and stakeholders in carrying out the management plan, and an interpretive plan for the 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 NHA through adequate opportunity for public involvement, and that suitable protection of the NHA can be fulfilled. If the Secretary disapproves the plan, 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. Relationship to other Federal agencies

Section 6(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 NHA.

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; additionally, nothing in the act limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a NHA.

Section 7. Private property and regulatory protections

Section 7 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 NHA; affect the jurisdiction of the State to manage fishing and hunting within the NHA; or held to be liable to any person injured on private property.

Section 8. Evaluation and report

Section 8(a) requires the Secretary to conduct an evaluation and prepare a report of the accomplishments of the NHA 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 NHA; a progress assessment of the local coordinating entity measuring goals and objectives of the management plan; 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 NHA.

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 National Park Service (NPS) with respect to the NHA.

Section 9. Authorization of appropriations

Section 9(a) authorizes \$10 million to be appropriated for each NHA designated in section 3, 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.

S. 713 would designate the following geographic regions as national heritage areas (NHAs) in their respective states:

- The Appalachian Forest area in West Virginia and Maryland,
- The Maritime Washington area in Washington,
- The Mountains to Sound Greenway area in Washington,
- and
- The Sacramento-San Joaquin Delta area in California.

The proposed NHAs would not become units of the National Park System. The bill would direct the National Park Service (NPS) to select a local entity to develop a plan to manage lands within each of the proposed heritage areas, subject to the agency's approval. Finally, the legislation would authorize the appropriation of \$40 million, in total, over a 15-year period for the agency's oversight costs and for assistance to the local entities that will manage the areas.

Based on information from the NPS on the costs of overseeing existing heritage areas, CBO expects that the agency would spend the authorized amounts over the next 10 years (about \$1 million annually for each NHA) to review each area's proposed management plan, provide technical and financial assistance to the local management entity, and to carry out other routine activities related to overseeing the proposed areas. Thus, CBO estimates that implementing S. 713 would cost about \$20 million over the 2018-2022 period and an additional \$20 million after 2022, assuming appropriation of the authorized amounts.

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

CBO estimates that enacting S. 713 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

S. 713 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

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. 713. The bill is not a regulatory measure in the sense of imposing 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. 713, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 713, 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

Because S. 713 is similar to legislation considered by the Committee in the 114th Congress, the Committee did not request Executive Agency views. The testimony provided by the NPS at the hearing before the Subcommittee on National Parks on June 15, 2016, and September 22, 2016, 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. 630, a bill to establish the Sacramento-San Joaquin Delta National Heritage Area.

The Department supports enactment of S. 630 as the proposed Sacramento-San Joaquin Delta 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 estab-

lishes 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, clarify 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 *Feasibility Study for a Sacramento-San Joaquin Delta National Heritage Area* was completed and published by the Delta Protection Commission in July 2012. The Delta Protection Commission is identified as the Heritage Area's local coordinating entity. The proposed national heritage area will cover the counties of Contra Costa, Sacramento, San Joaquin, Solano, and Yolo, in the State of California.

The Sacramento-San Joaquin Delta is the largest estuary on the West Coast of the Americas, a rare inland/inverse Delta at the confluence of the Sacramento and San Joaquin Rivers. The delta was formed after the last ice age 10,000 years ago, when a rapid rise in sea level inundated the alluvial valley of the Sacramento River.

Native Americans lived among the extensive freshwater and brackish marshes, oak woodland, savannah, chaparral, and riparian habitat rich with wildlife. Early fur traders such as Jedediah Smith trekked into the region in search of otter, mink and beaver. Then, gold seekers on their way from San Francisco to the gold fields in the Sierra Nevada recognized the fertility of the delta's soils. Beginning in the 1880s, using Chinese, Japanese, Filipino, East Indian, Portuguese and Italian laborers, one of the largest reclamation projects in the United States converted the vast swamps into the leveed landscape that characterizes the delta today.

The Sacramento-San Joaquin Delta is the lynchpin of a huge watershed that links San Francisco Bay and the Pacific Ocean to waterways flowing from the Cascade, Coastal and Sierra Nevada mountain ranges. After more than a century and a half of reclamation and development, the delta still supports over one hundred crop types, and hundreds of species of flora and fauna. It is a key stopover on the Pacific Flyway. While its quiet waterways and historic towns are untapped recreational and tourism attractions for large adjacent populations in the San Francisco Bay Area and the Central Valley, the delta supplies irrigation and drinking water to far away California farmers and households, and is at the heart of statewide water conflicts.

The Sacramento-San Joaquin Delta is a hidden gem of a region located at a key geographic and historic crossroads in our country. It is a land of ethnic diversity, innovation, industry, enduring history, and both fragile and robust physical features. Artists such as Jack London and Joan Didion have written about the delta as both a place and an idea.

The mission of the proposed Sacramento-San Joaquin Delta National Heritage Area is to recognize, enhance and promote the theme 'Delta as Place' to help cultivate appreciation and understanding of the Delta's heritage, and to build support and economic activity around its preservation and enhancement. The Delta Protection Commission has conducted a Delta Narratives project in collaboration with regional academic and cultural institutions to communicate the region's historic and cultural importance. A cultural resources inventory and planning for the Great Delta Trail are underway. Agri-tourism businesses—markets, farm stays, wineries—increasingly showcase and share the region's agricultural traditions.

Through the work of such partnerships in a Sacramento-San Joaquin National Heritage Area, the Delta Protection Commission has significant potential to engage the broader community in protecting, enhancing, and enjoying the heritage values of the Sacramento-San Joaquin Delta region well into the future.

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

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. 1623, a bill to establish the Maritime Washington National Heritage Area in the State of Washington.

The Department supports the enactment of S. 1623, as the proposed Maritime Washington 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, clarify 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 proposed area includes land that is as located within one-quarter mile landward of the shoreline in the counties of Whatcom, Skagit, Snohomish, San Juan, Island, King, Pierce, Thurston, Mason, Kitsap, Jefferson, Clallam, and Grays Harbor, approximately 3,000 linear miles of a "Salt Water Coast." The proposed local coordinating entity for the Maritime Washington National Heritage Area would be the Washington Trust for Historic Preservation. A *Feasibility Study for a Washington State National Maritime Heritage Area* was completed by the Washington Department of Archaeology and Historic Preservation in April 2010. The National Park Service conducted a review of the study for consistency with the interim *National Heritage Area Feasibility Study Guidelines*, and with a subsequent revised Statement of Importance and boundary justification submitted March 5, 2012, and found that the area meets these criteria for national heritage area designation. The Washington Trust for Historic Preservation was informed of this decision in a letter on June 5, 2012.

The proposed Maritime Washington National Heritage Area stretches from northern ports in Bellingham and Blaine to the protected harbors of Aberdeen and Hoquiam. The landscape tells the stories of a rich Native American civilization, development of the farthest territorial corner of the United States, of gold rushers and shipbuilders, and of a gateway to Alaska, Asia and the seaports of the world.

Living between steep glacier-clad mountain ranges and a temperate saltwater shoreline, native people built a complex culture around canoe routes and salmon cycles. By the late 18th century, the region was being mapped and named by Spanish, English, and Russian explorers in the interest of science and the pursuit of colonial empire. After the 49th parallel was established as the nation's northern border in 1846, this new corner of the country entered a dramatic period of social, political and military development. The vast conifer forests were easily accessible for timber production, and the coastal geography made possible its transportation to the developing American west. The timber trade and abundant marine resources, especially salmon, of the San Juan de Fuca straight, the Puget Sound and the Pacific Ocean attracted American, European and Pan-Asian settlers who provided the labor for thriving port economies in Port Angeles, Port Townsend, and Port Gamble.

At the heart of the heritage area is the greater Puget Sound, a system of interconnected marine waterways, harbors, bays and inlets that wet the shores of the San Juan Archipelago and the many waterfront towns, cities, and

ports that have grown up here over time. The naval facilities on Puget Sound have built and repaired vessels in our fleet for over a century. Even today the region relies on the country's largest marine highway system—its famous ferries—for day-to-day transportation.

These stories are represented in the traditional Native American sites, lumber towns, logging mills, salmon processing plants, historic ships, lighthouses, museums and the host of other maritime-related sites, scenes, and traditions that comprise the proposed Maritime Washington National Heritage Area. Under the leadership of the Washington Trust for Historic Preservation, the heritage area would encourage and support the work of the many organizations committed to the recognition, preservation and continued economic, recreational and educational use of this unique and vital region and its resources.

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

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 an 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 newly drawn 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.

STATEMENT FOR THE RECORD, NATIONAL PARK SERVICE,
DEPARTMENT OF THE INTERIOR

Thank you for the opportunity to present the Department of the Interior's views on S. 3167, a bill to establish the Appalachian Forest National Heritage Area, and for other purposes.

The Department supports enactment of S. 3167, as the proposed Appalachian Forest 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.

S. 3167 would establish the Appalachian Forest National Heritage Area encompassing 16 counties in northeastern West Virginia and two counties in western Maryland, a region that has a rich history of human activity shaped by the geography of the forested central Appalachian Mountains. The proposed local coordinating entity would be the Appalachian Forest Heritage Area, Inc., a non-profit organization that currently coordinates forest-related heritage tourism activities in this region. The provisions in this bill are similar to provisions in most of the other national heritage area designation bills that have been enacted in recent years, including a total authorization of \$10 million and a sunset date for the authorization of funding 15 years after the date of enactment.

The Appalachian Forest Heritage Area, Inc. prepared a feasibility study for designation of the area as a national heritage area several years ago. The National Park Service (NPS) reviewed the study and found that it met the NPS interim criteria contained in *National Heritage Area Feasibility Study Guidelines*. The Appalachian Forest Heritage Area, Inc. was informed of this finding in a letter dated August 16, 2007.

The area encompassed by the proposed national heritage area is a significant part of the central Appalachian highlands that has a long history of timber harvesting, forest management, and the production of forest products. The forests provided resources for industrial expansion in the late 19th and early 20th Centuries, but large portions of the forests have regrown. Areas within the proposed national heritage area include the Monongahela National Forest, portions of the George Washington National Forest, the Canaan Valley National Wildlife Refuge, and the Seneca Rocks-Spruce Knob National Recreation Area, along with a large number of state forests and parks and areas protected by nonprofit conservation organizations. The extensive hardwood forests and undeveloped rural character of the area provide scenic vistas and opportunities for nature observation and outdoor recreation.

There are also numerous historic and cultural resources within the area, such as sites from the logging era and Civilian Conservation Corps structures. It is a place well-suited to demonstrate the connection between forest and forest products, and the folklife, music, dance, crafts, and traditions of central Appalachia. Designation as a national heritage area would help the region realize the full potential of the cultural, natural, historic, and recreational resources of the region.

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.

