

108TH CONGRESS  
1ST SESSION

# S. 941

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

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IN THE SENATE OF THE UNITED STATES

APRIL 29, 2003

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

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## 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 2003”.

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.—The management  
18   entity shall be governed by a board of directors com-  
19   posed of 9 members, of whom—

20           (A) 2 members shall be appointed by  
21   AdvantageWest;

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

1 (C) 1 member shall be appointed by the  
 2 Education and Research Consortium of West-  
 3 ern North Carolina;

4 (D) 1 member shall be appointed by the  
 5 Eastern Band of the Cherokee Indians; and

6 (E) 3 members shall—

7 (i) be appointed by the Governor of  
 8 the State;

9 (ii) reside in geographically diverse re-  
 10 gions of the Heritage Area;

11 (iii) be a representative of State or  
 12 local governments or the private sector;  
 13 and

14 (iv) have knowledge of tourism, eco-  
 15 nomic and community development, re-  
 16 gional planning, historic preservation, cul-  
 17 tural or natural resources development, re-  
 18 gional planning, conservation, recreational  
 19 services, education, or museum services.

20 **SEC. 5. MANAGEMENT PLAN.**

21 (a) IN GENERAL.—Not later than 3 years after the  
 22 date of enactment of this Act, the management entity shall  
 23 submit to the Secretary for approval a management plan  
 24 for the Heritage Area.

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

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

7 (2) provide for the participation of residents,  
8 public agencies, and private organizations in the  
9 Heritage Area.

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

11 (1) present comprehensive recommendations  
12 and strategies for the conservation, funding, man-  
13 agement, and development of the Heritage Area;

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

18 (3) include—

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

22 (i) relates to the purposes of the Her-  
23 itage Area; and

1                   (ii) should be conserved, restored,  
2                   managed, developed, or maintained because  
3                   of the significance of the property;

4                   (B) a program of strategies and actions for  
5                   the implementation of the management plan  
6                   that identifies the roles of agencies and organi-  
7                   zations that are involved in the implementation  
8                   of the management plan;

9                   (C) an interpretive and educational plan  
10                  for the Heritage Area;

11                  (D) a recommendation of policies for re-  
12                  source management and protection that develop  
13                  intergovernmental cooperative agreements to  
14                  manage and protect the cultural, historical, nat-  
15                  ural, and recreational resources of the Heritage  
16                  Area; and

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

20           (d) EFFECT OF FAILURE TO SUBMIT.—If a manage-  
21   ment plan is not submitted to the Secretary by the date  
22   described in subsection (a), the Secretary shall not provide  
23   any additional funding under this Act until a management  
24   plan is submitted to the Secretary.

1 (e) APPROVAL OR DISAPPROVAL OF MANAGEMENT  
2 PLAN.—

3 (1) IN GENERAL.—Not later than 90 days after  
4 receiving the management plan submitted under  
5 subsection (a), the Secretary shall approve or dis-  
6 approve the management plan.

7 (2) CRITERIA.—In determining whether to ap-  
8 prove the management plan, the Secretary shall con-  
9 sider whether the management plan—

10 (A) has strong local support from land-  
11 owners, business interests, nonprofit organiza-  
12 tions, and governments in the Heritage Area;  
13 and

14 (B) has a high potential for effective part-  
15 nership mechanisms.

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

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

21 (B) make recommendations for revisions to  
22 the management plan; and

23 (C) allow the management entity to submit  
24 to the Secretary revisions to the management  
25 plan.

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

6 (f) AMENDMENT OF APPROVED MANAGEMENT  
 7 PLAN.—

8 (1) IN GENERAL.—After approval by the Sec-  
 9 retary of a management plan, the management enti-  
 10 ty shall periodically—

11 (A) review the management plan; and

12 (B) submit to the Secretary, for review  
 13 and approval, the recommendation of the man-  
 14 agement entity for any amendments to the  
 15 management plan.

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

21 **SEC. 6. AUTHORITIES AND DUTIES OF THE MANAGEMENT**  
 22 **ENTITY.**

23 (a) AUTHORITIES.—For the purposes of developing  
 24 and implementing the management plan, the management

1 entity may use funds made available under section 9(a)  
2 to—

3 (1) make loans and grants to, and enter into  
4 cooperative agreements with, the State (including a  
5 political subdivision), nonprofit organizations, or  
6 persons;

7 (2) hire and compensate staff; and

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

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

11 (1) develop and implement the management  
12 plan while considering the interests of diverse units  
13 of government, businesses, private property owners,  
14 and nonprofit groups in the Heritage Area;

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

18 (3) give priority to the implementation of ac-  
19 tions, goals, and strategies in the management plan,  
20 including providing assistance to units of govern-  
21 ment, nonprofit organizations, and persons in—

22 (A) carrying out the programs that protect  
23 resources in the Heritage Area;

1 (B) encouraging economic viability in the  
2 Heritage Area in accordance with the goals of  
3 the management plan;

4 (C) establishing and maintaining interpre-  
5 tive exhibits in the Heritage Area;

6 (D) developing recreational and edu-  
7 cational opportunities in the Heritage Area; and

8 (E) increasing public awareness of and ap-  
9 preciation for the cultural, historical, and nat-  
10 ural resources of the Heritage Area; and

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

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

15 (i) the accomplishments of the man-  
16 agement entity;

17 (ii) the expenses and income of the  
18 management entity; and

19 (iii) each entity to which a grant was  
20 made;

21 (B) make available for audit by Congress,  
22 the Secretary, and appropriate units of govern-  
23 ment, all records relating to the expenditure of  
24 funds and any matching funds; and

1           (C) require, for all agreements authorizing  
 2           expenditure of Federal funds by any entity,  
 3           that the receiving entity make available for  
 4           audit all records relating to the expenditure of  
 5           funds.

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

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

11           (a) IN GENERAL.—The Secretary may provide to the  
 12           management entity technical assistance and, subject to the  
 13           availability of appropriations, financial assistance, for use  
 14           in developing and implementing the management plan.

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

18                   (1) the preservation of the significant cultural,  
 19                   historical, natural, and recreational resources of the  
 20                   Heritage Area; and

21                   (2) the provision of educational, interpretive,  
 22                   and recreational opportunities that are consistent  
 23                   with the resources of the Heritage Area.

24       **SEC. 8. LAND USE REGULATION.**

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

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

3           (2) modifies, enlarges, or diminishes any au-  
4           thority of the Federal Government or any State or  
5           local government to regulate any use of land under  
6           any law (including regulations).

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

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

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

12          (3) imposes any additional burden on any prop-  
13          erty owner.

14   **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

15          (a) IN GENERAL.—There is authorized to be appro-  
16          priated to carry out this Act \$10,000,000, of which not  
17          more than \$1,000,000 shall be made available for any fis-  
18          cal year.

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

1 **SEC. 10. TERMINATION OF AUTHORITY.**

2       The authority of the Secretary to provide assistance  
3 under this Act terminates on the date that is 15 years  
4 after the date of enactment of this Act.

