

111TH CONGRESS
2D SESSION

S. 3682

To establish the Fox-Wisconsin Heritage Parkway National Heritage Area,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2010

Mr. KOHL introduced the following bill; which was read twice and referred to
the Committee on Energy and Natural Resources

A BILL

To establish the Fox-Wisconsin Heritage Parkway National
Heritage Area, 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 “Fox-Wisconsin Herit-
5 age Parkway National Heritage Area Act of 2010”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **HERITAGE AREA.**—The term “Heritage
9 Area” means the Fox-Wisconsin Heritage Parkway
10 National Heritage Area established by section 3(a).

1 (2) LOCAL COORDINATING ENTITY.—The term
 2 “local coordinating entity” means the local coordi-
 3 nating entity for the Heritage Area designated by
 4 section 3(d).

5 (3) MANAGEMENT PLAN.—The term “manage-
 6 ment plan” means the management plan for the
 7 Heritage Area required under section 5(a).

8 (4) MAP.—The term “map” means the map in-
 9 cluded under section 5(b)(3)(H).

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

12 (6) STATE.—The term “State” means the State
 13 of Wisconsin.

14 **SEC. 3. FOX-WISCONSIN HERITAGE PARKWAY NATIONAL**
 15 **HERITAGE AREA.**

16 (a) ESTABLISHMENT.—There is established in the
 17 State the Fox-Wisconsin Heritage Parkway National Her-
 18 itage Area.

19 (b) BOUNDARIES.—

20 (1) IN GENERAL.—The Heritage Area shall in-
 21 clude—

22 (A) the area included in Appendix A, Map
 23 1 of the feasibility study submitted by the local
 24 coordinating entity, which includes approxi-
 25 mately 1,444 square miles of land in 15 coun-

1 ties in central and southeastern Wisconsin, in-
 2 cluding Brown, Calumet, Columbia, Crawford,
 3 Dane, Fond du Lac, Grant, Green Lake, Iowa,
 4 Marquette, Outagamie, Richland, Sauk,
 5 Waushara, and Winnebago counties; and

6 (B) any contributing sites, buildings, and
 7 districts within the area described in subpara-
 8 graph (A) that are recommended for inclusion
 9 in the Heritage Area by the management plan.

10 (2) REVISIONS.—The boundaries of the Herit-
 11 age Area may be revised if the revisions are—

12 (A) proposed in the management plan de-
 13 veloped for the Heritage Area;

14 (B) depicted on the map; and

15 (C) approved by the Secretary in accord-
 16 ance with this Act.

17 (c) MAP.—The map shall be available for public in-
 18 spection in the appropriate offices of—

19 (1) the National Park Service; and

20 (2) the local coordinating entity.

21 (d) LOCAL COORDINATING ENTITY.—The local co-
 22 ordinating entity for the Heritage Area shall be the Fox-
 23 Wisconsin Heritage Parkway, a nonprofit organization es-
 24 tablished in the State.

1 **SEC. 4. ADMINISTRATION.**

2 (a) **AUTHORITIES.**—To carry out the management
3 plan, the Secretary, acting through the local coordinating
4 entity, may use amounts made available under this Act—

5 (1) to make grants to the State (including any
6 political subdivision of the State), nonprofit organi-
7 zations, and other individuals;

8 (2) to enter into cooperative agreements with,
9 or provide technical assistance to, the State (includ-
10 ing any political subdivision of the State), nonprofit
11 organizations, and other interested parties;

12 (3) to hire and compensate staff, which shall in-
13 clude individuals with expertise in natural, cultural,
14 and historical resource protection, and heritage pro-
15 gramming;

16 (4) to obtain funds or services from any source,
17 including funds or services that are provided under
18 any other Federal law or program;

19 (5) to enter into contracts for goods or services;
20 and

21 (6) to serve as a catalyst for any other activity
22 that—

23 (A) furthers the purposes and goals of the
24 Heritage Area; and

25 (B) is consistent with the approved man-
26 agement plan.

1 (b) DUTIES.—The local coordinating entity shall—

2 (1) in accordance with section 5, prepare and
3 submit to the Secretary a management plan for the
4 Heritage Area;

5 (2) assist units of local government, regional
6 planning organizations, and nonprofit organizations
7 in carrying out the approved management plan by—

8 (A) carrying out programs and projects
9 that recognize, protect, and enhance important
10 resource values located in the Heritage Area;

11 (B) establishing and maintaining interpre-
12 tive exhibits and programs in the Heritage
13 Area;

14 (C) developing recreational and educational
15 opportunities in the Heritage Area;

16 (D) increasing public awareness of, and
17 appreciation for, the natural, historical, scenic,
18 and cultural resources of the Heritage Area;

19 (E) protecting and restoring historic sites
20 and buildings in the Heritage Area that are
21 consistent with Heritage Area themes;

22 (F) ensuring that clear, consistent, and ap-
23 propriate signs identifying points of public ac-
24 cess, and sites of interest, are posted through-
25 out the Heritage Area; and

1 (G) promoting a wide range of partner-
2 ships among governments, organizations, and
3 individuals to further the Heritage Area;

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

8 (4) conduct meetings open to the public at least
9 semiannually regarding the development and imple-
10 mentation of the management plan;

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

13 (A) submit an annual report to the Sec-
14 retary that describes the activities, expenses,
15 and income of the local coordinating entity (in-
16 cluding grants to any other entities during the
17 year that the report is made);

18 (B) make available to the Secretary for
19 audit all records relating to the expenditure of
20 the funds and any matching funds; and

21 (C) require, with respect to all agreements
22 authorizing expenditure of Federal funds by
23 other organizations, that the organizations re-
24 ceiving the funds make available to the Sec-

1 retary for audit all records concerning the ex-
2 penditure of the funds; and

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

5 (c) PROHIBITION ON THE ACQUISITION OF REAL
6 PROPERTY.—The local coordinating entity shall not use
7 Federal funds made available under this Act to acquire
8 real property or any interest in real property.

9 **SEC. 5. MANAGEMENT PLAN.**

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

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

15 (1) incorporate an integrated and cooperative
16 approach for the protection, enhancement, and inter-
17 pretation of the natural, cultural, historic, scenic,
18 educational, and recreational resources of the Herit-
19 age Area;

20 (2) take into consideration State and local
21 plans;

22 (3) include—

23 (A) an inventory of the resources located
24 in the Heritage Area;

1 (B) comprehensive policies, strategies, and
2 recommendations for conservation, funding,
3 management, and development of the Heritage
4 Area;

5 (C) a description of actions that govern-
6 ments, private organizations, and individuals
7 have agreed to take to protect the natural, cul-
8 tural, historic, scenic, educational, and rec-
9 reational resources of the Heritage Area;

10 (D) a program of implementation for the
11 management plan by the local coordinating en-
12 tity that includes a description of—

13 (i) actions to facilitate ongoing col-
14 laboration among partners to promote
15 plans for resource protection, restoration,
16 and construction; and

17 (ii) specific commitments for imple-
18 mentation that have been made by the
19 local coordinating entity or any govern-
20 ment, organization, or individual for the
21 first 5 years of operation;

22 (E) the identification of sources of funding
23 for carrying out the management plan;

24 (F) analysis and recommendations for
25 means by which local, State, and Federal pro-

1 grams, including the role of the National Park
2 Service in the Heritage Area, may best be co-
3 ordinated to carry out this Act;

4 (G) an interpretive plan for the Heritage
5 Area; and

6 (H) a map of the Heritage Area; and

7 (4) recommend policies and strategies for re-
8 source management that consider and detail the ap-
9 plication of appropriate land and water management
10 techniques, including the development of intergov-
11 ernmental and interagency cooperative agreements
12 to protect the natural, cultural, historic, scenic, edu-
13 cational, and recreational resources of the Heritage
14 Area.

15 (c) DEADLINE.—If a proposed management plan is
16 not submitted to the Secretary by the date that is 3 years
17 after the date of enactment of this Act, the local coordi-
18 nating entity shall be ineligible to receive additional fund-
19 ing under this Act until the date on which the Secretary
20 approves a management plan.

21 (d) APPROVAL OR DISAPPROVAL OF MANAGEMENT
22 PLAN.—

23 (1) IN GENERAL.—Not later than 180 days
24 after the date of receipt of the management plan
25 under subsection (a), the Secretary, in consultation

1 with the State, shall approve or disapprove the man-
2 agement plan.

3 (2) CRITERIA FOR APPROVAL.—In determining
4 whether to approve the management plan, the Sec-
5 retary shall consider whether—

6 (A) the local coordinating entity is rep-
7 resentative of the diverse interests of the Herit-
8 age Area, including governments, natural and
9 historic resource protection organizations, edu-
10 cational institutions, businesses, and rec-
11 reational organizations;

12 (B) the local coordinating entity has af-
13 forded adequate opportunity, including public
14 hearings, for public and governmental involve-
15 ment in the preparation of the management
16 plan; and

17 (C) the resource protection and interpreta-
18 tion strategies contained in the management
19 plan, if implemented, would adequately protect
20 the natural, cultural, historic, scenic, edu-
21 cational, and recreational resources of the Her-
22 itage Area.

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

1 (A) advise the local coordinating entity in
2 writing of the reasons for the disapproval;

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

5 (C) not later than 180 days after the date
6 of receipt of any proposed revision of the man-
7 agement plan from the local coordinating entity,
8 approve or disapprove the proposed revision.

9 (4) AMENDMENTS.—

10 (A) IN GENERAL.—The Secretary shall ap-
11 prove or disapprove each amendment to the
12 management plan that the Secretary determines
13 would make a substantial change to the man-
14 agement plan.

15 (B) USE OF FUNDS.—The local coordi-
16 nating entity shall not use Federal funds au-
17 thorized to be appropriated by this Act to carry
18 out any amendments to the management plan
19 until the Secretary has approved the amend-
20 ments.

21 **SEC. 6. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

22 (a) IN GENERAL.—Nothing in this Act affects the au-
23 thority of a Federal agency to provide technical or finan-
24 cial assistance under any other law (including regula-
25 tions).

1 (b) CONSULTATION AND COORDINATION.—To the
 2 maximum extent practicable, the head of any Federal
 3 agency planning to conduct activities that may have an
 4 impact on the Heritage Area is encouraged to consult and
 5 coordinate the activities with the Secretary and the local
 6 coordinating entity.

7 (c) OTHER FEDERAL AGENCIES.—Nothing in this
 8 Act—

9 (1) modifies, alters, or amends any law (includ-
 10 ing any regulation) authorizing a Federal agency to
 11 manage Federal land under the jurisdiction of the
 12 Federal agency;

13 (2) limits the discretion of a Federal land man-
 14 ager to implement an approved land use plan within
 15 the boundaries of the Heritage Area; or

16 (3) modifies, alters, or amends any authorized
 17 use of Federal land under the jurisdiction of a Fed-
 18 eral agency.

19 **SEC. 7. PRIVATE PROPERTY AND REGULATORY PROTEC-**
 20 **TIONS.**

21 Nothing in this Act—

22 (1) abridges the rights of any public or private
 23 property owner, including the right to refrain from
 24 participating in any plan, project, program, or activ-
 25 ity conducted within the Heritage Area;

1 (2) requires any property owner—

2 (A) to permit public access (including ac-
3 cess by Federal, State, tribal, or local agencies)
4 to the property of the property owner; or

5 (B) to modify public access or use of prop-
6 erty of the property owner under any other
7 Federal, State, or local law;

8 (3) alters any duly adopted land use regulation,
9 approved land use plan, or other regulatory author-
10 ity of any Federal, State, or local agency;

11 (4) conveys any land use or other regulatory
12 authority to the local coordinating entity;

13 (5) authorizes or implies the reservation or ap-
14 propriation of water or water rights;

15 (6) diminishes the authority of the State to
16 manage fish and wildlife, including the regulation of
17 fishing and hunting within the Heritage Area; or

18 (7) creates any liability, or affects any liability
19 under any other law (including regulations), of any
20 private property owner with respect to any individual
21 injured on the private property.

22 **SEC. 8. EVALUATION; REPORT.**

23 (a) IN GENERAL.—Not later than 3 years before the
24 date on which authority for Federal funding terminates
25 for the Heritage Area, the Secretary shall—

1 (1) conduct an evaluation of the accomplish-
2 ments of the Heritage Area; and

3 (2) prepare a report in accordance with sub-
4 section (c).

5 (b) EVALUATION.—An evaluation conducted under
6 subsection (a)(1) shall—

7 (1) assess the progress of the local coordinating
8 entity with respect to—

9 (A) accomplishing the purposes of this Act
10 for the Heritage Area; and

11 (B) achieving the goals and objectives of
12 the approved management plan for the Heritage
13 Area;

14 (2) analyze the Federal, State, local, and pri-
15 vate investments in the Heritage Area to determine
16 the leverage and impact of the investments; and

17 (3) review the management structure, partner-
18 ship relationships, and funding of the Heritage Area
19 to identify the critical components for sustainability
20 of the Heritage Area.

21 (c) REPORT.—

22 (1) IN GENERAL.—Based on the evaluation con-
23 ducted under subsection (a)(1), the Secretary shall
24 prepare a report that includes recommendations for

1 the future role of the National Park Service, if any,
2 with respect to the Heritage Area.

3 (2) REQUIRED ANALYSIS.—If the report pre-
4 pared under paragraph (1) recommends that Fed-
5 eral funding for the Heritage Area be reauthorized,
6 the report shall include an analysis of—

7 (A) ways in which Federal funding for the
8 Heritage Area may be reduced or eliminated;
9 and

10 (B) the appropriate time period necessary
11 to achieve the recommended reduction or elimi-
12 nation.

13 (3) SUBMISSION TO CONGRESS.—On completion
14 of the report, the Secretary shall submit the report
15 to—

16 (A) the Committee on Energy and Natural
17 Resources of the Senate; and

18 (B) the Committee on Natural Resources
19 of the House of Representatives.

20 **SEC. 9. FUNDING.**

21 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated to carry out this Act
23 \$10,000,000, of which not more than \$1,000,000 may be
24 made available for any fiscal year.

1 (b) AVAILABILITY.—Amounts made available under
2 subsection (a) shall remain available until expended.

3 (c) COST-SHARING REQUIREMENT.—

4 (1) IN GENERAL.—The Federal share of the
5 cost of any activity carried out using any assistance
6 made available under this Act shall be not more
7 than 50 percent.

8 (2) NON-FEDERAL SHARE.—The non-Federal
9 share—

10 (A) shall be from non-Federal sources; and

11 (B) may be in the form of in-kind con-
12 tributions of goods or services fairly valued.

13 **SEC. 10. TERMINATION OF AUTHORITY.**

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

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