

111TH UNITED STATES CONGRESS
1ST SESSION

An Act

To designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Subtitle A—Designation of National Heritage Areas

SEC. 8010. KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA, ALASKA.

(a) Definitions- In this section:

(1) HERITAGE AREA- The term `Heritage Area' means the Kenai Mountains-Turnagain Arm National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY- The term `local coordinating entity' means the Kenai Mountains-Turnagain Arm Corridor Communities Association.

(3) MANAGEMENT PLAN- The term `management plan' means the plan prepared by the local coordinating entity for the Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the Heritage Area, in accordance with this section.

(4) MAP- The term `map' means the map entitled `Proposed Kenai Mountains-Turnagain Arm NHA' and dated August 7, 2007.

(5) SECRETARY- The term `Secretary' means the Secretary of the Interior.

(b) Designation of the Kenai Mountains-Turnagain Arm National Heritage Area-

(1) ESTABLISHMENT- There is established the Kenai Mountains-Turnagain Arm National Heritage Area.

(2) BOUNDARIES- The Heritage Area shall be comprised of the land in the Kenai Mountains and upper Turnagain Arm region, as generally depicted on the map.

(3) AVAILABILITY OF MAP- The map shall be on file and available for public inspection in—

(A) the appropriate offices of the Forest Service, Chugach National Forest;

(B) the Alaska Regional Office of the National Park Service; and

(C) the office of the Alaska State Historic Preservation Officer.

(c) Management Plan-

(1) LOCAL COORDINATING ENTITY- The local coordinating entity, in partnership with other interested parties, shall develop a management plan for the Heritage Area in accordance with this section.

(2) REQUIREMENTS- The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for use in—

(i) telling the story of the heritage of the area covered by the Heritage Area; and

(ii) encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) include a description of actions and commitments that the Federal Government, State, tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(C) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(D) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the national importance and themes of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(E) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(F) describe a program for implementation for the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, tribal, or local government agency, organization, business, or individual;

(G) include an analysis of, and recommendations for, means by which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service, the Forest Service, and other Federal agencies associated with the Heritage Area) to further the purposes of this section; and

(H) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and each of the major activities contained in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) DEADLINE-

(A) IN GENERAL- Not later than 3 years after the date on which funds are first made available to develop the management plan after the date of enactment of this Act, the local coordinating entity shall submit the management plan to the Secretary for approval.

(B) TERMINATION OF FUNDING- If the management plan is not submitted to the Secretary in accordance with subparagraph (A), the local coordinating entity shall not qualify for any additional financial assistance under this section until such time as the management plan is submitted to and approved by the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN-

(A) REVIEW- Not later than 180 days after receiving the management plan under paragraph (3), the Secretary shall review and approve or disapprove the management plan for a Heritage Area on the basis of the criteria established under subparagraph (C).

(B) CONSULTATION- The Secretary shall consult with the Governor of the State in which the Heritage Area is located before approving a management plan for the Heritage Area.

(C) CRITERIA FOR APPROVAL- In determining whether to approve a management plan for the Heritage Area, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including the Federal Government, State, tribal, and local governments, natural and historical resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(ii) the local coordinating entity—

(I) has afforded adequate opportunity for public and Federal, State, tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(II) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(v) the local coordinating entity has demonstrated the financial capability, in partnership with other interested parties, to carry out the plan;

(vi) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local elements of the management plan; and

(vii) the management plan demonstrates partnerships among the local coordinating entity, Federal Government, State, tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(D) DISAPPROVAL-

(i) IN GENERAL- If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE- Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS-

(i) IN GENERAL- An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION- The local coordinating entity shall not use Federal funds authorized by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(F) AUTHORITIES- The Secretary may—

(i) provide technical assistance under the authority of this section for the development and implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(d) Evaluation; Report-

(1) IN GENERAL- Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under this section, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION- An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of the authorizing legislation for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, tribal, local, and private investments in the Heritage Area to determine the impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT- Based on the evaluation conducted under paragraph (1)(A), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on

Natural Resources of the House of Representatives a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(e) Local Coordinating Entity-

(1) DUTIES- To further the purposes of the Heritage Area, in addition to developing the management plan for the Heritage Area under subsection (c), the local coordinating entity shall—

(A) serve to facilitate and expedite the implementation of projects and programs among diverse partners in the Heritage Area;

(B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section, specifying—

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

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

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraging; and

(v) grants made to any other entities during the fiscal year;

(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds; and

(D) encourage economic viability and sustainability that is consistent with the purposes of the Heritage Area.

(2) AUTHORITIES- For the purpose of preparing and implementing the approved management plan for the Heritage Area under subsection (c), the local coordinating entity may use Federal funds made available under this section—

(A) to make grants to political jurisdictions, nonprofit organizations, and other parties within the Heritage Area;

(B) to enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(C) to hire and compensate staff, including individuals with expertise in—

(i) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(ii) economic and community development; and

(iii) heritage planning;

(D) to obtain funds or services from any source, including other Federal programs;

(E) to enter into contracts for goods or services; and

(F) to support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY- The local coordinating entity may not use Federal funds authorized under this section to acquire any interest in real property.

(f) Relationship to Other Federal Agencies-

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

(2) CONSULTATION AND COORDINATION- The head of any Federal agency planning to conduct activities that may have an impact on a Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity, to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES- Nothing in this section—

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

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) Private Property and Regulatory Protections- Nothing in this section—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, tribal, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority (such as the authority to make safety improvements or increase the capacity of existing roads or to construct new roads) of any Federal, State, tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including development and management of energy or water or water-related infrastructure;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of any State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(h) Funding-

(1) AUTHORIZATION OF APPROPRIATIONS- Subject to paragraph (2), there is authorized to be appropriated to carry out this section \$1,000,000 for each fiscal year, to remain available until expended.

(2) LIMITATION ON TOTAL AMOUNTS APPROPRIATED- Not more than a total of \$10,000,000 may be made available to carry out this section.

(3) COST-SHARING-

(A) IN GENERAL- The Federal share of the total cost of any activity carried out under this section shall not exceed 50 percent.

(B) FORM OF NON-FEDERAL SHARE- The non-Federal share of the cost of any activity carried out under this section may be provided in the form of in-kind contributions of goods or services fairly valued.

(i) Termination of Authority- The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.