

**Calendar No. 10**109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION**S. 200****[Report No. 109-3]**

To establish the Arabia Mountain National Heritage Area in the State of Georgia, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 26, 2005

Mr. CHAMBLISS (for himself and Mr. ISAKSON) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

FEBRUARY 16, 2005

Reported by Mr. DOMENICI, with an amendment

[Omit the part struck through and insert the part printed in *italie*]**A BILL**

To establish the Arabia Mountain National Heritage Area in the State of Georgia, 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 “Arabia Mountain Na-  
5 tional Heritage Area Act”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) The Arabia Mountain area contains a vari-  
4 ety of natural, cultural, historical, scenic, and rec-  
5 reational resources that together represent distinc-  
6 tive aspects of the heritage of the United States that  
7 are worthy of recognition, conservation, interpreta-  
8 tion, and continuing use.

9 (2) The best methods for managing the re-  
10 sources of the Arabia Mountain area would be  
11 through partnerships between public and private en-  
12 tities that combine diverse resources and active com-  
13 munities.

14 (3) Davidson-Arabia Mountain Nature Pre-  
15 serve, a 535-acre park in DeKalb County, Georgia—

16 (A) protects granite outcrop ecosystems,  
17 wetland, and pine and oak forests; and

18 (B) includes federally-protected plant spe-  
19 cies.

20 (4) Panola Mountain, a national natural land-  
21 mark, located in the 860-acre Panola Mountain  
22 State Conservation Park, is a rare example of a  
23 pristine granite outcrop.

24 (5) The archaeological site at Miners Creek  
25 Preserve along the South River contains documented  
26 evidence of early human activity.

1           (6) The city of Lithonia, Georgia, and related  
2 sites of Arabia Mountain and Stone Mountain pos-  
3 sess sites that display the history of granite mining  
4 as an industry and culture in Georgia, and the im-  
5 pact of that industry on the United States.

6           (7) The community of Klondike is eligible for  
7 designation as a National Historic District.

8           (8) The city of Lithonia has 2 structures listed  
9 on the National Register of Historic Places.

10       (b) PURPOSES.—The purposes of this Act are as fol-  
11 lows:

12           (1) To recognize, preserve, promote, interpret,  
13 and make available for the benefit of the public the  
14 natural, cultural, historical, scenic, and recreational  
15 resources in the area that includes Arabia Mountain,  
16 Panola Mountain, Miners Creek, and other signifi-  
17 cant sites and communities.

18           (2) To assist the State of Georgia and the  
19 counties of DeKalb, Rockdale, and Henry in the  
20 State in developing and implementing an integrated  
21 cultural, historical, and land resource management  
22 program to protect, enhance, and interpret the sig-  
23 nificant resources within the heritage area.

1 **SEC. 3. DEFINITIONS.**

2 For the purposes of this Act, the following definitions  
3 apply:

4 (1) HERITAGE AREA.—The term “heritage  
5 area” means the Arabia Mountain National Heritage  
6 Area established by section 4.

7 (2) MANAGEMENT ENTITY.—The term “man-  
8 agement entity” means the Arabia Mountain Herit-  
9 age Area Alliance or a successor of the Arabia  
10 Mountain Heritage Area Alliance.

11 (3) MANAGEMENT PLAN.—The term “manage-  
12 ment plan” means the management plan for the her-  
13 itage area developed under section 6.

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

16 (5) STATE.—The term “State” means the State  
17 of Georgia.

18 **SEC. 4. ARABIA MOUNTAIN NATIONAL HERITAGE AREA.**

19 (a) ESTABLISHMENT.—There is established the Ara-  
20 bia Mountain National Heritage Area in the State.

21 (b) BOUNDARIES.—The heritage area shall consist of  
22 certain parcels of land in the counties of DeKalb,  
23 Rockdale, and Henry in the State, as generally depicted  
24 on the map entitled “The Preferred Concept” contained  
25 in the document entitled “Arabia Mountain National Her-  
26 itage Area Feasibility Study”, dated February 28, 2001

1 *on the map entitled “Arabia Mountain National Heritage*  
2 *Area”, numbered AMNHA–80,000, and dated October 2003.*

3 (c) AVAILABILITY OF MAP.—The map shall be on file  
4 and available for public inspection in the appropriate of-  
5 fices of the National Park Service.

6 (d) MANAGEMENT ENTITY.—The Arabia Mountain  
7 Heritage Area Alliance shall be the management entity for  
8 the heritage area.

9 **SEC. 5. AUTHORITIES AND DUTIES OF THE MANAGEMENT**  
10 **ENTITY.**

11 (a) AUTHORITIES.—For purposes of developing and  
12 implementing the management plan, the management en-  
13 tity may—

14 (1) make grants to, and enter into cooperative  
15 agreements with, the State, political subdivisions of  
16 the State, and private organizations;

17 (2) hire and compensate staff; and

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

19 (b) DUTIES.—

20 (1) MANAGEMENT PLAN.—

21 (A) IN GENERAL.—The management entity  
22 shall develop and submit to the Secretary the  
23 management plan.

24 (B) CONSIDERATIONS.—In developing and  
25 implementing the management plan, the man-

1           agement entity shall consider the interests of  
2           diverse governmental, business, and nonprofit  
3           groups within the heritage area.

4           (2) PRIORITIES.—The management entity shall  
5           give priority to implementing actions described in  
6           the management plan, including the following:

7                   (A) Assisting units of government and  
8                   nonprofit organizations in preserving resources  
9                   within the heritage area.

10                   (B) Encouraging local governments to  
11                   adopt land use policies consistent with the man-  
12                   agement of the heritage area and the goals of  
13                   the management plan.

14           (3) PUBLIC MEETINGS.—The management enti-  
15           ty shall conduct public meetings at least quarterly  
16           on the implementation of the management plan.

17           (4) ANNUAL REPORT.—For any year in which  
18           Federal funds have been made available under this  
19           Act, the management entity shall submit to the Sec-  
20           retary an annual report that describes the following:

21                   (A) The accomplishments of the manage-  
22                   ment entity.

23                   (B) The expenses and income of the man-  
24                   agement entity.

25           (5) AUDIT.—The management entity shall—

1 (A) make available to the Secretary for  
2 audit all records relating to the expenditure of  
3 Federal funds and any matching funds; and

4 (B) require, with respect to all agreements  
5 authorizing expenditure of Federal funds by  
6 other organizations, that the receiving organiza-  
7 tions make available to the Secretary for audit  
8 all records concerning the expenditure of those  
9 funds.

10 (c) USE OF FEDERAL FUNDS.—

11 (1) IN GENERAL.—The management entity  
12 shall not use Federal funds made available under  
13 this Act to acquire real property or an interest in  
14 real property.

15 (2) OTHER SOURCES.—Nothing in this Act pre-  
16 cludes the management entity from using Federal  
17 funds made available under other Federal laws for  
18 any purpose for which the funds are authorized to  
19 be used.

20 **SEC. 6. MANAGEMENT PLAN.**

21 (a) IN GENERAL.—The management entity shall de-  
22 velop a management plan for the heritage area that incor-  
23 porates an integrated and cooperative approach to protect,  
24 interpret, and enhance the natural, cultural, historical,  
25 scenic, and recreational resources of the heritage area.

1 (b) BASIS.—The management plan shall be based on  
2 the preferred concept in the document entitled “Arabia  
3 Mountain National Heritage Area Feasibility Study”,  
4 dated February 28, 2001.

5 (c) CONSIDERATION OF OTHER PLANS AND AC-  
6 TIONS.—The management plan shall—

7 (1) take into consideration State and local  
8 plans; and

9 (2) involve residents, public agencies, and pri-  
10 vate organizations in the heritage area.

11 (d) REQUIREMENTS.—The management plan shall  
12 include the following:

13 (1) An inventory of the resources in the herit-  
14 age area, including—

15 (A) a list of property in the heritage area  
16 that—

17 (i) relates to the purposes of the herit-  
18 age area; and

19 (ii) should be preserved, restored,  
20 managed, or maintained because of the sig-  
21 nificance of the property; and

22 (B) an assessment of cultural landscapes  
23 within the heritage area.

1           (2) Provisions for the protection, interpretation,  
2           and enjoyment of the resources of the heritage area  
3           consistent with the purposes of this Act.

4           (3) An interpretation plan for the heritage area.

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

7                   (A) actions to be carried out by units of  
8                   government, private organizations, and public-  
9                   private partnerships to protect the resources of  
10                  the heritage area; and

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

14           (5) A description and evaluation of the manage-  
15           ment entity, including the membership and organiza-  
16           tional structure of the management entity.

17           (e) SUBMISSION TO SECRETARY FOR APPROVAL.—

18                   (1) IN GENERAL.—Not later than 3 years after  
19                  the date of the enactment of this Act, the manage-  
20                  ment entity shall submit the management plan to  
21                  the Secretary for approval.

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

1 Act until such date as a management plan for the  
2 heritage area is submitted to the Secretary.

3 (f) APPROVAL AND DISAPPROVAL OF MANAGEMENT  
4 PLAN.—

5 (1) IN GENERAL.—Not later than 90 days after  
6 receiving the management plan submitted under  
7 subsection (e), the Secretary, in consultation with  
8 the State, shall approve or disapprove the manage-  
9 ment plan.

10 (2) ACTION FOLLOWING DISAPPROVAL.—

11 (A) REVISION.—If the Secretary dis-  
12 approves a management plan submitted under  
13 paragraph (1), the Secretary shall—

14 (i) advise the management entity in  
15 writing of the reasons for the disapproval;

16 (ii) make recommendations for revi-  
17 sions to the management plan; and

18 (iii) allow the management entity to  
19 submit to the Secretary revisions to the  
20 management plan.

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

1 (g) REVISION OF MANAGEMENT PLAN.—

2 (1) IN GENERAL.—After approval by the Sec-  
3 retary of a management plan, the management enti-  
4 ty shall periodically—

5 (A) review the management plan; and

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

11 (2) EXPENDITURE OF FUNDS.—No funds made  
12 available under this Act shall be used to implement  
13 any revision proposed by the management entity  
14 under paragraph (1)(B) until the Secretary approves  
15 the revision.

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

17 (a) IN GENERAL.—At the request of the management  
18 entity, the Secretary may provide technical and financial  
19 assistance to the heritage area to develop and implement  
20 the management plan.

21 (b) PRIORITY.—In providing assistance under sub-  
22 section (a), the Secretary shall give priority to actions that  
23 facilitate—

1           (1) the conservation of the significant natural,  
2           cultural, historical, scenic, and recreational resources  
3           that support the purposes of the heritage area; and

4           (2) the provision of educational, interpretive,  
5           and recreational opportunities that are consistent  
6           with the resources and associated values of the herit-  
7           age area.

8 **SEC. 8. EFFECT ON CERTAIN AUTHORITY.**

9           (a) OCCUPATIONAL, SAFETY, CONSERVATION, AND  
10 ENVIRONMENTAL REGULATION.—Nothing in this Act—

11           (1) imposes an occupational, safety, conserva-  
12           tion, or environmental regulation on the heritage  
13           area that is more stringent than the regulations that  
14           would be applicable to the land described in section  
15           4(b) but for the establishment of the heritage area  
16           by section 4; or

17           (2) authorizes a Federal agency to promulgate  
18           an occupational, safety, conservation, or environ-  
19           mental regulation for the heritage area that is more  
20           stringent than the regulations applicable to the land  
21           described in section 4(b) as of the date of enactment  
22           of this Act, solely as a result of the establishment  
23           of the heritage area by section 4.

24           (b) LAND USE REGULATION.—Nothing in this Act—

1           (1) modifies, enlarges, or diminishes any au-  
2           thority of the Federal Government or a State or  
3           local government to regulate any use of land as pro-  
4           vided for by law (including regulations) in existence  
5           on the date of enactment of this Act; or

6           (2) grants powers of zoning or land use to the  
7           management entity.

8 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

9           (a) IN GENERAL.—There is authorized to be appro-  
10          priated to carry out this Act \$10,000,000, to remain avail-  
11          able until expended, of which not more than \$1,000,000  
12          may be used in any fiscal year.

13          (b) FEDERAL SHARE.—The Federal share of the cost  
14          of any project or activity carried out using funds made  
15          available under this Act shall not exceed 50 percent.

16 **SEC. 10. TERMINATION OF AUTHORITY.**

17          The authority of the Secretary to make any grant or  
18          provide any assistance under this Act shall terminate on  
19          September 30, 2016.

**Calendar No. 10**

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 200**

[Report No. 109-3]

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**A BILL**

To establish the Arabia Mountain National Heritage Area in the State of Georgia, and for other purposes.

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FEBRUARY 16, 2005

Reported with an amendment