

115TH CONGRESS
2D SESSION

H. R. 1791

IN THE SENATE OF THE UNITED STATES

JUNE 26, 2018

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To establish the Mountains to Sound Greenway National
Heritage Area in the State of Washington, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Mountains to Sound
3 Greenway National Heritage Act”.

4 **SEC. 2. PURPOSES; CONSTRUCTION.**

5 The purposes of this Act include—

6 (1) to recognize the national importance of the
7 natural and cultural legacies of the area, as dem-
8 onstrated in the study entitled “Mountains to Sound
9 Greenway National Heritage Area Feasibility
10 Study” dated April 2012 and its addendum dated
11 May 2014;

12 (2) to recognize the heritage of natural resource
13 conservation in the Pacific Northwest and in the
14 Mountains to Sound Greenway;

15 (3) to preserve, support, conserve, and interpret
16 the legacies of natural resource conservation, com-
17 munity stewardship, and Indian tribes and nations
18 from time immemorial, and reserved rights of Indian
19 Tribes within the Mountains to Sound National Her-
20 itage Area;

21 (4) to promote heritage, cultural, and rec-
22 reational tourism and to develop educational and
23 cultural programs for visitors and the general public;

24 (5) to recognize and interpret important events
25 and geographic locations representing key develop-
26 ments in the creation of America, particularly the

1 settlement of the American West and the stories of
2 diverse ethnic groups, Indian tribes, and others;

3 (6) to enhance a cooperative management
4 framework to assist Federal, State, local, and Tribal
5 governments, the private sector, and citizens resid-
6 ing in the Heritage Area in conserving, supporting,
7 managing, and enhancing natural and recreational
8 sites in the Heritage Area;

9 (7) to recognize and interpret the relationship
10 between land and people, representing broad Amer-
11 ican ideals demonstrated through the integrity of ex-
12 isting resources within the Heritage Area; and

13 (8) to support working relationships between
14 public land managers and the community by cre-
15 ating relevant links between the National Park Serv-
16 ice, the Forest Service, other relevant Federal agen-
17 cies, Tribal governments, State and local govern-
18 ments and agencies, and community stakeholders
19 within and surrounding the Heritage Area in order
20 to protect, enhance, and interpret cultural and nat-
21 ural resources within the Heritage Area.

22 **SEC. 3. DEFINITIONS.**

23 In this Act:

1 (1) HERITAGE AREA.—The term “Heritage
2 Area” means the Mountains to Sound Greenway Na-
3 tional Heritage Area established in this Act.

4 (2) LOCAL COORDINATING ENTITY.—The term
5 “local coordinating entity” means the entity selected
6 by the Secretary under section 4(d).

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

10 (4) MAP.—The term “Map” means the map en-
11 titled “Mountains to Sound Greenway National Her-
12 itage Area Proposed Boundary”, numbered 584/
13 125,484, and dated August 2014.

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

16 (6) STATE.—The term “State” means the State
17 of Washington.

18 (7) TRIBE OR TRIBAL.—The terms “Tribe” or
19 “Tribal” mean any federally recognized Indian tribe
20 with cultural heritage and historic interests within
21 the proposed Mountains to Sound Greenway Na-
22 tional Heritage Area, including the Snoqualmie,
23 Yakama, Tulalip, Muckleshoot and Colville Indian
24 tribes.

1 **SEC. 4. DESIGNATION OF THE MOUNTAINS TO SOUND**
2 **GREENWAY NATIONAL HERITAGE AREA.**

3 (a) ESTABLISHMENT.—There is established in the
4 State the Mountains to Sound Greenway National Herit-
5 age Area.

6 (b) BOUNDARIES.—The Heritage Area shall consist
7 of land located in King and Kittitas Counties in the State,
8 as generally depicted on the map.

9 (c) MAP.—The map shall be on file and available for
10 public inspection in the appropriate offices of the National
11 Park Service, the United States Forest Service, and the
12 local coordinating entity.

13 (d) LOCAL COORDINATING ENTITY.—The Secretary
14 shall designate a willing local unit of government, a con-
15 sortium of affected counties, Indian tribe, or a nonprofit
16 organization to serve as the coordinating entity for the
17 Heritage Area within 120 days of the date of the enact-
18 ment of this Act.

19 **SEC. 5. MANAGEMENT PLAN.**

20 (a) IN GENERAL.—Not later than 3 years after the
21 date of the enactment of this Act, the local coordinating
22 entity shall submit to the Secretary for approval a pro-
23 posed management plan for the Heritage Area.

24 (b) REQUIREMENTS.—The management plan shall—
25 (1) incorporate an integrated and cooperative
26 approach for the protection, enhancement, and inter-

pretation of the natural, cultural, historic, scenic, Tribal, and recreational resources of the Heritage Area;

(2) take into consideration Federal, State, Tribal, and local plans, and treaty rights; and

(3) include—

(A) an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area, including an acknowledgment of the exercise of Tribal treaty rights, that relate to the national importance and themes of the Heritage Area that should be conserved and enhanced;

(B) a description of strategies and recommendations for conservation, funding, management, and development of the Heritage Area;

(C) a description of the actions that Federal, State, local, and Tribal governments, private organizations, and individuals have agreed to take to protect and interpret the natural, cultural, historical, scenic, and recreational resources of the Heritage Area;

1 (D) a program of implementation for the
2 management plan by the local coordinating en-
3 tity, including—

4 (i) performance goals and ongoing
5 performance evaluation; and

6 (ii) commitments for implementation
7 made by partners;

8 (E) the identification of sources of funding
9 for carrying out the management plan;

10 (F) analysis and recommendations for
11 means by which Federal, State, local, and Trib-
12 al programs may best be coordinated to carry
13 out this section;

14 (G) an interpretive plan for the Heritage
15 Area, including Tribal heritage;

16 (H) recommended policies and strategies
17 for resource management, including the devel-
18 opment of intergovernmental and interagency
19 cooperative agreements to protect the natural,
20 cultural, historical, scenic, and recreational re-
21 sources of the Heritage Area; and

22 (I) a definition of the roles of the National
23 Park Service, the Forest Service, other Federal
24 agencies, and Tribes in the coordination of the

1 Heritage Area and in otherwise furthering the
2 purposes of this Act.

3 (c) DEADLINE.—If a proposed management plan is
4 not submitted to the Secretary by the date that is 3 years
5 after the date of the enactment of this Act, the local co-
6 ordinating entity shall be ineligible to receive additional
7 funding under this Act until the date on which the Sec-
8 retary receives and approves the management plan.

9 (d) APPROVAL OR DISAPPROVAL OF MANAGEMENT
10 PLAN.—

11 (1) IN GENERAL.—Not later than 180 days
12 after the date of receipt of the proposed manage-
13 ment plan, the Secretary, in consultation with the
14 State, affected counties, and Tribal governments,
15 shall approve or disapprove the management plan.

16 (2) CRITERIA FOR APPROVAL.—In determining
17 whether to approve the management plan, the Sec-
18 retary shall consider whether—

19 (A) the local coordinating entity has af-
20 forded adequate opportunity, including public
21 hearings, for public and governmental involve-
22 ment in the preparation of the management
23 plan;

24 (B) the resource protection and interpreta-
25 tion strategies contained in the management

1 plan, if implemented, would adequately protect
2 the natural, cultural, historical, scenic, and rec-
3 reational resources of the Heritage Area;

4 (C) the management plan is consistent
5 with the Secretary's trust responsibilities to In-
6 dian tribes and Tribal treaty rights within the
7 National Heritage Area; and

8 (D) the management plan is supported by
9 the appropriate State, Kittitas County, King
10 County, and local officials, the cooperation of
11 which is needed to ensure the effective imple-
12 mentation of State and local aspects of the
13 management plan.

14 (3) ACTION FOLLOWING DISAPPROVAL.—If the
15 Secretary disapproves the management plan, the
16 Secretary shall—

17 (A) advise the local coordinating entity in
18 writing of the reasons for the disapproval;

19 (B) make recommendations to the local co-
20 ordinating entity for revisions to the manage-
21 ment plan; and

22 (C) not later than 180 days after the re-
23 ceipt of any revised management plan from the
24 local coordinating entity, approve or disapprove
25 the revised management plan.

1 (e) AMENDMENTS.—The Secretary shall review and
2 approve or disapprove in the same manner as the original
3 management plan, each amendment to the management
4 plan that makes a substantial change to the management
5 plan, as determined by the Secretary. The local coordi-
6 nating entity shall not carry out any amendment to the
7 management plan until the date on which the Secretary
8 has approved the amendment.

9 **SEC. 6. ADMINISTRATION.**

10 (a) AUTHORITIES.—

11 (1) IN GENERAL.—For purposes of imple-
12 menting the management plan, the Secretary and
13 Forest Service may—

14 (A) provide technical assistance for the im-
15 plementation of the management plan; and

16 (B) enter into cooperative agreements with
17 the local coordinating entity, State and local
18 agencies, Tribes, and other interested parties to
19 carry out this Act, including cooperation and
20 cost sharing as appropriate to provide more
21 cost-effective and coordinated public land man-
22 agement.

23 (2) TERMINATION OF AUTHORITY.—The au-
24 thority of the Secretary to provide technical assist-

1 ance under this Act terminates on the date that is
2 15 years after the date of the enactment of this Act.

3 (b) LOCAL COORDINATING ENTITY AUTHORITIES.—

4 For purposes of implementing the management plan, the
5 local coordinating entity may—

6 (1) make grants to the State or a political sub-
7 division of the State, Tribes, nonprofit organizations,
8 and other persons;

9 (2) enter into cooperative agreements with, or
10 provide technical assistance to, Federal agencies, the
11 State or political subdivisions of the State, Tribes,
12 nonprofit organizations, and other interested parties;

13 (3) hire and compensate staff, including individ-
14 uals with expertise in natural, cultural, historical,
15 scenic, and recreational resource protection and her-
16 itage programming;

17 (4) obtain money or services from any source,
18 including any money or services that are provided
19 under any other Federal law or program, in which
20 case the Federal share of the cost of any activity as-
21 sisted using Federal funds provided for National
22 Heritage Areas shall not be more than 50 percent;

23 (5) contract for goods or services; and

24 (6) undertake to be a catalyst for other activi-
25 ties that—

1 (A) further the purposes of the Heritage
2 Area; and

3 (B) are consistent with the management
4 plan.

5 (c) LOCAL COORDINATING ENTITY DUTIES.—The
6 local coordinating entity shall—

7 (1) in accordance with section 5, prepare and
8 submit a management plan to the Secretary;

9 (2) assist units of Federal, State, and local gov-
10 ernment, Tribes, regional planning organizations,
11 nonprofit organizations, and other interested parties
12 in carrying out the approved management plan by—

13 (A) carrying out programs and projects
14 that recognize, protect, and enhance important
15 resource values in the Heritage Area;

16 (B) establishing and maintaining interpre-
17 tive exhibits and programs in the Heritage
18 Area;

19 (C) developing recreational and educational
20 opportunities in the Heritage Area; and

21 (D) increasing public awareness of, and
22 appreciation for, the natural, cultural, histor-
23 ical, Tribal, scenic, and recreational resources
24 of the Heritage Area;

1 (3) consider the interests of diverse units of
2 government, Tribes, business, organizations, and in-
3 dividuals in the Heritage Area in the preparation
4 and implementation of the management plan;

5 (4) conduct meetings open to the public at least
6 semiannually regarding the development and imple-
7 mentation of the management plan;

8 (5) encourage, by appropriate means, economic
9 viability that is consistent with the Heritage Area;
10 and

11 (6) submit a report to the Secretary every 5
12 years after the Secretary has approved the manage-
13 ment plan, specifying—

14 (A) the expenses and income of the local
15 coordinating entity; and

16 (B) significant grants or contracts made
17 by the local coordinating entity to any other en-
18 tity over the 5-year period that describes the
19 activities, expenses, and income of the local co-
20 ordinating entity (including grants from the
21 local coordinating entity to any other entity
22 during the year that the report is made).

23 (d) PROHIBITION ON ACQUISITION OF REAL PROP-
24 ERTY.—The local coordinating entity may not acquire real
25 property or interest in real property through condemna-

tion or with Federal funds provided for National Heritage Areas.

(e) USE OF FEDERAL FUNDS.—Nothing in this Act shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.

SEC. 7. RELATIONSHIP TO TRIBAL GOVERNMENTS.

Nothing in this Act shall construe, define, waive, limit, or affect any rights of any federally recognized Indian tribe and the Federal trust responsibility.

SEC. 8. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—Nothing in this Act affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) CONSULTATION AND COORDINATION.—Any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the local coordinating entity to the maximum extent practicable.

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

(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

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

4 (3) modifies, alters, or amends any authorized
5 use of Federal land under the jurisdiction of a Fed-
6 eral agency.

7 **SEC. 9. PRIVATE PROPERTY AND REGULATORY PROTEC-**
8 **TIONS.**

9 Nothing in this Act, the proposed Mountains to
10 Sound Greenway National Heritage Area, or resulting
11 management plan (or any revisions to that plan) shall—

12 (1) abridge the rights of any owner of public or
13 private property, including the right to refrain from
14 participating in any plan, project, program, or activ-
15 ity conducted within the Heritage Area;

16 (2) require any property owner—

17 (A) to allow public access (including access
18 by Federal, State, or local agencies) to the
19 property of the property owner; or

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

23 (3) alter any duly adopted land use regulation,
24 approved land use plan, or other regulatory author-
25 ity of any Federal, State, Tribal, or local agency;

1 (4) convey any land use or other regulatory au-
2 thority to the local coordinating entity or any sub-
3 sidiary organization, including but not necessarily
4 limited to development and management of energy
5 or water or water-related infrastructure;

6 (5) authorize or imply the reservation or appro-
7 priation of water or water rights;

8 (6) diminish the authority of the State or Tribe
9 to manage fish and wildlife, including the regulation
10 of fishing, hunting, or gathering within the Heritage
11 Area or the authority of Tribes to regulate their
12 members with respect to such matters in the exer-
13 cise of Tribal treaty rights;

14 (7) create any liability, or affects any liability
15 under any other law, of any private property owner
16 with respect to any person injured on the private
17 property;

18 (8) affect current or future grazing permits,
19 leases, or allotment on Federal lands;

20 (9) affect the construction, operation, mainte-
21 nance or expansion of current or future water
22 projects, including water storage, hydroelectric facili-
23 ties, or delivery systems; or

24 (10) alter the authority of State, county, or
25 local governments in land use planning or obligate

1 those governments to comply with any recommenda-
2 tions in the management plan.

3 **SEC. 10. EVALUATION AND REPORT.**

4 (a) IN GENERAL.—Not later than 15 years after the
5 date of the enactment of this Act, the Secretary shall—

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

8 (2) prepare a report in accordance with sub-
9 section (c).

10 (b) EVALUATION.—An evaluation conducted under
11 subsection (a)(1) shall—

12 (1) assess the progress of the local coordinating
13 entity with respect to—

14 (A) accomplishing the purposes of the Her-
15 itage Area; and

16 (B) achieving the goals and objectives of
17 the management plan;

18 (2) analyze the investments of Federal, State,
19 Tribal, and local governments and private entities in
20 the Heritage Area to determine the impact of the in-
21 vestments; and

22 (3) review the management structure, partner-
23 ship relationships, and funding of the Heritage Area
24 for purposes of identifying the critical components
25 for sustainability of the Heritage Area.

1 (c) REPORT.—Based on the evaluation conducted
2 under subsection (a)(1), the Secretary shall submit to the
3 Committee on Natural Resources of the House of Rep-
4 resentatives and the Committee on Energy and Natural
5 Resources of the Senate a report that includes rec-
6 ommendations for the future role of the National Park
7 Service with respect to the Heritage Area.

Passed the House of Representatives June 25, 2018.

Attest:

KAREN L. HAAS,

Clerk.