

111TH CONGRESS
1ST SESSION

S. 180

To establish the Cache La Poudre River National Heritage Area, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 8, 2009

Mr. SALAZAR (for himself and Mr. UDALL of Colorado) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish the Cache La Poudre River 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 “Cache La Poudre River
5 National Heritage Area Act of 2009”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) HERITAGE AREA.—The term “Heritage
9 Area” means the Cache La Poudre River National
10 Heritage Area established by section 3(a).

1 (d) LOCAL COORDINATING ENTITY.—The local co-
2 ordinating entity for the Heritage Area shall be the
3 Poudre Heritage Alliance, a nonprofit organization incor-
4 porated in the State.

5 **SEC. 4. ADMINISTRATION.**

6 (a) AUTHORITIES.—To carry out the management
7 plan, the Secretary, acting through the local coordinating
8 entity, may use amounts made available under this Act—

9 (1) to make grants to the State (including any
10 political subdivision of the State), nonprofit organi-
11 zations, and other individuals;

12 (2) to enter into cooperative agreements with,
13 or provide technical assistance to, the State (includ-
14 ing any political subdivision of the State), nonprofit
15 organizations, and other interested parties;

16 (3) to hire and compensate staff, which shall in-
17 clude individuals with expertise in natural, cultural,
18 and historical resource protection, and heritage pro-
19 gramming;

20 (4) to obtain funds or services from any source,
21 including funds or services that are provided under
22 any other Federal law or program;

23 (5) to enter into contracts for goods or services;
24 and

1 (6) to serve as a catalyst for any other activity
2 that—

3 (A) furthers the purposes and goals of the
4 Heritage Area; and

5 (B) is consistent with the approved man-
6 agement plan.

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

8 (1) in accordance with section 5, prepare and
9 submit to the Secretary a management plan for the
10 Heritage Area;

11 (2) assist units of local government, regional
12 planning organizations, and nonprofit organizations
13 in carrying out the approved management plan by—

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

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

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

22 (D) increasing public awareness of, and
23 appreciation for, the natural, historical, scenic,
24 and cultural resources of the Heritage Area;

1 (E) protecting and restoring historic sites
2 and buildings in the Heritage Area that are
3 consistent with Heritage Area themes;

4 (F) ensuring that clear, consistent, and ap-
5 propriate signs identifying points of public ac-
6 cess, and sites of interest, are posted through-
7 out the Heritage Area; and

8 (G) promoting a wide range of partner-
9 ships among governments, organizations, and
10 individuals to further the Heritage Area;

11 (3) consider the interests of diverse units of
12 government, businesses, organizations, and individ-
13 uals in the Heritage Area in the preparation and im-
14 plementation of the management plan;

15 (4) conduct meetings open to the public at least
16 semiannually regarding the development and imple-
17 mentation of the management plan;

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

20 (A) submit an annual report to the Sec-
21 retary that describes the activities, expenses,
22 and income of the local coordinating entity (in-
23 cluding grants to any other entities during the
24 year that the report is made);

1 (B) make available to the Secretary for
2 audit all records relating to the expenditure of
3 the funds and any matching funds; and

4 (C) require, with respect to all agreements
5 authorizing expenditure of Federal funds by
6 other organizations, that the organizations re-
7 ceiving the funds make available to the Sec-
8 retary for audit all records concerning the ex-
9 penditure of the funds; and

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

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

16 **SEC. 5. MANAGEMENT PLAN.**

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

21 (b) REQUIREMENTS.—The management plan shall—
22 (1) incorporate an integrated and cooperative
23 approach for the protection, enhancement, and inter-
24 pretation of the natural, cultural, historic, scenic,

1 educational, and recreational resources of the Herit-
2 age Area;

3 (2) take into consideration State and local
4 plans;

5 (3) include—

6 (A) an inventory of the resources located
7 in the Heritage Area;

8 (B) comprehensive policies, strategies, and
9 recommendations for conservation, funding,
10 management, and development of the Heritage
11 Area;

12 (C) a description of actions that govern-
13 ments, private organizations, and individuals
14 have agreed to take to protect the natural, cul-
15 tural, historic, scenic, educational, and rec-
16 reational resources of the Heritage Area;

17 (D) a program of implementation for the
18 management plan by the local coordinating en-
19 tity that includes a description of—

20 (i) actions to facilitate ongoing col-
21 laboration among partners to promote
22 plans for resource protection, restoration,
23 and construction; and

24 (ii) specific commitments for imple-
25 mentation that have been made by the

1 local coordinating entity or any govern-
2 ment, organization, or individual for the
3 first 5 years of operation;

4 (E) the identification of sources of funding
5 for carrying out the management plan;

6 (F) analysis and recommendations for
7 means by which local, State, and Federal pro-
8 grams, including the role of the National Park
9 Service in the Heritage Area, may best be co-
10 ordinated to carry out this Act; and

11 (G) an interpretive plan for the Heritage
12 Area; and

13 (4) recommend policies and strategies for re-
14 source management that consider and detail the ap-
15 plication of appropriate land and water management
16 techniques, including the development of intergov-
17 ernmental and interagency cooperative agreements
18 to protect the natural, cultural, historic, scenic, edu-
19 cational, and recreational resources of the Heritage
20 Area.

21 (c) DEADLINE.—If a proposed management plan is
22 not submitted to the Secretary by the date that is 3 years
23 after the date of enactment of this Act, the local coordi-
24 nating entity shall be ineligible to receive additional fund-

1 ing under this Act until the date on which the Secretary
2 approves a management plan.

3 (d) APPROVAL OR DISAPPROVAL OF MANAGEMENT
4 PLAN.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of receipt of the management plan
7 under subsection (a), the Secretary, in consultation
8 with the State, shall approve or disapprove the man-
9 agement plan.

10 (2) CRITERIA FOR APPROVAL.—In determining
11 whether to approve the management plan, the Sec-
12 retary shall consider whether—

13 (A) the local coordinating entity is rep-
14 resentative of the diverse interests of the Herit-
15 age Area, including governments, natural and
16 historic resource protection organizations, edu-
17 cational institutions, businesses, and rec-
18 reational organizations;

19 (B) 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; and

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

1 plan, if implemented, would adequately protect
2 the natural, cultural, historic, scenic, edu-
3 cational, and recreational resources of the Her-
4 itage Area.

5 (3) ACTION FOLLOWING DISAPPROVAL.—If the
6 Secretary disapproves the management plan under
7 paragraph (1), the Secretary shall—

8 (A) advise the local coordinating entity in
9 writing of the reasons for the disapproval;

10 (B) make recommendations for revisions to
11 the management plan; and

12 (C) not later than 180 days after the date
13 of receipt of any proposed revision of the man-
14 agement plan from the local coordinating entity,
15 approve or disapprove the proposed revision.

16 (4) AMENDMENTS.—

17 (A) IN GENERAL.—The Secretary shall ap-
18 prove or disapprove each amendment to the
19 management plan that the Secretary determines
20 would make a substantial change to the man-
21 agement plan.

22 (B) USE OF FUNDS.—The local coordi-
23 nating entity shall not use Federal funds au-
24 thorized to be appropriated by this Act to carry
25 out any amendments to the management plan

1 until the Secretary has approved the amend-
2 ments.

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

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

8 (b) CONSULTATION AND COORDINATION.—To the
9 maximum extent practicable, the head of any Federal
10 agency planning to conduct activities that may have an
11 impact on the Heritage Area is encouraged to consult and
12 coordinate the activities with the Secretary and the local
13 coordinating entity.

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

16 (1) modifies, alters, or amends any law (includ-
17 ing any regulation) authorizing a Federal agency to
18 manage Federal land under the jurisdiction of the
19 Federal agency;

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

23 (3) modifies, alters, or amends any authorized
24 use of Federal land under the jurisdiction of a Fed-
25 eral agency.

1 **SEC. 7. PRIVATE PROPERTY AND REGULATORY PROTEC-**
2 **TIONS.**

3 Nothing in this Act—

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

8 (2) requires any property owner—

9 (A) to permit public access (including ac-
10 cess by Federal, State, or local agencies) to the
11 property of the property owner; or

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

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

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

20 (5) authorizes or implies the reservation or ap-
21 propriation of water or water rights;

22 (6) diminishes the authority of the State to
23 manage fish and wildlife, including the regulation of
24 fishing and hunting within the Heritage Area; or

25 (7) creates any liability, or affects any liability
26 under any other law (including regulations), of any

1 private property owner with respect to any individual
2 injured on the private property.

3 **SEC. 8. EVALUATION; REPORT.**

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

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

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

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

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

15 (A) accomplishing the purposes of this Act
16 for the Heritage Area; and

17 (B) achieving the goals and objectives of
18 the approved management plan for the Heritage
19 Area;

20 (2) analyze the Federal, State, local, and pri-
21 vate investments in the Heritage Area to determine
22 the leverage and impact of the investments; and

23 (3) review the management structure, partner-
24 ship relationships, and funding of the Heritage Area

1 to identify the critical components for sustainability
2 of the Heritage Area.

3 (c) REPORT.—

4 (1) IN GENERAL.—Based on the evaluation con-
5 ducted under subsection (a)(1), the Secretary shall
6 prepare a report that includes recommendations for
7 the future role of the National Park Service, if any,
8 with respect to the Heritage Area.

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

13 (A) ways in which Federal funding for the
14 Heritage Area may be reduced or eliminated;
15 and

16 (B) the appropriate time period necessary
17 to achieve the recommended reduction or elimi-
18 nation.

19 (3) SUBMISSION TO CONGRESS.—On completion
20 of the report, the Secretary shall submit the report
21 to—

22 (A) the Committee on Energy and Natural
23 Resources of the Senate; and

24 (B) the Committee on Natural Resources
25 of the House of Representatives.

1 **SEC. 9. FUNDING.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
3 authorized to be appropriated to carry out this Act
4 \$10,000,000, of which not more than \$1,000,000 may be
5 made available for any fiscal year.

6 (b) COST-SHARING REQUIREMENT.—The Federal
7 share of the cost of any activity carried out using any as-
8 sistance made available under this Act shall be 50 percent.

9 **SEC. 10. TERMINATION OF AUTHORITY.**

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

13 **SEC. 11. CONFORMING AMENDMENT.**

14 The Cache La Poudre River Corridor Act (16 U.S.C.
15 461 note; Public Law 104–323) is repealed.

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