

109TH CONGRESS  
1ST SESSION

# H. R. 4539

To amend the Cache La Poudre River Corridor Act to designate a new management entity, make certain technical and conforming amendments, enhance private property protections, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 14, 2005

Mrs. MUSGRAVE introduced the following bill; which was referred to the  
Committee on Resources

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## A BILL

To amend the Cache La Poudre River Corridor Act to designate a new management entity, make certain technical and conforming amendments, enhance private property protections, 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 “Cache la Poudre River  
5       National Heritage Area Technical Amendments Act of  
6       2005”.

1 **SEC. 2. CACHE LA POUFRE RIVER NATIONAL HERITAGE**  
2 **AREA.**

3 (a) PURPOSE.—Section 101 of the Cache La Poudre  
4 River Corridor Act (16 U.S.C. 461 note; Public Law 104–  
5 323) is amended—

6 (1) by striking “Cache La Poudre Corridor”  
7 and inserting “Cache la Poudre River National Her-  
8 itage Area”;

9 (2) by striking “Cache La Poudre River Basin”  
10 and inserting “Cache la Poudre River Basin”; and

11 (3) by striking “the Corridor” and inserting  
12 “the Heritage Area”.

13 (b) DEFINITIONS.—Section 102 of the Cache La  
14 Poudre River Corridor Act (16 U.S.C. 461 note; Public  
15 Law 104–323) is amended—

16 (1) by striking paragraph (1) and inserting the  
17 following:

18 “(1) ALLIANCE.—The term ‘Alliance’ means  
19 the Poudre Heritage Alliance, a nonprofit corpora-  
20 tion incorporated in the State of Colorado.”;

21 (2) by striking paragraphs (2) and (3) and in-  
22 serting the following:

23 “(2) GOVERNOR.—The term ‘Governor’ means  
24 the Governor of the State of Colorado.

1 “(3) HERITAGE AREA.—The term ‘Heritage  
2 Area’ means the Cache la Poudre River National  
3 Heritage Area established by section 103(a).”;

4 (3) by striking paragraph (4) and inserting the  
5 following:

6 “(4) PLAN.—The term ‘Plan’ means the Cache  
7 la Poudre River National Heritage Area manage-  
8 ment plan prepared by the Alliance under section  
9 105.”; and

10 (4) in paragraph (5), by striking “Corridor”  
11 and inserting “Heritage Area”.

12 (c) ESTABLISHMENT AND BOUNDARIES; LAND-  
13 OWNER WITHDRAWAL AUTHORITY.—Section 103 of the  
14 Cache La Poudre River Corridor Act (16 U.S.C. 461 note;  
15 Public Law 104–323) is amended—

16 (1) in subsection (a), by striking “Cache La  
17 Poudre Corridor” and inserting “Cache la Poudre  
18 River National Heritage Area”;

19 (2) in subsection (b)—

20 (A) by striking “the boundaries of the Cor-  
21 ridor” and inserting “the boundaries of the  
22 Heritage Area”;

23 (B) by striking “Cache La Poudre River”  
24 each place it appears and inserting “Cache la  
25 Poudre River”; and

1 (C) by striking “and generally depicted”  
2 and all that follows through the period at the  
3 end of the matter following paragraph (19) and  
4 inserting “as generally depicted on the map en-  
5 titled ‘Cache la Poudre River National Heritage  
6 Area’, numbered 960/80,003, and dated April,  
7 2004.”; and

8 (3) by adding at the end the following:

9 “(d) MANAGEMENT ENTITY.—The Alliance shall be  
10 the management entity for the Heritage Area.

11 “(e) LANDOWNER WITHDRAW.—Any owner of pri-  
12 vate property included within the boundaries of the Herit-  
13 age Area shall have that property immediately removed  
14 from the boundaries of the Heritage Area by submitting  
15 a written request to the Alliance.”.

16 **SEC. 3. POUDRE HERITAGE ALLIANCE.**

17 Section 104 of the Cache La Poudre River Corridor  
18 Act (16 U.S.C. 461 note; Public Law 104–323) is amend-  
19 ed to read as follows:

20 **“SEC. 104. AUTHORITIES AND DUTIES OF THE ALLIANCE.**

21 “(a) DUTIES OF THE ALLIANCE.—To further the  
22 purposes of the Heritage Area, the Alliance shall—

23 “(1) prepare, obtain approval for, implement,  
24 and support the Plan in accordance with section  
25 105;

1 “(2) administer the Heritage Area;

2 “(3) conduct meetings regarding the develop-  
3 ment and implementation of the Plan at least quar-  
4 terly that are open to the public;

5 “(4) for any fiscal year in which the Alliance  
6 receives Federal funds under this Act—

7 “(A) submit to the Secretary an annual re-  
8 port that describes the accomplishments, ex-  
9 penses, and income of the Alliance, including  
10 grants provided to any other entities during the  
11 fiscal year; and

12 “(B)(i) make available for audit all infor-  
13 mation relating to the expenditure of the Fed-  
14 eral funds and any matching funds; and

15 “(ii) in any agreement authorizing expendi-  
16 tures of Federal funds by other organizations,  
17 require that the receiving organizations make  
18 available for audit all records and other infor-  
19 mation relating to the expenditure of the Fed-  
20 eral funds;

21 “(5) encourage by appropriate means economic  
22 viability that is consistent with the purposes of the  
23 Heritage Area; and

24 “(6) carry out other duties of the Alliance as  
25 required under this Act.

1 “(b) AUTHORITIES.—The Alliance may, for the pur-  
2 poses of preparing and implementing the Plan, use Fed-  
3 eral funds made available under this Act to—

4 “(1) make grants to the State of Colorado, po-  
5 litical subdivisions of the State, nonprofit organiza-  
6 tions, and other persons;

7 “(2) enter into cooperative agreements with, or  
8 provide technical assistance to, the State of Colo-  
9 rado, political subdivisions of the State, nonprofit or-  
10 ganizations, and other interested persons;

11 “(3) hire and compensate staff, including indi-  
12 viduals with expertise in cultural, historic, and nat-  
13 ural resources protection and heritage programming;

14 “(4) obtain money or services from any source,  
15 including money or services that are provided under  
16 any other Federal law or program;

17 “(5) contract for goods or services; and

18 “(6) support activities that—

19 “(A) further the purposes of the Heritage  
20 Area; and

21 “(B) are consistent with the approved  
22 Plan.

23 “(c) ACQUISITION OF LAND AND REAL PROPERTY.—

24 “(1) ACQUISITION OF REAL PROPERTY.—

1           “(A) PROHIBITION ON USE OF FEDERAL  
2 FUNDS.—The Alliance shall not use Federal  
3 funds received under this Act to acquire real  
4 property.

5           “(B) OTHER FUNDS.—Notwithstanding  
6 subparagraph (A), the Alliance may acquire  
7 real property using any other source of funding,  
8 including other Federal funding.

9           “(2) ACQUISITION OF LAND FROM WILLING  
10 SELLERS.—No land or interest in land may be ac-  
11 quired by the Secretary or the Alliance under this  
12 Act without the consent of the owner of the land or  
13 interest.”.

14 **SEC. 4. CACHE LA POUFRE RIVER NATIONAL HERITAGE**  
15 **AREA MANAGEMENT PLAN.**

16       (a) IN GENERAL.—The Cache La Poudre River Cor-  
17 ridor Act (16 U.S.C. 461 note; Public Law 104–323) is  
18 amended by striking sections 105 through 109 and insert-  
19 ing the following:

20 **“SEC. 105. CACHE LA POUFRE RIVER NATIONAL HERITAGE**  
21 **AREA MANAGEMENT PLAN.**

22       “(a) REQUIREMENTS.—The Alliance shall prepare  
23 and submit to the Secretary for approval a management  
24 plan for the Heritage Area that—

1 “(1) describes comprehensive policies, goals,  
2 strategies, and recommendations for—

3 “(A) telling the story of the heritage of the  
4 Heritage Area; and

5 “(B) encouraging long-term resource pro-  
6 tection, enhancement, interpretation, funding,  
7 management, and development of the Heritage  
8 Area;

9 “(2) includes a description of actions and com-  
10 mitments that State and local governments, private  
11 organizations, and citizens in the Heritage Area will  
12 take to protect, enhance, and interpret the cultural,  
13 historic, natural, and scenic resources of the Herit-  
14 age Area;

15 “(3) specifies existing and potential sources of  
16 funding or economic development strategies to pro-  
17 tect, enhance, interpret, fund, manage, and develop  
18 the Heritage Area;

19 “(4) includes an inventory of the cultural, edu-  
20 cational, historical, natural, recreational, and scenic  
21 resources of the Heritage Area and associated sites  
22 relating to the stories and themes of the region that  
23 should be protected, enhanced, managed or devel-  
24 oped;



1 “(5) recommends policies and strategies for re-  
2 source management, including the development of  
3 intergovernmental and interagency agreements to  
4 protect the cultural, educational, historic, natural,  
5 recreational, and scenic resources of the Heritage  
6 Area;

7 “(6) describes a program of implementation for  
8 the Plan, including—

9 “(A) performance goals;

10 “(B) plans for resource protection, en-  
11 hancement, and interpretation; and

12 “(C) specific commitments for implementa-  
13 tion that have been made by the Alliance or any  
14 government, organization, business, or indi-  
15 vidual in the Heritage Area;

16 “(7) includes an analysis of, and recommenda-  
17 tions for, ways in which Federal, State, and local  
18 programs may best be coordinated to further the  
19 purposes of this Act, including an analysis of the  
20 role of the National Park Service and other Federal  
21 agencies associated with the Heritage Area; and

22 “(8) includes a business plan that—

23 “(A) describes the role, operation, financ-  
24 ing, and functions of—

25 “(i) the Alliance; and

1                   “(ii) each of the major activities in-  
2                   cluded in the Plan; and

3                   “(B) provides adequate assurances that  
4                   the Alliance has the partnerships and financial  
5                   and other resources necessary to implement the  
6                   Plan.

7           “(b) TERMINATION OF FUNDING.—If the Plan is not  
8     submitted to the Secretary in accordance with this section,  
9     the Secretary shall not provide to the Alliance any addi-  
10    tional financial assistance under this Act until the Plan  
11    is submitted to and approved by the Secretary under this  
12    section.

13           “(c) APPROVAL OF PLAN.—

14                   “(1) REVIEW.—Not later than 180 days after  
15                   the date of receipt of the management plan under  
16                   subsection (a), the Secretary, in consultation with  
17                   the Governor, shall review and approve or disapprove  
18                   the Plan.

19                   “(2) CRITERIA.—In determining whether to ap-  
20                   prove the Plan, the Secretary shall consider wheth-  
21                   er—

22                           “(A) the Alliance is representing the di-  
23                   verse interests of the Heritage Area, includ-  
24                   ing—

25                                   “(i) governments;

1 “(ii) natural and historic resource  
2 protection organizations;

3 “(iii) educational institutions;

4 “(iv) businesses;

5 “(v) recreational organizations;

6 “(vi) community residents; and

7 “(vii) private property owners;

8 “(B) the Alliance provided adequate oppor-  
9 tunity, workshops, and hearings for public and  
10 governmental involvement in the preparation of  
11 the Plan;

12 “(C) the Alliance includes provisions for at  
13 least semiannual public meetings to ensure ade-  
14 quate implementation of the Plan;

15 “(D) the resource protection and interpre-  
16 tation strategies in the Plan would adequately  
17 protect, enhance, and interpret the cultural, his-  
18 toric, natural, and scenic resources of the Her-  
19 itage Area;

20 “(E) the Plan would adversely affect any  
21 activities authorized on Federal land under pub-  
22 lic land laws or land use plans;

23 “(F) the Alliance has demonstrated finan-  
24 cial capability, in partnership with others, to  
25 carry out the Plan;

1           “(G) the Secretary has received adequate  
2           assurances from the appropriate State and local  
3           officials, the support of which is needed to en-  
4           sure the effective implementation of the State  
5           and local aspects of the Plan; and

6           “(H) the Plan demonstrates partnerships  
7           among the Alliance, Federal, State, and local  
8           governments, regional planning organizations,  
9           nonprofit organizations, or private-sector par-  
10          ties for implementation of the Plan.

11          “(3) ACTION FOLLOWING DISAPPROVAL.—If the  
12          Secretary disapproves the Plan under paragraph (1),  
13          the Secretary shall—

14               “(A) advise the Alliance in writing of the  
15               reasons for the disapproval;

16               “(B) make recommendations for revisions  
17               to the Plan; and

18               “(C) not later than 180 days after the date  
19               of receipt of a proposed revision to the Plan,  
20               approve or disapprove the proposed revision.

21          “(4) AMENDMENTS.—

22               “(A) IN GENERAL.—The Secretary shall  
23               review and approve or disapprove each amend-  
24               ment to the Plan that the Secretary determines

1           may substantially alter the purposes of the Her-  
2           itage Area.

3                   “(B) USE OF FUNDS.—Funds made avail-  
4           able under this Act shall not be expended by  
5           the management entity to implement an amend-  
6           ment described in subparagraph (A) until the  
7           Secretary approves the amendment.”.

8           (b) CONFORMING AMENDMENTS.—The Cache La  
9   Poudre River Corridor Act (16 U.S.C. 461 note; Public  
10 Law 104–323) is amended by redesignating sections 110,  
11 111, 112, and 113 as sections 106, 107, 108, and 110,  
12 respectively.

13 **SEC. 5. DUTIES AND AUTHORITIES OF THE SECRETARY OF**  
14 **THE INTERIOR.**

15       Section 106 of the Cache La Poudre River Corridor  
16 Act (16 U.S.C. 461 note; Public Law 104–323) (as red-  
17 igned by section 4(b)) is amended—

18           (1) by striking the heading and inserting the  
19       following:

20 **“SEC. 106. DUTIES AND AUTHORITIES OF THE SECRETARY.”;**

21           (2) by striking subsections (a) and (c);

22           (3) by redesignating subsection (b) as sub-  
23       section (a);

24           (4) in subsection (a) (as redesignated by para-  
25       graph (2))—

1 (A) by striking “Commission” each place it  
 2 appears and inserting “Alliance”; and

3 (B) by striking “section 108” and insert-  
 4 ing “section 105”; and

5 (5) by adding at the end the following:

6 “(b) COOPERATIVE AGREEMENTS.—

7 “(1) IN GENERAL.—The Secretary may enter  
 8 into cooperative agreements with the Alliance for the  
 9 purpose of carrying out the Plan.

10 “(2) REQUIREMENTS.—Any cooperative agree-  
 11 ment shall, at a minimum, establish procedures for  
 12 providing notice to the Alliance of any action that  
 13 may affect the implementation of the Plan.”.

14 **SEC. 6. OTHER FEDERAL ENTITIES.**

15 Section 107 of the Cache La Poudre River Corridor  
 16 Act (16 U.S.C. 461 note; Public Law 104–323) (as redes-  
 17 ignated by section 4(b)) is amended—

18 (1) in subsection (a), by striking “section 112”  
 19 and inserting “section 108”;

20 (2) by striking “Corridor” each place it appears  
 21 and inserting “Heritage Area”;

22 (3) by striking “Commission” each place it ap-  
 23 pears and inserting “Alliance”; and

24 (4) by striking “Cache La Poudre” each place  
 25 it appears and inserting “Cache la Poudre”.

1 **SEC. 7. EFFECT ON ENVIRONMENTAL AND OTHER STAND-**  
2 **ARDS, RESTRICTIONS, AND SAVINGS PROVI-**  
3 **SIONS.**

4 Section 108 of the Cache La Poudre River Corridor  
5 Act (16 U.S.C. 461 note; Public Law 104–323) (as redes-  
6 ignated by section 4(b)) is amended—

7 (1) in subsection (a)(1), by adding at the end  
8 the following: “No privately owned property shall be  
9 preserved, conserved, or promoted by the Plan un-  
10 less and until the owner of that private property  
11 gives the Alliance written consent for such preserva-  
12 tion, conservation, or promotion after receiving writ-  
13 ten notification from the Alliance of the proposed  
14 preservation, conservation, or promotion.”;

15 (2) by striking subsections (c) and (d) and in-  
16 serting the following:

17 “(c) SAVINGS PROVISION.—Nothing in this Act—

18 “(1) diminishes, enlarges, or modifies a right of  
19 a Federal agency, State agency, or political subdivi-  
20 sion of the State—

21 “(A) to exercise civil and criminal jurisdic-  
22 tion within the Heritage Area; or

23 “(B) to tax persons, corporations, fran-  
24 chises, or property, including minerals and  
25 other interests in or on land or water within the  
26 urban portions of the Heritage Area;

1           “(2) authorizes the regulation of private land in  
2           the Heritage Area;

3           “(3) authorizes the imposition of any manda-  
4           tory streamflow requirements in the Heritage Area;

5           “(4) creates an express or implied Federal re-  
6           served water right;

7           “(5) imposes any Federal water quality stand-  
8           ard within or upstream of the Heritage Area that is  
9           more restrictive than would be applicable had the  
10          Heritage Area not been established; or

11          “(6) prevents the State of Colorado from ac-  
12          quiring an instream flow through the Heritage Area  
13          under the terms, conditions, and limitations of State  
14          law to assist in protecting the natural environment  
15          to the extent and for the purposes authorized by  
16          State law.”;

17          (3) by striking “Corridor” each place it appears  
18          and inserting “Heritage Area”; and

19          (4) by striking “Commission” each place it ap-  
20          pears and inserting “Alliance”.

21   **SEC. 8. PRIVATE PROPERTY PROTECTIONS.**

22          The Cache La Poudre River Corridor Act (16 U.S.C.  
23   461 note; Public Law 104–323) is amended by inserting  
24   after section 108 (as redesignated by section 4(b) and  
25   amended by section 7) the following:



1   **“SEC. 109. PRIVATE PROPERTY PROTECTION.**

2           “(a) ACCESS TO PRIVATE PROPERTY.—Nothing in  
3 this Act shall be construed to—

4                   “(1) require any private property owner to  
5 allow public access (including Federal, State, or local  
6 government access) to such private property; or

7                   “(2) modify any provision of Federal, State, or  
8 local law with regard to public access to or use of  
9 private property.

10          “(b) LIABILITY.—Designation of the Heritage Area  
11 shall not be considered to create any liability, or to have  
12 any effect on any liability under any other law, of any pri-  
13 vate property owner with respect to any persons injured  
14 on such private property.

15          “(c) RECOGNITION OF AUTHORITY TO CONTROL  
16 LAND USE.—Nothing in this Act shall be construed to  
17 modify the authority of Federal, State, or local govern-  
18 ments to regulate land use.

19          “(d) PARTICIPATION OF PRIVATE PROPERTY OWN-  
20 ERS IN HERITAGE AREA.—Nothing in this Act shall be  
21 construed to require the owner of any private property lo-  
22 cated within the boundaries of the Heritage Area to par-  
23 ticipate in or be associated with the Heritage Area.

24          “(e) EFFECT OF ESTABLISHMENT.—The boundaries  
25 designated for the Heritage Area represent the area within  
26 which Federal funds appropriated pursuant to the author-

1 ization of appropriations in section 110 may be expended.  
 2 The establishment of the Heritage Area and its boundaries  
 3 shall not be construed to provide any nonexisting regu-  
 4 latory authority on land use within the Heritage Area or  
 5 its viewshed by the Secretary, the National Park Service,  
 6 or the Alliance.”.

7 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 110 of the Cache La Poudre River Corridor  
 9 Act (16 U.S.C. 461 note; Public Law 104–323) (as redes-  
 10 igned by section 4(b)) is amended to read as follows:

11 **“SEC. 110. AUTHORIZATION OF APPROPRIATIONS.**

12 “(a) IN GENERAL.—There are authorized to be ap-  
 13 propriated to carry out this Act—

14 “(1) not more than \$100,000 for any fiscal  
 15 year; and

16 “(2) not more than a total of \$1,000,000.

17 “(b) AVAILABILITY.—Funds appropriated pursuant  
 18 to the authorization of appropriations in subsection (a)  
 19 shall remain available until expended.

20 “(c) MATCHING FUNDS.—

21 “(1) IN GENERAL.—As a condition of providing  
 22 a grant under this Act to the Alliance, the Secretary  
 23 shall require that the Alliance provide matching  
 24 funds equal to the amount of the grant.

25 “(2) FORM.—Matching funds—

1                   “(A) shall be from non-Federal sources;  
2                   and

3                   “(B) may be made in the form of in-kind  
4                   contributions of goods or services fairly valued.

5                   “(d) ADMINISTRATIVE EXPENSES.—Not more than 5  
6                   percent of the funds appropriated pursuant to the author-  
7                   ization of appropriations in subsection (a) for a fiscal year  
8                   may be used by the Secretary for technical assistance,  
9                   oversight, and administrative purposes.”.

10       **SEC. 10. TERMINATION OF AUTHORITY; REFERENCES IN**  
11                   **LAW.**

12                   The Cache La Poudre River Corridor Act (16 U.S.C.  
13                   461 note; Public Law 104–323) is amended by adding at  
14                   the end the following:

15       **“SEC. 111. REFERENCES.**

16                   “(a) FEDERAL LAWS AND DOCUMENTS.—Any ref-  
17                   erence in any law (other than this Act), regulation, docu-  
18                   ment, record, map, or other paper of the United States  
19                   to ‘Cache La Poudre River Corridor’ or ‘Cache La Poudre  
20                   Corridor’ shall be considered to be a reference to the  
21                   ‘Cache la Poudre River National Heritage Area’.

22                   “(b) OTHER SIGNS AND NOTICES.—Any directional  
23                   or official sign or notice relating to ‘Cache La Poudre  
24                   River Corridor’ or ‘Cache La Poudre Corridor’ shall be

1 considered to be a reference to the ‘Cache la Poudre River  
2 National Heritage Area’.

3 **“SEC. 112. TERMINATION OF AUTHORITY.**

4       “The authority of the Secretary to provide financial  
5 assistance to the Alliance (excluding technical assistance  
6 and administrative oversight) under this Act shall termi-  
7 nate 10 years after the date of enactment of the Cache  
8 la Poudre River National Heritage Area Technical  
9 Amendments Act of 2005.”.

○