

Calendar No. 8

109TH CONGRESS
1ST SESSION

S. 63

[Report No. 109-1]

To establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2005

Mr. BINGAMAN (for himself and Mr. DOMENICI) 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 amendments

[Omit the part struck through and insert the part printed in italics]

A BILL

To establish the Northern Rio Grande National Heritage Area in the State of New Mexico, 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 “Northern Rio Grande
5 National Heritage Area Act”.

1 **SEC. 2. CONGRESSIONAL FINDINGS.**

2 The Congress finds that—

3 (1) northern New Mexico encompasses a mosaic
4 of cultures and history, including eight Pueblos and
5 the descendants of Spanish ancestors who settled in
6 the area in 1598;

7 (2) the combination of cultures, languages, folk
8 arts, customs, and architecture make northern New
9 Mexico unique;

10 (3) the area includes spectacular natural, sce-
11 nic, and recreational resources;

12 (4) there is broad support from local govern-
13 ments and interested individuals to establish a Na-
14 tional Heritage Area to coordinate and assist in the
15 preservation and interpretation of these resources;

16 (5) in 1991, the National Park Service study
17 Alternative Concepts for Commemorating Spanish
18 Colonization identified several alternatives consistent
19 with the establishment of a National Heritage Area,
20 including conducting a comprehensive archaeological
21 and historical research program, coordinating a com-
22 prehensive interpretation program, and interpreting
23 a cultural heritage scene; and

24 (6) establishment of a National Heritage Area
25 in northern New Mexico would assist local commu-

1 nities and residents in preserving these unique cul-
 2 tural, historical and natural resources.

3 **SEC. 3. DEFINITIONS.**

4 As used in this Act—

5 (1) the term “heritage area” means the North-
 6 ern Rio Grande *National* Heritage Area; and

7 (2) the term “Secretary” means the Secretary
 8 of the Interior.

9 **SEC. 4. NORTHERN RIO GRANDE NATIONAL HERITAGE**
 10 **AREA.**

11 (a) ESTABLISHMENT.—There is hereby established
 12 the Northern Rio Grande National Heritage Area in the
 13 State of New Mexico.

14 (b) BOUNDARIES.—The heritage area shall include
 15 the counties of Santa Fe, Rio Arriba, and Taos.

16 (c) MANAGEMENT ENTITY.—

17 (1) The Northern Rio Grande National Herit-
 18 age Area, Inc., a non-profit corporation chartered in
 19 the State of New Mexico, shall serve as the manage-
 20 ment entity for the heritage area.

21 (2) The Board of Directors for the management
 22 entity shall include representatives of the State of
 23 New Mexico, the counties of Santa Fe, Rio Arriba
 24 and Taos, tribes and pueblos within the heritage
 25 area, the cities of Santa Fe, Espanola and Taos, and

1 members of the general public. The total number of
 2 Board members and the number of Directors rep-
 3 resenting State, local and tribal governments and in-
 4 terested communities shall be established to ensure
 5 that all parties have appropriate representation on
 6 the Board.

7 **SEC. 5. AUTHORITY AND DUTIES OF THE MANAGEMENT EN-**
 8 **TITY.**

9 (a) MANAGEMENT PLAN.—

10 (1) Not later than 3 years after the date of en-
 11 actment of this Act, the management entity shall de-
 12 velop and forward to the Secretary a management
 13 plan for the heritage area.

14 (2) The management entity shall develop and
 15 implement the management plan in cooperation with
 16 affected communities, tribal and local governments
 17 and shall provide for public involvement in the devel-
 18 opment and implementation of the management
 19 plan.

20 (3) The management plan shall, at a min-
 21 imum—

22 (A) provide recommendations for the con-
 23 servation, funding, management, and develop-
 24 ment of the resources of the heritage area;

25 (B) identify sources of funding;

1 (C) include an inventory of the cultural,
2 historical, archaeological, natural, and rec-
3 reational resources of the heritage area;

4 (D) provide recommendations for edu-
5 cational and interpretive programs to inform
6 the public about the resources of the heritage
7 area; and

8 (E) include an analysis of ways in which
9 local, State, Federal, and tribal programs may
10 best be coordinated to promote the purposes of
11 this Act.

12 (4) If the management entity fails to submit a
13 management plan to the ~~secretary~~ *Secretary* as pro-
14 vided in paragraph (1), the heritage area shall no
15 longer be eligible to receive Federal funding under
16 this Act until such time as a plan is submitted to
17 the Secretary.

18 (5) The Secretary shall approve or disapprove
19 the management plan within 90 days after the date
20 of submission. If the Secretary disapproves the man-
21 agement plan, the Secretary shall advise the man-
22 agement entity in writing of the reasons therefore
23 and shall make recommendations for revisions to the
24 plan.

1 (6) The management entity shall periodically
2 review the management plan and submit to the Sec-
3 retary any recommendations for proposed revisions
4 to the management plan. Any major revisions to the
5 management plan must be approved by the Sec-
6 retary.

7 (b) AUTHORITY.—The management entity may make
8 grants and provide technical assistance to tribal and local
9 governments, and other public and private entities to carry
10 out the management plan.

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

12 (1) give priority in implementing actions set
13 forth in the management plan;

14 (2) coordinate with tribal and local governments
15 to better enable them to adopt land use policies con-
16 sistent with the goals of the management plan;

17 (3) encourage by appropriate means economic
18 viability in the heritage area consistent with the
19 goals of the management plan; and

20 (4) assist local and tribal governments and non-
21 profit organizations in—

22 (A) establishing and maintaining interpre-
23 tive exhibits in the heritage area;

24 (B) developing recreational resources in
25 the heritage area;

1 (C) increasing public awareness of, and ap-
2 preciation for, the cultural, historical, archae-
3 ological and natural resources and sits in the
4 heritage area;

5 (D) the restoration of historic structures
6 related to the heritage area; and

7 (E) carrying out other actions that the
8 management entity determines appropriate to
9 fulfill the purposes of this Act, consistent with
10 the management plan.

11 (d) PROHIBITION ON ACQUIRING REAL PROPERTY.—
12 The management entity may not use Federal funds re-
13 ceived under this Act to acquire real property or an inter-
14 est in real property.

15 (e) PUBLIC MEETINGS.—The management entity
16 shall hold public meetings at least annually regarding the
17 implementation of the management plan.

18 (f) ANNUAL REPORTS AND AUDITS.—

19 (1) For any year in which the management en-
20 tity receives Federal funds under this Act, the man-
21 agement entity shall submit an annual report to the
22 Secretary setting forth accomplishments, expenses
23 and income, and each entity to which any grant was
24 made by the management entity.

1 (2) The management entity shall make avail-
2 able to the Secretary for audit all records relating to
3 the expenditure of Federal funds and any matching
4 funds. The management entity shall also require, for
5 all agreements authorizing expenditure of Federal
6 funds by other organizations, that the receiving or-
7 ganization make available to the Secretary for audit
8 all records concerning the expenditure of those
9 funds.

10 **SEC. 6. DUTIES OF THE SECRETARY.**

11 (a) **TECHNICAL AND FINANCIAL ASSISTANCE.**—The
12 Secretary may, upon request of the management entity,
13 provide technical and financial assistance to develop and
14 implement the management plan.

15 (b) **PRIORITY.**—In providing assistance under sub-
16 section (a), the Secretary shall give priority to actions that
17 facilitate—

18 (1) the conservation of the significant natural,
19 cultural, historical, archaeological, scenic, and rec-
20 reational resources of the heritage area; and

21 (2) the provision of educational, interpretive,
22 and recreational opportunities consistent with the re-
23 sources and associated values of the heritage area.

1 **SEC. 7. SAVINGS PROVISIONS.**

2 (a) **NO EFFECT ON PRIVATE PROPERTY.**—Nothing
3 in this Act shall be construed—

4 (1) to modify, enlarge, or diminish any author-
5 ity of Federal, State, or local governments to regu-
6 late any use of privately owned lands; or

7 (2) to grant the management entity any author-
8 ity to regulate the use of privately owned lands.

9 (b) **TRIBAL LANDS.**—Nothing in this Act shall re-
10 strict or limit a tribe from protecting cultural or religious
11 sites on tribal lands.

12 (c) **AUTHORITY OF GOVERNMENTS.**—Nothing in this
13 Act shall—

14 (1) modify, enlarge, or diminish any authority
15 of Federal, State, tribal, or local governments to
16 manage or regulate any use of land as provided for
17 by law or regulation; or

18 (2) authorize the management entity to assume
19 any management authorities over such lands.

20 (d) **TRUST RESPONSIBILITIES.**—Nothing in this Act
21 shall diminish the Federal Government’s trust responsibil-
22 ities or government-to-government obligations to any fed-
23 erally recognized Indian tribe.

1 **SEC. 8. SUNSET.**

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 of enactment of this Act.

5 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) **IN GENERAL.**—There are authorized to be appro-
7 priated to carry out this Act \$10,000,000, of which not
8 more than \$1,000,000 may be authorized to be appro-
9 priated for any fiscal year.

10 (b) **COST-SHARING REQUIREMENT.**—The Federal
11 share of the total cost of any activity assisted under this
12 Act shall be not more than 50 percent.

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