

107TH CONGRESS
2^D SESSION

S. 2937

To establish the Blue Ridge National Heritage Area in the State of North Carolina, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 13, 2002

Mr. EDWARDS introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish the Blue Ridge National Heritage Area in the State of North Carolina, 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 “Blue Ridge National
5 Heritage Area Act of 2002”.

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

7 (a) FINDINGS.—Congress finds that—

8 (1) the Blue Ridge Mountains and the extensive
9 cultural and natural resources of the Blue Ridge
10 Mountains have played a significant role in the his-

1 tory of the United States and the State of North
2 Carolina;

3 (2) archaeological evidence indicates that the
4 Blue Ridge Mountains have been inhabited by hu-
5 mans since the last retreat of the glaciers, with the
6 Native Americans living in the area at the time of
7 European discovery being primarily of Cherokee de-
8 scent;

9 (3) the Blue Ridge Mountains of western North
10 Carolina, including the Great Smoky Mountains,
11 played a unique and significant role in the establish-
12 ment and development of the culture of the United
13 States through several distinct legacies, including—

14 (A) the craft heritage that—

15 (i) was first influenced by the Cher-
16 okee Indians;

17 (ii) was the origin of—

18 (I) the traditional craft move-
19 ment starting in 1900; and

20 (II) the contemporary craft
21 movement starting in the 1940's; and

22 (iii) is carried out by over 4,000
23 craftspeople in the Blue Ridge Mountains
24 of western North Carolina, the third larg-

1 est concentration of such people in the
2 United States;

3 (B) a musical heritage comprised of dis-
4 tinctive instrumental and vocal traditions
5 that—

6 (i) includes stringband music, blue-
7 grass, ballad singing, blues, and sacred
8 music;

9 (ii) has received national recognition;
10 and

11 (iii) has made the region 1 of the
12 richest repositories of traditional music
13 and folklife in the United States;

14 (C) the Cherokee heritage—

15 (i) dating back thousands of years;

16 and

17 (ii) offering—

18 (I) nationally significant cultural
19 traditions practiced by the Eastern
20 Band of Cherokee Indians;

21 (II) authentic tradition bearers;

22 (III) historic sites; and

23 (IV) historically important collec-
24 tions of Cherokee artifacts; and

1 (D) the agricultural heritage established by
2 the Cherokee Indians, including medicinal and
3 ceremonial food crops, combined with the his-
4 toric European patterns of raising livestock,
5 culminating in the largest number of specialty
6 crop farms in North Carolina;

7 (4) the artifacts and structures associated with
8 those legacies are unusually well-preserved;

9 (5) the Blue Ridge Mountains are recognized as
10 having 1 of the richest collections of historical re-
11 sources in North America;

12 (6) the history and cultural heritage of the Blue
13 Ridge Mountains are shared with the States of Vir-
14 ginia, Tennessee, and Georgia;

15 (7) there are significant cultural, economic, and
16 educational benefits in celebrating and promoting
17 this mutual heritage;

18 (8) according to the 2002 reports entitled “The
19 Blue Ridge Heritage and Cultural Partnership” and
20 “Western North Carolina National Heritage Area
21 Feasibility Study and Plan”, the Blue Ridge Moun-
22 tains contain numerous resources that are of out-
23 standing importance to the history of the United
24 States; and

1 (9) it is in the interest of the United States to
2 preserve and interpret the cultural and historical re-
3 sources of the Blue Ridge Mountains for the edu-
4 cation and benefit of present and future generations.

5 (b) PURPOSE.—The purpose of this Act is to foster
6 a close working relationship with, and to assist, all levels
7 of government, the private sector, and local communities
8 in the State in managing, preserving, protecting, and in-
9 terpreting the cultural, historical, and natural resources
10 of the Heritage Area while continuing to develop economic
11 opportunities.

12 **SEC. 3. DEFINITIONS.**

13 In this Act:

14 (1) HERITAGE AREA.—The term “Heritage
15 Area” means the Blue Ridge National Heritage
16 Area established by section 4(a).

17 (2) MANAGEMENT ENTITY.—The term “man-
18 agement entity” means the management entity for
19 the Heritage Area designated by section 4(c).

20 (3) MANAGEMENT PLAN.—The term “manage-
21 ment plan” means the management plan for the
22 Heritage Area approved under section 5.

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

1 (5) STATE.—The term “State” means the State
2 of North Carolina.

3 **SEC. 4. BLUE RIDGE NATIONAL HERITAGE AREA.**

4 (a) ESTABLISHMENT.—There is established the Blue
5 Ridge National Heritage Area in the State.

6 (b) BOUNDARIES.—The Heritage Area shall consist
7 of the counties of Alleghany, Ashe, Avery, Buncombe,
8 Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Hen-
9 derson, Jackson, McDowell, Macon, Madison, Mitchell,
10 Polk, Rutherford, Surry, Swain, Transylvania, Watauga,
11 Wilkes, Yadkin, and Yancey in the State.

12 (c) MANAGEMENT ENTITY.—

13 (1) IN GENERAL.—As a condition of the receipt
14 of funds made available under section 9(a), the Blue
15 Ridge National Heritage Area Partnership shall be
16 the management entity for the Heritage Area.

17 (2) BOARD OF DIRECTORS.—

18 (A) COMPOSITION.—The management en-
19 tity shall be governed by a board of directors
20 composed of 13 members, of whom—

21 (i) 2 members shall be appointed by
22 AdvantageWest;

23 (ii) 2 members shall be appointed by
24 HandMade In America, Inc.;

1 (iii) 2 members shall be appointed by
2 the North Carolina Arts Council of the
3 North Carolina Department of Cultural
4 Resources;

5 (iv) 1 member shall be appointed by
6 the Eastern Band of the Cherokee Indians;

7 (v) 1 member shall be appointed by
8 the North Carolina Office of Historic Pres-
9 ervation; and

10 (vi) 5 members—

11 (I) shall—

12 (aa) reside in geographically
13 diverse regions of the Heritage
14 Area;

15 (bb) be a representative of
16 local governments or the private
17 sector; and

18 (cc) have knowledge of tour-
19 ism, economic and community de-
20 velopment, regional planning, his-
21 toric preservation, cultural or
22 natural resources development,
23 regional planning, conservation,
24 recreational services, education,
25 or museum services; and

1 (II) of whom—

2 (aa) 3 members shall be ap-
3 pointed by each Member of the
4 House of Representatives whose
5 district is included in the Herit-
6 age Area; and

7 (bb) 2 members shall be ap-
8 pointed by each Senator of the
9 State.

10 (B) EXPERTISE.—Of the members ap-
11 pointed under subparagraph (A)—

12 (i) at least 1 member appointed under
13 subparagraph (A)(i) shall have knowledge
14 of and experience with tourism in the Her-
15 itage Area;

16 (ii) at least 1 member appointed
17 under subparagraph (A)(ii) shall have
18 knowledge of and experience with the craft
19 culture in the Heritage Area;

20 (iii) at least 1 member appointed
21 under subparagraph (A)(iii) shall have
22 knowledge of and experience with the
23 music culture in the Heritage Area;

24 (iv) at least 1 member appointed
25 under subparagraph (A)(iv) shall have

1 knowledge of and experience with the cul-
2 ture of the Cherokee Indians; and

3 (v) at least 1 member appointed
4 under subparagraph (A)(v) shall have
5 knowledge of and experience with historic
6 preservation in the Heritage Area.

7 **SEC. 5. MANAGEMENT PLAN.**

8 (a) IN GENERAL.—Not later than 3 years after the
9 date of enactment of this Act, the management entity shall
10 submit to the Secretary for approval a management plan
11 for the Heritage Area.

12 (b) CONSIDERATION OF OTHER PLANS AND AC-
13 TIONS.—In developing the management plan, the manage-
14 ment entity shall—

15 (1) for the purpose of presenting a unified pres-
16 ervation and interpretation plan, take into consider-
17 ation Federal, State, and local plans; and

18 (2) provide for the participation of residents,
19 public agencies, and private organizations in the
20 Heritage Area.

21 (c) CONTENTS.—The management plan shall—

22 (1) present comprehensive recommendations
23 and strategies for the conservation, funding, man-
24 agement, and development of the Heritage Area;

1 (2) identify existing and potential sources of
2 Federal and non-Federal funding for the conserva-
3 tion, management, and development of the Heritage
4 Area; and

5 (3) include—

6 (A) an inventory of the cultural, historical,
7 natural, and recreational resources of the Herit-
8 age Area, including a list of property that—

9 (i) relates to the purposes of the Her-
10 itage Area; and

11 (ii) should be conserved, restored,
12 managed, developed, or maintained because
13 of the significance of the property;

14 (B) a program of strategies and actions for
15 the implementation of the management plan
16 that identifies the roles of agencies and organi-
17 zations that are involved in the implementation
18 of the management plan;

19 (C) an interpretive and educational plan
20 for the Heritage Area;

21 (D) a recommendation of policies for re-
22 source management and protection that develop
23 intergovernmental cooperative agreements to
24 manage and protect the cultural, historical, nat-

1 ural, and recreational resources of the Heritage
2 Area; and

3 (E) an analysis of ways in which Federal,
4 State, and local programs may best be coordi-
5 nated to promote the purposes of this Act.

6 (d) EFFECT OF FAILURE TO SUBMIT.—If a manage-
7 ment plan is not submitted to the Secretary by the date
8 described in subsection (a), the Secretary shall not provide
9 any additional funding under this Act until a management
10 plan is submitted to the Secretary.

11 (e) APPROVAL OR DISAPPROVAL OF MANAGEMENT
12 PLAN.—

13 (1) IN GENERAL.—Not later than 90 days after
14 receiving the management plan submitted under
15 subsection (a), the Secretary shall approve or dis-
16 approve the management plan.

17 (2) CRITERIA.—In determining whether to ap-
18 prove the management plan, the Secretary shall con-
19 sider whether the management plan—

20 (A) has strong local support from land-
21 owners, business interests, nonprofit organiza-
22 tions, and governments in the Heritage Area;
23 and

24 (B) has a high potential for effective part-
25 nership mechanisms.

1 (3) ACTION FOLLOWING DISAPPROVAL.—If the
2 Secretary disapproves a management plan under
3 subsection (e)(1), the Secretary shall—

4 (A) advise the management entity in writ-
5 ing of the reasons for the disapproval;

6 (B) make recommendations for revisions to
7 the management plan; and

8 (C) allow the management entity to submit
9 to the Secretary revisions to the management
10 plan.

11 (4) DEADLINE FOR APPROVAL OF REVISION.—
12 Not later than 60 days after the date on which a re-
13 vision is submitted under paragraph (3)(C), the Sec-
14 retary shall approve or disapprove the proposed revi-
15 sion.

16 (f) AMENDMENT OF APPROVED MANAGEMENT
17 PLAN.—

18 (1) IN GENERAL.—After approval by the Sec-
19 retary of a management plan, the management enti-
20 ty shall periodically—

21 (A) review the management plan; and

22 (B) submit to the Secretary, for review
23 and approval, the recommendation of the man-
24 agement entity for any amendments to the
25 management plan.

1 (2) USE OF FUNDS.—No funds made available
2 under section 9(a) shall be used to implement any
3 amendment proposed by the management entity
4 under paragraph (1)(B) until the Secretary approves
5 the amendment.

6 **SEC. 6. AUTHORITIES AND DUTIES OF THE MANAGEMENT**
7 **ENTITY.**

8 (a) AUTHORITIES.—For the purposes of developing
9 and implementing the management plan, the management
10 entity may use funds made available under section 9(a)
11 to—

12 (1) make loans and grants to, and enter into
13 cooperative agreements with, the State (including a
14 political subdivision), nonprofit organizations, or
15 persons;

16 (2) hire and compensate staff; and

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

18 (b) DUTIES.—In addition to developing the manage-
19 ment plan, the management entity shall—

20 (1) develop and implement the management
21 plan while considering the interests of diverse units
22 of government, businesses, private property owners,
23 and nonprofit groups in the Heritage Area;

1 (2) conduct public meetings in the Heritage
2 Area at least semiannually on the development and
3 implementation of the management plan;

4 (3) give priority to the implementation of ac-
5 tions, goals, and strategies in the management plan,
6 including providing assistance to units of govern-
7 ment, nonprofit organizations, and persons in—

8 (A) carrying out the programs that protect
9 resources in the Heritage Area;

10 (B) encouraging economic viability in the
11 Heritage Area in accordance with the goals of
12 the management plan;

13 (C) establishing and maintaining interpre-
14 tive exhibits in the Heritage Area;

15 (D) developing recreational and edu-
16 cational opportunities in the Heritage Area; and

17 (E) increasing public awareness of and ap-
18 preciation for the cultural, historical, and nat-
19 ural resources of the Heritage Area; and

20 (4) for any fiscal year for which Federal funds
21 are received under section 9(a)—

22 (A) submit to the Secretary a report that
23 describes, for the fiscal year—

24 (i) the accomplishments of the man-
25 agement entity;

1 (ii) the expenses and income of the
2 management entity; and

3 (iii) each entity to which a grant was
4 made;

5 (B) make available for audit by Congress,
6 the Secretary, and appropriate units of govern-
7 ment, all records relating to the expenditure of
8 funds and any matching funds; and

9 (C) require, for all agreements authorizing
10 expenditure of Federal funds by any entity,
11 that the receiving entity make available for
12 audit all records relating to the expenditure of
13 funds.

14 (c) PROHIBITION ON THE ACQUISITION OF REAL
15 PROPERTY.—The management entity shall not use Fed-
16 eral funds received under section 9(a) to acquire real prop-
17 erty or an interest in real property.

18 **SEC. 7. TECHNICAL AND FINANCIAL ASSISTANCE.**

19 (a) IN GENERAL.—The Secretary may provide to the
20 management entity technical assistance and, subject to the
21 availability of appropriations, financial assistance, for use
22 in developing and implementing the management plan.

23 (b) PRIORITY FOR ASSISTANCE.—In providing assist-
24 ance under subsection (a), the Secretary shall give priority
25 to actions that facilitate—

1 (1) the preservation of the significant cultural,
2 historical, natural, and recreational resources of the
3 Heritage Area; and

4 (2) the provision of educational, interpretive,
5 and recreational opportunities that are consistent
6 with the resources of the Heritage Area.

7 **SEC. 8. LAND USE REGULATION.**

8 (a) IN GENERAL.—Nothing in this Act—

9 (1) grants any power of zoning or land use to
10 the management entity; or

11 (2) modifies, enlarges, or diminishes any au-
12 thority of the Federal Government or any State or
13 local government to regulate any use of land under
14 any law (including regulations).

15 (b) PRIVATE PROPERTY.—Nothing in this Act—

16 (1) abridges the rights of any person with re-
17 spect to private property;

18 (2) affects the authority of the State or local
19 government with respect to private property; or

20 (3) imposes any additional burden on any prop-
21 erty owner.

22 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) IN GENERAL.—There is authorized to be appro-
24 priated to carry out this Act \$10,000,000, of which not

1 more than \$1,000,000 shall be made available for any fis-
2 cal year.

3 (b) NON-FEDERAL SHARE.—The non-Federal share
4 of the cost of any activities carried out using Federal
5 funds made available under subsection (a) shall be not less
6 than 50 percent.

7 **SEC. 10. TERMINATION OF AUTHORITY.**

8 The authority of the Secretary to provide assistance
9 under this Act terminates on the date that is 15 years
10 after the date of enactment of this Act.

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