

109TH CONGRESS  
2D SESSION

# H. R. 4818

To establish the South Park National Heritage Area in the State of Colorado,  
and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2006

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

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## A BILL

To establish the South Park National Heritage Area in the  
State of Colorado, 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 “South Park National  
5       Heritage Area Act”.

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

7       (a) FINDINGS.—Congress finds that—

8               (1) the rich natural resources, the variety of  
9       recreational opportunities, the cultural legacy, and  
10      the unparalleled history of South Park, Colorado,

1 are of national importance and are deserving of rec-  
2 ognition, conservation, interpretation, and con-  
3 tinuing use;

4 (2) the people of South Park respect, protect  
5 and defend the rights and desires of private property  
6 owners, and support the power and right of individ-  
7 uals to shape their own destiny;

8 (3) the South Park National Heritage Area  
9 builds upon existing local initiatives to spur eco-  
10 nomic development while conserving, preserving and  
11 interpreting the resources on which the local econ-  
12 omy depends;

13 (4) in 1997 the Governor of Colorado des-  
14 ignated South Park as Colorado's second State Her-  
15 itage Area;

16 (5) in 2006 the President of the United States  
17 recognized and designated South Park as a Preserve  
18 America Community that protects and celebrates its  
19 heritage, uses its historic assets for economic devel-  
20 opment and community revitalization, and encour-  
21 ages people to experience and appreciate local his-  
22 toric resources through education and heritage tour-  
23 ism programs;

24 (6) the Federal, State, and local governments,  
25 organizations, and residents of South Park broadly

1 support the establishment of a national heritage  
2 area to coordinate and assist in the conservation, in-  
3 terpretation, and continuing use of the heritage re-  
4 sources of South Park;

5 (7) the agrarian landscape, culture, and histor-  
6 ical resources of South Park assist citizens in experi-  
7 encing how native peoples, early explorers, trappers,  
8 miners, ranchers, and settlers lived on the frontier  
9 of the United States;

10 (8) the ideals of self governance and individ-  
11 ualism of the United States gave rise to laws that—

12 (A) were developed within the remote land-  
13 scape of South Park;

14 (B) were among the first legislative initia-  
15 tives of the western settlers; and

16 (C) reinforced the democratic traditions of  
17 the United States;

18 (9) the average elevation of South Park exceeds  
19 9,000 feet and ranks among the highest basins in  
20 North America;

21 (10) native peoples have inhabited the land-  
22 scape of South Park for over 10,000 years;

23 (11) Porcupine Cave and its wealth of animal  
24 fossils, including a now-extinct North American  
25 cheetah, is one of the most important paleontological

1 sites for the study of Ice Age vertebrates in the  
2 world, and contains the richest and most diverse  
3 vertebrate fauna known from the middle Pleistocene  
4 on the North American continent;

5 (12) in addition to high summits, pristine  
6 streams, and open prairies, the unmatched landscape  
7 of the Heritage Area also contains—

8 (A) portions of the Lost Creek Wilderness  
9 and Buffalo Peaks Wilderness Areas, featuring  
10 disappearing streams, ancient pine trees, glob-  
11 ally rare plants, and State-endangered boreal  
12 toads;

13 (B) the Lost Creek National Natural  
14 Landmark, characterized by stunning rock  
15 spires and pinnacles, narrow ridges, steep nar-  
16 row gorges, and a stream that disappears and  
17 reappears at the surface at least nine times;

18 (C) National Forest System lands that are  
19 home to the federally-threatened Penland alpine  
20 fen mustard, Canada lynx and greenback cut-  
21 throat trout;

22 (D) 12 State wildlife areas that protect  
23 large herds of elk, deer, pronghorn antelope;  
24 and many other species;

1 (E) 45 miles of “Gold Medal” trout water  
2 that provide world-class trout fishing opportuni-  
3 ties;

4 (F) nationally rare and unusual high-alti-  
5 tude wetlands known as extreme rich fens; and

6 (G) 4 majestic mountain peaks that stand  
7 higher than 14,000 feet above sea level;

8 (13) the South Park National Heritage Area of-  
9 fers outstanding recreational opportunities for hik-  
10 ing, fishing, camping, climbing, sightseeing, hunting,  
11 wildlife viewing, and off-highway vehicle use; and

12 (14) the South Park National Heritage Area  
13 contains buildings, structures, sites, and stories that  
14 preserve and interpret the frontier heritage of the  
15 United States, including—

16 (A) the Salt Works Ranch, Colorado Salt  
17 Works, EM Ranch, Buckley Ranch, Wahl  
18 Ranch, Jefferson Depot, Como Depot, Como  
19 Roundhouse, Como Hotel, Como School, Boreas  
20 Pass Railroad Station, Summer Saloon, South  
21 Park Brewery, Park County Courthouse, South  
22 Park Community Church, and Tarryall School,  
23 each of which is listed in the National Register  
24 of Historic Places;

1 (B) the Colorado Midland Railroad, the  
2 Denver, South Park & Pacific Railroad, and  
3 their associated stations, depots, and passes;

4 (C) the Paris Mill and Snowstorm Dredge,  
5 which are among the last intact structures of  
6 their type in the United States, and are in-  
7 cluded on Colorado's "most endangered places"  
8 list;

9 (D) the Present Help Mine which, being  
10 located at an elevation of 14,157 feet, qualifies  
11 as the highest gold mine ever to operate in the  
12 United States; and

13 (E) the highest incorporated town (Alma),  
14 vehicular mountain pass (Mosquito), and cattle  
15 ranches in the United States.

16 (b) PURPOSES.—The purposes of this Act are to—

17 (1) establish the Heritage Area in the State of  
18 Colorado;

19 (2) carry out the national heritage area alter-  
20 native as described in the document entitled "South  
21 Park National Heritage Area Feasibility Study,  
22 2006";

23 (3) provide a management framework to foster  
24 an effective working relationship with all levels of  
25 government, not for profit organizations, the private

1 sector, and the local communities in South Park  
2 to—

3 (A) preserve the outstanding heritage of  
4 the region;

5 (B) develop new heritage tourism pro-  
6 grams, attractions and opportunities; and

7 (C) continue to pursue the development of  
8 compatible economic opportunities and heritage  
9 products;

10 (4) assist communities, organizations, and citi-  
11 zens in the State of Colorado in identifying, pre-  
12 serving, interpreting, developing, and promoting the  
13 historical, cultural, scenic, recreational, agricultural,  
14 and natural resources of the region for the edu-  
15 cational, inspirational, and economic benefit of cur-  
16 rent and future generations.

17 **SEC. 3. PRIVATE PROPERTY RIGHTS PROTECTION.**

18 (a) ACCESS TO PRIVATE PROPERTY.—Nothing in  
19 this Act—

20 (1) requires any private property owner to allow  
21 public access (including Federal, State, or local gov-  
22 ernment access) to private property; or

23 (2) modifies any provision of Federal, State, or  
24 local law with regard to public access to or use of  
25 private property.

1 (b) LIABILITY.—Designation of the Heritage Area  
2 shall not impose any liability on, or have any effect on  
3 any liability under any other law on, any private property  
4 owner with respect to any person injured on the private  
5 property.

6 (c) RECOGNITION OF AUTHORITY TO CONTROL LAND  
7 USE.—Nothing in this Act modifies, enlarges, or dimin-  
8 ishes the authority of the Federal Government or State  
9 or local governments to regulate land use.

10 (d) VOLUNTARY PARTICIPATION OF PRIVATE PROP-  
11 erty OWNERS IN HERITAGE AREA.—Nothing in this Act  
12 requires the owner of any private property located within  
13 the boundaries of the Heritage Area to participate in or  
14 be associated with the Heritage Area; participation by in-  
15 dividual landowners is strictly on a voluntary basis only.

16 (e) EFFECT OF ESTABLISHMENT.—

17 (1) IN GENERAL.—The boundaries designated  
18 for the Heritage Area shall constitute the area with-  
19 in which Federal funds made available to carry out  
20 this Act may be expended.

21 (2) REGULATORY AUTHORITY.—The establish-  
22 ment of the Heritage Area and the boundaries of the  
23 Heritage Area shall not provide any regulatory au-  
24 thority that would not otherwise apply to govern  
25 land use within the Heritage Area or the viewshed



1 of the Heritage Area by the Secretary, the National  
2 Park Service, the management entity, or any other  
3 governmental entity.

4 **SEC. 4. DEFINITIONS.**

5 In this Act:

6 (1) BOARD.—The term “Board” means the  
7 Board of Directors of the South Park National Her-  
8 itage Area, comprised initially of the individuals,  
9 agencies, organizations, and governments that were  
10 involved in the planning and development of the  
11 Heritage Area before the date of enactment of this  
12 Act.

13 (2) HERITAGE AREA.—The term “Heritage  
14 Area” means the South Park National Heritage  
15 Area established by section 4(a).

16 (3) MANAGEMENT ENTITY.—The term “man-  
17 agement entity” means the management entity for  
18 the Heritage Area designated by section 5(d)(1).

19 (4) MANAGEMENT PLAN.—The term “manage-  
20 ment plan” means the management plan for the  
21 Heritage Area required by section 7.

22 (5) MAP.—The term “map” means the map en-  
23 titled “South Park National Heritage Area Map  
24 (Proposed), dated January 30, 2006”.

1           (6) PARTNER.—The term “partner” means a  
2       Federal, State, or local governmental entity, organi-  
3       zation, private industry, educational institution, or  
4       individual involved in the conservation, preservation,  
5       interpretation, development or promotion of heritage  
6       sites or resources of the Heritage Area.

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

9           (8) STATE.—The term “State” means the State  
10      of Colorado.

11          (9) TECHNICAL ASSISTANCE.—The term “tech-  
12      nical assistance” means any guidance, advice, help,  
13      or aid, other than financial assistance, provided by  
14      the Secretary.

15   **SEC. 5. SOUTH PARK NATIONAL HERITAGE AREA.**

16          (a) ESTABLISHMENT.—There is established in the  
17      State the South Park National Heritage Area.

18          (b) BOUNDARIES.—The Heritage Area shall consist  
19      of the areas included in the map.

20          (c) MAP.—A map of the Heritage Area shall be—

21              (1) included in the management plan; and

22              (2) on file and available for public inspection in  
23      the appropriate offices of the National Park Service.

24          (d) MANAGEMENT ENTITY.—

1           (1) IN GENERAL.—The management entity for  
2           the Heritage Area shall be the Park County Tourism  
3           & Community Development Office, in conjunction  
4           with the South Park National Heritage Area Board  
5           of Directors.

6           (2) MEMBERSHIP REQUIREMENTS.—Members  
7           of the Board shall include representatives from a  
8           broad cross-section of individuals, agencies, organi-  
9           zations, and governments that were involved in the  
10          planning and development of the Heritage Area be-  
11          fore the date of enactment of this Act.

12 **SEC. 6. ADMINISTRATION.**

13          (a) PROHIBITION ON THE ACQUISITION OF REAL  
14          PROPERTY.—The management entity shall not use Fed-  
15          eral funds made available under this Act to acquire real  
16          property or any interest in real property.

17          (b) AUTHORITIES.—For purposes of carrying out the  
18          management plan, the Secretary, acting through the man-  
19          agement entity, may use amounts made available under  
20          this Act to—

21                (1) make grants to the State or a political sub-  
22                division of the State, nonprofit organizations, and  
23                other persons;

24                (2) enter into cooperative agreements with, or  
25                provide technical assistance to, the State or a polit-

1 ical subdivision of the State, nonprofit organizations,  
2 and other interested parties;

3 (3) hire and compensate staff, which shall in-  
4 clude individuals with expertise in natural, cultural,  
5 and historical resources protection, fundraising, her-  
6 itage facility planning and development, and heritage  
7 tourism programming;

8 (4) obtain funds or services from any source,  
9 including funds or services that are provided under  
10 any other Federal law or program;

11 (5) enter into contracts for goods or services;  
12 and

13 (6) to facilitate the conduct of other projects  
14 and activities that further the Heritage Area and are  
15 consistent with the approved management plan.

16 (c) DUTIES.—The management entity shall—

17 (1) in accordance with section 6, prepare and  
18 submit a management plan for the Heritage Area to  
19 the Secretary;

20 (2) assist units of local government, local prop-  
21 erty owners and businesses, and nonprofit organiza-  
22 tions in carrying out the approved management plan  
23 by—

1           (A) carrying out programs and projects  
2           that recognize, protect, enhance, and promote  
3           important resource values in the Heritage Area;

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

7           (C) developing economic, recreational and  
8           educational opportunities in the Heritage Area;

9           (D) increasing public awareness of, and  
10          appreciation for, historical, cultural, scenic, rec-  
11          reational, agricultural, and natural resources of  
12          the Heritage Area;

13          (E) protecting and restoring historic sites  
14          and buildings in the Heritage Area that are  
15          consistent with Heritage Area themes;

16          (F) ensuring that clear, consistent, and ap-  
17          propriate signs identifying points of public ac-  
18          cess, and sites of interest are posted throughout  
19          the Heritage Area;

20          (G) promoting a wide range of partner-  
21          ships among governments, organizations, and  
22          individuals to further the Heritage Area; and

23          (H) planning and developing new heritage  
24          attractions, products and services.

1           (3) consider the interests of diverse units of  
2           government, businesses, organizations, and individ-  
3           uals in the Heritage Area in the preparation and im-  
4           plementation of the management plan;

5           (4) conduct meetings open to the public at least  
6           semiannually regarding the development and imple-  
7           mentation of the management plan;

8           (5) for any year for which Federal funds have  
9           been received under this Act—

10                 (A) submit to the Secretary an annual re-  
11                 port that describes the activities, expenses, and  
12                 income of the management entity (including  
13                 grants to any other entities during the year  
14                 that the report is made);

15                 (B) make available to the Secretary for  
16                 audit all records relating to the expenditure of  
17                 the Federal funds and any matching funds; and

18                 (C) require, with respect to all agreements  
19                 authorizing expenditure of Federal funds by  
20                 other organizations, that the organizations re-  
21                 ceiving the funds make available to the Sec-  
22                 retary for audit all records concerning the ex-  
23                 penditure of the funds;

24           (6) encourage by appropriate means economic  
25           viability that is consistent with the Heritage Area.

1 (d) COST-SHARING REQUIREMENT.—

2 (1) IN GENERAL.—Except as provided in para-  
3 graph (2), the Federal share of the cost of any activ-  
4 ity carried out using any assistance made available  
5 under this Act shall be 50 percent.

6 (2) EXCEPTION.—Before the date on which the  
7 management entity completes the management plan,  
8 the Federal share of the cost of any activity de-  
9 scribed in paragraph (1) may be 100 percent.

10 **SEC. 7. MANAGEMENT PLAN.**

11 (a) IN GENERAL.—Not later than 3 years after the  
12 date of enactment of this Act, the management entity,  
13 with public participation, shall submit to the Secretary for  
14 approval a proposed management plan for the Heritage  
15 Area.

16 (b) REQUIREMENTS.—The management plan shall—

17 (1) incorporate an integrated and cooperative  
18 approach for the protection, enhancement, interpre-  
19 tation, development, and promotion of the historical,  
20 cultural, scenic, recreational, agricultural, and nat-  
21 ural resources of the Heritage Area;

22 (2) take into consideration State and local  
23 plans;

24 (3) include—

25 (A) an inventory of—

1 (i) the resources located in the core  
2 area described in section 5(b); and

3 (ii) any other eligible and partici-  
4 pating property in the core area that—

5 (I) is related to the themes of the  
6 Heritage Area; and

7 (II) should be preserved, re-  
8 stored, managed, maintained, devel-  
9 oped, or promoted because of the sig-  
10 nificance of the property;

11 (B) comprehensive policies, strategies, and  
12 recommendations for conservation, funding,  
13 management, development, and promotion of  
14 the Heritage Area;

15 (C) a description of actions that govern-  
16 ments, private organizations, and individuals  
17 have agreed to take to manage and protect the  
18 historical, cultural, scenic, recreational, agricul-  
19 tural, and natural resources of the Heritage  
20 Area;

21 (D) a program of implementation for the  
22 management plan by the management entity  
23 that includes a description of—

24 (i) actions to facilitate ongoing and ef-  
25 fective collaboration among partners to



1 promote plans for resource protection, en-  
2 hancement, interpretation, restoration, and  
3 construction; and

4 (ii) specific commitments for imple-  
5 mentation that have been made by the  
6 management entity or any government, or-  
7 ganization, or individual for the first 5  
8 years of operation;

9 (E) the identification of sources of funding  
10 for carrying out the management plan;

11 (F) an analysis of and recommendations  
12 for means by which Federal, State, and local  
13 programs, including the role of the National  
14 Park Service in the Heritage Area, may best be  
15 coordinated to carry out this Act; and

16 (G) an interpretive plan for the Heritage  
17 Area;

18 (4) recommend policies and strategies for re-  
19 source management that consider and detail the ap-  
20 plication of appropriate land and water management  
21 techniques, including the development of intergov-  
22 ernmental and interagency cooperative agreements  
23 to protect the historical, cultural, scenic, rec-  
24 reational, agricultural, and natural resources of the  
25 Heritage Area.

1       (c) DEADLINE.—If a proposed management plan is  
2 not submitted to the Secretary by the date that is 3 years  
3 after the date of enactment of this Act, the management  
4 entity shall be ineligible to receive additional funding  
5 under this Act until the date on which the Secretary re-  
6 ceives and approves the management plan.

7       (d) APPROVAL OR DISAPPROVAL OF MANAGEMENT  
8 PLAN.—

9           (1) IN GENERAL.—Not later than 90 days after  
10 the date of receipt of the management plan under  
11 subsection (a), the Secretary, in consultation with  
12 the State, shall approve or disapprove the manage-  
13 ment plan.

14           (2) CRITERIA FOR APPROVAL.—In determining  
15 whether to approve the management plan, the Sec-  
16 retary shall consider whether—

17           (A) the management entity is representa-  
18 tive of the diverse interests of the Heritage  
19 Area, including governments, natural and his-  
20 torical resource protection organizations, edu-  
21 cational institutions, local businesses and indus-  
22 tries, community organizations, recreational or-  
23 ganizations, and tourism organizations;

24           (B) the management entity has afforded  
25 adequate opportunity, including public hearings,

1 for public and governmental involvement in the  
2 preparation of the management plan; and

3 (C) strategies contained in the manage-  
4 ment plan, if implemented, would adequately  
5 balance the voluntary protection, development,  
6 and interpretation of the natural, historical,  
7 cultural, scenic, recreational, and agricultural  
8 resources of the Heritage Area.

9 (3) ACTION FOLLOWING DISAPPROVAL.—If the  
10 Secretary disapproves the management plan under  
11 paragraph (1), the Secretary shall—

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

14 (B) make recommendations for revisions to  
15 the management plan; and

16 (C) not later than 60 days after the receipt  
17 of any proposed revision of the management  
18 plan from the management entity, approve or  
19 disapprove the proposed revision.

20 (4) AMENDMENTS.—

21 (A) IN GENERAL.—The Secretary shall ap-  
22 prove or disapprove each amendment to the  
23 management plan that the Secretary determines  
24 makes a substantial change to the management  
25 plan.

1           (B) USE OF FUNDS.—The management  
2           entity shall not use Federal funds authorized by  
3           this Act to carry out any amendments to the  
4           management plan until the Secretary has ap-  
5           proved the amendments.

6 **SEC. 8. DUTIES OF OTHER FEDERAL AGENCIES.**

7           Any Federal agency conducting or supporting an ac-  
8           tivity that directly affects the Heritage Area as designated  
9           by the Secretary shall—

10           (1) consult with the Secretary and the manage-  
11           ment entity regarding the activity;

12           (2) cooperate with the Secretary and the man-  
13           agement entity in carrying out the duties of the  
14           Federal agency under this Act;

15           (3) to the maximum extent practicable, coordi-  
16           nate the activity with carrying out those duties; and

17           (4) to the maximum extent practicable, conduct  
18           the activity in a manner that the management entity  
19           determines will not have an adverse effect on the  
20           Heritage Area.

21 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

22           There is authorized to be appropriated to carry out  
23           this Act \$6,110,000, of which not more than \$1,000,000  
24           may be made available for any fiscal year.

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 on which funds are first made available to  
5 carry out this Act.

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