

107TH CONGRESS
2D SESSION

H. R. 3876

To establish the San Rafael Western Frontier National Heritage Area in the State of Utah, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2002

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

A BILL

To establish the San Rafael Western Frontier National Heritage Area in the State of Utah, 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 “San Rafael Western
5 Frontier National Heritage Area Act”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) The history of the American West is one of
9 the most significant chapters of United States his-
10 tory, and the major themes and images of the his-

1 tory of the American West provide a legacy that has
2 done much to shape the contemporary culture, atti-
3 tudes, and values of the American West and the
4 United States.

5 (2) The San Rafael region of the State of Utah
6 was one of the country's last frontiers and possesses
7 important historical, cultural, and natural resources
8 that are representative of the central themes associ-
9 ated with the history of the American West, includ-
10 ing themes of pre-Columbian and Native American
11 culture, exploration, pioneering, settlement, ranch-
12 ing, outlaws, prospecting and mining, water develop-
13 ment and irrigation, railroad building, industrial de-
14 velopment, and the use and conservation of natural
15 resources.

16 (3) The San Rafael region contains important
17 historical sites, including sections of the Old Spanish
18 Trail, the Outlaw Trail, the Green River Crossing,
19 and many sites associated with cowboy, pioneer, and
20 mining history.

21 (4) The heritage of the San Rafael region in-
22 cludes the activities of many prominent historical
23 figures of the old American West, such as Chief
24 Walker, John Wesley Powell, Kit Carson, John C.

1 Fremont, John W. Gunnison, Butch Cassidy, John
2 W. Taylor, and the Swasey brothers.

3 (5) The San Rafael region has a notable history
4 of coal and uranium mining and a rich cultural her-
5 itage of activities associated with mining, such as
6 prospecting, railroad building, immigrant workers,
7 coal camps, labor union movements, and mining dis-
8 asters.

9 (6) The San Rafael region is widely recognized
10 for its significant paleontological resources and dino-
11 saur bone quarries, including the Cleveland Lloyd
12 Dinosaur Quarry which was designated as a Na-
13 tional Natural Landmark in 1966.

14 (7) The beautiful rural landscapes, historic and
15 cultural landscapes, and spectacular scenic vistas of
16 the San Rafael region contain significant undevel-
17 oped recreational opportunities for people through-
18 out the United States.

19 (8) Museums and visitor centers have already
20 been constructed in the San Rafael region, including
21 the John Wesley Powell River History Museum, the
22 College of Eastern Utah Prehistoric Museum, the
23 Museum of the San Rafael, the Western Mining and
24 Railroad Museum, the Emery County Pioneer Mu-
25 seum, and the Cleveland Lloyd Dinosaur Quarry,

1 and these museums are available to interpret the
2 themes of the National Heritage Area established by
3 this Act and to coordinate the interpretive and pres-
4 ervation activities of the area.

5 (9) Despite the efforts of the State of Utah, po-
6 litical subdivisions of the State, volunteer organiza-
7 tions, and private businesses, the cultural, historical,
8 natural, and recreational resources of the San
9 Rafael region have not realized their full potential
10 and may be lost without assistance from the Federal
11 Government.

12 (10) Many of the historical, cultural, and sci-
13 entific sites of the San Rafael region are located on
14 lands owned by the Federal Government and are
15 managed by the Bureau of Land Management or the
16 United States Forest Service.

17 (11) The preservation of the cultural, historical,
18 natural, and recreational resources of the San
19 Rafael region within a regional framework requires
20 cooperation among local property owners and Fed-
21 eral, State, and local government entities.

22 (12) Partnerships between Federal, State, and
23 local governments, local and regional entities of
24 these governments, and the private sector offer the
25 most effective opportunities for the enhancement

1 and management of the cultural, historical, natural,
2 and recreational resources of the San Rafael region.

3 (b) PURPOSES.—The purposes of this Act are as fol-
4 lows:

5 (1) To establish the San Rafael Western Fron-
6 tier National Heritage Area to promote the preser-
7 vation, conservation, interpretation, and development
8 of the historical, cultural, natural, and recreational
9 resources related to the historical, cultural, and in-
10 dustrial heritage of the San Rafael region of the
11 State of Utah.

12 (2) To encourage within the National Heritage
13 Area a broad range of economic and recreational op-
14 portunities to enhance the quality of life for present
15 and future generations.

16 (3) To assist the State of Utah, political sub-
17 divisions of the State and their local and regional
18 entities, and nonprofit organizations, or combina-
19 tions thereof, in preparing and implementing a herit-
20 age plan for the National Heritage Area and in de-
21 veloping policies and programs that will preserve, en-
22 hance, and interpret the cultural, historical, natural,
23 recreational, and scenic resources of the Heritage
24 Area.

1 (4) To authorize the Secretary of the Interior
2 to provide financial assistance and technical assist-
3 ance to support the preparation and implementation
4 of the heritage plan for the San Rafael Western
5 Frontier National Heritage Area.

6 **SEC. 3. DEFINITIONS.**

7 For purposes of this Act:

8 (1) HERITAGE AREA; NATIONAL HERITAGE
9 AREA.—The terms “Heritage Area” and “National
10 Heritage Area” mean the San Rafael Western Fron-
11 tier National Heritage Area established by this Act.

12 (2) HERITAGE COUNCIL.—The term “Heritage
13 Council” means the San Rafael Heritage Council, a
14 Board reflecting a broad cross-section of interests
15 within the National Heritage Area, such as economic
16 development, travel, tourism, recreation, heritage
17 and historical organizations, public and private land
18 interests, and State and local governments, and op-
19 erating under section 501(c)(3) of the Internal Rev-
20 enue Code of 1986.

21 (3) HERITAGE PLAN.—The term “heritage
22 plan” means the plan described in section 6.

23 (4) SECRETARY.—The term “Secretary” means
24 the Secretary of the Interior.

1 (5) FINANCIAL ASSISTANCE.—The term “finan-
2 cial assistance” means funds appropriated by the
3 Congress and made available to the Heritage Coun-
4 cil for the purposes of this Act.

5 (6) TECHNICAL ASSISTANCE.—The term “tech-
6 nical assistance” means any guidance, advice, help,
7 or aid, other than financial assistance, provided by
8 the Secretary.

9 **SEC. 4. SAN RAFAEL WESTERN FRONTIER NATIONAL HER-**
10 **ITAGE AREA.**

11 (a) ESTABLISHMENT.—There is established in the
12 State of Utah the San Rafael Western Frontier National
13 Heritage Area.

14 (b) BOUNDARIES.—

15 (1) IN GENERAL.—The boundaries of the Herit-
16 age Area shall include lands in Utah that are encom-
17 passed by the boundaries of Emery County.

18 (2) MAP.—The Secretary shall prepare a map
19 of the Heritage Area which shall be on file and
20 available for public inspection in the office of the Di-
21 rector of the National Park Service and the Director
22 of the Bureau of Land Management.

23 (3) NOTICE TO LOCAL GOVERNMENTS.—The
24 Heritage Council shall provide written notice of the
25 proposal to the government of Emery County and

1 each city and town that has jurisdiction over the
2 property proposed to be included in the Heritage
3 Area.

4 **SEC. 5. LOCAL COORDINATING ENTITY FOR NATIONAL**
5 **HERITAGE AREA.**

6 (a) IN GENERAL.—The Heritage Council shall be the
7 local coordinating entity for the Heritage Area.

8 (b) FEDERAL FUNDING.—

9 (1) AUTHORIZATION TO RECEIVE FUNDS.—The
10 Heritage Council may receive amounts appropriated
11 to carry out this Act.

12 (2) DISQUALIFICATION.—If a heritage plan for
13 the Heritage Area is not submitted to the Secretary
14 as required under section 6 within the time speci-
15 fied, the Heritage Council shall cease to be author-
16 ized to receive Federal funding under this Act until
17 such a plan is submitted to the Secretary.

18 (c) AUTHORITIES OF HERITAGE COUNCIL.—The
19 Heritage Council may, for purposes of preparing and im-
20 plementing the heritage plan for the Heritage Area, use
21 Federal funds made available under this Act for the fol-
22 lowing purposes:

23 (1) To make grants or loans to the State of
24 Utah and its political subdivisions, nonprofit organi-
25 zations, and other persons.

1 (2) To enter into cooperative agreements with
2 the State of Utah, its political subdivisions, non-
3 profit organizations, and other organizations.

4 (3) To hire and compensate staff.

5 (4) To obtain money from any source under
6 any program or law requiring the recipient of such
7 money to make a contribution in order to receive
8 such money.

9 (5) To contract for goods and services.

10 (d) PROHIBITION OF ACQUISITION OF REAL PROP-
11 ERTY.—The Heritage Council may not use Federal funds
12 received under this Act to acquire real property or any
13 interest in real property.

14 **SEC. 6. PREPARATION OF HERITAGE PLAN.**

15 (a) PREPARATION REQUIRED.—Not later than 3
16 years after the date of the enactment of this Act, the Her-
17 itage Council shall prepare and submit to the Secretary
18 for review a heritage plan for the Heritage Area.

19 (b) PLAN REQUIREMENTS.—The heritage plan sub-
20 mitted under this section shall—

21 (1) contain comprehensive recommendations for
22 the conservation, funding, management, and devel-
23 opment of the Heritage Area;

24 (2) be prepared with public participation;

1 (3) take into consideration existing Federal,
2 State, county, and local plans and involve residents,
3 public agencies, and private organizations in the
4 Heritage Area;

5 (4) not supersede or take precedence over exist-
6 ing plans or planning processes of Federal land
7 management agencies having jurisdiction within the
8 Heritage Area;

9 (5) include a description of actions that units of
10 government and private organizations may take to
11 protect, restore, develop, enhance, or maintain the
12 resources of the Heritage Area; and

13 (6) identify existing and potential sources of
14 Federal and non-Federal funding for the conserva-
15 tion, management, and development of the Heritage
16 Area.

17 (c) ADDITIONAL INFORMATION.—The heritage plan
18 may include the following, as appropriate:

19 (1) An inventory of resources contained in the
20 Heritage Area, including a list of sites in the Herit-
21 age Area that should be conserved, restored, man-
22 aged, developed, or maintained because of the nat-
23 ural, cultural, or historic significance of the sites as
24 they relate to the themes of the Heritage Area.

1 (2) A recommendation of policies for resource
2 management that consider and detail the application
3 of appropriate management techniques, including co-
4 operative agreements to manage the historical, cul-
5 tural, and natural resources and recreational oppor-
6 tunities for the Heritage Area in a manner con-
7 sistent with appropriate and compatible economic vi-
8 ability.

9 (3) A program for implementation of the herit-
10 age plan.

11 (4) An analysis of means by which Federal,
12 State, and local programs may best be coordinated
13 to promote the purposes of this Act.

14 (5) An interpretive plan for the Heritage Area.

15 (d) CONSIDERATION BY SECRETARY.—

16 (1) APPROVAL OR DISAPPROVAL.—Not later
17 than 60 days after receipt of the heritage plan sub-
18 mitted under subsection (a), the Secretary shall ap-
19 prove or disapprove the heritage plan. If the Sec-
20 retary has taken no action within 60 days after re-
21 ceipt, the heritage plan shall be considered to be ap-
22 proved.

23 (2) EFFECT OF DISAPPROVAL.—If the Sec-
24 retary disapproves the heritage plan, the Secretary
25 shall advise the Heritage Council, in writing, of the

1 reasons for the disapproval and shall make rec-
2 ommendations for revision of the heritage plan.

3 (3) RESUBMISSION.—Not later than 60 days
4 after receipt of a revised heritage plan, the Secretary
5 shall approve or disapprove the proposed revisions to
6 the heritage plan. If the Secretary has taken no ac-
7 tion within 60 days after receipt, the heritage plan
8 shall be considered approved.

9 **SEC. 7. IMPLEMENTATION OF HERITAGE PLAN.**

10 (a) PRIORITIES.—The Heritage Council shall give
11 priority to the implementation of actions, goals, and poli-
12 cies set forth in the heritage plan for the Heritage Area,
13 including assisting units of government, regional planning
14 organizations, and nonprofit organizations and others in
15 the following:

16 (1) Conserving the natural and cultural re-
17 sources in the Heritage Area.

18 (2) Establishing and maintaining interpretive
19 exhibits and joint site stewardship programs in the
20 Heritage Area.

21 (3) Developing recreational opportunities in the
22 Heritage Area.

23 (4) Increasing public awareness of and appre-
24 ciation for the natural, historical, and cultural re-
25 sources of the Heritage Area.

1 (5) The restoration of historic buildings that
2 are located within the boundaries of the Heritage
3 Area and related to the themes of the Heritage
4 Area.

5 (6) Ensuring that clear, consistent, and
6 esthetically appropriate signs identifying access
7 points and sites of interest are put in place through-
8 out the Heritage Area.

9 (7) Encouraging and soliciting the development
10 of heritage products and activities consistent with
11 the goals of the heritage plan, thereby preserving the
12 heritage while strengthening future economic viabil-
13 ity in the affected communities by appropriate
14 means.

15 (b) CONSIDERATION OF INTERESTS OF LOCAL
16 GROUPS.—When preparing and implementing the heritage
17 plan for the Heritage Area, the Heritage Council shall
18 consider the interests of diverse units of government, busi-
19 nesses, private property owners, and nonprofit groups
20 within the Heritage Area.

21 (c) PUBLIC MEETINGS.—The Heritage Council shall,
22 conduct public meetings at least annually regarding the
23 implementation of the heritage plan.

24 (d) ANNUAL REPORTS.—The Heritage Council shall,
25 for any fiscal year in which it receives Federal funds under

1 this Act or in which a loan made by the Heritage Council
2 with Federal funds under section 5(c)(1) is outstanding,
3 submit an annual report to the Secretary setting forth its
4 accomplishments, its expenses and income, and the enti-
5 ties to which it made any loans and grants during the year
6 for which the report is made.

7 (e) COOPERATION WITH AUDITS.—The Heritage
8 Council shall, for any year in which it receives Federal
9 funds under this Act or in which a loan made by the Herit-
10 age Council with Federal funds under section 5(c)(1) is
11 outstanding, make available for audit by the Congress, the
12 Secretary, and appropriate units of government all records
13 and other information pertaining to the expenditure of
14 such funds and any matching funds, and require, for all
15 agreements authorizing expenditure of Federal funds by
16 other organizations, that the receiving organizations make
17 available for such audit all records and other information
18 pertaining to the expenditure of such funds.

19 **SEC. 8. DUTIES AND AUTHORITIES OF THE SECRETARY**
20 **AND OTHER FEDERAL AGENCIES.**

21 (a) PROVISION OF TECHNICAL ASSISTANCE AND FI-
22 NANCIAL ASSISTANCE.—The Secretary may provide tech-
23 nical assistance and, subject to the availability of appro-
24 priations, financial assistance in the form of grants—

1 (1) to the Heritage Council, regarding prepara-
2 tion and implementation of the heritage plan; and

3 (2) to units of government, nonprofit organiza-
4 tions, and other persons upon request of the Herit-
5 age Council.

6 (b) PROHIBITION OF CERTAIN REQUIREMENTS.—

7 The Secretary may not, as a condition of the award of
8 technical assistance or grants under this section, require
9 any recipient of such technical assistance or grant to enact
10 or modify land use restrictions.

11 (c) DETERMINATIONS REGARDING ASSISTANCE.—

12 The Secretary shall decide if a unit of government, non-
13 profit organization, or other person shall be awarded tech-
14 nical assistance or grants and the amount of that assist-
15 ance. Such decisions shall be based on the relative degree
16 to which the assistance effectively fulfills the objectives
17 contained in the heritage plan and achieves the purposes
18 of this Act. Such decisions shall give consideration to
19 projects which provide a greater leverage of Federal funds.

20 (d) PROVISION OF INFORMATION.—In cooperation
21 with other Federal agencies, the Secretary shall provide
22 the general public with information regarding the location
23 and character of the Heritage Area.

1 (e) OTHER ASSISTANCE.—The Secretary may enter
2 into cooperative agreements with public and private orga-
3 nizations for the purposes of implementing this subsection.

4 (f) DUTIES OF OTHER FEDERAL AGENCIES.—Fed-
5 eral agencies having jurisdiction within the Heritage Area
6 shall ensure that historic resources and the heritage plan
7 are taken into consideration at all levels of planning, and
8 shall consult with the Heritage Council on any activities
9 that may adversely affect heritage resources or the objec-
10 tives of the heritage plan in an effort to minimize the ad-
11 verse effects of the activity on the Heritage Area.

12 **SEC. 9. LACK OF EFFECT ON LAND USE REGULATIONS AND**
13 **PRIVATE PROPERTY.**

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

19 (b) LACK OF ZONING OR LAND USE POWERS.—
20 Nothing in this Act shall be construed to grant powers
21 of zoning or land use control to the Heritage Council for
22 the Heritage Area.

23 (c) LOCAL AUTHORITY AND PRIVATE PROPERTY
24 NOT AFFECTED.—Nothing in this Act shall be construed

1 to affect or to authorize the Heritage Council to interfere
2 with—

3 (1) the rights of any person with respect to pri-
4 vate property; or

5 (2) any local zoning ordinance or land use plan
6 of the State of Utah or political subdivision thereof.

7 (d) LACK OF EFFECT ON BLM AND U.S. FOREST
8 SERVICE AUTHORITY.—

9 (1) IN GENERAL.—Nothing in this Act shall be
10 construed to modify, enlarge, or diminish the au-
11 thority of the Secretary, the Bureau of Land Man-
12 agement, the Secretary of Agriculture, or the United
13 States Forest Service with respect to lands under
14 the administrative jurisdiction of these agencies.

15 (2) COOPERATION.—In carrying out this Act,
16 the Secretary shall work cooperatively under the
17 Federal Land Policy and Management Act of 1976
18 with the United States Forest Service, the Heritage
19 Council established under section 5, State and local
20 governments, and private entities.

21 (e) LACK OF EFFECT ON FISH AND WILDLIFE MAN-
22 AGEMENT.—Nothing in this Act shall be construed to
23 modify, enlarge or diminish the authority of the State of
24 Utah to manage fish and wildlife, including the regulation
25 of fishing and hunting within the Heritage Area.

1 **SEC. 10. SUNSET.**

2 The Secretary may not make any grant or provide
3 any assistance under this Act after September 30, 2022.

4 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) IN GENERAL.—There are authorized to be appro-
6 priated under this Act not more than \$1,000,000 annu-
7 ally, to remain available until expended. Not more than
8 a total of \$10,000,000 may be appropriated for the Herit-
9 age Area under this Act.

10 (b) LIMITATION ON PERCENT OF COST.—

11 (1) IN GENERAL.—Federal funding provided
12 under this Act, after the designation of the National
13 Heritage Area, for any technical assistance or grant
14 with respect to the area may not exceed 50 percent
15 of the total cost of the assistance or grant. Federal
16 funding provided under this Act with respect to an
17 area before the designation of the area as the Na-
18 tional Heritage Area may not exceed an amount pro-
19 portionate to the level of local support of and com-
20 mitment to the designation of the area.

21 (2) TREATMENT OF DONATIONS.—The value of
22 property or services donated by non-Federal sources
23 and used for management of the National Heritage
24 Area shall be treated as non-Federal funding for
25 purposes of paragraph (1).

1 (c) ALLOCATION OF APPROPRIATIONS.—Notwith-
2 standing any other provision of law, no funds appropriated
3 or otherwise made available to the Secretary to carry out
4 this Act—

5 (1) may be obligated or expended by any person
6 unless the appropriation of such funds has been allo-
7 cated in the manner prescribed by this Act; or

8 (2) may be obligated or expended by any person
9 in excess of the amount prescribed by this Act.

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