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109TH CONGRESS
1ST SESSION

S. 249

[Report No. 109-6]

To establish the Great Basin National Heritage Route in the States of Nevada and Utah.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2005

Mr. REID (for himself, Mr. ENSIGN, Mr. BENNETT, and Mr. HATCH) 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, without amendment

A BILL

To establish the Great Basin National Heritage Route in the States of Nevada and Utah.

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 “Great Basin National
5 Heritage Route Act”.

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

2 (a) FINDINGS.—Congress finds that—

3 (1) the natural, cultural, and historic heritage
4 of the North American Great Basin is nationally sig-
5 nificant;

6 (2) communities along the Great Basin Herit-
7 age Route (including the towns of Delta, Utah, Ely,
8 Nevada, and the surrounding communities) are lo-
9 cated in a classic western landscape that contains
10 long natural vistas, isolated high desert valleys,
11 mountain ranges, ranches, mines, historic railroads,
12 archaeological sites, and tribal communities;

13 (3) the Native American, pioneer, ranching,
14 mining, timber, and railroad heritages associated
15 with the Great Basin Heritage Route include the so-
16 cial history and living cultural traditions of a rich di-
17 versity of nationalities;

18 (4) the pioneer, Mormon, and other religious
19 settlements, and ranching, timber, and mining ac-
20 tivities of the region played and continue to play a
21 significant role in the development of the United
22 States, shaped by—

23 (A) the unique geography of the Great
24 Basin;

1 (B) an influx of people of Greek, Chinese,
2 Basque, Serb, Croat, Italian, and Hispanic de-
3 scent; and

4 (C) a Native American presence (Western
5 Shoshone, Northern and Southern Paiute, and
6 Goshute) that continues in the Great Basin
7 today;

8 (5) the Great Basin housed internment camps
9 for Japanese-American citizens during World War
10 II, 1 of which, Topaz, was located along the Herit-
11 age Route;

12 (6) the pioneer heritage of the Heritage Route
13 includes the Pony Express route and stations, the
14 Overland Stage, and many examples of 19th century
15 exploration of the western United States;

16 (7) the Native American heritage of the Herit-
17 age Route dates back thousands of years and in-
18 cludes—

19 (A) archaeological sites;

20 (B) petroglyphs and pictographs;

21 (C) the westernmost village of the Fremont
22 culture; and

23 (D) communities of Western Shoshone,
24 Paiute, and Goshute tribes;

1 (8) the Heritage Route contains multiple bio-
2 logically diverse ecological communities that are
3 home to exceptional species such as—

4 (A) bristlecone pines, the oldest living trees
5 in the world;

6 (B) wildlife adapted to harsh desert condi-
7 tions;

8 (C) unique plant communities, lakes, and
9 streams; and

10 (D) native Bonneville cutthroat trout;

11 (9) the air and water quality of the Heritage
12 Route is among the best in the United States, and
13 the clear air permits outstanding viewing of the
14 night skies;

15 (10) the Heritage Route includes unique and
16 outstanding geologic features such as numerous
17 limestone caves, classic basin and range topography
18 with playa lakes, alluvial fans, volcanics, cold and
19 hot springs, and recognizable features of ancient
20 Lake Bonneville;

21 (11) the Heritage Route includes an unusual
22 variety of open space and recreational and edu-
23 cational opportunities because of the great quantity
24 of ranching activity and public land (including city,

1 county, and State parks, national forests, Bureau of
2 Land Management land, and a national park);

3 (12) there are significant archaeological, histor-
4 ical, cultural, natural, scenic, and recreational re-
5 sources in the Great Basin to merit the involvement
6 of the Federal Government in the development, in
7 cooperation with the Great Basin Heritage Route
8 Partnership and other local and governmental enti-
9 ties, of programs and projects to—

10 (A) adequately conserve, protect, and in-
11 terpret the heritage of the Great Basin for
12 present and future generations; and

13 (B) provide opportunities in the Great
14 Basin for education; and

15 (13) the Great Basin Heritage Route Partner-
16 ship shall serve as the management entity for a Her-
17 itage Route established in the Great Basin.

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

19 (1) to foster a close working relationship with
20 all levels of government, the private sector, and the
21 local communities within White Pine County, Ne-
22 vada, Millard County, Utah, and the Duckwater
23 Shoshone Reservation;

1 (2) to enable communities referred to in para-
 2 graph (1) to conserve their heritage while continuing
 3 to develop economic opportunities; and

4 (3) to conserve, interpret, and develop the ar-
 5 chaeological, historical, cultural, natural, scenic, and
 6 recreational resources related to the unique ranch-
 7 ing, industrial, and cultural heritage of the Great
 8 Basin, in a manner that promotes multiple uses per-
 9 mitted as of the date of enactment of this Act, with-
 10 out managing or regulating land use.

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

13 (1) GREAT BASIN.—The term “Great Basin”
 14 means the North American Great Basin.

15 (2) HERITAGE ROUTE.—The term “Heritage
 16 Route” means the Great Basin National Heritage
 17 Route established by section 4(a).

18 (3) MANAGEMENT ENTITY.—The term “man-
 19 agement entity” means the Great Basin Heritage
 20 Route Partnership established by section 4(c).

21 (4) MANAGEMENT PLAN.—The term “manage-
 22 ment plan” means the plan developed by the man-
 23 agement entity under section 6(a).

1 (5) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior, acting through the Di-
3 rector of the National Park Service.

4 **SEC. 4. GREAT BASIN NATIONAL HERITAGE ROUTE.**

5 (a) ESTABLISHMENT.—There is established the
6 Great Basin National Heritage Route to provide the public
7 with access to certain historical, cultural, natural, scenic,
8 and recreational resources in White Pine County, Nevada,
9 Millard County, Utah, and the Duckwater Shoshone Res-
10 ervation in the State of Nevada, as designated by the man-
11 agement entity.

12 (b) BOUNDARIES.—The management entity shall de-
13 termine the specific boundaries of the Heritage Route.

14 (c) MANAGEMENT ENTITY.—

15 (1) IN GENERAL.—The Great Basin Heritage
16 Route Partnership shall serve as the management
17 entity for the Heritage Route.

18 (2) BOARD OF DIRECTORS.—The Great Basin
19 Heritage Route Partnership shall be governed by a
20 board of directors that consists of—

21 (A) 4 members who are appointed by the
22 Board of County Commissioners for Millard
23 County, Utah;

1 (B) 4 members who are appointed by the
2 Board of County Commissioners for White Pine
3 County, Nevada; and

4 (C) a representative appointed by each Na-
5 tive American Tribe participating in the Herit-
6 age Route.

7 **SEC. 5. MEMORANDUM OF UNDERSTANDING.**

8 (a) IN GENERAL.—In carrying out this Act, the Sec-
9 retary, in consultation with the Governors of the States
10 of Nevada and Utah and the tribal government of each
11 Indian tribe participating in the Heritage Route, shall
12 enter into a memorandum of understanding with the man-
13 agement entity.

14 (b) INCLUSIONS.—The memorandum of under-
15 standing shall include information relating to the objec-
16 tives and management of the Heritage Route, including—

17 (1) a description of the resources of the Herit-
18 age Route;

19 (2) a discussion of the goals and objectives of
20 the Heritage Route, including—

21 (A) an explanation of the proposed ap-
22 proach to conservation, development, and inter-
23 pretation; and

24 (B) a general outline of the anticipated
25 protection and development measures;

1 (3) a description of the management entity;

2 (4) a list and statement of the financial com-
3 mitment of the initial partners to be involved in de-
4 veloping and implementing the management plan;
5 and

6 (5) a description of the role of the States of Ne-
7 vada and Utah in the management of the Heritage
8 Route.

9 (c) ADDITIONAL REQUIREMENTS.—In developing the
10 terms of the memorandum of understanding, the Sec-
11 retary and the management entity shall—

12 (1) provide opportunities for local participation;
13 and

14 (2) include terms that ensure, to the maximum
15 extent practicable, timely implementation of all as-
16 pects of the memorandum of understanding.

17 (d) AMENDMENTS.—

18 (1) IN GENERAL.—The Secretary shall review
19 any amendments of the memorandum of under-
20 standing proposed by the management entity or the
21 Governor of the State of Nevada or Utah.

22 (2) USE OF FUNDS.—Funds made available
23 under this Act shall not be expended to implement
24 a change made by a proposed amendment described

1 in paragraph (1) until the Secretary approves the
2 amendment.

3 **SEC. 6. MANAGEMENT PLAN.**

4 (a) IN GENERAL.—Not later than 3 years after the
5 date of enactment of this Act, the management entity shall
6 develop and submit to the Secretary for approval a man-
7 agement plan for the Heritage Route that—

8 (1) specifies—

9 (A) any resources designated by the man-
10 agement entity under section 4(a); and

11 (B) the specific boundaries of the Heritage
12 Route, as determined under section 4(b); and

13 (2) presents clear and comprehensive rec-
14 ommendations for the conservation, funding, man-
15 agement, and development of the Heritage Route.

16 (b) CONSIDERATIONS.—In developing the manage-
17 ment plan, the management entity shall—

18 (1) provide for the participation of local resi-
19 dents, public agencies, and private organizations lo-
20 cated within the counties of Millard County, Utah,
21 White Pine County, Nevada, and the Duckwater
22 Shoshone Reservation in the protection and develop-
23 ment of resources of the Heritage Route, taking into
24 consideration State, tribal, county, and local land

1 use plans in existence on the date of enactment of
2 this Act;

3 (2) identify sources of funding;

4 (3) include—

5 (A) a program for implementation of the
6 management plan by the management entity,
7 including—

8 (i) plans for restoration, stabilization,
9 rehabilitation, and construction of public
10 or tribal property; and

11 (ii) specific commitments by the iden-
12 tified partners referred to in section
13 5(b)(4) for the first 5 years of operation;
14 and

15 (B) an interpretation plan for the Heritage
16 Route; and

17 (4) develop a management plan that will not in-
18 fringe on private property rights without the consent
19 of the owner of the private property.

20 (c) FAILURE TO SUBMIT.—If the management entity
21 fails to submit a management plan to the Secretary in ac-
22 cordance with subsection (a), the Heritage Route shall no
23 longer qualify for Federal funding.

24 (d) APPROVAL AND DISAPPROVAL OF MANAGEMENT
25 PLAN.—

1 (1) IN GENERAL.—Not later than 90 days after
2 receipt of a management plan under subsection (a),
3 the Secretary, in consultation with the Governors of
4 the States of Nevada and Utah, shall approve or dis-
5 approve the management plan.

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

9 (A) has strong local support from a diver-
10 sity of landowners, business interests, nonprofit
11 organizations, and governments associated with
12 the Heritage Route;

13 (B) is consistent with and complements
14 continued economic activity along the Heritage
15 Route;

16 (C) has a high potential for effective part-
17 nership mechanisms;

18 (D) avoids infringing on private property
19 rights; and

20 (E) provides methods to take appropriate
21 action to ensure that private property rights are
22 observed.

23 (3) ACTION FOLLOWING DISAPPROVAL.—If the
24 Secretary disapproves a management plan under
25 paragraph (1), the Secretary shall—

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

3 (B) make recommendations for revisions to
4 the management plan; and

5 (C) not later than 90 days after the receipt
6 of any proposed revision of the management
7 plan from the management entity, approve or
8 disapprove the proposed revision.

9 (e) IMPLEMENTATION.—On approval of the manage-
10 ment plan as provided in subsection (d)(1), the manage-
11 ment entity, in conjunction with the Secretary, shall take
12 appropriate steps to implement the management plan.

13 (f) AMENDMENTS.—

14 (1) IN GENERAL.—The Secretary shall review
15 each amendment to the management plan that the
16 Secretary determines may make a substantial
17 change to the management plan.

18 (2) USE OF FUNDS.—Funds made available
19 under this Act shall not be expended to implement
20 an amendment described in paragraph (1) until the
21 Secretary approves the amendment.

22 **SEC. 7. AUTHORITY AND DUTIES OF MANAGEMENT ENTITY.**

23 (a) AUTHORITIES.—The management entity may, for
24 purposes of preparing and implementing the management
25 plan, use funds made available under this Act to—

1 (1) make grants to, and enter into cooperative
2 agreements with, a State (including a political sub-
3 division), an Indian tribe, a private organization, or
4 any person; and

5 (2) hire and compensate staff.

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

8 (1) give priority to implementing the memo-
9 randum of understanding and the management plan,
10 including taking steps to—

11 (A) assist units of government, regional
12 planning organizations, and nonprofit organiza-
13 tions in—

14 (i) establishing and maintaining inter-
15 pretive exhibits along the Heritage Route;

16 (ii) developing recreational resources
17 along the Heritage Route;

18 (iii) increasing public awareness of
19 and appreciation for the archaeological,
20 historical, cultural, natural, scenic, and
21 recreational resources and sites along the
22 Heritage Route; and

23 (iv) if requested by the owner, restor-
24 ing, stabilizing, or rehabilitating any pri-

1 vate, public, or tribal historical building re-
2 lating to the themes of the Heritage Route;

3 (B) encourage economic viability and diver-
4 sity along the Heritage Route in accordance
5 with the objectives of the management plan;
6 and

7 (C) encourage the installation of clear,
8 consistent, and environmentally appropriate
9 signage identifying access points and sites of in-
10 terest along the Heritage Route;

11 (2) consider the interests of diverse govern-
12 mental, business, and nonprofit groups associated
13 with the Heritage Route;

14 (3) conduct public meetings in the region of the
15 Heritage Route at least semiannually regarding the
16 implementation of the management plan;

17 (4) submit substantial amendments (including
18 any increase of more than 20 percent in the cost es-
19 timates for implementation) to the management plan
20 to the Secretary for approval by the Secretary; and

21 (5) for any year for which Federal funds are re-
22 ceived under this Act—

23 (A) submit to the Secretary a report that
24 describes, for the year—

1 (i) the accomplishments of the man-
2 agement entity;

3 (ii) the expenses and income of the
4 management entity; and

5 (iii) each entity to which any loan or
6 grant was made;

7 (B) make available for audit all records
8 pertaining to the expenditure of the funds and
9 any matching funds; and

10 (C) require, for all agreements authorizing
11 the expenditure of Federal funds by any entity,
12 that the receiving entity make available for
13 audit all records pertaining to the expenditure
14 of the funds.

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

19 (d) PROHIBITION ON THE REGULATION OF LAND
20 USE.—The management entity shall not regulate land use
21 within the Heritage Route.

22 **SEC. 8. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.**

23 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—

24 (1) IN GENERAL.—The Secretary may, on re-
25 quest of the management entity, provide technical

1 and financial assistance to develop and implement
2 the management plan and memorandum of under-
3 standing.

4 (2) PRIORITY FOR ASSISTANCE.—In providing
5 assistance under paragraph (1), the Secretary shall,
6 on request of the management entity, give priority
7 to actions that assist in—

8 (A) conserving the significant archae-
9 ological, historical, cultural, natural, scenic, and
10 recreational resources of the Heritage Route;
11 and

12 (B) providing education, interpretive, and
13 recreational opportunities, and other uses con-
14 sistent with those resources.

15 (b) APPLICATION OF FEDERAL LAW.—The establish-
16 ment of the Heritage Route shall have no effect on the
17 application of any Federal law to any property within the
18 Heritage Route.

19 **SEC. 9. LAND USE REGULATION; APPLICABILITY OF FED-**
20 **ERAL LAW.**

21 (a) LAND USE REGULATION.—Nothing in this Act—

22 (1) modifies, enlarges, or diminishes any au-
23 thority of the Federal, State, tribal, or local govern-
24 ment to regulate by law (including by regulation)
25 any use of land; or

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

3 (b) **APPLICABILITY OF FEDERAL LAW.**—Nothing in
4 this Act—

5 (1) imposes on the Heritage Route, as a result
6 of the designation of the Heritage Route, any regu-
7 lation that is not applicable to the area within the
8 Heritage Route as of the date of enactment of this
9 Act; or

10 (2) authorizes any agency to promulgate a reg-
11 ulation that applies to the Heritage Route solely as
12 a result of the designation of the Heritage Route
13 under this Act.

14 **SEC. 10. 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 may be made available for any fis-
18 cal year.

19 (b) **COST SHARING.**—

20 (1) **FEDERAL SHARE.**—The Federal share of
21 the cost of any activity assisted under this Act shall
22 not exceed 50 percent.

23 (2) **FORM OF NON-FEDERAL SHARE.**—The non-
24 Federal share may be in the form of in-kind con-

1 tributions, donations, grants, and loans from individ-
2 uals and State or local governments or agencies.

3 **SEC. 11. TERMINATION OF AUTHORITY.**

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

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