

Calendar No. 666

107TH CONGRESS
2^D SESSION**S. 2899**

To establish the Atchafalaya National Heritage Area, Louisiana.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 3, 2002

Ms. LANDRIEU (for herself and Mr. BREAUX) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

OCTOBER 8, 2002

Reported by Mr. BINGAMAN, with an amendment

[Omit the part struck through and insert the part printed in *italic*]**A BILL**

To establish the Atchafalaya National Heritage Area,
Louisiana.

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 “Atchafalaya National
5 Heritage Area Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) the Atchafalaya Basin area of Louisiana,
2 designated by the Louisiana Legislature as the
3 “Atchafalaya Trace State Heritage Area” and con-
4 sisting of the area described in section 5(b), is an
5 area in which natural, scenic, cultural, and historic
6 resources form a cohesive and nationally distinctive
7 landscape arising from patterns of human activity
8 shaped by geography;

9 (2) the significance of the area is enhanced by
10 the continued use of the area by people whose tradi-
11 tions have helped shape the landscape;

12 (3) there is a national interest in protecting,
13 conserving, restoring, promoting, and interpreting
14 the benefits of the area for the residents of, and visi-
15 tors to, the area;

16 (4) the area represents an assemblage of rich
17 and varied resources forming a unique aspect of the
18 heritage of the United States;

19 (5) the area reflects a complex mixture of peo-
20 ple and their origins, traditions, customs, beliefs,
21 and folkways of interest to the public;

22 (6) the land and water of the area offer out-
23 standing recreational opportunities, educational ex-
24 periences, and potential for interpretation and sci-
25 entific research; and

1 (7) local governments of the area support the
2 establishment of a national heritage area.

3 **SEC. 3. PURPOSES.**

4 The purposes of this Act are—

5 (1) to protect, preserve, conserve, restore, pro-
6 mote, and interpret the significant resource values
7 and functions of the Atchafalaya Basin area and ad-
8 vance sustainable economic development of the area;

9 (2) to foster a close working relationship with
10 all levels of government, the private sector, and the
11 local communities in the area so as to enable those
12 communities to conserve their heritage while con-
13 tinuing to pursue economic opportunities; and

14 (3) to establish, in partnership with the State,
15 local communities, preservation organizations, pri-
16 vate corporations, and landowners in the Heritage
17 Area, the Atchafalaya Trace State Heritage Area, as
18 designated by the Louisiana Legislature, as the
19 Atchafalaya National Heritage Area.

20 **SEC. 4. DEFINITIONS.**

21 In this Act:

22 (1) **HERITAGE AREA.**—The term “Heritage
23 Area” means the Atchafalaya National Heritage
24 Area established by section 5(a).

1 (2) LOCAL COORDINATING ENTITY.—The term
 2 “local coordinating entity” means the local coordi-
 3 nating entity for the Heritage Area designated by
 4 section 5(c).

5 (3) MANAGEMENT PLAN.—The term “manage-
 6 ment plan” means the management plan for the
 7 Heritage Area developed under section 7.

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

10 (5) STATE.—The term “State” means the State
 11 of Louisiana.

12 **SEC. 5. ATCHAFALAYA NATIONAL HERITAGE AREA.**

13 (a) ESTABLISHMENT.—There is established in the
 14 State the Atchafalaya National Heritage Area.

15 (b) BOUNDARIES.—The Heritage Area shall consist
 16 of the whole of the following parishes in the State: St.
 17 Mary, Iberia, St. Martin, St. Landry, Avoyelles, Pointe
 18 Coupee, Iberville, Assumption, Terrebonne, Lafayette,
 19 West Baton Rouge, Concordia, and East Baton Rouge.

20 (c) LOCAL COORDINATING ENTITY.—

21 (1) IN GENERAL.—The Atchafalaya Trace
 22 Commission shall be the local coordinating entity for
 23 the Heritage Area.

24 (2) COMPOSITION.—The local coordinating enti-
 25 ty shall be composed of 13 members appointed by

1 the governing authority of each parish within the
2 Heritage Area.

3 **SEC. 6. AUTHORITIES AND DUTIES OF THE LOCAL COORDI-**
4 **NATING ENTITY.**

5 (a) **AUTHORITIES.**—For the purposes of developing
6 and implementing the management plan and otherwise
7 carrying out this Act, the local coordinating entity may—

8 (1) make grants to, and enter into cooperative
9 agreements with, the State, units of local govern-
10 ment, and private organizations;

11 (2) hire and compensate staff; and

12 (3) enter into contracts for goods and services.

13 (b) **DUTIES.**—The local coordinating entity shall—

14 (1) submit to the Secretary for approval a man-
15 agement plan;

16 (2) implement the management plan, including
17 providing assistance to units of government and oth-
18 ers in—

19 (A) carrying out programs that recognize
20 important resource values within the Heritage
21 Area;

22 (B) encouraging sustainable economic de-
23 velopment within the Heritage Area;

24 (C) establishing and maintaining interpre-
25 tive sites within the Heritage Area; and

1 (D) increasing public awareness of, and
 2 appreciation for the natural, historic, and cul-
 3 tural resources of, the Heritage Area;

4 (3) adopt bylaws governing the conduct of the
 5 local coordinating entity; and

6 (4) for any year for which Federal funds are re-
 7 ceived under this Act, submit to the Secretary a re-
 8 port that describes, for the year—

9 (A) the accomplishments of the local co-
 10 ordinating entity; and

11 (B) the expenses and income of the local
 12 coordinating entity.

13 (c) ACQUISITION OF REAL PROPERTY.—The local co-
 14 ordinating entity shall not use Federal funds received
 15 under this Act to acquire real property or an interest in
 16 real property.

17 (d) PUBLIC MEETINGS.—The local coordinating enti-
 18 ty shall conduct public meetings at least quarterly.

19 **SEC. 7. MANAGEMENT PLAN.**

20 (a) IN GENERAL.—The local coordinating entity shall
 21 develop a management plan for the Heritage Area that
 22 incorporates an integrated and cooperative approach to
 23 protect, interpret, and enhance the natural, scenic, cul-
 24 tural, historic, and recreational resources of the Heritage
 25 Area.

1 (b) CONSIDERATION OF OTHER PLANS AND AC-
2 TIONS.—In developing the management plan, the local co-
3 ordinating entity shall—

4 (1) take into consideration State and local
5 plans; and

6 (2) invite the participation of residents, public
7 agencies, and private organizations in the Heritage
8 Area.

9 (c) CONTENTS.—The management plan shall in-
10 clude—

11 (1) an inventory of the resources in the Herit-
12 age Area, including—

13 (A) a list of property in the Heritage Area
14 that—

15 (i) relates to the purposes of the Her-
16 itage Area; and

17 (ii) should be preserved, restored,
18 managed, or maintained because of the sig-
19 nificance of the property; and

20 (B) an assessment of cultural landscapes
21 within the Heritage Area;

22 (2) provisions for the protection, interpretation,
23 and enjoyment of the resources of the Heritage Area
24 consistent with this Act;

1 (3) an interpretation plan for the Heritage
2 Area; and

3 (4) a program for implementation of the man-
4 agement plan that includes—

5 (A) actions to be carried out by units of
6 government, private organizations, and public-
7 private partnerships to protect the resources of
8 the Heritage Area; and

9 (B) the identification of existing and po-
10 tential sources of funding for implementing the
11 plan.

12 (d) SUBMISSION TO SECRETARY FOR APPROVAL.—

13 (1) IN GENERAL.—Not later than 3 years after
14 the date of enactment of this Act, the local coordi-
15 nating entity shall submit the management plan to
16 the Secretary for approval.

17 (2) EFFECT OF FAILURE TO SUBMIT.—If a
18 management plan is not submitted to the Secretary
19 by the date specified in paragraph (1), the Secretary
20 shall not provide any additional funding under this
21 Act until a management plan for the Heritage Area
22 is submitted to the Secretary.

23 (e) APPROVAL.—

24 (1) IN GENERAL.—Not later than 90 days after
25 receiving the management plan submitted under

1 subsection (d)(1), the Secretary, in consultation with
2 the State, shall approve or disapprove the manage-
3 ment plan.

4 (2) ACTION FOLLOWING DISAPPROVAL.—

5 (A) IN GENERAL.—If the Secretary dis-
6 approves a management plan under paragraph
7 (1), the Secretary shall—

8 (i) advise the local coordinating entity
9 in writing of the reasons for the dis-
10 approval;

11 (ii) make recommendations for revi-
12 sions to the management plan; and

13 (iii) allow the local coordinating entity
14 to submit to the Secretary revisions to the
15 management plan.

16 (B) DEADLINE FOR APPROVAL OF REVI-
17 SION.—Not later than 90 days after the date on
18 which a revision is submitted under subpara-
19 graph (A)(iii), the Secretary shall approve or
20 disapprove the revision.

21 (f) REVISION.—

22 (1) IN GENERAL.—After approval by the Sec-
23 retary of a management plan, the local coordinating
24 entity shall periodically—

25 (A) review the management plan; and

(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the local coordinating entity for any revisions to the management plan that the local coordinating entity considers to be appropriate.

(2) EXPENDITURE OF FUNDS.—No funds made available under this Act shall be used to implement any revision proposed by the local coordinating entity under paragraph (1)(B) until the Secretary approves the revision.

SEC. 8. FINANCIAL ASSISTANCE.

(a) IN GENERAL.—To provide the Federal share of financial assistance provided by the local coordinating entity under section 6(a) the Secretary shall provide the local coordinating entity financial assistance in the amount of \$10,000,000, not to exceed \$1,000,000 for any fiscal year.

(b) COST SHARING.—The Federal share of the cost of any activity assisted by the local coordinating entity under this Act shall not exceed 50 percent.

SEC. 8. COST SHARING.

The Federal share of the cost of any activity assisted by the local coordinating entity under this Act shall not exceed 50 percent.

1 **SEC. 9. EFFECT OF ACT.**

2 Nothing in this Act or in establishment of the Herit-
3 age Area—

4 (1) grants any Federal agency regulatory au-
5 thority over any interest in the Heritage Area, un-
6 less cooperatively agreed on by all involved parties;

7 (2) modifies, enlarges, or diminishes any au-
8 thority of the Federal Government or a State or
9 local government to regulate any use of land as pro-
10 vided for by law (including regulations) in existence
11 on the date of enactment of this Act;

12 (3) grants any power of zoning or land use to
13 the local coordinating entity;

14 (4) imposes any environmental, occupational,
15 safety, or other rule, standard, or permitting process
16 that is different from those in effect on the date of
17 enactment of this Act that would be applicable had
18 the Heritage Area not been established;

19 (5)(A) imposes any change in Federal environ-
20 mental quality standards; or

21 (B) authorizes designation of any portion of the
22 Heritage Area that is subject to part C of title I of
23 the Clean Air Act (42 U.S.C. 7470 et seq.) as class
24 1 for the purposes of that part solely by reason of
25 the establishment of the Heritage Area;

1 (6) authorizes any Federal or State agency to
2 impose more restrictive water use designations, or
3 water quality standards on uses of or discharges to,
4 waters of the United States or waters of the State
5 within or adjacent to the Heritage Area solely by
6 reason of the establishment of the Heritage Area;

7 (7) abridges, restricts, or alters any applicable
8 rule, standard, or review procedure for permitting of
9 facilities within or adjacent to the Heritage Area; or

10 (8) affects the continuing use and operation,
11 where located on the date of enactment of this Act,
12 of any public utility or common carrier.

13 **SEC. 10. REPORTS.**

14 For any year in which Federal funds have been made
15 available under this Act, the local coordinating entity shall
16 submit to the Secretary a report that describes—

17 (1) the accomplishments of the local coordi-
18 nating entity; and

19 (2) the expenses and income of the local coordi-
20 nating entity.

21 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

22 There is authorized to be appropriated to carry out
23 this Act \$10,000,000, of which not more than \$1,000,000
24 shall be made available for any fiscal year.

1 **SEC. 12. TERMINATION OF AUTHORITY.**

2 The Secretary shall not provide any assistance under
3 section 8 after September 30, 2017.

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