

109TH CONGRESS  
1ST SESSION

# H. R. 522

To establish the Atchafalaya National Heritage Area, Louisiana, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2005

Mr. BAKER (for himself, Mr. JEFFERSON, Mr. McCREERY, Mr. BOUSTANY, Mr. JINDAL, Mr. ALEXANDER, and Mr. MELANCON) introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To establish the Atchafalaya National Heritage Area,  
Louisiana, 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 “Atchafalaya National  
5 Heritage Area Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The Atchafalaya Basin area of Louisiana,  
9 designated by the Louisiana Legislature as the  
10 “Atchafalaya Trace State Heritage Area” and con-

1       sisting of the area described in section 5(b), is an  
2       area in which natural, scenic, cultural, and historic  
3       resources form a cohesive and nationally distinctive  
4       landscape arising from patterns of human activity  
5       shaped by geography.

6               (2) The significance of the area is enhanced by  
7       the continued use of the area by people whose tradi-  
8       tions have helped shape the landscape.

9               (3) There is a national interest in conserving,  
10       restoring, promoting, and interpreting the benefits  
11       of the area for the residents of, and visitors to, the  
12       area.

13              (4) The area represents an assemblage of rich  
14       and varied resources forming a unique aspect of the  
15       heritage of the United States.

16              (5) The area reflects a complex mixture of peo-  
17       ple and their origins, traditions, customs, beliefs,  
18       and folkways of interest to the public.

19              (6) The land and water of the area offer out-  
20       standing recreational opportunities, educational ex-  
21       periences, and potential for interpretation and sci-  
22       entific research.

23              (7) Local governments of the area support the  
24       establishment of a national heritage area.

1 **SEC. 3. PURPOSES.**

2 The purposes of this Act are—

3 (1) to conserve, restore, promote, and interpret  
4 the significant resource values and functions of the  
5 Atchafalaya Basin area and advance sustainable eco-  
6 nomic development of the area;

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

12 (3) to establish, in partnership with the State,  
13 local communities, preservation organizations, pri-  
14 vate corporations, and landowners in the Heritage  
15 Area, the Atchafalaya Trace State Heritage Area, as  
16 eligible parishes designated by the Louisiana Legis-  
17 lature, as the Atchafalaya National Heritage Area.

18 **SEC. 4. DEFINITIONS.**

19 In this Act:

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

23 (2) **LOCAL COORDINATING ENTITY.**—The term  
24 “local coordinating entity” means the local coordi-  
25 nating entity for the Heritage Area designated by  
26 section 5(c).

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

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

6           (5) STATE.—The term “State” means the State  
7           of Louisiana.

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

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

11          (b) BOUNDARIES.—The Heritage Area shall consist  
12          of parishes that are consistent with the tradition, pur-  
13          poses, goals, and culture of the Heritage Area as deter-  
14          mined by the Secretary in consultation with the State. The  
15          Secretary shall give priority consideration to those par-  
16          ishes in Atchafalaya State Heritage Area.

17          (c) LOCAL COORDINATING ENTITY.—

18                 (1) IN GENERAL.—The Atchafalaya Trace  
19                 Commission shall be the local coordinating entity for  
20                 the Heritage Area.

21                 (2) COMPOSITION.—The local coordinating enti-  
22                 ty shall be composed of 1 member appointed by the  
23                 governing authority of each parish within the Herit-  
24                 age Area.

1 **SEC. 6. AUTHORITIES AND DUTIES OF THE LOCAL COORDI-**  
2 **NATING ENTITY.**

3 (a) **AUTHORITIES.**—For the purposes of developing  
4 and implementing the management plan approved by the  
5 Secretary, the local coordinating entity may—

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

9 (2) hire and compensate staff; and

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

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

12 (1) submit to the Secretary for approval a man-  
13 agement plan;

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

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

20 (B) encouraging sustainable economic de-  
21 velopment within the Heritage Area;

22 (C) establishing and maintaining interpre-  
23 tive sites within the Heritage Area; and

24 (D) increasing public awareness and appre-  
25 ciation for the natural, historic, and cultural re-  
26 sources of the Heritage Area;

1           (3) adopt bylaws governing the conduct of the  
2           local coordinating entity; and

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

6                   (A) the accomplishments of the local co-  
7                   ordinating entity; and

8                   (B) the expenses and income of the local  
9                   coordinating entity.

10          (c) ACQUISITION OF REAL PROPERTY.—No Federal  
11          funds authorized under this Act may be used to acquire  
12          real property or any interest in real property.

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

15          **SEC. 7. MANAGEMENT PLAN.**

16          (a) IN GENERAL.—The local coordinating entity shall  
17          develop a management plan for the Heritage Area that  
18          incorporates an integrated and cooperative approach to  
19          conserve, interpret, and enhance the natural, scenic, cul-  
20          tural, historic, and recreational resources of the Heritage  
21          Area consistent with local, State and Federal land use  
22          laws and compatible with the economic viability of the  
23          Heritage 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 Federal, State, and  
5 local plans land use, laws, and 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 conservation, interpreta-  
23 tion, and enjoyment of the resources of the Heritage  
24 Area identified in the management plan and found  
25 by the Secretary to be consistent with this Act and

1 consistent with economic viability of the Heritage  
2 Area;

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

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

7 (A) actions that may be carried out by  
8 units of government, private organizations, and  
9 public-private partnerships to protect the re-  
10 sources of the Heritage Area; and

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

14 (d) SUBMISSION TO SECRETARY FOR APPROVAL.—

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

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

25 (e) APPROVAL.—

1           (1) IN GENERAL.—Not later than 90 days after  
2 receiving the management plan submitted under  
3 subsection (d)(1), the Secretary, in consultation with  
4 the State, shall approve or disapprove the manage-  
5 ment plan.

6           (2) ACTION FOLLOWING DISAPPROVAL.—

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

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

13                   (ii) make recommendations for revi-  
14 sions to the management plan; and

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

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

23           (f) REVISION.—

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

4                   (A) review the management plan; and

5                   (B) submit to the Secretary, for review  
6           and approval by the Secretary, the rec-  
7           ommendations of the local coordinating entity  
8           for any revisions to the management plan that  
9           the local coordinating entity considers to be ap-  
10          propriate.

11          (2) EXPENDITURE OF FUNDS.—Funds made  
12          available under this Act shall be used only to imple-  
13          ment the approved management plan.

14 **SEC. 8. REQUIREMENTS FOR INCLUSION OF PRIVATE**  
15                   **PROPERTY.**

16          (a) NOTIFICATION AND CONSENT OF PROPERTY  
17          OWNERS REQUIRED.—No privately owned property shall  
18          be preserved, conserved, or promoted by the management  
19          plan for the Heritage Area until the owner of that private  
20          property has been notified in writing by the management  
21          entity and has given written consent to the management  
22          entity for such preservation, conservation, or promotion.

23          (b) LANDOWNER WITHDRAW.—Any owner of private  
24          property included within the boundary of the Heritage  
25          Area shall have that private property immediately removed

1 from the boundary by submitting a written request to the  
2 management entity.

3 **SEC. 9. PRIVATE PROPERTY PROTECTION.**

4 (a) ACCESS TO PRIVATE PROPERTY.—Nothing in  
5 this Act shall be construed to—

6 (1) require any private property owner to allow  
7 public access (including Federal, State, or local gov-  
8 ernment access) to such private property; or

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

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

17 (c) PARTICIPATION OF PRIVATE PROPERTY OWNERS  
18 IN HERITAGE AREA.—Nothing in this Act shall be con-  
19 strued to require the owner of any private property located  
20 within the boundaries of the Heritage Area to participate  
21 in or be associated with the Heritage Area.

22 **SEC. 10. EFFECT OF ACT.**

23 Nothing in this Act—

1           (1) grants any Federal agency regulatory au-  
2           thority over any interest in the Heritage Area, un-  
3           less cooperatively agreed to by all involved parties;

4           (2) modifies, enlarges, or diminishes any au-  
5           thority of the Federal, or State, or local government  
6           to regulate any use of land as provided for by law  
7           (including regulations) in existence on the date of  
8           the enactment of this Act;

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

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

16          (5) imposes any change in Federal environ-  
17          mental quality standards;

18          (6) abridges, restricts, or alters any applicable  
19          rule, standard, or review procedure for permitting of  
20          facilities within or adjacent to the Heritage Area; or

21          (7) affects the continuing use and operation,  
22          where located on the date of enactment of this Act,  
23          of any public or private facility, including any public  
24          utility or common carrier.

1 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

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

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