

113TH CONGRESS
1ST SESSION

S. 1641

To establish the Appalachian Forest National Heritage Area, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 4, 2013

Mr. ROCKEFELLER (for himself, Mr. MANCHIN, Mr. CARDIN, and Ms. MIKULSKI) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish the Appalachian Forest 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “West Virginia National Heritage Area Act of 2013”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—APPALACHIAN FOREST NATIONAL HERITAGE AREA

Sec. 101. Findings; purposes.

Sec. 102. Definitions.

- Sec. 103. Appalachian Forest National Heritage Area.
- Sec. 104. Management plan.
- Sec. 105. Authorities, duties, and prohibition of the local coordinating entity.
- Sec. 106. Authorities and duties of the Secretary.
- Sec. 107. Relationship to other Federal agencies.
- Sec. 108. Property owners and regulatory protections.
- Sec. 109. Evaluation.
- Sec. 110. Funding.
- Sec. 111. Termination of authority.

TITLE II—HERITAGE AREA EXTENSIONS

- Sec. 201. Extension of the National Coal Heritage Area.
- Sec. 202. Extension of the Wheeling National Heritage Area.

1 **TITLE I—APPALACHIAN FOREST** 2 **NATIONAL HERITAGE AREA**

3 **SEC. 101. FINDINGS; PURPOSES.**

4 (a) FINDINGS.—Congress finds that—

5 (1) the Heritage Area—

6 (A) is comprised of 18 counties that are lo-
7 cated in West Virginia and western Maryland;
8 and

9 (B) taken as a whole—

10 (i) possesses exceptional cultural, nat-
11 ural, and historical resources that form a
12 cohesive and nationally distinctive land-
13 scape;

14 (ii) demonstrates landscapes that
15 arose from patterns of human activity that
16 were shaped by the geography of the for-
17 ested central Appalachian Mountains; and

18 (iii) reflects both modern and histor-
19 ical uses by citizens who continue to affect,

1 and be affected by, the landscape of the
2 forest;

3 (2) there is a national interest in protecting,
4 conserving, restoring, promoting, and interpreting
5 the benefits of the Heritage Area for—

6 (A) the residents of the Heritage Area;

7 and

8 (B) visitors to the Heritage Area;

9 (3) nationally significant historical and cultural
10 resources located in the Heritage Area form a
11 unique aspect of the heritage of the United States;

12 (4) with respect to the economic development of
13 the United States—

14 (A) the timber harvesting activities in the
15 region helped fuel late 19th century and early
16 20th century industrial growth throughout the
17 United States; and

18 (B) prominent industrialists of the region
19 were also active in the national economy;

20 (5) workers who participated in the timber
21 boom of the region brought a blending of cultures of
22 European and African-American immigrants;

23 (6) the growth of each community located in
24 the region was impacted by the forested central Ap-
25 palachian Mountains;

1 (7) the rich culture of central Appalachia—

2 (A) includes folklife, music, dance, crafts,
3 and other culturally rich traditions; and

4 (B) is inextricably tied to the forest land
5 of the region;

6 (8) significant historical and cultural sites and
7 resources located in the Heritage Area include—

8 (A) historic sites from the logging era (in-
9 cluding the intact logging company town that is
10 located at the Cass Scenic Railroad State
11 Park);

12 (B) historic sites that evidence conserva-
13 tion efforts (including structures constructed by
14 the Civilian Conservation Corps);

15 (C) 5 national historic landmarks; and

16 (D) segments of 4 National Scenic Byways
17 and 1 All-American Road;

18 (9) nationally significant natural and physical
19 resources in the Heritage Area include spectacular
20 natural, scenic, and recreational resources, featuring
21 the core of the central hardwood forest of the United
22 States, which—

23 (A) as a result of sound forest manage-
24 ment and protection of public land, grew from
25 the original cutting of the forest; and

1 (B) includes—

2 (i) the remnants of old growth forests;

3 (ii) protected wilderness areas;

4 (iii) 14 national natural landmarks;

5 (iv) Federal and State forest lands

6 that were created to foster the regrowth of

7 the forests of the United States, including

8 the Monongahela National Forest, and 9

9 State forests;

10 (v) experimental forests that dem-

11 onstrate the evolution of forestry manage-

12 ment;

13 (vi) forests managed by public and

14 private entities; and

15 (vii) a dynamic forest industry com-

16 prised of mills that demonstrate the ongo-

17 ing importance of the forest land and for-

18 est products to the region;

19 (10) local public and private partnerships that

20 are based on the visions of the community and re-

21 gion are working together to promote the steward-

22 ship, enhancement, and interpretation of the re-

23 sources of the Heritage Area;

24 (11) to promote the goals described in para-

25 graph (10), local residents, organizations, and gov-

1 ernments support the establishment of a national
2 heritage area; and

3 (12) involvement by the Federal Government
4 would enhance the efforts to promote the cultural,
5 natural, historical, and recreational resources of the
6 region that have been made by—

7 (A) the States of West Virginia and Mary-
8 land;

9 (B) political subdivisions of the States of
10 West Virginia and Maryland;

11 (C) volunteer organizations; and

12 (D) private businesses.

13 (b) PURPOSES.—The purposes of this title are—

14 (1) to provide a cooperative management frame-
15 work to the States of West Virginia and Maryland,
16 the political subdivisions of those States, and the
17 citizens of those States to conserve, enhance, and in-
18 terpret the significant features of the forest, land,
19 water, and structures of the Heritage Area; and

20 (2) to foster a close working relationship with
21 all levels of government, the private sector, and the
22 local communities of the region to enable those com-
23 munities—

24 (A) to conserve the heritage of those com-
25 munities; and

1 (B) to continue to pursue economic oppor-
2 tunities for those communities.

3 **SEC. 102. DEFINITIONS.**

4 In this title:

5 (1) HERITAGE AREA.—The term “Heritage
6 Area” means the Appalachian Forest National Her-
7 itage Area established by section 103(a).

8 (2) LOCAL COORDINATING ENTITY.—The term
9 “local coordinating entity” means the management
10 entity for the Heritage Area designated by section
11 103(d)(1).

12 (3) MANAGEMENT PLAN.—The term “manage-
13 ment plan” means the management plan for the
14 Heritage Area developed under section 104(a).

15 (4) MAP.—The term “map” means the map en-
16 titled “Appalachian Forest National Heritage Area”,
17 numbered T07/80,000, and dated October 2007.

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

20 (6) STATE.—The term “State” means each of
21 the States of—

22 (A) Maryland; and

23 (B) West Virginia.

1 **SEC. 103. APPALACHIAN FOREST NATIONAL HERITAGE**
2 **AREA.**

3 (a) ESTABLISHMENT.—There is established the Ap-
4 palachian Forest National Heritage Area.

5 (b) BOUNDARIES.—The Heritage Area shall in-
6 clude—

7 (1) the Barbour, Braxton, Grant, Greenbrier,
8 Hampshire, Hardy, Mineral, Morgan, Nicholas, Pen-
9 dleton, Pocahontas, Preston, Randolph, Tucker,
10 Upshur, and Webster Counties of the State of West
11 Virginia; and

12 (2) the Allegany and Garrett Counties of the
13 State of Maryland.

14 (c) AVAILABILITY OF MAP.—A map of the Heritage
15 Area shall be on file and available for public inspection
16 in the appropriate offices of—

17 (1) the National Park Service; and

18 (2) the local coordinating entity.

19 (d) LOCAL COORDINATING ENTITY.—The Appa-
20 lachian Forest Heritage Area, Inc., shall—

21 (1) serve as the local coordinating entity for the
22 Heritage Area; and

23 (2) oversee the development of a management
24 plan under section 104(a).

1 **SEC. 104. MANAGEMENT PLAN.**

2 (a) IN GENERAL.—Not later than 3 years after the
3 date on which funds are first made available to carry out
4 this title, the local coordinating entity shall develop and
5 submit to the Secretary for approval a management plan
6 for the Heritage Area.

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

8 (1) present comprehensive policies, goals, strat-
9 egies, and recommendations for—

10 (A) presenting to the citizens of the United
11 States the heritage of the region; and

12 (B) encouraging the long-term resource
13 protection, enhancement, interpretation, fund-
14 ing, management, and development of the Her-
15 itage Area;

16 (2) take into consideration and coordinate Fed-
17 eral, State, and local plans to present a unified his-
18 toric preservation and interpretation plan;

19 (3) involve residents, public agencies, and pri-
20 vate organizations of the Heritage Area;

21 (4) describe actions that units of government,
22 private organizations, and citizens recommend for
23 the protection, enhancement, interpretation, funding,
24 management, and development of the resources of
25 the Heritage Area;

26 (5) identify—

1 (A) existing and potential sources of Fed-
2 eral and non-Federal funding for the protection,
3 enhancement, interpretation, funding, manage-
4 ment, and development of the resources of the
5 Heritage Area; and

6 (B) economic development strategies for
7 the protection, enhancement, interpretation,
8 funding, management, and development of the
9 resources of the Heritage Area;

10 (6) include—

11 (A) an inventory of the cultural, natural,
12 historical, educational, scenic, and recreational
13 resources contained in the Heritage Area, in-
14 cluding a list of property that—

15 (i) is related to the themes of the
16 Heritage Area; and

17 (ii) should be protected, enhanced,
18 managed, or developed;

19 (B) a recommendation of policies and
20 strategies for resource management and protec-
21 tion, including the development of intergovern-
22 mental cooperative agreements to manage and
23 protect the cultural, natural, historical, edu-
24 cational, scenic, and recreational resources of
25 the Heritage Area;

1 (C) a program of strategies and actions to
2 implement the management plan that in-
3 cludes—

- 4 (i) performance goals;
5 (ii) resource protection plans;
6 (iii) enhancement strategies;
7 (iv) interpretation strategies; and
8 (v) specific commitments for imple-
9 mentation that have been made by the
10 local coordinating entity or any govern-
11 ment, organization, business, or individual;

12 (D) an analysis of, and recommendations
13 for, means by which Federal, State, and local
14 programs may best be coordinated to further
15 the purposes of this title, including an analysis
16 of the role of the National Park Service and
17 other Federal agencies associated with the Her-
18 itage Area;

19 (E) a business plan that—

- 20 (i) describes the role, operation, fi-
21 nancing, and functions of—

22 (I) the local coordinating entity;

23 and

24 (II) each of the major activities
25 included in the management plan; and

1 (ii) provides adequate assurances that
2 the local coordinating entity has the part-
3 nerships and financial and other resources
4 necessary to implement the management
5 plan; and

6 (F) an interpretive plan for the Heritage
7 Area; and

8 (7) list any revisions to the boundaries of the
9 Heritage Area proposed by the local coordinating en-
10 tity and requested by the affected local government.

11 (c) DEADLINE; TERMINATION OF FUNDING.—

12 (1) DEADLINE.—Not later than 3 years after
13 the date on which funds are made available under
14 section 110(a), the local coordinating entity shall
15 submit the management plan to the Secretary for
16 approval.

17 (2) TERMINATION OF FUNDING.—If the man-
18 agement plan is not submitted to the Secretary in
19 accordance with this section, the Secretary shall not
20 provide to the local coordinating entity any addi-
21 tional financial assistance under this title until the
22 management plan is submitted to and approved by
23 the Secretary under subsection (d)(1).

24 (d) APPROVAL OF MANAGEMENT PLAN.—

1 (1) REVIEW.—Not later than 180 days after
2 the date of receipt of the management plan under
3 subsection (c)(1), the Secretary shall review and ap-
4 prove or disapprove the management plan.

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

8 (A) the management plan meets all re-
9 quirements identified in subsection (b); and

10 (B) the local coordinating entity has af-
11 farded adequate opportunity, including public
12 hearings, for public and governmental involve-
13 ment in the preparation of the management
14 plan.

15 (e) ACTION FOLLOWING DISAPPROVAL.—If the Sec-
16 retary disapproves the management plan under subsection
17 (d)(1), the Secretary shall—

18 (1) advise the local coordinating entity in writ-
19 ing of the reasons for the disapproval;

20 (2) make recommendations for revisions to the
21 management plan; and

22 (3) not later than 180 days after the date of re-
23 ceipt of a proposed revision to the management plan,
24 approve or disapprove the proposed revision.

25 (f) AMENDMENTS.—

1 (2) enter into cooperative agreements with, or
2 provide technical assistance to—

3 (A) political jurisdictions;

4 (B) nonprofit organizations;

5 (C) Federal agencies; and

6 (D) other interested parties;

7 (3) hire and compensate staff who have dem-
8 onstrated expertise in the fields of—

9 (A) cultural, natural, and historical re-
10 sources conservation;

11 (B) economic and community development;

12 or

13 (C) heritage planning;

14 (4) obtain funds from any source (including a
15 program that has a cost-sharing requirement);

16 (5) contract for goods or services; and

17 (6) support activities of partners, and any other
18 activities, that—

19 (A) further the purposes of the Heritage
20 Area; and

21 (B) are consistent with the management
22 plan approved under section 104(d)(1).

23 (b) DUTIES.—In addition to developing the manage-
24 ment plan, the local coordinating entity shall—

1 (1) for any fiscal year for which Federal funds
2 have been received by the local coordinating entity
3 under this title—

4 (A) submit an annual report to the Sec-
5 retary that describes—

6 (i) the specific performance goals and
7 accomplishments of the local coordinating
8 entity;

9 (ii) the expenses and income of the
10 local coordinating entity;

11 (iii) the amounts and sources of
12 matching funds;

13 (iv) the amounts leveraged with Fed-
14 eral funds and the sources of the
15 leveraging; and

16 (v) any grants made to any other enti-
17 ties during the fiscal year; and

18 (B) make available for audit by Congress,
19 the Secretary, and appropriate units of govern-
20 ment, all records pertaining to the expenditure
21 of the funds and any matching funds; and

22 (2) encourage, by appropriate means and con-
23 sistent with the purposes of the Heritage Area, the
24 economic viability of the Heritage Area.

1 (c) PROHIBITION ON THE ACQUISITION OF REAL
2 PROPERTY.—The local coordinating entity shall not use
3 Federal funds made available under this title to acquire
4 real property or any interest in real property.

5 **SEC. 106. AUTHORITIES AND DUTIES OF THE SECRETARY.**

6 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—On
7 request of the local coordinating entity, the Secretary may
8 provide technical and financial assistance, on a reimburs-
9 able or nonreimbursable basis, to the local coordinating
10 entity for—

11 (1) the development and implementation of the
12 management plan; and

13 (2) other initiatives of the local coordinating en-
14 tity.

15 (b) COOPERATIVE AGREEMENTS.—

16 (1) IN GENERAL.—To carry out this title, the
17 Secretary may enter into cooperative agreements
18 with the local coordinating entity and other public
19 and private entities to provide assistance under sub-
20 section (a).

21 (2) REQUIREMENTS.—The cooperative agree-
22 ment under paragraph (1) shall, at a minimum—

23 (A) establish the goals and objectives of
24 the Heritage Area; and

25 (B) include—

1 (i) a proposal relating to the conserva-
2 tion and interpretation of the Heritage
3 Area; and

4 (ii) a general outline describing each
5 measure agreed to by the Secretary and
6 the local coordinating entity.

7 **SEC. 107. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

8 (a) **IN GENERAL.**—This title shall not affect the au-
9 thority of any Federal official to provide technical or fi-
10 nancial assistance under any other law.

11 (b) **CONSULTATION AND COORDINATION.**—The head
12 of any Federal agency planning to conduct an activity that
13 may have an impact on the Heritage Area shall, to the
14 maximum extent practicable—

15 (1) consult with the Secretary and the local co-
16 ordinating entity regarding the activity; and

17 (2) coordinate the activity with the Secretary
18 and the local coordinating entity.

19 (c) **EFFECT ON OTHER FEDERAL AGENCIES.**—Noth-
20 ing in this title—

21 (1) modifies, alters, or amends any law (includ-
22 ing a regulation) authorizing a Federal agency to
23 manage Federal land under the jurisdiction of the
24 Federal agency;

1 (4) authorize or imply the reservation or appro-
2 priation of water or water rights;

3 (5) diminish the authority of the State to man-
4 age fish and wildlife including the regulation of fish-
5 ing and hunting within the Heritage Area; or

6 (6) create any liability, or to have any effect on
7 any liability under any other law, of any private
8 property owner with respect to any persons injured
9 on such private property.

10 **SEC. 109. EVALUATION.**

11 (a) IN GENERAL.—Not later than 3 years before the
12 date on which authority for Federal funding terminates
13 for the Heritage Area, the Secretary shall conduct an eval-
14 uation of the accomplishments of the Heritage Area and
15 prepare a report with recommendations for the National
16 Park Service’s future role, if any, with respect to the Her-
17 itage Area.

18 (b) EVALUATION COMPONENTS.—An evaluation pre-
19 pared under subsection (a) shall—

20 (1) assess the progress of the local coordinating
21 entity with respect to—

22 (A) accomplishing the purposes of the au-
23 thorizing legislation for the Heritage Area; and

1 (B) achieving the goals and objectives of
2 the approved management plan for the Heritage
3 Area;

4 (2) analyze the Federal, State, local, and pri-
5 vate investments in the Heritage Area to determine
6 the leverage and impact of the investments; and

7 (3) review the management structure, partner-
8 ship relationships, and funding of the Heritage Area
9 for purposes of identifying the critical components
10 for sustainability of the Heritage Area.

11 (c) RECOMMENDATIONS.—Based upon the evaluation
12 under subsection (a), the Secretary shall prepare a report
13 with recommendations for the National Park Service’s fu-
14 ture role, if any, with respect to the Heritage Area.

15 (d) SUBMISSION TO CONGRESS.—On completion of a
16 report under subsection (c), the Secretary shall submit the
17 report to—

18 (1) the Committee on Energy and Natural Re-
19 sources of the Senate; and

20 (2) the Committee on Natural Resources of the
21 House of Representatives.

22 **SEC. 110. FUNDING.**

23 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to carry out this title

1 \$10,000,000, of which not more than \$1,000,000 may be
2 authorized to be appropriated for any fiscal year.

3 (b) MATCHING FUNDS.—

4 (1) IN GENERAL.—As a condition of receiving
5 assistance under subsection (a), the local coordi-
6 nating entity shall match any amounts provided to
7 the local coordinating entity under this title.

8 (2) FORMS OF PAYMENT.—To meet the match-
9 ing requirement described in paragraph (1), the local
10 coordinating entity shall provide to the Secretary
11 payments that—

12 (A) shall be derived from non-Federal
13 sources; and

14 (B) may be in-kind contributions of goods
15 or services.

16 **SEC. 111. TERMINATION OF AUTHORITY.**

17 (a) IN GENERAL.—Subject to subsection (b), the au-
18 thority of the Secretary to provide financial assistance
19 under this title terminates on the date that is 15 years
20 after the date of enactment of this Act.

21 (b) EXCEPTION.—The termination of authority of the
22 Secretary under subsection (a) shall not effect the author-
23 ity of the Secretary to provide to the local coordinating
24 entity technical assistance and administrative oversight.

1 **TITLE II—HERITAGE AREA**
2 **EXTENSIONS**

3 **SEC. 201. EXTENSION OF THE NATIONAL COAL HERITAGE**
4 **AREA.**

5 Section 107 of Division II of the National Coal Herit-
6 age Area Act of 1996 (16 U.S.C. 461 note; 110 Stat.
7 4244) is amended by striking “2012” and inserting
8 “2017”.

9 **SEC. 202. EXTENSION OF THE WHEELING NATIONAL HERIT-**
10 **AGE AREA.**

11 Section 157(i) of the Wheeling National Heritage
12 Area Act of 2000 (16 U.S.C. 461 note; 114 Stat. 967)
13 is amended by striking “2015” and inserting “2017”.

○