AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

S. HRG. 108–551

NATIONAL HERITAGE AREAS

HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

ONE HUNDRED EIGHTH CONGRESS

SECOND SESSION

TO CONDUCT OVERSIGHT ON NATIONAL HERITAGE AREAS, INCLUDING FINDINGS AND RECOMMENDATIONS OF THE GENERAL ACCOUNTING OFFICE, THE DEFINITION OF A NATIONAL HERITAGE AREA, THE DEFINITION OF NATIONAL SIGNIFICANCE AS IT RELATES TO NATIONAL HERITAGE AREAS, RECOMMENDATIONS FOR ESTABLISHING NATIONAL HERITAGE AREAS AS UNITS OF THE NATIONAL PARK SYSTEM, RECOMMENDATIONS FOR PRIORITIZING PROPOSED STUDIES AND DESIGNATIONS, AND OPTIONS FOR DEVELOPING A NATIONAL HERITAGE AREA PROGRAM WITHIN THE NATIONAL PARK SERVICE

MARCH 30, 2004

Printed for the use of the
Committee on Energy and Natural Resources

U.S. GOVERNMENT PRINTING OFFICE

95–195 PDF WASHINGTON : 2004

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

COMMITTEE ON ENERGY AND NATURAL RESOURCES

PETE V. DOMENICI, New Mexico, *Chairman*

DON NICKLES, Oklahoma
LARRY E. CRAIG, Idaho
BEN NIGHTHORSE CAMPBELL, Colorado
CRAIG THOMAS, Wyoming
LAMAR ALEXANDER, Tennessee
LISA MURKOWSKI, Alaska
JAMES M. TALENT, Missouri
CONRAD BURNS, Montana
GORDON SMITH, Oregon
JIM BUNNING, Kentucky
JON KYL, Arizona

JEFF BINGAMAN, New Mexico
DANIEL K. AKAKA, Hawaii
BYRON L. DORGAN, North Dakota
BOB GRAHAM, Florida
RON WYDEN, Oregon
TIM JOHNSON, South Dakota
MARY L. LANDRIEU, Louisiana
EVAN BAYH, Indiana
DIANNE FEINSTEIN, California
CHARLES E. SCHUMER, New York
MARIA CANTWELL, Washington

ALEX FLINT, *Staff Director*
JUDITH K. PENSABENE, *Chief Counsel*
ROBERT M. SIMON, *Democratic Staff Director*
SAM E. FOWLER, *Democratic Chief Counsel*

SUBCOMMITTEE ON NATIONAL PARKS

CRAIG THOMAS, Wyoming *Chairman*
DON NICKLES, Oklahoma *Vice Chairman*

BEN NIGHTHORSE CAMPBELL, Colorado
LAMAR ALEXANDER, Tennessee
CONRAD BURNS, Montana
GORDON SMITH, Oregon
JON KYL, Arizona

DANIEL K. AKAKA, Hawaii
BYRON L. DORGAN, North Carolina
BOB GRAHAM, Florida
MARY L. LANDRIEU, Louisiana
EVAN BAYH, Indiana
CHARLES E. SCHUMER, New York

PETE V. DOMENICI and JEFF BINGAMAN are Ex Officio Members of the Subcommittee

THOMAS LILLIE, *Professional Staff Member*
DAVID BROOKS, *Democratic Senior Counsel*

CONTENTS

STATEMENTS

	Page
Benton-Short, Lisa, Ph.D., Assistant Professor of Geography, The George Washington University	30
Campbell, Hon. Ben Nighthorse, U.S. Senator from Colorado	2
Carlino, August R., President and CEO, Rivers of Steel National Heritage Area	23
Frenchman, Dennis, Professor of the Practice of Urban Design, Massachusetts Institute of Technology	37
Hill, Barry, Director, Natural Resource and Environment, General Accounting Office	8
Jones, A. Durand, Deputy Director, National Park Service	2
LaGrasse, Carol W., President, Property Rights Foundation of America	42
Sanderson, Edward F., President, National Conference of State Historic Preservation Officers	33
Thomas, Hon. Craig, U.S. Senator from Wyoming	1

APPENDIXES

APPENDIX I

Responses to additional questions	55

APPENDIX II

Additional material submitted for the record	75

NATIONAL HERITAGE AREAS

TUESDAY, MARCH 30, 2004

U.S. SENATE,
SUBCOMMITTEE ON NATIONAL PARKS,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The subcommittee met at 2:30 p.m., in room SD–366, Dirksen Senate Office Building, Hon. Craig Thomas presiding.

OPENING STATEMENT OF HON. CRAIG THOMAS U.S. SENATOR FROM WYOMING

Senator THOMAS. We welcome you for being here, certainly. We will be talking today about oversight on National Heritage Areas. So I welcome the Deputy Director of the Park Service and other witnesses who are here.

Now, at a hearing approximately a year ago, the subcommittee received testimony from the administration and various interest groups. Following that discussion Senator Domenici and Senator Bingaman and I requested that the General Accounting Office review National Heritage Areas. We call today's hearing to hear and discuss the results of that GAO review. We have asked scholars, private property rights advocates and other interest groups to join in the dialogue.

Twenty-four National Heritage Areas currently exist, and this subcommittee has received legislative requests for 20, I think, or more new heritage areas. The potential for growth seems to be unlimited in the fact that Heritage Areas can be as narrow as the Rivers of Steel or as broad as the entire State of Tennessee. So each request for a new area is accompanied also by a request for $1 million per year, generally for 10-year periods; some have gone beyond that, I believe. I do believe there are unique places in the country where it is appropriate to provide Federal assistance for a State or local organization to be able to assume responsibility for protecting a designated resource. However, I am concerned, and I think many of us are concerned about the total number that are being established, the lack of clear definition and criteria, I think which is really the key to have some real idea of what the basic criteria should be. And the apparent inability for the sunset of the Federal role for heritage areas. So I think the time has come for us to define the role, define the Park Service's role in national heritage, define the funding and put together some substantive definition of what they ought to be.

So that is really what it is all about today. And I want to thank the witnesses for coming. So I think we can go, I think, right ahead

and start, Mr. Jones, with you sir, if you will. If you want to kind of limit your testimony a little bit; we will have your full testimony in the report.

[The prepared statement of Senator Campbell follows:]

PREPARED STATEMENT OF HON. BEN NIGHTHORSE CAMPBELL, U.S. SENATOR FROM COLORADO

Thank you, Mr. Chairman. As we are all aware, our Public Lands are among the greatest treasures we have as a country. Whether they are National Parks, Wilderness, or national heritage Areas, they are all important in preserving the natural splendor and history that abounds in our nation.

In Colorado, we are fortunate to have the first National Heritage Area west of the Mississippi, the Cache La Poudre Corridor, local citizens have formed a non-profit organization, the Poudre Heritage Alliance to advance the goals of the heritage area. Working in partnership with the National Park Service and Rocky Mountain National Park, the heritage area has worked to advance the goals of the original congressionally directed designation to provide for the interpretation of the unique and significant contributions to our national heritage of cultural and historic lands, waterways and structures within the Corridor.

As Richard Brady, the Chair of the Poudre Heritage Alliance, has said, "The Poudre River is a living history lesson. A water system that is evolving, but still functioning much the way it did a century ago".

In managing public lands such as these, we must also realize that while there are many deserving areas, we unfortunately do not have an endless supply of money and need first and foremost to care for the lands already entrusted to the Federal Government.

There are many land designations and we need to expressly state criteria for the designation and management of public lands, that we may make the best use of our limited resources, which is the purpose of our hearing today.

I look forward to hearing testimony on this matter from our witnesses today. Thank You.

STATEMENT OF A. DURAND JONES, DEPUTY DIRECTOR, NATIONAL PARK SERVICE

Mr. JONES. Thank you, Mr. Chairman, and I will hit the highlights of the testimony. First, I want to start by thanking you for your leadership. For example, last year, you sponsored the 2-day seminar that was held to brainstorm the whole Heritage Area issues with your staff and I think it brought a lot of good ideas to the table and got a lot of concepts out, which I think has helped further the dialogue toward where we are today. And also, especially the good news is that this morning we have formal cleared legislation, which I'd like to attach to our testimony as a formal recommendation to our proposal for implementing and putting some sideboards and direction and study requirements to determine significance as a legislative proposal that addresses the issues that we've heard in the various dialogues, issues that have been raised through the GAO review. And so, we think it's important to move forward on that, and it's a really good opportunity to help define the program for where it goes in the future and what we've learned.

Just to hit a few things from my prepared testimony. After two decades of experience with National Heritage Areas, the Department recognizes the need to enact Heritage Area legislation to provide criteria for evaluation of potential areas, standards for planning, limitations on funding and guidance to the National Park Service, assistance and how we accomplish that assistance.

The Heritage Areas are intended to preserve nationally important cultural, natural, historic and recreational resources through

the creation of partnerships among Federal, State and local entities. Heritage Areas are locally driven, initiated and managed by the people who live there and do not impose Federal zoning, land controls nor do they require land acquisition. One of the issues that, for example, we have learned over the years is that at the beginning some of the early Heritage Areas were managed through Federally-designated commissions. We are increasingly convinced that having local nonprofit groups, local organizations or state entities be the managing entity rather than Federal commissions is the direction to go in, because it helps ensure local control, which is what Heritage Areas need to be. The program has grown without specific criteria for assessing an area's national importance and the ability of an area to become self-sufficient. For these reasons the Department proposes legislation that will set limits and guide future National Heritage Area proposals.

So far, no area has graduated from the program, if you will, even after 20 years in some cases and nearly $100 million invested overall in Heritage Areas. In 2004, 24 designated areas receive either grants or line-item construction funding through the National Park Service.

The Department's legislative proposal is crafted to address the successes and challenges identified in our decades of experience working with these community partnerships. Successful National Heritage Areas embody locally driven partnerships and emphasize local control of land use and blend education, cultural conservation, resource preservation, recreation and community revitalization, all of which are integral parts of the mission of the National Park Service. Our legislative proposal supports this conservation strategy by recognizing the people who live in a Heritage Area are uniquely qualified to preserve it. The draft GAO report notes that at this time no criteria have been adopted for determining the significance or importance of National Heritage Area proposals. We agree with that concern and our legislative proposal would address that by laying out criteria that we feel each proposed Heritage Area should meet to determine national significance.

We believe that a feasibility study should be required for every proposal for a National Heritage Area, and the study should be evaluated against legislatively established criteria before its designation. In a historical perspective, one of the reasons why we feel that this is a very important programmatic piece of the legislation is, as you recall, Mr. Chairman, from your days in Congress, that we also had an era of rapid growth of the National Park System, similar to some of the concerns we hear being expressed about Heritage Areas today. And the response for that came out of this committee, legislation that put very strict sideboards on doing formal studies to determine national significance before coming back to the Congress to recommend whether an area should or should not be added to the National Park System. This legislative package would put a parallel concept in place that would help put out some guidance for new Heritage Areas in the future.

The GAO report expressed concern that in the past the Department's authority to approve management plans was not always consistently applied. Our legislative proposal clarifies the timeframe for developing a management plan and a requirement for

Secretarial approval. In the legislative proposal plans not approved within the specified 3 years would be denied future funding. Under our proposal management plans are an essential starting point for successful national heritage areas, as they strengthen community development, build necessary partnerships, establish performance goals and expand capacity. One of the other things that we're proposing as being part of that management plan is building in something that we're finding increasingly successful in park management, and that is that there be a business plan associated with the management plan for the Heritage Area that would lay out a proposal for their eventual self-sufficiency from an economic viability point of view. So they have a goal during their 15 years under Federal assistance to achieve so that they can graduate from the program and continue.

Actually, at this point, Mr. Chairman, why don't I just conclude that we have, so far, an answer to one of the issues that you had raised earlier. Congress has appropriated over $100 million to date for National Park Service under the Heritage Area Partnership Program. One good news item out of Heritage Areas, however, is that that $100 million has leveraged over $900 million of funding from other sources that have met it. So, almost a nine-to-one return for our investment to help local communities do these programs. And we feel that's one of the successes of this program.

So at this point I'd be happy to answer any questions you might have.

[The prepared statement of Mr. Jones follows:]

PREPARED STATEMENT OF A. DURAND JONES, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, it is my pleasure to appear before you today to discuss the National Park Service's National Heritage Area Program, to respond to the findings of the General Accounting Office's report, and to present the Department of the Interior's legislative proposal for a National Heritage Partnership Act.

After two decades of experience with national heritage areas, the Department recognizes the need to enact national heritage area legislation to provide criteria for evaluation of potential areas, standards for planning, limitations on funding, and guidance on National Park Service assistance.

National heritage areas are intended to preserve nationally important natural, cultural, historic, and recreational resources through the creation of partnerships among Federal, State and local entities. National heritage areas are locally driven, initiated and managed by the people who live there and do not impose Federal zoning, land use controls nor do they require land acquisition. At its best, the collaborative approach of this program embodies Secretary of the Interior Gale Norton's "Four Cs"—Communication, Consultation and Cooperation, all in the service of Conservation. However, this program may include areas receiving Federal support where national importance has not been demonstrated. The program has grown without specific criteria for assessing an area's national importance and the ability of an area to become self-sufficient. For these reasons, the Department proposes legislation that will set limits and guide future national heritage area proposals.

The National Park Service's 2005 Budget requested less funding for national heritage areas, because we are now focusing our available resources on maintaining and operating national parks. The budget request also reflected concerns that the program lacks an overall authorization or a process for areas to become self-sufficient. So far, no area has "graduated" from the program, even after 20 years in some cases and nearly $100 million invested overall. In 2004, all 24 designated areas received either grants or line-item construction funding.

The Department's legislative proposal is crafted to address the successes and challenges identified in our two decades of experience working in these community partnerships. As you know, over the last year, this subcommittee has held oversight hearings, facilitated meetings with interested parties, and requested a review by the

General Accounting Office (GAO) on the national heritage area program. These efforts have been critical in gaining insight from all parties and clarifying essential elements for legislative action. In particular, the draft report from the GAO, based on almost a year of research in the field, has cast light on some of the most difficult issues facing the program, and has made valuable recommendations on what can be improved.

The National Park Service mission statement speaks to the importance of partnerships in resource conservation. Successful national heritage areas embody locally driven partnerships that emphasize local control of land use, and blend education, cultural conservation, resource preservation, recreation and community revitalization, all of which are integral parts of the mission of the National Park Service. Our legislative proposal supports this conservation strategy by recognizing that the people who live in a heritage area are uniquely qualified to preserve it. Being designated as a national heritage area can benefit visitors, community residents, existing National Park units located in the area, and other Federal lands by expanding the opportunity to interpret and protect resources over a larger landscape and by telling our shared national stories.

The national heritage area strategy is about fostering a partnership culture at every level of government with each level having an appropriate and complementary role to play. The National Park Service should be the lead partner only when the resources within a proposed heritage area are of national importance. The draft GAO report notes that, at this time, no criteria have been adopted for determining the significance or importance of national heritage area proposals. The Department's legislative proposal addresses this concern by limiting our involvement to regions that have a collection of resources "that together tell nationally important stories based on our country's heritage". While many places in this nation have special meaning to the people that live there, in many cases designation as a State or local heritage area may be most appropriate.

The Department believes that a feasibility study should be required for every proposed national heritage area and the study should be evaluated against legislatively established criteria before designation. These criteria, outlined in our legislative proposal, require that an area provide evidence of place-based resources to tell a nationally important story and of the support and involvement from the local community. This approach has been field-tested and has been shown to increase the future success of the heritage area. Critical elements in the process are public involvement in preparing the feasibility study, demonstration of significant public support for the designation, documented commitment to the proposal from units of government and other parties, the identification of a responsible local coordinating entity, consultation with and concurrence from the managers of any Federal lands within the proposed national heritage area, and the development of a conceptual financial plan outlining the roles of all participants including the Federal government.

After congressional designation, the local coordinating entity for the heritage area develops a management plan to serve as a road map for all stakeholders and a work plan for the expenditure of Federal dollars. The GAO report expressed concern that in the past the Department's authority to approve management plans was not always consistently applied. Our legislative proposal clarifies the timeframe for developing a management plan and the requirement for Secretarial approval. Plans not approved within the specified three years will be denied funding. Under our proposal, management plans are an essential starting point for a successful national heritage area as they strengthen community involvement, build necessary partnerships, establish performance goals, and expand capacity for collaborative action that will attract a wide range of fundraising dollars.

To be successful, national heritage areas must be guided and supported by local communities and the people that live there. These areas also must work closely with all partners in the region including Federal land management agencies. This is of particular importance in the west where a national heritage area boundary may encompass Federal land designated for many uses. To ensure a constructive partnership, our legislative proposal requires the consultation and concurrence of Federal land management agencies within the boundaries of a proposed national heritage area. In addition to clarifying respective missions, this process of consultation will help identify potential partnerships as envisioned by the Administration's recent Preserve America Executive Order. Under this initiative, local communities and public land partners will collaborate for the promotion of local economic development and heritage tourism through the preservation and productive reuse of historic assets.

Almost 47 million people across 18 states live within a national heritage area. The draft GAO report concluded that national heritage area designation does not impinge on the rights of private property owners. Our legislative proposal contains

safeguards to ensure that private property owners are provided with reasonable protections. National heritage area designation does not involve the acquisition of land, or impose zoning or land use controls by the Federal government or local coordinating entities. In fact, the support of private property owners and other community members for a national heritage area designation is an integral part of the feasibility study.

When the first national heritage corridors were designated twenty years ago, a Federal commission provided management for the areas and the National Park Service provided most of the staff. The national heritage corridor or area was conceived as a less expensive alternative to the acquisition and operating costs of creating a new unit of the National Park System. These areas were originally authorized for five years with a five-year extension; over time, the corridors have been reauthorized for additional periods. For the 18 national heritage areas established after 1995, the National Park Service encouraged greater involvement by local entities and a more cost-effective use of Federal resources. These newer areas are managed by a non-profit entity or a State government and include a funding formula of not more than $10 million federal dollars over a fifteen-year period. Our legislative proposal codifies this approach and for the first time requires that a business plan be developed as part of management planning for proposed new areas. This will ensure that from the beginning, national heritage areas are working towards and have an established plan for self-sufficiency. We also recognize the need to work with existing areas to assist them in a transition strategy as they reach the end of their funding authorization. As areas become self-sufficient, available resources could be reallocated to newly designated areas or other priorities.

National heritage areas demonstrate excellence in the areas of partnership, leveraging funding from a variety of sources, and education. Partnerships are the way that heritage areas conduct business. In 2003, the 24 national heritage areas reported 996 formalized partnerships (based on project agreements) and 2,480 informal partnerships. These partnerships help us achieve that part of our mission statement that declares ". . . the Park Service cooperates with partners to extend the benefits of natural and cultural resource conservation and outdoor recreation through the country . . .". Last year, national heritage areas awarded 117 grants to assist National Register listed or eligible properties and 67 grants for recreational trails. In total, 367 project grants leveraged $29,276,585 in additional funds for resource conservation.

Although funding for national heritage areas require a one-for-one match, these areas go on to leverage a great deal more than that. The draft GAO report cited National Park Service dollars were used to leverage funds from State and local governments, other Federal agencies, and private sources. In our review a year ago, the National Park Service found that since 1985, Congress has appropriated $107,225,378 to the National Park Service under the Heritage Partnership Program to support heritage area projects and programs. This allocation has leveraged $929,097,491 in non-National Park Service partnership funds, an impressive 1 to 8.7 match. A well-established national heritage area will have a balanced funding mix from the National Park Service, U.S. Department of Transportation Enhancement Funds, other Federal programs, State government, local government, and the private sector. The national heritage area model of collaborative funding demonstrates the value of partnership.

National heritage areas understand the value of telling the story of their region's heritage to both visitors and more importantly, to the next generation of citizens. Some examples of their award winning programs include the work of Ranger Chuck Arning in the John F. Chaffee Blackstone River Valley National Heritage Corridor, who won both the 1997 National Freeman Tilden Award for Interpretive Ranger of the Year for the television series entitled "*Along the Blackstone*", and the National Underground Railroad Network to Freedom's *Freedom Star Award* for this series. In 2003, Ranger Suzanne Buchanan from the Blackstone won the Northeast Region's Freeman Tilden Award for the Volunteer Program in the Blackstone River Valley. Last year, the Silos and Smokestacks National Heritage Area's website (*http://www.campsilos.org*) won a 2nd place Media Award from the National Association for Interpretation; this website reaches 25,000 regional and worldwide visitors monthly. Overall in 2003, national heritage areas managed 513 different educational program reaching 740,775 people.

Recent studies and our own experiences have shown that the national heritage area approach links people and place, nature and culture, and the present with the past. National heritage areas capitalize on the unique role local communities play in caring for their heritage and telling their stories. Our legislative proposal respects these principles. It also recognizes the need to target our assistance to those areas where there is a national interest and where the local partners meet estab-

lished criteria for success. We hope to work with all parties to craft a program that responds to the draft GAO report, is held accountable for public investment, and builds on the successful practices in the field.

In conclusion, I would like to thank Chairman Thomas for his assistance in evaluating the national heritage area program, in identifying areas for improvement, and supporting our efforts to draft program legislation. This concludes my prepared remarks and I will be pleased to answer any questions you or other members of the subcommittee may have.

[The following was received from the Park Service:]

NATIONAL PARK SERVICE RESPONSE TO THE U.S. GENERAL ACCOUNTING OFFICE

GAO REPORT: GAO-04-593T

National Park Service: A More Systematic Process for Establishing National Heritage Areas and Actions to Improve Their Accountability Are Needed

- The National Park Service appreciates the time, attention, and spirit of collegiality under which the General Accounting Office conducted this inquiry. On the whole, the National Park Service believes the findings are accurate. We look forward to using the report as the basis for continuing program improvements and changes in consultation with key program customers and constituencies.
- The National Park Service is fully supportive of the National Heritage Area concept. We concur with the report's recommendation that national program legislation is needed to evaluate better and more consistently proposed areas for designation. to ensure consistent Service technical assistance and support, and to strengthen the administration of the program. Accordingly, this agency has recently developed draft program legislation in response to Congressional interest in establishing criteria and a process for designation of national heritage areas.
- The National Park Service also agrees with the report that there is a need to develop more explicit administrative guidelines and management standards and controls (including a National Park Service Director's Order) to provide guidance to the Service's Washington, DC headquarters, regional offices and park units as we administer this important program or provide technical assistance and support (this is especially true for the review and approval of management plans). Additionally, we agree that consistent and replicable financial and management controls and systems must be improved to ensure internal control, accountability, and oversight of federal funding.
- The National Park Service is pleased that the GAO report so effectively demonstrates the wide diversity of funding leveraged to date by the National Heritage Areas. To this agency, this is a prime indicator of program health in heritage areas' abilities to leverage funding other than National Park Service appropriations—a key element of the "seed money" idea behind the program. We were heartened to see not only non-NPS funding but private sources as well as public funding from state. local, and other federal sources. We think this is a critical accomplishment in the evolution of this important national program.
- On the matter of current National Park Service appropriated funding support for the Heritage Areas Program, the National Park Service would suggest the report describe more clearly and specifically the level of NPS appropriations: 1) specifically directed for NPS administration of this program; separate from, 2) NPS appropriated line items to the individual heritage areas; separate from, 3) other appropriated general heritage areas operating funds. As it is currently written, there is no clear distinction and we believe important information may be misunderstood, lost, or confused on this important matter.
- The National Park Service concurs with the report's recommendations on developing consistent program performance measures in compliance with the Government Performance and Results Act. This agency has, in partnership with the designated national heritage areas, recently taken steps to identify appropriate goals and measures for the program including measuring outcomes in terms of resource conservation, educational offerings, leveraging of funding and formation of partnerships. As an example, a number of national heritage areas have piloted a regional tourism impact model adapted from a successful National Park Service planning model already in use on a regional scale.
- The National Park Service supports protections for private property owners located within the boundaries of nation heritage areas. The agency's draft legislative proposal cited above and most of the legislation establishing the existing

individual areas specifically prohibits the federal government's funding to be used for acquiring land within a national heritage area or for imposing zoning or land use controls. The report supports this agency's position that this program does not infringe on the rights of private property owners.

For more information: de Teel Patterson Tiller, Deputy Associate Director, Cultural Resources, National Park Service, Washington, DC, 202-208-7625 or Brenda Barrett, National Heritage Areas Program Coordinator, Cultural Resources, National Park Service, Washington, DC, 203-354-2222.

Senator THOMAS. Okay. Thank you very much. We will go ahead and hear from Mr. Hill first and then there may be some questions.

STATEMENT OF BARRY HILL, DIRECTOR, NATURAL RESOURCES AND ENVIRONMENT, GENERAL ACCOUNTING OFFICE

Mr. HILL. Thank you, Mr. Chairman. Before I begin I'd like to mention that I am accompanied today by Vince Price and Preston Heard, who are responsible for conducting the work we will be presenting today.

I'm pleased to be here today to discuss the results of our work on a number of issues concerning the designation, funding and oversight of National Heritage Areas, work that we conducted at the request of this subcommittee. And I must say my statement today will be based on what was in place at the time we did our review, and we have not had the benefit of seeing the draft legislation that Mr. Jones is referring to.

Over the past two decades, the Congress has established or designated 24 National Heritage Areas to recognize the value of their local traditions, history and resources to the Nation's heritage. These areas, including public and private lands, receive funds and assistance through cooperative agreements with the National Park Service, which has no formal program for them. They also receive funds from other agencies and non-Federal sources and are managed by local entities. The number of bills to study or designate new areas has grown considerably in recent years and, as you can see from the map that is to my right over here, in addition to the 24 existing Heritage Areas, which are shown in orange, there are currently also seven areas, which are shown in gold, with pending study legislation and another 15 areas, shown in purple, with pending designation legislation. This growing interest in new areas has raised concerns about the rising Federal costs and the risks of limits on private land use. In this context, my testimony today addresses the process for designating Heritage Areas, the amount of Federal funding to these areas, the process for overseeing areas' activities and use of Federal funds, and the effects, if any, Heritage Areas are having on private property rights.

In summary, we found that no systematic process currently exists for identifying qualified sites and designating them as National Heritage Areas. While the Congress generally has designated Heritage Areas with the Park Service's advice it designated ten of the 24 areas without a thorough Agency review. In six of these ten cases the Agency recommended deferring action. And even when the Agency fully studied sites it found few that were unsuitable, primarily because the Agency's criteria are very broad and open to interpretation.

According to data we obtained from 22 of the 24 Heritage Areas, in fiscal years 1997 through 2002, the areas received about $310 million in total funding. Of this total, about $154 million came from State and local governments and private sources and another $156 million came from the Federal Government. Over $50 million was dedicated Heritage Area funds provided through the Park Service, with another $44 million coming from other Park Service programs, and an additional $61 million from 11 other Federal sources. Generally, each area's designating legislation imposes matching requirements and sunset provisions to limit the Federal funds. However, since 1984, five areas that reached their sunset dates had their funding extended.

The process the Park Service is using to oversee Heritage Areas' activities primarily focuses on monitoring their implementation of the cooperative agreements. This process, however, does not include several key management controls. Specifically, the Agency has not always reviewed areas' financial audit reports, developed consistent standards for reviewing areas' management plans, and developed results-oriented goals or measures for the Agency's Heritage Area activities, or required the areas to adopt a similar approach. Park Service officials said the Agency has not taken these actions because without a formal program it lacks adequate direction and funding.

As far as private property rights, we found no evidence that Heritage Areas to date have affected property owners' rights. In fact, the designating legislation of 13 areas and the management plans of at least six provide assurances that such rights will be protected. Property rights advocates, however, are fearful of the effects that provisions in some management plans may have in the future. These provisions encourage local governments to implement land use policies that are consistent with the Heritage Areas' plans, which may allow the areas to indirectly influence zoning and land use planning in ways that could restrict owners' use of their property. Nevertheless, Heritage Area officials, Park Service headquarters and regional staff, and representatives of national property rights groups that we contacted were unable to provide us with any examples of Heritage Areas directly affecting, either positively or negatively, private property values or use.

To address the issues I've just highlighted, we are recommending that the Park Service take a number of steps to improve the effectiveness of its Heritage Area activities. These include developing consistent standards and processes for reviewing areas' management plans, requiring regions to review areas' financial audits reports, and developing results-oriented goals and measures for the Agency's activities, and requiring areas to adopt a similar approach.

Mr. Chairman, this concludes my statement. I'd be happy to answer any questions you may have.

[The prepared statement of Mr. Hill follows:]

PREPARED STATEMENT OF BARRY T. HILL, DIRECTOR, NATURAL RESOURCES AND ENVIRONMENT

A MORE SYSTEMATIC PROCESS FOR ESTABLISHING NATIONAL HERITAGE AREAS AND ACTIONS TO IMPROVE THEIR ACCOUNTABILITY ARE NEEDED

WHY GAO DID THIS STUDY

The Congress has established, or "designated," 24 national heritage areas to recognize the value of their local traditions, history, and resources to the nation's heritage. These areas, including public and private lands, receive funds and assistance through cooperative agreements with the National Park Service, which has no formal program for them. They also receive funds from other agencies and nonfederal sources, and are managed by local entities. Growing interest in new areas has raised concerns about rising federal costs and the risk of limits on private land use.

GAO was asked to review the (1) process for designating heritage areas, (2) amount of federal funding to these areas, (3) process for overseeing areas' activities and use of federal funds, and (4) effects, if any, they have on private property rights.

WHAT GAO RECOMMENDS

GAO recommends that the Park Service (1) develop consistent standards and processes for reviewing areas' management plans; (2) require regions to review areas' financial audit reports, and (3) develop results-oriented goals and measures for the agency's activities and require areas to adopt a similar approach.

WHAT GAO FOUND

No systematic process currently exists for identifying qualified sites and designating them as national heritage areas. While the Congress generally has designated heritage areas with the Park Service's advice, it designated 11 of the 24 areas without a thorough agency review; in 6 of these 10 cases, the agency recommended deferring action. Even when the agency fully studied sites, it found few that were unsuitable. The agency's criteria are very general. For example, one criterion states that a proposed area should reflect "traditions, customs, beliefs, and folk life that are a valuable part of the national story." These criteria are open to interpretation and, using them, the agency has eliminated few sites as prospective heritage areas.

According to data from 22 of the 24 heritage areas, in fiscal years 1997 through 2002, the areas received about $310 million in total funding. Of this total, about $154 million came from state and local governments and private sources and another $156 million came from the federal government. Over $50 million was dedicated heritage area funds provided through the Park Service, with another $44 million coming from other Park Service programs and about $61 million from 11 other federal sources. Generally, each area's designating legislation imposes matching requirements and sunset provisions to limit the federal funds. However, since 1984, five areas that reached their sunset dates had their funding extended.

The Park Service oversees heritage areas' activities by monitoring their implementation of the terms set forth in the cooperative agreements. These terms, however, do not include several key management controls. That is, the agency has not (1) always reviewed areas' financial audit reports, (2) developed consistent standards for reviewing areas' management plans, and (3) developed results-oriented goals and measures for the agency's heritage area activities, or required the areas to adopt a similar approach. Park Service officials said that the agency has not taken these actions because, without a program, it lacks adequate direction and funding.

Heritage areas do not appear to have affected property owners' rights. In fact, the designating legislation of 13 areas and the management plans of at least 6 provide assurances that such rights will be protected. However, property rights advocates fear the effects of provisions in some management plans. These provisions encourage local governments to implement land us policies that are consistent with the heritage areas' plans, which may allow the heritage areas to indirectly influence zoning and land use planning in ways that could restrict owners' use of their property. Nevertheless, heritage area officials, Park Service headquarters and regional staff, and representatives of national property rights groups that, we contacted were unable to provide us with any examples of a heritage area directly affecting positively or negatively-private property values or use.

Mr. Chairman and Members of the Committee: I am pleased to be here today to discuss a number of issues concerning the designation, funding, and oversight of national heritage areas. As you know, over the past two decades, the Congress has established, or "designated," 24 national heritage areas and provided them with millions of dollars in financial assistance through the National Park Service. By providing this designation, the Congress has determined that these areas' local cultures, traditions, history, and resources are worthy of being recognized and preserved because of their contributions to the nation's heritage. These areas can encompass large tracts of land and incorporate public as well as private property. The number of bills introduced to study or designate new areas has grown considerably in recent years. In the 108th Congress alone, as of early March 2004, over 30 bills had been introduced to either study or establish new areas. This growing interest in creating new heritage areas has raised concerns that their numbers may expand rapidly and significantly increase the amount of federal funds supporting them. In addition, private property rights advocates are concerned that heritage area designations could increase the risk that federal controls or other limits will be placed on private land use.

Once designated, heritage areas can receive funding through the National Park Service's budget, although the agency has no formal heritage area program. The Park Service provides technical assistance to the areas, and the Congress appropriates the agency limited funds for these activities.[1] The Park Service allocates funding to the areas through cooperative agreements. These funds are considered to be "seed" money to assist each area in becoming sufficiently established to develop partnerships with state and local governments, businesses, and other nonfederal organizations as their principal funding sources. Heritage areas also receive funds from other federal agencies through a variety of programs, primarily the Department of Transportation for road and infrastructure improvements.

In this context, my testimony today focuses on the results of our work on national heritage areas conducted at the request of this Committee. Specifically, it addresses the (1) process for identifying and designating national heritage areas, (2) amount of federal funding provided to support these areas, (3) process for overseeing and holding national heritage areas accountable for their use of federal funds, and (4) extent to which, if at all, these areas have affected private property rights.

To address these issues, we obtained information on the Park Service's heritage area activities from the Heritage Area national coordinator and program managers in the four Park Service regions that include heritage areas. We also obtained funding information from 22 of the 24 existing areas for fiscal years 1997 through 2002, and discussed this information with the executive directors and staff of each area.[2] In addition, we visited 8 of the 24 heritage areas to view their operations and accomplishments, and discussed various issues with their executive directors. Finally, we discussed concerns about, private property rights with representatives of several organizations advocating property rights. We conducted our work between May 2003 and March 2004 in accordance with generally accepted government auditing standards. A more complete description of our methodology is included in app. I.

SUMMARY

In summary, we found the following:

- No systematic process exists for identifying qualified candidate sites and designating them as national heritage areas. While the Congress generally has made designation decisions with the advice of the Park Service, it has in some instances, designated heritage areas before the agency has fully evaluated them. In this regard, the Congress designated 10 of the 24 heritage areas without a thorough Park Service review of their qualifications; in 6 of these 10 cases, the agency recommended deferring action. Furthermore, even when the Park Service fully studied prospective sites' qualifications as heritage areas, it found that few of these were unsuitable. The Park Service's criteria are not specific. For example, one criterion states that a proposed area should reflect "traditions, customs, beliefs, and folk life that are a valuable part of the national story." Using these criteria, the agency has determined that relatively few of the sites it has evaluated would not qualify as heritage areas.

[1] Although no heritage area program exists within the Park Service, the Congress has provided the Park Service an annual appropriation for administering its heritage area activities. The agency has allocated these amounts to fund a national coordinator position in the Park Service's headquarters, which directs and monitors the agency's heritage area activities.

[2] As of mid-March 2004, two heritage areas had not provided us with funding data.

- According to data from 22 of the 24 heritage areas, in fiscal years 1997 through 2002, the areas received about $310 million in total funding. Of this total, about $154 million came from state and local governments and private sources and another $156 million came from the federal government. About $51 million of the federal total was dedicated heritage area funds provided through the Park Service. An additional $44 million came from other Park Service programs and about $61 million from 11 other federal sources. Generally, each area's designating legislation specifies the total amount of federal funds that will be provided and imposes certain conditions, such as matching requirements and sunset, provisions, to limit the amount of federal funds for each heritage area. However, the sunset provisions have not been effective in limiting federal funding: since 1984, five areas that reached their sunset dates received funding reauthorization from the Congress.
- In the absence of a formal program, the Park Service oversees heritage areas' activities by monitoring the implementation of the terms set forth in the cooperative agreements. These terms, however, do not include several key management controls. Although the Park Service has primary federal responsibility for heritage areas, the agency does not always review data that it obtains from the areas on their sources and expenditures of all federal funds. As a result, the agency cannot determine how much federal funds have been provided to the areas or whether these funds are being spent appropriately. Furthermore, the Park Service has not yet developed clear and consistent standards and processes for reviewing areas' management plans, even though this review is one of the agency's primary heritage area responsibilities. As a result, staff in each Park Service region use different approaches to review and approve areas' plans. Finally, the Park Service has not yet developed results-oriented performance goals and measures—consistent with the requirements of the Government Performance and Results Act—for the agency's heritage area activities, or required the areas to adopt a similar results-oriented management approach. Such an approach would help ensure the efficiency and effectiveness of the agency's heritage area activities and enable both the areas and the agency to determine what is being accomplished with federal funds. According to Park Service officials, the agency has not taken these actions because, without a formal program, it does not have the direction or funding it needs to effectively carry out its national heritage area activities.
- National heritage areas do not appear to have directly affected the rights of property owners. To address property concerns, the designating legislation of 13 of the 24 heritage areas and management plans of at least 6 provide explicit assurances that the areas will not affect property owners' rights. However, some management plans encourage local governments to implement land use policies that are consistent with the heritage areas' plans and offer to aid their planning activities through matching grants. Property rights advocates fear that such provisions may allow heritage areas to indirectly influence zoning and land use planning it ways that, could restrict owners' use of their property. Nevertheless, heritage area officials, Park Service headquarters and regional staff, and representatives of national property rights groups who we contacted were unable to provide us with any examples of a heritage area directly affecting—positively or negatively—private property use.

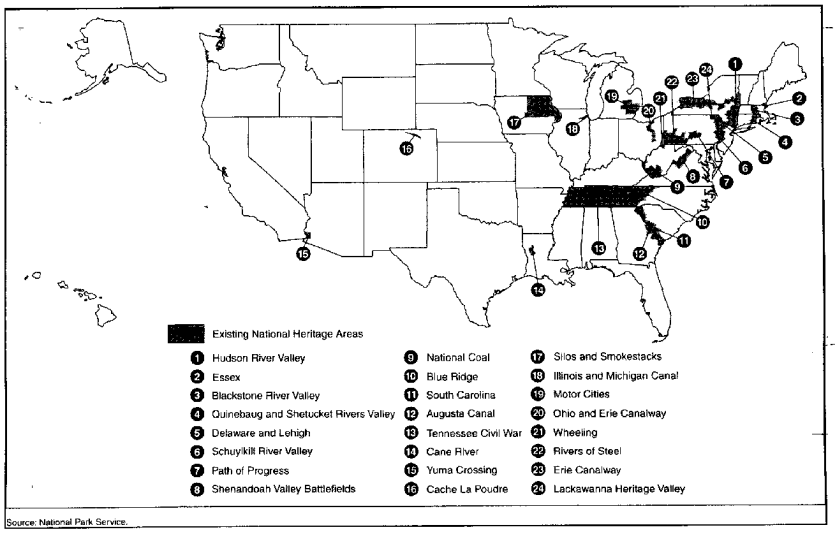
To improve the heritage area designation process and the Park Service's oversight of areas' use of federal funds, we are recommending that the agency (1) develop consistent standards and processes for reviewing areas' management plans; (2) require regions to review areas' financial audit reports, and (3) develop results-oriented goals and measures for the agency's activities and require areas to adopt a similar approach.

BACKGROUND

To date, the Congress has designated 24 national heritage areas, primarily in the eastern half of the country (see fig. 1).

Generally, national heritage areas focus oil local efforts to preserve and interpret the role that certain sites, events, and resources have played in local history and their significance in the broader national context. For example, the Rivers of Steel Heritage Area commemorates the contribution of southwestern Pennsylvania to the development of the nation's steel industry by providing visitors with interpretive tours of historic sites and other activities. Heritage areas share many similarities—such as recreational resources and historic sites—with national parks and other

Figure 1: Locations of 24 Existing National Heritage Areas, as of March 2004



Source: National Park Service.

park system units but lack the stature and national significance to qualify them as these units.

The process of becoming a national heritage area usually begins when local residents, businesses, and governments ask the Park Service, within the Department of the Interior, or the Congress for help in preserving their local heritage and resources. In response, although the Park Service has no program governing these activities, the agency provides technical assistance, such as conducting or reviewing studies to determine an area's eligibility for heritage area status. The Congress then may designate the site as a national heritage area and set up a management entity for it. This entity could be a state or local governmental agency, an independent federal commission, or a private nonprofit corporation. Usually within 3 years of designation, the area is required to develop a management plan, which is to detail, among other things, the area's goals and its plans for achieving those goals. The Park Service then reviews these plans, which must be approved by the Secretary of the Interior.

After the Congress designates a heritage area, the Park Service enters into a cooperative agreement with the area's management entity to assist the local community in organizing and planning the area. Each area can receive funding through the Park Service's budget-generally limited to not more than $1 million a year for 10 or 15 years. The agency allocates the funds to the area through the cooperative agreement.

NO SYSTEMATIC PROCESS EXISTS FOR IDENTIFYING AND DESIGNATING NATIONAL HERITAGE AREAS

No systematic process is in place to identify qualified candidate sites and designate them as national heritage areas. In this regard, the Park Service conducts studies—or reviews studies prepared by local communities—to evaluate the qualifications of sites proposed for national heritage designation. On the basis of these studies, the agency advises the Congress as to whether a particular location warrants designation. The agency usually provides its advice to the Congress by testifying in hearings on bills to authorize a particular heritage area. The Park Services' studies of prospective sites' suitability help the agency ensure that the basic components necessary to a successful heritage area—such as natural and cultural resources and community support—are either already in place or are planned. Park Service data show that the agency conducted or reviewed some type of study addressing the qualifications of all 24 heritage areas. However, in some cases, these studies were limited in scope so that questions concerning the merits of the location persisted after the studies were completed. As a result, the Congress designated 10 of the 24 areas with only a limited evaluation of their suitability as heritage areas. Of these 10 areas, the Park Service opposed or suggested that the Congress defer

action on 6, primarily because of continuing questions about, among other issues, whether the areas had adequately identified goals or management entities or demonstrated community support. Furthermore, of the 14 areas that were designated after a full evaluation, the Congress designated 8 consistent with the Park Service's recommendations, 5 without the agency's advice, and 1 after the agency had recommended that action be deferred.

Furthermore, the criteria the Park Service uses to evaluate the suitability of prospective heritage areas are not specific and, in using them, the agency has determined that a large portion of the sites studied qualify as heritage areas. According to the Heritage Area national coordinator, before the early 1990s, the Park Service used an ad hoc approach to determining sites' eligibility as heritage areas, with little in the way of objective criteria as a guide. Since then, however, the Park Service developed general guidelines to use in evaluating and advising the Congress on the suitability of sites as heritage areas. Based on these guidelines, in 1999, the agency developed a more formal approach to evaluating sites. This approach consisted of four actions that the agency believed were critical before a site could be designated as well as 10 criteria to be considered when conducting studies to assess an area's suitability.

The four critical steps include the following:

- complete a suitability/feasibility study;
- involve the public in the suitability/feasibility study;
- demonstrate widespread public support for the proposed designation; and
- demonstrate commitment to the proposal from governments, industry, and private, nonprofit organizations.

A suitability/feasibility study, should examine a proposed area using the following criteria:

- The area has natural, historic, or cultural resources that represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities, and by combining diverse and sometimes noncontiguous resources and active communities;
- The area's traditions, customs, beliefs, and folk life area valuable part of the national story;
- The area provides outstanding opportunities to conserve natural, cultural, historic, and/or scenic features;
- The area provides outstanding recreational and educational opportunities;
- Resources that are important to the identified themes of the area retain a degree of integrity capable of supporting interpretation;
- Residents, businesses, nonprofit organizations, and governments within the area that are involved in the planning have developed a conceptual financial plan that outlines the roles for all participants, including the federal government, and have demonstrated support for designation of the area;
- The proposed management entity and units of government supporting the designation are willing to commit to working in partnership to develop the area;
- The proposal is consistent with continued economic activity in the area;
- A conceptual boundary map is supported by the public; and
- The management entity proposed to plan and implement the project is described.

These criteria are broad and subject to multiple interpretations, as noted by an official in the agency's Midwest region charged with applying these criteria to prospective areas. Similarly, according to officials in the agency's Northeast region, they believe that the criteria were developed to be inclusive and that they are inadequate for screening purposes. The national coordinator believes, however, that the criteria are valuable but that the regions need additional guidance to apply them more consistently The Park Service has developed draft guidance for applying these criteria but has no plans to issue them as final guidance. Rather, the agency is incorporating this guidance into a legislative proposal for a formal heritage area program. According to the national coordinator, some regions have used this guidance despite its draft status, but it has not been widely adopted or used to date.

The Park Service's application of these broad criteria has identified a large number of potential heritage areas. Since 1989, the Park Service has determined that most of the candidate sites it has evaluated would qualify as national heritage areas.

NATIONAL HERITAGE AREAS ANNUALLY RECEIVE MILLIONS IN FEDERAL FUNDING

According to data from 22 of the 24 heritage areas, about half of their total funding of $310 million in fiscal years 1997 through 2002 came from the federal government and the other half from state and local governments and private sources. Table 1 shows the areas' funding sources from fiscal years 1997 through 2002.

Table 1.—NATIONAL HERITAGE AREA FUNDING FROM ALL SOURCES

Fiscal Years 1997-2002

Source	Amount	Percentage
Total Park Service funds	$95,393,506	30.8
Dedicated heritage area funds[1]	150,922,562	16.5
Other Park Service support funds[2]	44,470,944	14.3
Total other federal funds	$60,545,816	19.5
Department of Transportation	55,852,269	18.0
Department of Education	2,000,000	0.6
Department of Agriculture	547,009	0.2
Housing and Urban Development	420,183	0.1
Environmental Protection Agency	400,000	0.1
Army Corps of Engineers	266,000	0.1
Department of Commerce	96,555	0.0
National Railroad Passenger Corporation	23,800	0.0
National Endowment for the Arts	5,000	0.0
Federal earmarks and awards[3]	935,000	0.3
Total nonfederal funds	$154,078,203	49.7
State governments	61,404,323	19.8
Local governments	46,612,624	15.0
Nonprofit organizations	7,255,416	2.3
Private foundations	14,515,996	4.7
Corporate sponsors	2,126,870	0.7
Other nonfederal funding sources	22,163,473	7.2
Total	$310,017,525	100.0

Source: GAO analysis of data obtained from 22 of the 24 heritage areas.

[1] These funds were provided through the Park Service's Heritage Partnership Program and Statutory and Contractual Aid budget line items. The Heritage Partnership Program promotes the conservation of natural, historic, scenic, and cultural resources. Statutory and Contractual Aid provides financial assistance in the planning, development, or operation of natural, historical, cultural, or recreation areas that are not managed by the Park Service.

[2] These are funds from other Park Service budget line items-including the Land and Water Conservation Fund; Operation of the National Park Service, and the Construction Fund-that are no typically reported as part of heritage area funding, but include funding for specific projects undertake by heritage areas.

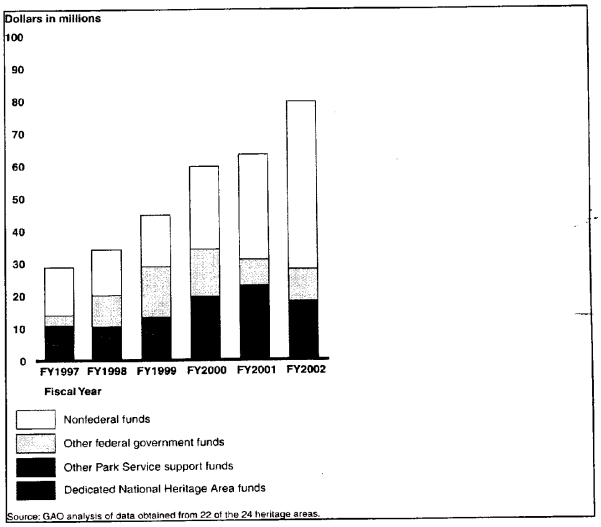
[3] Funds earmarked for Federal Government Pass-Through Awards ($610,000) and Hugh Moore Historical Park & Museums, Inc. ($325,000).

As figure 2 shows, the federal government's total funding to these heritage areas increased from about $14 million in fiscal year 1997 to about $28 million in fiscal year 2002, peaking at over $34 million in fiscal year 2000.

The Congress sets the overall level of funding for heritage areas, determining which areas will receive funding and specifying the amounts provided. Newly designated heritage areas usually receive limited federal funds while they develop their management plans and then receive increasing financial support through Park Service appropriations after their plans are established. The first heritage areas received pass-through grants from the Park Service and funding through the agency's Statutory and Contractual Aid appropriations. However, in 1998, the Congress began appropriating funds to support heritage areas through the Heritage Partnership Program.

In addition, the Congress has placed in each area's designating legislation certain conditions on the receipt of federal funds. While the legislation designating the earliest heritage areas resulted in different funding structures, generally those created

Figure 2: National Heritage Areas' Funding, By Major Source, Fiscal Years 1997 – 2002



since 1996 have been authorized funding of up to $10 million over 15 years, not to exceed $1 million in any single year. In conjunction with this limit, the designating legislation attempts to identify a specific date when heritage areas no longer receive federal financial or technical assistance. Although heritage areas are ultimately expected to become self-sufficient without federal support, to date the sunset provisions have not limited federal funding. Since the first national heritage area was designated in 1984, five have reached the sunset date specified in their designating legislation. However, in each case, the sunset date was extended and the heritage area continued to receive funding from the Congress.

Finally, the areas' designating legislation typically requires the heritage areas to match the amount of federal funds they receive with a specified percentage of funds from nonfederal sources. Twenty-two of the 24 heritage areas are required to match the federal funds they receive. Of these 22 areas, 21 have a 50-percent match requirement-they must show that at least 50 percent of the funding for their projects has come from nonfederal sources-and one has a 25-percent match requirement.

THE PARK SERVICE LACKS AN EFFECTIVE PROCESS FOR ENSURING THAT NATIONAL HERITAGE AREAS ARE ACCOUNTABLE FOR THEIR USE OF FEDERAL FUNDS

In the absence of a formal program, the Park Service oversees heritage areas' activities by monitoring the implementation of the terms set forth in the cooperative agreements. According to Park Service headquarters officials, the agency's cooperative agreements with heritage areas allow the agency to effectively oversee their activities and hold them accountable. These officials maintain that they can withhold funds from heritage areas-and have, in some circumstances, done so-if the areas are not carrying out the requirements of the cooperative agreements. However, regional managers have differing views on their authority for withholding funds from areas and the conditions under which they should do so.

Although the Park Service has oversight opportunities through the cooperative agreements, it has not taken advantage of these opportunities to help to improve oversight and ensure these areas' accountability. In this regard, the agency generally oversees heritage areas' funding through routine monitoring and oversight activities, and focuses specific attention on the areas' activities only when problems or potential concerns arise. However, the Park Service regions that manage the cooperative agreements with the heritage areas do not always review the areas' annual financial audit reports, although the agency is ultimately the federal agency responsible for heritage area projects that are financed with federal funds.[3] For ex-

[3] Under regulations implementing the Single Audit Act, recipients spending $500,000 or more of federal funds during a fiscal year are required to have an audit conducted for that year. They

ample, managers in two Park Service regions told us that they regularly review heritage areas' annual audit reports, but a manager in another region said that he does not. As a result, the agency cannot determine the total amount of federal funds provided or their use. According to these managers, the inconsistencies among regions in reviewing areas' financial reports primarily result from a lack of clear guidance and the collateral nature of the Park Service regions' heritage area activities-they receive no funding for oversight, and their oversight efforts divert them from other mission-critical activities.

Furthermore, the Park Service has not yet developed clearly defined, consistent, and systematic standards and processes for regional staff to use in reviewing the adequacy of areas' management plans, although these reviews are one of the Park Service's primary heritage area responsibilities. Heritage areas' management plans are blueprints that discuss how the heritage area will be managed and operated and what goals it expects to achieve, among other issues. The Secretary of the Interior must approve the plans after Park Service review. According to the national coordinator, heritage area managers in the agency's Northeast region have developed a checklist of what they consider to be the necessary elements of a management plan to assist reviewers in evaluating the plans. While this checklist has not been officially adopted, managers in the Northeast and other regions consult it in reviewing plans, according to the national coordinator. Heritage area managers in the Park Service regions use different criteria for reviewing these plans, however. For example, managers in the regions told us that, to judge the adequacy of the plans, one region uses the specific requirements in the areas' designating legislation, another uses the designating legislation in conjunction with the Park Service's general designation criteria, and a third adapts the process used for reviewing national park management plans. While these approaches may guide the regions in determining the content of the plans, they provide little guidance in judging the adequacy of the plans for ensuring successful heritage areas.

Finally, the Park Service has not yet developed results-oriented performance goals and measures-consistent with the requirements of the Government Performance and Results Act-that would help to ensure the efficiency and effectiveness of its heritage area activities. The act requires agencies to, among other actions, set strategic and annual goals and measure their performance against these goals. Effectively measuring performance requires developing measures that demonstrate results, which, in turn, requires data. According to the national coordinator, the principal obstacles to measuring performance are the difficulty of identifying meaningful indicators of success and the lack of funding to collect the needed data. With regard to indicators, the national coordinator told us that the agency has tried to establish meaningful and measurable goals both for their activities and the heritage areas. The agency has identified a series of "output" measures of accomplishment, such as numbers of heritage areas visitors, formal and informal partners, educational programs managed, and grants awarded. However, the national coordinator acknowledged that these measures are insufficient, and the agency continues to pursue identifying alternative measures that would be more meaningful and useful. However, without clearly defined performance measures for its activities, the agency will continue to be unable to effectively gauge what it is accomplishing and whether its resources are being employed efficiently and cost-effectively.

The Park Service also has not required heritage areas to adopt a results-oriented management approach-linked to the goals set out in their management plans-which would enable both the areas and the agency to determine what is being accomplished with the funds that have been provided. In this regard, the heritage areas have not yet developed an effective, outcome-oriented method for measuring their own performance and are therefore unable to determine what benefits the heritage area—and through it, the federal funds—have provided to the local community. For example, for many heritage areas, increasing tourism is a goal, but while they may be able to measure an increase in tourism, they cannot demonstrate whether this increase is directly associated with the efforts of the heritage area. To address these issues, the Alliance of National Heritage Areas is currently working with Michigan State University to develop a way to measure various impacts associated with a na-

---

are also required to (1) maintain internal controls; (2) comply with laws, regulations, contracts, and grant agreements; (3) prepare appropriate financial statements; (4) ensure that audits are properly performed and submitted when due; and (5) take corrective actions on audit findings. This act is intended to, among other things, promote sound financial management of federally funded projects administered by state and local governments and nonprofit organizations. Prior to 2003, the dollar threshold for a single audit was $300,000 or more in expenditures in a fiscal year.

tional heritage area. These impacts include, among others, the effects on tourism and local economies through jobs created and increases in tax revenues.

According to Park Service officials, the agency has not taken actions to improve oversight because, without a formal program, it does not have the direction or funding it needs to effectively administer its national heritage area activities.

NATIONAL HERITAGE AREAS DO NOT APPEAR TO HAVE AFFECTED INDIVIDUAL PROPERTY RIGHTS

National heritage areas do not appear to have affected private property rights, although private property rights advocates have raised a number of concerns about the potential effects of heritage areas on property owners' rights and land use. These advocates are concerned that heritage areas may be allowed to acquire or otherwise impose federal controls on nonfederal lands. However, the designating legislation and the management plans of some areas explicitly place limits on the areas' ability to affect private property rights and use. In this regard, eight areas' designating legislation stated that the federal government cannot impose zoning or land use controls on the heritage areas. Moreover, in some cases, the legislation included explicit assurances that the areas would not affect the rights of private property owners. For example, the legislation creating 13 of the 24 heritage areas stated that the area's managing entity cannot interfere with any person's rights with respect to private property or have authority over local zoning ordinances or land use planning. While management entities of heritage areas are allowed to receive or purchase real property from a willing seller, under their designating legislation, most areas are prohibited from using appropriated funds for this purpose.[4] In addition, the designating legislation for five heritage areas requires them to convey the property to an appropriate public or private land managing agency.

As a further protection of property rights, the management plans of some heritage areas deny the managing entity authority to influence zoning or land use. For example, at least, six management plans state that the managing entities have no authority over local zoning laws or land use regulations. However, most of the management plans state that local governments' participation will be crucial to the success of the heritage area and encourage local governments to implement land use policies that are consistent with the plan. Some plans offer to aid local government planning activities through information sharing or technical or financial assistance to achieve their cooperation. Property rights advocates are concerned that such provisions give heritage areas an opportunity to indirectly influence zoning and land use planning, which could restrict owners' use of their property. Some of the management plans state the need to develop strong partnerships with private landowners or recommend that management entities enter into cooperative agreements with landowners for any actions that include private property.

Despite concerns about private property rights, officials at the 24 heritage areas, Park Service headquarters and regional staff working with these areas, and representatives of six national property rights groups that we contacted were unable to provide us with a single example of a heritage area directly affecting positively or negatively-private property values or use.

CONCLUSIONS

National heritage areas have become an established part of the nation's efforts to preserve its history and culture in local areas. The growing interest in establishing additional areas will put increasing pressure on the Park Service's resources, especially since the agency receives limited funding for the technical and administrative assistance it provides to these areas. Under these circumstances, it is important to ensure that only those sites' that are most qualified are designated as heritage areas. However, no systematic process for designating these areas exists, and the Park Service does not have well-defined criteria for assessing sites' qualifications or effective oversight of the areas' use of federal funds and adherence to their management plan. As a result, the Congress and the public cannot be assured that future sites will have the necessary resources and local support needed to be viable or that federal funds supporting them will be well spent.

Given the Park Service's resource constraints, it is important to ensure that the agency carries out its heritage area responsibilities as efficiently and effectively as possible. Park Service officials pointed to the absence of a formal program as a significant obstacle to effective management of the agency's heritage area efforts and oversight of the areas' activities. In this regard, without a program, the agency has

---

*The Shenandoah River Valley Battlefields National Historic District is the only heritage area that has received authority and appropriations to acquire land.

not developed consistent standards and processes for reviewing areas' management plans, the areas' blueprints for becoming viable and self-sustaining. It also has not required regional heritage area managers to regularly and consistently review the areas' annual financial audit reports to ensure that the Park Service—the agency with lead responsibility for these areas—has complete information on their use of funds from all federal agencies as a basis for holding them accountable. Finally, the Park Service has not defined results-oriented performance goals and measures—both for its own heritage area efforts and those of the individual areas. As a result, it is constrained in its ability to determine both the agency's and areas' accomplishments, whether the agency's resources are being employed efficiently and effectively, and if federal funds could be better utilized to accomplish its goals.

RECOMMENDATIONS FOR EXECUTIVE ACTION

In the absence of congressional action to establish a formal heritage area program within the National Park Service or to otherwise provide direction and funding for the agency's heritage area activities, we recommend that the Secretary of the Interior direct the Park Service to take actions within its existing authority to improve the effectiveness of its heritage area activities and increase areas' accountability. These actions should include:

- developing well-defined, consistent standards and processes for regional staff to use in reviewing and approving heritage areas' management plans;
- requiring regional heritage area managers to regularly and consistently review heritage areas' annual financial audit reports to ensure that the agency has a full accounting of their use of funds from all federal sources, and
- developing results-oriented performance goals and measures for the agency's heritage area activities, and requiring—in the cooperative agreements-heritage areas to adopt such a results-oriented management approach as well.

Thank you, Mr. Chairman and Members of the Committee. This concludes my prepared statement. I would be happy to respond to any questions that you or Members of the Committee may have.

APPENDIX I: SCOPE AND METHODOLOGY

To examine the establishment, funding, and oversight of national heritage areas and their potential effect on private property rights, we (1) evaluated the process for identifying and designating national heritage areas, (2) determined the amount of federal funding provided to support these areas, (3) evaluated the process for overseeing and holding national heritage areas accountable for their use of federal funds, and (4) determined the extent to which, if at all, these areas have affected private property rights.

To address the first issue, we discussed the process for identifying and designating heritage areas with the Park Service's Heritage Area national coordinator and obtained information on how the 24 existing heritage areas were evaluated and designated. To determine the amount of federal funding provided to support these areas, we discussed funding issues and the availability of funding data with the national coordinator, the Park Service's Comptroller, and officials from the agency's Northeast, Midwest, Southeast, and Intermountain Regional Offices. We also obtained funding information from 22 of the 24 heritage areas for fiscal years 1997 through 2002, and discussed this information with the executive directors and staff of each area. As of mid-March 2004, two heritage areas had not provided us with funding data. To verify the accuracy of the data we obtained from these sources, we compared the data provided to us with data included in the heritage areas' annual audit and other reports that we obtained from the individual areas and the Park Service regions. We also discussed these data with the executive directors and other officials of the individual heritage areas and regional office officials.

To evaluate the processes for holding national heritage areas accountable for their use of federal funds, we discussed these processes with the national coordinator and regional officials, and obtained information and documents supporting their statements.

To determine the extent to which, if at all, private property rights have been affected by these areas, we discussed this issue with the national coordinator, regional officials, the Executive Director of the Alliance of National Heritage Areas—an organization that coordinates and supports heritage areas' efforts and is their collective interface with the Park Service—officials of the 24 heritage areas, and representatives of private property rights advocacy groups and individuals, including the American Land Rights Association, the American Policy Center, the Center for Pri-

vate Conservation, the Heritage Foundation, the National Wilderness Institute, and the Private Property Foundation of America. In each of these discussions, we asked the individuals if they were aware of any cases in which a heritage area had positively or negatively affected an individual's property rights or restricted its use. None of these individuals were able to provide such an example.

In addition, we visited the Augusta Canal, Ohio and Erie Canal, Rivers of Steel, Shenandoah Valley Battlefields, South Carolina, Southwestern Pennsylvania (Path of Progress), Tennessee Civil War, and Wheeling National Heritage Areas to discuss these issues in person with the areas' officials and staff, and to view the areas' features and accomplishments first hand.

We conducted our work between May 2003 and March 2004 in accordance with generally accepted government auditing standards.

Senator THOMAS. Okay. Thank you, gentlemen. I appreciate that very much.

So, Mr. Jones, you do have draft legislation. Is that correct?

Mr. JONES. Yes it is, Senator. And it addresses all of the issues that have been raised by the GAO in their draft report. Our comments on their report have been generally that we agree with their conclusions and feel that they are right on point as far as some of the things that need to be fixed.

Senator THOMAS. I see. In terms of oversight, does the Park Service have oversight beyond the time that there is a contribution of Federal money or does it end? How does that work?

Mr. JONES. The Heritage Areas we have to date are a variety of mixes of entities. Some of them actually have National Park Service employees who work full-time at a given Heritage Area; others do not. Each Heritage Area from an oversight responsibility is assigned now either for regional office oversight or if there is a nearby National Park System unit to provide oversight for what those are at the Heritage Area.

In Washington, with me today is Brenda Barrett, who is our entire Heritage Area program staff.

Senator THOMAS. Really? Well if, as we generally say, these are local initiatives, they are, in your report, funded largely by private sector, once the Federal funding is over, usually 10 years, you said fifteen, then why should the Park Service have any oversight?

Mr. JONES. It should be at a most general term in that a Heritage Area, we find, consistent is that they want to be able to use the National Park Service arrowhead and be associated with the National Park Service and the National Park System. Again, there are variations from area to area.

Senator THOMAS. Yes.

Mr. JONES. And so therefore as an ongoing relationship, technical support, advice and to ensure that they're doing a good job.

Senator THOMAS. Yes.

Mr. JONES. But certainly after an area has graduated from the program our involvement should be very minimal after that date.

Senator THOMAS. So the use of the designation is probably one of the most important things to many of these groups.

Mr. JONES. Not to all but to many.

Senator THOMAS. How specific can you be with national significance? Who makes the judgment on national significance?

Mr. JONES. Well, ultimately the decision would be made here in the Congress as to whether they would choose to enact legislation designating it. In our proposed legislation we have laid out a series of some ten different criteria that would determine recreational,

cultural, historic significance, a variety of factors that would be taken as a whole to determine whether an area has national significance. We certainly have looked at some areas in the past that may have important state or local significance, and then we would feel in those cases they should not be National Heritage Areas; there should be some national significance to be designated as a National Heritage Area.

Senator THOMAS. I suppose that is a variable criteria, national significance; some people think it would be and others would not. But nevertheless. We have had more applications for Heritage Areas in the last several years? We are seeing increasing numbers?

Mr. JONES. Yes, Senator. In addition to the various bills that have been introduced and are before this committee, we have four formal studies going on. And sometimes the studies are done by us, sometimes they are done totally by a local organization in consultation with us.

Senator THOMAS. I see. Actually, there have been some that have not had studies, is not that correct?

Mr. JONES. That's correct. Some of the Heritage Areas have just been incredible, wonderful success stories that I think have done a good job locally and have protected areas of national significance that are best in a Heritage Area as opposed to, as you might recall, some of the concept of when the Heritage Area philosophy was developed was in lieu of creating more units of the National Park System where areas had significance, but not of the level that would merit inclusion in the National Park System. We have also had some Heritage Areas that have been less successful and either through the lack of a good, solid management entity who is ready and capable of taking it on; in some cases where insufficient plans have been done to really guide the direction in which they want to go. And so our legislation, we hope, would provide some clear sideboards as to what are the steps to go through.

Senator THOMAS. Well, we appreciate you having it ready.

Mr. Hill, is your review available now for public distribution?

Mr. HILL. Yes, it will be available. I mean, the fact that I'm testifying will release the testimony, and it will be available on our web site either later today or first thing in the morning.

Senator THOMAS. I see. Okay, that is good. Well, I appreciate the efforts that you made on that.

Mr. HILL. Thank you.

Senator THOMAS. What would you say is the most significant finding that you have as a result of this study? Or lack of what is needed?

Mr. HILL. I think what we found was, the thing that concerned us the most is there's a lack of an effective process for overseeing activities of the Heritage Areas. And in particular for tracking and accounting for the flow of funds that are provided and funds that are used by the Heritage Areas. The Park Service does not maintain data in terms of the amounts—at least Federal funds—that are going to the Heritage Areas. We had to go to the Heritage Areas, all 24 of them, to try to collect that information. And there's a lot of money flowing into these Heritage Areas, half of which is coming from the Federal Government. We're a little concerned about the lack of accountability over those funds, both in terms of

the receipt as well as, you know, how these funds are being used and are they being used in a way that they're cost efficient and cost effectively achieving the objectives that these Heritage Areas were set up to serve. And then, of course, it's already been mentioned that we're concerned about the criteria being used for designating these areas. It's not very clear what the standards and processes are that are being used for reviewing and approving this management plan. We went to the three regions that had reviewed these management plans; they were using various criteria for doing it. And I think there's a need for some clear and consistent guidance in terms of what these management plans are supposed to be containing. And then, also, we're concerned about the lack of performance goals and measures. Here again, from a GPR standpoint—Government Performance and Results Act—you really need to clearly lay out what the goals are, not only for the program or the activities that the Park Service is overseeing but also for the Heritage Areas themselves in order for Congress and others to see what's going on here and determine whether or not they're achieving what they are supposed to be set up to do.

Senator THOMAS. It is a little unclear, you know. We start here with the premise that these are largely local and on-the-ground support, and your figures, Mr. Jones, of the $900 million, apparently are the full-time. Yours are from 1997 on, is that correct?

Mr. JONES. That's correct.

Senator THOMAS. Because you have different figures as to what the Federal Government has contributed compared to the privates. But it is a little unclear. Maybe it is just the significance of the title but if once the Federal payments are over you both seem to think there ought to be continuing requirements of management and so on. Once the Federal Government is not in it financially, how do you justify the Park still having oversight?

Mr. JONES. We would see the oversight in a very limited way, much in the way we have now with national landmarks and national historic landmarks. It's more of a periodic annual review and report of what they're doing so that we know what's going on.

Senator THOMAS. Based on the authority that it is called the National Heritage?

Mr. JONES. Yes. And I differentiate that as opposed to a much higher level of oversight because I agree with the comments from the GAO that we do have to make sure that when there are the Federal dollars flowing to the area that those dollars are spent correctly.

Senator THOMAS. Sure. There is no question about that. You define the culture of the criteria, Mr. Hill. How do you enforce that to continue and to continue to be? Is that through your management plan? Is that it?

Mr. HILL. I'm not sure I understand the question.

Senator THOMAS. Well, you have a criteria.

Mr. HILL. Right.

Senator THOMAS. And over 10 years that criteria is no longer part of the management scheme, things have changed.

Mr. HILL. Right.

Senator THOMAS. Then what do you do?

Mr. HILL. Well, I think these things could be revised. I think the management plans and the cooperative agreements, if there is a change in direction or as these Heritage Areas are being developed there's a little wrinkle or a curve, I think the Park Service has a responsibility to at least annually revisit the cooperative agreements and make sure that the direction these things are taking are consistent with the original intent of the activity.

Senator THOMAS. The cost to the Park Service is more than just the amount of dollars that goes to the heritage sites; oversight, staff, people working there, those are all costs to the Park Service, is not that right?

Mr. JONES. Yes, it is.

Senator THOMAS. It is kind of interesting, your map there. First of all, I understand most of the Heritage Areas are in the East, which I understand, since Wyoming is half-owned by the Federal Government anyway, so I guess it is easier to do that. But I see some huge purple things there in states that have very large parks and tourist service and other kinds of things. It is kind of interesting that it would be that way.

All right. I had another question but it slipped my mind. That is all right. Well, thank you very much. I appreciate your having a proposal there and certainly, Mr. Hill, we appreciate what you all have done because I think you are doing exactly what we had hoped would happen and that is to establish a criteria and a plan so that we can look forward to the future the way it is now. Thank you.

Mr. JONES. Thank you.

Mr. HILL. Thank you.

Senator THOMAS. There may be some other questions from other members in the next few days, and we will leave the record open for a little while.

Mr. JONES. Thank you.

Senator THOMAS. Okay, on panel two we have Augie Carlino, president of the Rivers of Steel Heritage Area; Mr. Edward Sanderson, president of the National Conference of State Historic Preservation Officers; Carol LaGrasse, president of Property Rights Foundation; Dr. Lisa Benton-Short, assistant professor of Geography, George Washington University, and Mr. Dennis Frenchman, Department of Urban Planning, Massachusetts Institute of Technology. Thank you all for being here. Again, we would like you to express your views and if you can, fairly concisely. Your entire statements will go into the record.

Mr. Carlino, would you begin.

STATEMENT OF AUGUST R. CARLINO, PRESIDENT AND CEO, RIVERS OF STEEL NATIONAL HERITAGE AREA/STEEL INDUSTRY HERITAGE CORPORATION, HOMESTEAD, PA

Mr. CARLINO. Thank you, yes sir. Mr. Chairman, my name is August Carlino, I'm president and CEO of Rivers of Steel National Heritage Area, managed by the Steel Industry Heritage Corporation in Homestead, Pennsylvania. I'm also here today as chairman of the Alliance of National Heritage Areas, which is an organization that's made up of the 24 National Heritage Areas plus other partners in heritage development. I think a lot of my testimony at

the beginning was covered by the previous two witnesses fairly well. I won't reiterate that but maybe if I could just go to some of the views of Heritage Areas and how they work, basically on the ground in the regions. While there are some inconsistencies with Heritage Areas they all do share five fundamental goals. That is to conserve historic and cultural resources; to conserve natural areas and enhance the development of recreational resources; to develop educational interpretive programs and resources; to help stimulate heritage tourism and the economic redevelopment of communities and to establish partnerships to help steward and manage the resources that are being protected.

Given these goals, each Heritage Area might prioritize their work in different ways. For example, some may focus primarily on tourism or interpretation while others may look toward historic preservation and community revitalization. But all five of those goals are fairly consistently sought by all of the Heritage Areas. Over the past 20 years as you have said and the previous witnesses have said, this program has grown considerably but I think it's good in a way. In my opinion, there are probably few government programs that can point to such broad success and growing levels of accomplishment as the Heritage Areas. At the outset of their creation few would have predicted that but they are popular and they are growing and not just at the national level but at State and local levels. Heritage Areas are upheld as some of the best examples of how government and local communities can work together in partnership and they're recognized for their entrepreneurial practices and encouraging private sector development while protecting and conserving significant historic and cultural resources.

We've heard the numbers from both the National Park Service, Mr. Jones and Mr. Hill; I would basically just ask the simple question, there probably again few Federal programs that can return that level of investment and with the investment that's provided by the Park Service money as seed. And I think that's done for a couple reasons. One is the National Park Service money is often the first money in on these Heritage Area projects. And so it's not only providing the critical seed that we can use to go out and leverage other funding from either other Federal agencies or State and local government or private sector but also gives a level of credibility. And that's why the Park Service's role as a partner with us is so important in the work that we do. Heritage Areas, as the GAO report states, and we have not had a chance to see the report but at least I've heard, and as the testimony stated, they are not Federal land control or zoning practices and no Heritage Area has violated private property rights. Fundamentally, it won't and can't work within Heritage Areas. The Heritage Areas have an extremely deliberative process of developing programs and projects with their community partners. And if a property owner does not want to be involved then Heritage Area basically can't provide grant money or any type of other support of counsel or conservation to that site, if the property owner doesn't want to be involved.

Feasibility study and management planning are critical to the Heritage Areas. I'd like to make a couple of recommendations as you consider what programmatic legislation might be for what the steps should be in order to make a Heritage Area's program suc-

cessful. First, the Alliance of National Heritage Areas would recommend that all planning should be completed before designation, not just feasibility study but management plan, too. We think that gives you, the Congress, the best amount of information at your hands in order to make the determination of whether or not an area should be designated as a National Heritage Area.

We believe that Heritage Areas, once they're designated, should receive direct funding from the Park Service through their appropriations; that is, through the cooperative agreements. We've heard it proposed by some that there might be a grant program established for Heritage Areas, a competitive grant program. We think that would break down the relationship of how the Heritage Areas work with the partners and basically strip the management entities of their roles and responsibilities.

We believe that Heritage Areas should be able to be reauthorized. They have a lot of work that can't be done, necessarily, in the 10 or 15 years but that if the Congress had information to its avail at the end of the program that the Park Service and the Congress agreed, that Heritage Area should be or could be considered for reauthorization.

There must be a test of national significance. If there isn't any national significance found then it doesn't need to be a National Heritage Area but there are other programs at the State or local levels.

And there's a couple of other suggestions here. I see the light blinking. Just one other, if I can make. I think the Park Service needs to be appropriated sufficient funding in order to administer the program. Right now funding only exists, as Mr. Jones has said, for Washington-area staff and other funding is used by the regions within the Park Service for staffing that is provided as technical assistance. But that's inconsistent. And the levels of staff assistance provided to the 24 areas is inconsistent within all the areas. So I think that is important that they have sufficient funding to administer the program.

I won't elaborate any further, Mr. Chairman. I'll be happy to answer any questions you might have.

[The prepared statement of Mr. Carlino follows:]

PREPARED STATEMENT OF AUGUST R. CARLINO, PRESIDENT AND CHIEF EXECUTIVE OFFICER, RIVERS OF STEEL NATIONAL HERITAGE AREA/STEEL INDUSTRY HERITAGE CORPORATION, HOMESTEAD, PA, AND CHAIRMAN OF THE BOARD, ALLIANCE OF NATIONAL HERITAGE AREAS, WASHINGTON, DC

Mr. Chairman and distinguished members of the Committee, my name is August R. Carlino. I am the President and Chief Executive Officer of the Steel Industry Heritage Corporation, the management entity of the Rivers of Steel National Heritage Area located in and around Pittsburgh and parts of southwestern Pennsylvania. I am also here today testifying in my capacity as Chairman of the Alliance of National Heritage Areas, an organization whose membership includes, among others, the 24 congressionally designated NHAs. I appreciate the opportunity to appear before the Committee today to discuss National Heritage Areas, their growing popularity, and the possibility of programmatic legislation for NHAs.

In the last two decades, heritage areas have grown from a nebulous concept to a powerful national movement. Heritage areas span a wide spectrum of activities. They can range from a single effort to save a group of historic buildings to a multifaceted approach to regional conservation, preservation, tourism and economic revitalization—or heritage development, as the industry defines it today. Heritage areas can be located in one neighborhood, or they can be multi-jurisdictional, crossing the boundaries of counties and even states. Heritage areas can be fostered by the phi-

lanthropy of an individual, or by the collective participation of foundations, businesses and governments in a regional project. Our latest estimate indicates that heritage areas have sprouted in more than 150 places throughout the U.S. This "niche" in the preservation industry has become the catalyst for the creation of investment and economic development strategies in a number of states and through the federally-sponsored initiatives in the National Heritage Areas with National Park Service and many other federal agencies and departments.

HISTORY OF NATIONAL HERITAGE AREAS

The origin of National Heritage Areas dates to the 1980s, with the first NHAs designated by the Congress as experiments that involved local constituencies as the primary stewards for the protection of resources. This new conservation strategy was a clear departure from the Department of Interior, and specifically the National Park Service, from owning and operating historic and natural resources that made up the NHA. Over the ensuing years Congress created a handful of other NHAs.

In the mid-1990's the idea of NHAs as a "new" approach to a comprehensive conservation and community development strategy began to emerge. Pushed in part by the emergence of several state heritage programs, local efforts sprouted in many states, with most in the eastern United States. The organizers of heritage areas became more politically astute and several sought congressional designation as NHAs. Legislation was proposed to create a group of NHAs along with a program for them to exist within the National Park Service; however, after several attempts at passage in the 103rd Congress, the programmatic legislation failed. Having been reintroduced in the 104'h Congress the legislation was stalled, but at the eleventh hour of the second session of the 104th Congress, the program language was stripped from the National Heritage Area bill, and the proposed NHAs were packaged within a larger omnibus parks bill that ultimately passed Congress and was signed into law. Thus, the failure of programmatic legislation to pass reinforced the process today under which NHAs are currently designated—NHAs are designated individually without any overarching program or regulation. Today, the Congress has created 24 NHAs. At the mid-point of the 108th Congress, legislation is pending to create at least four new NHAs, with several dozen other bills proposing planning studies as potential NHAs.

HOW NHAS WORK

From New England to the deep south, through the mid-west and now advancing to the far west, citizens have come together to conserve their heritage, create recreational resources and protect greenways, all working to conserve and interpret their heritage, to develop a sense of place that helps increase the value of property and improve the quality of life in their neighborhoods and communities. Not every NHA is the same. Initially, some might question that, but further examination shows that NHAs are as unique as the resources they work to conserve. Each NHA shares a fundamental philosophy to achieve five specific goals:

- to conserve historic and cultural resources
- to conserve natural and enhance the development of recreational resources
- to develop educational and interpretative resources
- to help stimulate heritage tourism and economic development
- to establish partnerships to help steward the advancement of the heritage area

Given these goals, each NHA might prioritize them in different ways, focusing on, for example, tourism and interpretation, over historic preservation and community revitalization; however, all of the goals for the NHA will be addressed in one way or another.

National Heritage Areas are special places in America, merging community resources to promote conservation and community and economic development. They harness a wide range of community assets and interests—from historic preservation, outdoor recreation, museums, performing arts, folk life and crafts, and scenic and working landscapes, to grassroots community-building activities, that, when combined, create a sum greater than its parts.

NHAs celebrate the special character and culture of places in the United States. They are neither urban nor rural and often include communities and sites throughout a region. Typically, NHAs work to protect historic and cultural resources while encouraging development for tourism and other economic opportunities. NHAs illuminate the history and culture of a region so those people within the region feel proud of their heritage and those who visit come away with an appreciation of the cultures of the region.

Few government programs can point to such success and broad, growing levels of accomplishment as National Heritage Areas. At the outset of their creation, few would have predicted that NHAs would be as popular as they are today. NHAs are upheld as some of the best examples of how government and local communities can work together as partners. NHAs are recognized for their entrepreneurial practices encouraging private sector development while protecting significant historic and cultural resources. NHAs are clearinghouses for dialogue between varieties of divergent interests. These dialogues, often organized as town meetings—create opportunities for people to come together to voice their opinions, helping to provide a forum for all interests in the community, while working toward a consensus within the community for progress.

NHAs combine a variety of funding partners—even at the federal level. The funding provided through the National Park Service is usually the first dollars to be invested into the project, providing not only the seed investment, but also credibility to the NHA. Over the years, NHAs have demonstrated an amazing ability to raise matching funds to these NPS dollars, with additional funding secured through other federal grants, from state and local government grants, and from foundations and private investors. Throughout the funding community, both public and private, NHAs have witnessed steady, if not increasing, support for the projects and programs that are central to their missions. Federal support to the NHAs through NPS appropriations has steadily increased from $8.6 million in Fiscal Year 2000 to $14.5 million in Fiscal Year 2004. What NHAs do with this money is even more impressive. For example, in Fiscal Year 2003 Congress appropriated almost $12.5 million to NHAs. In turn, NHAs parlayed those funds into an additional $75.5 million—or a one-to-six return on the initial investment. Since the inception of NHAs in the mid-1980s, congressional appropriations have amounted to $107 million. These funds have leveraged an incredible $929 million, or more than $8.50 for every $1.00 in NPS funds, and have paid for historic preservation projects, tourism initiatives, and educational and interpretive programs, among other initiatives, within NHAs. It is this relationship of National Park Service funding to other financial assistance that makes NHAs so attractive to communities. Few other government programs, frankly, can make a similar claim on the return on federal funds as investments in their programs as the National Heritage Areas.

NHAs are not federal land control or zoning projects in disguise, and suggestions that they might be are without merit and without fact. The General Accounting Office's report to the Committee today supports my statement. NHAs work to build consensus on heritage projects. NHAs make grants, providing funding to applicants wanting to participate in the NHA. There is no way possible that any funds in any NHA can be provided for a project where a property owner was an unwilling participant.

ESTABLISHINQ AN NHA

To become an NHA, the partners working to conserve the region's heritage must agree to undertake a planning process that produces both recommendations for the heritage area along with a consensus of the partners to work together to implement the plan. Planning for NHAs occurs in two very distinct steps and can often take years to complete. The feasibility plans comprise an inventory of critical resources including, but not limited to, historic sites and properties, cultural and traditional folk life assets and natural and scenic places. In addition, the themes and stories related to the resources and the people will be included in the feasibility study. After the initial resource inventory, heritage projects should examine the significance of their resources, themes and stories. It is this critical test that will often separate those projects that will continue to seek NHA designation from those which will continue on as local or state projects. If the test of national significance were not a part of the planning effort, it is conceivable every place in the United States could become a National Heritage Area. Finally, the feasibility study will identify the necessary community and government partners that must be involved in the proposed NHA in order for it to function.

After feasibility, the heritage area will move on to the management plan phase. At this point the management plan will spell out all of the requirements necessary to create the National Heritage Area and make specific recommendations for its implementation. These recommendations will include who will be the management entity, how much funding will be necessary to carry out the plan, other potential sources of funds, and a listing of projects to undertake over then next 10 years. It should be noted that the management plan is not definitive. Over the course of its implementation priorities will change and projects may be added or deleted. At the end of the 10-year plan, the NHA should be at a point where it can assess its accom-

plishments, and have a bearing on what it needs to accomplish over the next 10 years. The flexibility of implementation within the NHAs permits each management entity (the organization created or selected to oversee the day-to-day operations of the NHA) to pursue the recommendations of the plan developed by the communities and the regional partners. This flexibility enables the partners to focus their strategies for the heritage development in ways that will entice and attract funding for their efforts. This flexibility is critical to the implementation of the NHAs management plan.

RECOMMENDATIONS FOR CREATING AN NHA PROGRAM

If a National Heritage Area program is developed, it must contain certain requirements for adequate government oversight along with enough flexibility to meet the regional needs of each individual NHA. Therefore the purposes of a program must be broad and encompassing and must meet, at least, the following three objectives:

- recognize the distinctive regional combinations of natural, historic and cultural resources and recreational opportunities in the United States and the nationally significant themes and stories of the regions that serve as a framework for understanding the development of the nation;
- conserve those areas worthy of national recognition, designation and assistance;
- encourage partnerships among all levels of government—federal, state and local—along with non-profit organizations, foundations and the private sector to conserve and manage the heritage of the NHA and to enhance the quality of life for the present and future generations of the nation.

Specifically, I am respectfully requesting that this Committee and the Congress consider the following recommendations for a National Heritage Area program:

1. *National Heritage Area designation must come after planning.* Recently, the process of designating NHAs has occurred in reverse, with the designation by Congress first, and then the necessary inventories, themes and other planning developed after. This creates two problems: first, the Congress has little information to base its decision on for the initial designation; therefore, the resulting NHA could contain few historic or cultural resources, may lack the public's support, or may indeed lack national significance. Second, placing designation in advance of the plan often will redirect most if not all of the NPS appropriations to planning, instead of the investment in the resource conservation and development. Congress could designate heritage areas as "planning areas" first and provide a small amount of funding to help seed the planning process, then, when the feasibility and management plans were complete, Congress, with the completed plans and recommendations, would have a more thorough assessment of the proposed NHA.

2. *Funds must continue to be appropriated directly to the NHAs* and released by the NPS through a cooperative agreement. Funding cannot be released to NHAs through annual grants. Under the current structure, NHAs develop projects and establish the prioritization for their funding based upon the recommendations of the management plan, and through a cooperative process with the local partners. If a program were created that made the appropriations to NHAs only available through competitive grants, the responsibility of management of the NHA would shift entirely to a government agency—the National Park Service, and the management entity would have little purpose. Furthermore a grant program will remove from the process one of the fundamental elements that NHAs create—the direct link to establishing funding priorities in the NHA by the public/private partnership and that partnership's ability, as it exists now, to communicate those needs directly to their members of Congress. NHAs are successful because they connect people to their government and to the process of obtaining government funding for projects they feel are important to their communities. To sever this tie now, and make funding for NHAs available only on a grant process as determined by a bureaucracy undercuts the spirit of involving the citizenry in, and instilling in them the responsibility for, the development of their NHA.

3. *NHAs must be able to be reauthorized.* Some proposals for creating an NHA program have suggested limiting the NHA to only 10 years of authorization and funding, after which the NPS appropriations will be cut off. The astounding ratio of match money to the NPS appropriations is, in part, a result of the federal government's willingness to invest in the heritage projects first. This seed money helps the NHA attract other investors, both public and private. If the other investors know the NPS funding will cease at the end of the authorization, it will be difficult, if not impossible, to convince the other public and private funders that the project is worth the investment. Additionally, if the NPS authorization ends, the designation of "national" will continue, creating confusion in the public's mind of the relation-

ship of the heritage area to the National Park Service. Finally, NHAs projects could continue long after the 10-year authorization. Congress should provide for itself the opportunity to review each NHAs work at the end of each authorization period for an NHA and then, with a new plan from the NHA for the next 10 years, make a determination if the NHA should be reauthorized to continue its work in the community.

4. *NHAs must meet a test of national significance.* Simply stated, if there is not a nationally significant theme or collection of resources, the heritage area should not be designated as a National Heritage Area

5. *The National Park Service should appropriate sufficient funding* for administration of the program. No program within the government can properly function without adequate support from the professional staff of the agency that administers the program. NHAs have been incredibly successful, in part due to the determination and cooperation of the partners within each area. The NHAs have succeeded, too, because of the strong support they receive from the National Park Service, both in Washington and in the regional offices. For the National Heritage Area program to continue, funding must be provided on an annual basis to the NPS for staffing and technical support to both the existing NHAs and those that will continue to be created. Currently, funding only exists for one-and-one-half staff members in the Washington office. Funding for technical assistance through the regional offices of NPS often comes at the expense of the NHAs as a deduction from their annual appropriation. This practice not only robs the NHA projects of funding, but it also creates little ability for the NHA to ensure it receives the appropriate staff support from NPS for the dollars that come off the top of the appropriation. Thus I would suggest the program provide an amount each year to Washington and to the regional offices to for the necessary technical assistance to the NHAs and administration of the NHA program.

6. *Congress should encourage other federal agencies to partner with NHAs.* National Heritage Area projects include a wide variety of initiatives, and are not solely focused on historic preservation or natural resource conservation. NHAs work with schools to help students learn about their heritage; they help rebuild old downtowns and neighborhoods; they can help redevelop old factories and brownfield sites. The breadth of the NHAs projects could attract other federal agencies and departments, like Education, Commerce, Environmental Protection, Housing and Urban Development, just to name a few. Encouraging other departments and agencies to invest in NHAs will help the NHAs entice other investors, and it will help lessen the burden on the limited, but critical, annual NPS appropriations.

7. *NHAs should be made, at least, affiliated units of the NPS.* Currently NHAs exist as orphans within the National Park Service. Despite all of the technical assistance and support from the regional and Washington offices, NHAs are left with inconsistent policies to follow, varying between regional offices. Under the current system, for example, NHAs cannot use the NPS Arrowhead without permission of the NPS, and release of the annual appropriations to each NHA is inconsistent. More importantly, budgeting for NHAs within the NPS is often an afterthought, as evidenced by the Fiscal Year 2005 budget that requests only $2.5 million overall for the 24 NHAs.

CONCLUSION

Each year has seen lawmakers moving to create more heritage areas—growing from only three in the 1980s, to the 24 that exist at the end of 2003. In addition, Congress could possibly create a program for NHAs, which will for the first time provide uniform guidelines and policies for the establishment of NHAs.

All these facts beg the question: if National Heritage Areas are so bad as some testifying today would want us to believe, why are more people looking for ways to create them for their communities and regions? The answer is simple. National Heritage Areas are one of the best federal initiatives created in decades. With their deliberative and sometimes exhausting public involvement process, their planning exercises that are inclusive of all elements of the community, and their growing support from all levels of government, anyone who wants to be involved can be. NHA can point to successful projects and partnerships at many different levels of the community. It is that fundamental philosophy that makes NHAs so desired and successful, and what Congress has the opportunity to make permanent through legislation creating a program for their designation and operation.

Again, Mr. Chairman, I appreciate the opportunity to testify before the Committee, and I am happy to answer any questions that you, or other members of the Committee, might have.

Senator THOMAS. Thank you very much.
Dr. Benton-Short.

STATEMENT OF LISA BENTON-SHORT, Ph.D., ASSISTANT PROFESSOR OF GEOGRAPHY, THE GEORGE WASHINGTON UNIVERSITY

Dr. BENTON-SHORT. Mr. Chairman, thank you for inviting me to speak today. My name is Lisa Benton-Short and I'm assistant professor of Geography and director of the Center for Urban Environmental Research at the George Washington University. And for the last 10 years my research has really focused on the challenges and opportunities facing our national parks. So today I bring to you my expertise and understanding how the non-traditional types of parks fit within the broader context of the Park System and the often unique challenges they face. And I just want to cover three ideas today.

First, I agree with the GAO report that the ambiguous concept of heritage as it has been defined in this program could hinder its success. Heritage is a very vague and hazy concept and I do find it worrisome that there is no legislative criteria that exists for designation in the National Heritage Areas Program. Without at least a working definition of what criteria define a National Heritage Area it's likely that the process of designating and protecting these special places could become compromised or worse these places could become so diluted that they become meaningless.

Now, I suspect that any definition of cultural heritage is likely to need modification over time but perhaps we could at least start with something concrete. So I think before we talk about expanding the Heritage Areas we should definitely have some serious and thoughtful discussion on the meaning of this very elusive term.

Second, on a more positive note, I see promising opportunity for a well-defined concept of Heritage Areas to be included in the National Park System. Our national parks and the Park Service are, without a doubt, the world's leading system for designating and protecting heritage at the national level, and if there's any one agency skilled enough to effectively protect heritage, it's the Park Service. But I agree they must be allocated enough resources,both personnel and money, to do this without taking away from the other Park units under their stewardship.

My third point is that there are some potential challenges facing National Heritage Areas as I have found to be true for many non-traditional parks in the Park System. Expanding this program, especially formalizing them perhaps as park units, might be inconsistent and ambiguous term of heritage with indefinite funding could make National Heritage Areas the newest ugly stepsister of the Park System. And I should explain that a little bit. Let me tell you why. It has to do with understanding the history of national parks and what many refer to as the "national park ideal." Most of you here have heard of the term "crown jewels," and this is a term that's reserved for the select national parks—Yellowstone, Yosemite, Grand Canyon. These are natural wonders with dramatic topography, falling waterfalls and spectacular scenery. These were among our first national parks designated and they have come to represent the national park ideal in the American imagination.

This remains true today even in the 21st century, despite 100 years of increasing diversity and complexity in the National Park System.

My research has focused especially on the urban park units, and as many of you know, in the 1970's a new category of parks were added, titled "urban recreation areas." For example, the Golden Gate National Recreation Area or the Gateways. Some in the Park Service at the time derided them as playgrounds or outdoor gyms, not worthy of inclusion in the Park System. And partly because these urban parks floated ambiguously outside the National Park ideals epitomized by the natural area parks in the crown jewels. And I wrote a book about the struggle to approve the management plan for the Presidio Army Post of San Francisco as it transitioned from an Army post to the national park, and I uncovered an unspoken but very entrenched bias against the urban and non-traditional parks within the Park System. Some in the Park Service at the time argued vigorously against the inclusion of the urban recreation areas, not only because it would stretch their already-thin budgets but because they felt that the non-traditional parks would, and I quote from a former NPS director, "thin the blood of the Park System." So some in the Park Service do embrace and value our urban and non-traditional parks but some do not. And so every time we add a new category of parks we should do so very carefully, because they are likely to be met, in some ways, with resistance and possibly even hostility.

I think the National Heritage Areas are much like the urban units in that they are neither all natural nor all cultural entities; they are a combination of both. And oftentimes they're in urban areas. These will be challenges that the program will face if it expands. They are certainly more complex places than other parks added earlier into the Park System; they may even appear contradictory to the National Park ideals of pristine wilderness and open vistas, especially true if a Heritage Area contains environmentally contaminated land prior to remediation or redevelopment. And so there could be the risk of a bias that could result in disproportionate allocations of personnel, money and sentiment.

So let me just conclude that I'm a very firm supporter of protecting heritage and I have high regard for the Park Service and the role it does in protecting our cultural and natural heritage. And as we think about the National Heritage Area Program, I see it as a real challenge and an opportunity that we should thoughtfully discuss and debate.

Thank you and I'll take your questions.

[The prepared statement of Dr. Benton-Short follows:]

PREPARED STATEMENT OF DR. LISA BENTON-SHORT, PH.D., DIRECTOR, THE CENTER FOR URBAN ENVIRONMENTAL RESEARCH, THE GEORGE WASHINGTON UNIVERSITY

Mr. Chairman and members of this committee, thank you for inviting me to speak today. I am Lisa Benton-Short, an assistant professor of Geography and Director of the Center for Urban Environmental Research at the George Washington University. As a geographer, I have spent the last 10 years researching the challenges and opportunities facing our national parks. I believe and support the very important role national parks play in communicating our nation's story—both of the natural environment and cultural heritage. Yet I am also aware of the limited ability of the national parks to expand indefinitely.

I bring to you my expertise in understanding the role of non-traditional parks of the park system: how they fit within the broader context of the system, and the unique challenges they face. My comments today reflect my understanding of the context in which the National Heritage Areas program is situated: the national park system.

There are three ideas I will discuss this afternoon.

First, the ambiguous concept of "heritage" and how it is applied in this instance could hinder the success of the National Heritage Areas Program. "Heritage" is a vague and hazy concept. For example, the term cultural heritage can describe monuments, architectural remains, art, and buildings. Natural heritage describes gardens, landscapes, rivers, mountains and flora and fauna. My own research on the concept of heritage has shown that what defines heritage has shifted over time, as we become aware of the complexity of history. I find it worrisome that no legislative criteria exist for designation in the National Heritage Areas Program. If the term heritage remains vaguely articulated it could be used to describe *any* cultural landscape anywhere in the U.S. Geographers have reported that these last few decades have been an era of expanding cultural identities and so the number of stories about groups of people and their impact on the land has exponentially increased: it may be there are potentially thousands of unique and significant landscapes out there waiting to be designated.

Without at least a working definition of what criteria define a National Heritage Area, it is highly likely the process of designating and protecting important places could become compromised or worse, so diluted these places become meaningless. For example, I have also done considerable research on the history of UNESCO's World Heritage Program which began in 1972. I found the World Heritage Program has had to modify definitions of heritage several times during the past thirty years. I suspect any definition of cultural heritage is likely to need modification, but at least the program should start with something concrete.

For example, one criterion for the Heritage Areas Program is that it be determined to be nationally significant. One way to evaluate "national significance" could be to require there to be a 6 month long study that gathers visitor information that can be "geo-coded". For example, asking visitors to the site their zip code of origin. This survey would preserve visitor anonymity because it is not necessarily asking for names and addresses, and would still allow analysts to map the location and determine if there is wider interest outside the local. I have supervised this type of survey for the National Mall and found that within a6 month time frame each of the 50 states sent at least one visitor. This seems to me to indicate a national interest. Something like this will help to give concrete meaning to the term heritage.

In my profession, geographers have been studying "cultural landscape" for a hundred years. Few have agreed on what this means. In the 21st century, it has become even more difficult to agree on what constitutes a cultural landscape. As the story of our nation grows, so too do the places that contribute to that story. Many have argued that the entire world is now a cultural landscape: invasive species, globalization, and increased migrations means there are no places untouched by human activity. Geographers have also debated what we mean by such critical heritage concepts such as "sense of place" and "cultural traditions". These seem vital to the feasibility study outlined in the Park Service guidelines for the program. But how can we measure or quantify sense of place?

If nothing else, I hope to convince you that before embarking on the expansion of heritage areas, we need some serious and thoughtful discussion on the meaning of these elusive terms. Otherwise, the category becomes so inclusive it is rendered meaningless. We'll end up with everything including the kitchen sink being designated a heritage area.

Second, on a more positive note, I see a promising opportunity for a well-defined concept of heritage areas to be included in the National Park system. Our National Parks and the Park Service are the world's leading system for designating, and protecting heritage at the national level. They have been charged with a very difficult and demanding mission: to preserve and protect nationally significant natural and historic resources for present and future generations. In 1891, this may have not seemed as daunting as it does now. If there is any one agency skilled enough to effectively protect heritage, it is the Park Service. But they must be allocated enough resources—people and money—to do this without taking away from the other park units under their stewardship. More and more is asked of the Park Service, yet it is also difficult to secure increased appropriations. This is something that must be reconciled for the Heritage Areas program to be successful.

Third, there are some potential challenges facing National Heritage Areas, as is true for many non-traditional parks with the national park system. I understand there are several new proposals. A word of caution: expanding this program, par-

ticularly with an inconsistent and ambiguous definition and with indefinite funding, will make National Heritage Areas the newest "ugly stepsister" of the national park system. This could present real problems—not just in terms of funding, but in terms of belonging within the system.

Let me explain why I say this. It has to do with understanding the history of the national parks and what many refer to as the "national park ideal." You may have heard of the term "Crown Jewels". This term is reserved for a select few national parks—Yellowstone, Yosemite, Grand Canyon for example. These are natural wonders—dramatic topography, falling waterfalls, spectacular scenery. These were among the first parks designated and so represent the national park ideal in American imagination. This remains true today, despite a century of increasing diversity and complexity within the national park system. For example, when the Park Service was created in 1916, it did not include the cultural heritage sites-such as the Statue of Liberty or the battlefields. This didn't happen until the 1930s. And even then, some in the park service resisted their inclusion.

In the 1970s, a "new category" of parks—urban recreation areas like the Golden Gate National Recreation Area and the Cuyahoga Recreation Area were added. However, these park units were often referred to as "non-traditional" parks. Some in the Park Service derided them as "playgrounds" and "outdoor gyms", not worthy of inclusion in the park system. These urban parks floated ambiguously outside the national park ideas epitomized in the Crown Jewels. My book about the struggle to approve the plan for Presidio of San Francisco helped me uncover the unspoken but entrenched bias against urban and non-traditional parks within the Park Service.[1] Some in the Park Service argued vigorously against the inclusion of the urban recreation areas—not only because it would stretch their already thin budgets, but because they felt these nontraditional, non-Crown Jewel type of parks would, in the words of a former NPS Director, "thin the blood of the Park System." Let us make no mistake about it: some in the Park Service embrace and value these urban parks. Some do not. Each time new "categories" of units are added they are met with resistance and even hostility.

The challenge facing National Heritage Areas is that much like the urban units they are neither natural nor cultural entities. They are a little of both. And some may be in urban areas. These will be challenges the Program will face if it expands. Heritage areas may be complex and unusual places; they may even appear contradictory to the national park ideals of pristine wilderness—especially if a heritage area contains environmentally contaminated land prior to remediation or redevelopment. Some in the park service will wonder whether these are places that truly deserve park status. This bias may result in disproportionate allocations of personnel, money and sentiment. Still other opponents may wonder if the Heritage Areas Program is simply urban economic redevelopment projects that belong in HUD. There may be some truth to this allegation, especially given the vague criteria and purpose of the program as I see it, but I can not comment on the merits of this without greater study of the existing and proposed heritage areas.

In conclusion, I am a firm supporter of protecting heritage. And I have the highest regard for the heroic job the Park Service does to protect our cultural and natural heritage here in the United States. The National Heritage Areas Program—if it continues in its current form or if it expands will be a challenge and an opportunity that should be thoughtfully discussed and debated.

Thank you.

Senator THOMAS. Thank you.

Mr. Sanderson.

STATEMENT OF EDWARD SANDERSON, PRESIDENT, NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS

Mr. SANDERSON. Thank you, Mr. Chairman. My name is Ted Sanderson. I'm the executive director of Rhode Island State Historic Preservation Program and I'm currently the president of the National Conference of State Historic Preservation Officers, the national organization that represents historic preservation in each of the states.

---

[1] Lisa Benton. 1998. The Presidio: from Army Post to National Park. Boston: Northeastern University Press.

I'll briefly summarize my written testimony and just hit on a couple of key points. As we've already heard, the Heritage Area concept has been an active conservation tool for about a quarter of a century and State Historic Officers has supported and been active in Heritage Areas around the country. For example, Maryland, Texas and Utah are States where the State Historic Preservation office has been the principle agency in Heritage Area designation and administration.

Let me comment briefly on the issue of defining the significance of historic areas. The creation of historic areas recognizes that there are places, whole regions in our country, that retain a historical sense of place, that reveal a coherent story of America's history within a preserved landscape that has cultural and natural resources. Some Heritage Areas possess undisputed national significance for the landmark quality of their historic sites and the broad scope of the stories they tell about America's past. However, the real meaning of our country's heritage is not limited to a few crown jewels and parks as we just heard from the previous witness. America's heritage is also embodied in the preserved places close to home that reflect our regional character and history and that are closest to our citizens. I can speak with personal experience of a heritage corridor, having served as a commissioner to the John H. Chaffee Blackstone River Valley National Heritage Corridor since its inception. The Blackstone is a two-State corridor that spans 24 communities in Massachusetts and Rhode Island. The Blackstone is nationally significant in the traditional sense as the birthplace of the American Industrial Revolution and one of the first places in the country with the widespread use of water power to power industrial factories. But Blackstone is just as significant for its wholeness, as for some academic definition of national significance. Blackstone is an intact cultural ecosystem of historic, cultural and natural resources that are related to each other and that give Blackstone a unique sense of historic place. The importance of historic areas in our country should not be measured by a narrow definition of national significance applied to a few historic sites, but rather Heritage Areas should be judged by the importance of the whole assemblage of the area's historic and natural resources and how that assemblage of natural and cultural resources tells an important story about a region or about the Nation as a whole.

Next, let me comment about Heritage Area designation studies. I agree with other speakers that successful Heritage Areas document values and resources that define the Heritage Area and this process should happen at the very beginning of the application and designation process. Local citizens understand using heritage development principles and the means to preserve the places that are important to them, and their chance of success is increased, not decreased by building public support and establishing an action plan before ever coming to Congress for designation.

State Historic Preservation Officers have a great deal to offer to the development of Heritage Areas, particularly in the initial stages of planning and designation. With Federal funding from the Historic Preservation Fund and State funding to match, State Historic Preservation programs carry out the research and documentation on historic places within each State; that's the necessary foun-

dation for a Heritage Area designation. And State Historic Preservation Officers have a four-decade track record in the successful preservation of historic buildings and sites. Unfortunately, low Federal appropriates for SHPO activities has left many potential Heritage Areas without the data base of information that would help them to move more rapidly to the point of deciding whether it was appropriate to have a designation or not.

Finally, let me turn to private property rights, not only as a commissioner in a Heritage Area but as a resident and property owner. I can report that Heritage Area designation has not diminished my right to exercise control over my own property within the Blackstone Corridor. For my neighbors and my Heritage Area designation by the Congress has provided important recognition of the importance and the cultural and natural values inherent in our 24 communities. But there's been no Federal land acquisition, there have been no Federal regulations issued to restrict us in the enjoyment of our property. The Blackstone Corridor, like other heritage corridors in the country, works with willing partners, public and private, to use our resources wisely, whether for education and interpretation and conservation or for heritage-based economic development, usually through tourism.

So to conclude, when the first Heritage Areas were designated almost 20 years ago there were no other models; they were an experiment. But today Heritage Areas are no longer an experiment, they're a success. Each Heritage Area has its own story of achievement and each is unique, and I think in planning for the future of Heritage Areas it's important to recognize the uniqueness of Heritage Areas as well as looking for common threads. One of those common threads is the idea that citizens and their government partners can come together to preserve a piece of America's heritage and do it in a way that unites a region. I hope that Congress will embrace the public's enthusiasm for a Heritage Area program that's exemplary of the proper role for the Federal Government in our society, and I'd advocate that any new legislation look to what's already working best today, set high standards, and help this spirit to continue to flourish.

Thank you Mr. Chairman.

[The prepared statement of Mr. Sanderson follows:]

PREPARED STATEMENT OF EDWARD SANDERSON, PRESIDENT, NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS, AND EXECUTIVE DIRECTOR, RHODE ISLAND HISTORICAL PRESERVATION AND HERITAGE COMMISSION

I. INTRODUCTION

A. The heritage area concept has been an active conservation tool for a quarter century. The Congress has designated two dozen areas around the country. Representatives from the nationally designated areas formed the Alliance of National Heritage Areas which is now the major non-profit proponent of heritage development. The Alliance now sponsors the popular, international heritage rally, next scheduled in 2005 for Nashville, Tennessee. The Alliance's heritage training courses are routinely oversubscribed. State governments have active heritage area programs. Local groups are using the heritage development principles informally for conservation and community development. One estimate indicated that 140 regions in the country considered themselves heritage areas.

B. The National Conference of State Historic Preservation Officers has been involved with heritage areas since 1992 when we participated in a National Park Service conference in Dallas, Texas. State Historic Preservation Officers are and have been major proponents of heritage areas. In Maryland, Texas, Utah, for exam-

ple, the SHPO has been the principal agency in heritage area designation and administration. Heritage tourism is a major priority in the National Conference's strategic plan.

C. At a hearing in the House of Representatives in 1994, the National Conference presented testimony advocating

1. the establishment of national criteria for heritage area designation that allowed for consideration of all of America's historic resources and was not limited to the "crown jewels," or those resources of national significance;

2. the seminal importance of adequate preparation and planning before designating heritage areas;

3. partnership, the need to involve more federal agencies than the National Park Service, perhaps the establishment of a federal level advisory commission; and

4. support, even thought the funding for the national preservation program was, and continues to be chronically low, for continued direct funding for heritage areas.

D. State Historic Preservation Officers have a great deal to offer to the heritage development movement:

1. research and documentation on historic places within the State;

2. expertise in communication of historic preservation programs to government officials and the public;

3. experience in consensus building; and

4. a four-decade track record in the successful preservation of historic resources.

II. DEFINITION OF A NATIONAL HERITAGE AREA

A. A heritage area is a geographically cohesive assemblage of historic, natural and recreational resources that convey a unified message about America's history at that place and provide opportunities for educational and recreational benefits to local residents and tourists. Heritage areas do not entail government land acquisition. Heritage areas use persuasion to involve residents and property owners voluntarily into the project.

B. Successful heritage areas have the support of the citizens and governments within the areas, a well-developed strategic plan in place prior to designation, and a sound management entity to coordinate activities.

C. A product of heritage development is resource conservation and sustainable, historically and environmentally sensitive economic development. Section 2 of the National Historic Preservation Act (16 U.S.C. 470-*1*) says it best the federal government shall "foster conditions under which our modern society . . . and our historic resources can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations."

III. DEFINITION OF NATIONAL SIGNIFICANCE OF NATIONAL HERITAGE AREAS

A. "National significance" raises several difficult questions. State Historic Preservation Officers believe that the Nation and its programs and incentives should be available to all Americans and apply to all of America's historic resources. Nationally significant resources are the best known and best protected and least in need of the focused planning and attention of heritage areas. New Orleans, Louisiana, and the Pennsylvania Dutch Country are two nationally significant areas that are doing very well without federal designation. On the other hand, the future of the historic resources in the Cane River or in the area of oil discovery in Pennsylvania is uncertain-these are not yet in the forefront of public consciousness and need the techniques of heritage development to conserve their significant resources.

B. The "national significance" topic may relate more directly to a financial resource concern. With the popularity of heritage areas and the experience of two-decades of providing $1,000,000 annually to heritage areas, some are concerned about the potential drain on the federal budget. "National significance" can be seen as a way to limit the financial outlay by limiting the number of heritage areas. An alternative model could involve lessening the requirement for national significance, designating more areas and limiting funding either through a competitive grants program or through term-limited funding. The Nation has many historic areas that could prosper using the heritage development model.

IV. RECOMMENDATIONS FOR ESTABLISHING NATIONAL HERITAGE AREAS AS UNITS OF THE NATIONAL PARK SYSTEM

A. The heritage area program does not equate with a "national-parks-in-waiting" concept. Heritage areas are not federally owned land administered by federal employees. Heritage areas designation is not an ownership scheme rather, heritage areas represent a unified interpretative approach to enhancing local assets for the

people who live and pay taxes there and for heritage tourists, when economic development is a goal of the heritage area.

B. The National Park Service is but one of several federal agencies with expertise beneficial to heritage areas. The Departments of Agriculture and Commerce are two examples.

C. Frankly, State Historic Preservation Offices also offer expertise in historic research, restoration techniques, and heritage tourism practices that can provide close-to-home assistance to existing and prospective heritage areas. SHPOs are also the repository of information on the location and significance of historic sites. This information can form a foundation for educational materials and interpretation.

V. PRIORITIZING STUDIES AND DESIGNATIONS

A. The concept of prioritizing studies and designations connotes a "top down" federal control concept that does not mesh with reality. Successful heritage areas follow the "bottom up" model. Local citizens understand using heritage development principles ad the means to conserve the places important to them. Their chance of success is increased if they build public support and establish an action plan prior to going to Congress for designation. Heritage area success is dependent upon local support and local funding. If that is not in place, a Congressional designation is a paper exercise.

B. If the end-policy decision is to have a few heritage areas, then rigorous criteria for heritage area designation is necessary. Such criteria might include equal geographic distribution, demonstration of themes of unquestioned national significance, rigorous review of local financial capabilities, preference to areas that have the most local financial support, and preference to areas with the most local property owner support. Federal on-going audit systems may be necessary to ensure that the heritage areas are meeting their goals. Procedures may need development to de-designate heritage areas that do not meet that standard.

C. If the policy decision is to have many heritage areas (150 for example), then a more flexible set of criteria would be more appropriate with less federal funding and less federal oversight.

D. A requirement to have the public participation and planning components finished prior to designation would also have a controlling factor on the numbers.

VI. OPTIONS FOR DEVELOPING A NATIONAL HERITAGE AREA PROGRAM IN THE NATIONAL PARK SERVICE

A. The National Park Service currently has a one-person staff who has provided important assistance and coordination to the heritage area movement. The heritage area program and other "out house" programs within the Park Service will never be able to compete successfully with the needs of the parks for Park Service resources. The National Park Service expertise in recreation, interpretation and restoration is an asset to heritage development but does not cover the gamut of heritage area needs.

B. Alternative organizational schemes

1. Create a Heritage Development office in the Department of the Interior, independent of the National Park Service

2. Establish an inter-agency team—similar to American Heritage Rivers—to draw expertise from many federal agencies

3. Private-public partnership through a cooperative agreement with the Alliance of National Heritage Areas

Senator THOMAS. Thank you, sir.

Mr. Frenchman.

STATEMENT OF DENNIS FRENCHMAN, PROFESSOR OF THE PRACTICE OF URBAN DESIGN, MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Mr. FRENCHMAN. Thank you, Mr. Chairman. By way of introduction I am a professor of Urban Design at MIT, where I chair the Master of City Planning Program. My experience with national heritage began in the 1970's when I prepared the plan for Lowell National Historical Park, which became a model for many Heritage Areas. Since then my firm, ICON Architecture, has helped to plan almost half of the National Heritage Areas in the United States in

one way or another. At MIT I also conduct research on the role of advanced technologies in the future of cities and where cities are going. I mention this because those of us involved with heritage are sometimes seen as nostalgic and looking to the past. To the contrary, I would argue that Heritage Areas are a wave of the future.

As evidence of this, Heritage Areas are growing in scope and number, not only across the United States as we have seen but also across Europe and in Asia. I've been involved with projects in Spain, north of Barcelona, in Poland at the Gdansk Shipyard, and in Italy. In Scandinavia they are called "eco-parks." In Germany there is Emscher Park, encompassing the entire Ruhr Valley, and many Heritage Areas are being created in China.

I think it's important to recognize the two forces that are driving this growth. First, the worldwide shift to an information economy has left behind many industrial areas. Depressed cities have found that they can leverage heritage to reinvent their identity in a way that attracts people and business. A good example is Lowell, where the park is credited with transforming a derelict mill town by attracting almost half-a-billion dollars in reuse and new development.

The second force is a reaction to the standardized environment and culture that the information economy is creating, which looks pretty much the same in San Francisco or Singapore. Treasured places and qualities of life are being run over by homogeneous development. For localities, Heritage Areas offer a strategy to conserve their distinctive stories, sense of place and lifestyle without sacrificing economic growth.

Heritage Areas are also important at the Federal level. They offer a way to conserve our national patrimony without huge Federal expenditures or intervention or, as we have heard from others, the control of property, because local people take the responsibility for telling the American story from their own perspective, and conserving the evidence of it in their own way. This is a highly efficient and responsive way for the government to be doing business. And just to provide some kind of measure, the total NPS funding proposed for all 24 National Heritage Areas over 15 years would be less than the cost of billing one museum here in Washington on the Mall, or probably its operating budget, on an annual basis.

But to fully realize these potentials I agree that the current approach to ad hoc designation and guidance of National Heritage Areas needs improvement. To one, assure that the designated areas are truly of distinct national importance and to two, that they are sufficiently focused to be meaningful—and I think meaningful is the important word here—with clear themes and boundaries and actionable plans. To better meet these standards I support the creation of a National Heritage Area as a program administered by the Park Service. In the end only it has the experience and the name recognition that can maximize the value of designation, helping to motivate conservation and attract investment at the same time at the local level. The National Park Service can do this without being in charge at the local level, which I feel is a key to sustainability.

For success, the program must strike a clear balance between Federal and local roles. Designation is obviously a Federal respon-

sibility. However, the program would benefit from the creation of an advisory council that represented the existing Heritage Areas as well as others that can suggest criteria for what constitutes, quote, "a valuable part of our national story," and review the merits and boundaries of proposed new areas.

Planning is a partnership activity that really does build local capacity. As a partner in the process, the National Park Service can motivate broad-based support and commitments and provide invaluable technical assistance.

Development and management should be, as we have heard, a local responsibility. The Federal program can offer critical seed money for planning and catalyst projects but the support must be kept flexible to allow for innovation and approaches tailored to the local need.

Finally, while Federal funds may diminish over time, even evaporate, it is very important that the NPS continues to stay involved at the local level, to sustain the national identity and to advocate for quality. And I would agree with Mr. Carlino, this oversight role would be aided by requiring National Heritage Areas to be periodically reauthorized.

How do we measure the success of these projects? Given the diversity of the areas and their partnerships, measuring success is more challenging than other forms of development like building roads or national parks, where you can simply count the cars or the visitors. Nevertheless, performance indicators can be developed to understand how well the areas are reaching their own goals and such research, leading to more effective planning and management, would be a key benefit of a national program.

In closing, we've been speaking of Heritage Areas but the issues before the committee are not about preserving the past. Rather, they deal with how to manage the information and cultural resources that we have to secure a better future. Partnership conservation and revitalization projects will continue to grow because they are needed and they are efficient. Heritage Areas are showing how we can transition to a new economy and method of governments without losing our shirts and the sense of who we are.

Thank you.

[The prepared statement of Mr. Frenchman follows:]

PREPARED STATEMENT OF DENNIS FRENCHMAN, PROFESSOR OF THE PRACTICE OF URBAN DESIGN, MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Mr. Chairman, thank you for asking me to appear before your committee to offer my views on National Heritage Areas.

By way of introduction, I am a professor of urban design at MIT where I chair the Master of City Planning Program. My experience with national heritage began in the 1970's when I prepared the plan for Lowell National Historical Park, which became a model for many heritage areas. Since then, my firm, ICON architecture, has helped to plan almost half of the National Heritage Areas in the U.S. At MIT. I also conduct research on the role of advanced technologies to the future of cities. I mention this because those of us involved with heritage are sometimes seen as nostalgic and looking to the past. To the contrary, I would argue that heritage areas are a wave of the future.

GROWTH OF HERITAGE AREAS

As evidence for this, heritage areas are growing in scope and number. Congress has designated 24 national heritage areas and many more are being proposed. Add to these a dozen statewide programs, and numerous regional efforts that are under-

way across the country. Heritage areas are also being created in Europe. I have been involved with projects in Spain along the Llobregat River that stretches 50 miles from Barcelona to the Pyrenees, in Poland at the Gdansk Shipyard, and in Italy. In Scandinavia they are called "eco-parks"; in Germany there is Emscher Park encompassing the entire Ruhr Valley, and there are important projects in many counties funded by the European Union. Heritage areas are also being created in Asia, particularly in China, paralleling the enormous growth that is occurring there. The goal of all these projects is the same: To conserve nationally important cultural landscapes, interpret their stories to the public, and use them for education, recreation and economic development.

Two forces are driving these projects. First, the worldwide shift to an information economy has left behind many former industrial cities and regions. Depressed areas have found that they can leverage heritage to reinvent their identity in a way that attracts people and business. The best example is Lowell, MA, where the park is credited with transforming a derelict mill town into a vibrant community attracting almost a half-billion dollars in reuse and development; nationwide, National Heritage Areas generate close to $9 in investment for every $1 of federal money spent. The second force is a reaction to the standardized environment and culture that the information economy is creating, which looks pretty Much the same in San Francisco or Singapore. In the U.S. we are seeing treasured places and qualities of life that define our American heritage run over by homogeneous development. In Europe there is concern about the same kind of growth erasing national identities. For these places, heritage areas offer a way to conserve their distinctive stories, sense of place and lifestyle, without sacrificing economic growth.

The U.S. experience with heritage areas over the past 20 years has provided both the inspiration and a model for these projects. In a nutshell, National Heritage Areas enhance the identity and value of a region by confirming that its story is important to the U.S. They encourage a local commitment to conserve and interpret the natural and cultural assets that illustrate the story. Finally they are managed by partnerships that bring together contributions from all levels of government and the private sector. Because they elevate and empower communities, heritage areas are popular at the local level.

FEDERAL IMPORTANCE

But they are also important at the federal level. How can we hope to conserve the American narrative and its values and pass them on to our children if the evidence is washed away in a sea of globalization? I would argue that it is more important to conserve these stories and places in the communities where they originate than, as an example, to concretize them in Washington in museums on the mall. Every year the Smithsonian sponsors a National Folk-life Festival celebrating our diverse American culture. It's a wonderful event. But if it is important to celebrate that heritage oil the mall, its equally important to sustain it, living and breathing, in areas across the country.

National Heritage Areas show a way of doing this without huge federal expenditures, or intervention, because local people take the responsibility for telling the American story from their own perspective and conserving the evidence of it in their own way. This is a responsive and highly efficient way for the government to do business. To provide some measure, the total funding proposed for all 24 National Heritage Areas over the next 15 years would be less than the cost of building one museum now on the mall, or probably its operating budget on an annual basis.

National Heritage Areas can also accomplish conservation without federal acquisition of property. The idea that property must be controlled to be conserved originated in the 19th century with national parks, but it's now outdated. The federal government cannot hope to purchase even a fraction of the areas that are significant to our national heritage nor should it want to. It is more effective to motivate stewardship at the local level.

NATIONAL PROGRAM

To fully realize these potentials, our current system of ad hoc designation and guidance of national heritage areas needs to be improved. First of all, we need to be exceedingly careful that designated areas involving the NPS are of distinct national importance, rather than state or local importance. The fear is not so much that resources will be dissipated by frivolous designations (heritage areas are a very efficient use of federal funds), but that the brand will be devalued. Secondly, there is a need for focus. If a National Heritage Area is to be meaningful, it needs a clear theme. boundaries that relate to distinctive resources that are important to the story, and an actionable plan. Not all heritage areas might meet such criteria. These

issues highlight the critical need for a legislative framework and national program to guide and test proposed projects. ensure appropriate planning and support, and maintain the value of the designation.

On the federal side, the National Park Service is best suited to administer the program. In partnership with local groups, it has innovated many of the successful techniques for planning heritage areas. The Park Service also has the credibility to deal with decisions about national importance, as it has done successfully for many years in programs like the National Register of Historic Places. But most importantly, only the Park Service carries the name recognition that will maximize the value of designation. The Park Service arrowhead, its brand, is universally recognized as a sign of quality. Its presence enhances the image and value of a heritage area in the marketplace, helping to conserve what is important and to attract public and private investment at the same time. The NPS can do this as a partner, without being in charge at the local level. In the end, this is the key to sustainability.

Given this context, what is the best way to construct a National Heritage Area program? For success, the program must strike a clear balance between the federal and local roles:

1. *Designation* is federal responsibility. However, the program would benefit from the creation of an Advisory Council on Heritage Areas that can suggest criteria for what constitutes a "valuable part of the national story" and review the merits and boundaries of proposed new areas. Taking a page from the World Heritage Cites program, existing National Heritage Areas should be represented on the council.

2. *Planning* is a partnership activity. The tasks of discovering resources and devising conservation, education, and development strategies helps to build local capacity and is one of the most important and exciting parts of the process. As a partner, the NPS can help to motivate broad based support and commitments and provide invaluable technical assistance.

3. *Development* should be primarily a local responsibility. The federal program can offer critical seed money for planning and catalyst projects. It is important that these funds be kept flexible, allowing innovation and approaches tailored to the local need. In many areas, the NPS is represented in local management organizations. Other agencies can also play a role, like the National Trust, HUD, or DOT, which has funded many enhancement projects in heritage areas.

4. *Monitoring* requires continuing NPS involvement. We have found in Lowell and elsewhere that as local institutions grow in strength, federal funds can be diminished. But it is important that the NPS stay involved with areas over the long term to sustain their national identity and monitor progress. The oversight role would be aided by requiring National Heritage areas to be periodically reauthorized.

How do we measure success of a National Heritage Area? Given the diversity of the areas and their partnerships, measuring success is more challenging than other forms of development, such as building roads or national parks, where you can simply count the cars or the visitors. Nevertheless, performance indicators could be developed to understand how well the areas are reaching their own goals:

- Are the resources and qualities that led to the designation being conserved and respected?
- Is there a working partnership and continuing civic engagement?
- Are residents and visitors learning about the resource'?
- Has a sustainable flow of income been secured?

Data on such questions would help us to better understand what works and doesn't work in heritage areas. It could also fuel research into how to develop them more effectively through. for example, the application of advanced communications and media. Supporting a research agenda should be a key role of the national program.

In closing, we have been speaking of "heritage" areas, but the issues before the Committee are not about preserving the past. Rather they deal with how to manage the information and cultural resources that we have to secure a better future. Partnership conservation and revitalization efforts will continue to expand because they are needed and efficient. In the process, we are discovering that traditional American stories and prices in the landscape have an enduring value that can be tapped to renew communities, and our national spirit. Heritage areas are showing how we can transition to a neweconomy and method of governance without losing our shirts, and the sense of who we are.

Senator THOMAS. Thank you.

Ms. LaGrasse.

STATEMENT OF CAROL W. LAGRASSE, PRESIDENT, PROPERTY RIGHTS FOUNDATION OF AMERICA

Ms. LAGRASSE. Good afternoon. Thank you for the opportunity of testifying today. My name is Carol LaGrasse and I'm president of the Property Rights Foundation of America, which is based in Stony Creek, New York, and I'm a retired civil and environmental engineer.

My criticism has been and remains that National Heritage Area program is meant to gradually accomplish Federal land use control. It has found force especially in the East and Midwest. The Heritage Area program also involves transferring private land to government. The State and Federal Governments already own 42 percent of the land in the United States. In 1994, I published a list kept by the National Trust for Historic Preservation of over 100 Heritage Areas of State, Federal, local nature under development. The House Resources Committee mapped that list and we demonstrated the shocking extent of the program at that time. Direct national land use control is too unpopular to be enacted as would the unified national greenway program, encompassing the full extent of the Heritage Area program and other Federal areas being individually designated.

In New Jersey there are eight Federal areas covering almost half of the State. Now in the Congress, in various stages, are six additional Heritage Areas and the like to cover the rest of the state.

The main selling points for Heritage Areas are tourism, economic development, historic preservation and protection of riverways. The word "greenway" is not used yet Heritage Areas are plainly greenways, areas where the purpose is landscaped preservation by land use regulation and land acquisition by government and surrogates. A theme trail is associated with each greenway. Heritage Area elements fulfill the goal of landscape connectiveness, a textbook purpose of greenways. A greenway needs an ensemblage of sites related to a theme, the ostensible reason for the overall geographic definition, without which the real goal of landscape preservation could not be accomplished.

In each Heritage Area, multiple programs called partnerships in concert with other agencies at State, Federal, regional, local and especially multi-jurisdictional levels, along with various non-profits, focus on site development, land use planning, land acquisition and trail development. The auspices of the Park Service is diffused so that the public eye would have to be excruciatingly trained to follow the relationships and the flow of authority, the instigation and especially the cash incentives. Local government is subverted and co-opted, becoming a tool of the skilled Park Service, non-profit and consultant manipulators. At each Heritage Area at least one non-profit agency is created, under the tutelage of the National Park Service to perhaps be the managing entity and focus the accomplishment of the greenway or develop its related trail while directing attention away from the National Park Service. New non-profits are instigated for various trails and other purposes. This is done surreptitiously. These and consultants are outside of the Freedom of Information Law.

Initial studies are geared toward landscape preservation, often under the rule book of historic preservation. Lavish funds are pro-

vided for outreach to popularize the Heritage Areas. A Heritage Area meeting that I attended recently was hosted by seven Park Service personnel and consultants.

Sites are developed for tourism and historic preservation. Congress may not prohibit funding under the Heritage Areas from being used for land acquisition but this is immaterial because the Park Service has built relationships with multiple Federal and State agencies for this. One Heritage Area has put a new National Park on the agenda, the proposed Homestead Works National Park advocated by the Rivers of Steel National Heritage Area.

Trails, which are a serious threat to private property are an important facet of Heritage Areas for connectivity. They are developed in segments according to the textbook design for success. Eminent domain may not be directly exercised by the Park Service for trails but is threatened or exercised by localities, each often separated from another segment so that the common thread is unrecognized. One of the ironies of trails being advocated by environmentalists is that in species-rich riparian areas they'll serve as avenues for invasus, such as cowbirds that replace eggs of neotropical migrants, songbirds and weeds that replace native plants.

Mature planning studies are instigated in connection with the funding for site improvements and in connection with the management plan. These facilitate strict land use controls, an issue really left hanging by the GAO report. Prohibiting the Park Service from imposing zoning is irrelevant because the Park Service does not do this directly but rather instigates the imposition of land use controls.

Legislation of an opt-in provision with notification has been discussed and is feasible considering that tax notices are routinely sent to all property owners. But this provision and the old opt-out provision wouldn't take care of the fact that the boundary of the Heritage Area would still exist. Land located within the greenway would still bear the brunt of landscape preservation, trail development, economic design to eliminate non-compatible uses and gearing the land for tourism and nature. Land prices and the tax burden do increase. Ordinary people cannot ultimately survive there.

Congress should enact changes geared to eliminate the greenway potential of the heritage program. Eliminate the geographic delineation. The heritage program could be directed to block grants of moneys allocated State-by-State through an agency that's not geared toward landscape preservation, such as Housing and Urban Development. The partnerships should be prohibited. The National Park Service should be prohibited from promotional work for its policies at the local level and from studies of historic and regional areas. It should be prohibited from working with non-profit agencies. Park Service personnel should be prohibited from participating in the study and development of trails, or developing support organizations. All the trails should be laid out in their full length, including their width and the other ramifications from the proposal stage, and the property owners notified. Trail development could be administered by the Department of Transportation and the eminent domain protections under the Federal highway law applied.

No additional Heritage Area should be established and no further development of trails should take place until there is a full inventory of lands owned by the Federal and State government and of the Federal areas, such as National Heritage Areas and trails.

The National Heritage Program isn't really just pork barrel, as some say it is. I don't believe it's economic development. I believe that it is Federal land use control and should be drastically curtailed.

[The prepared statement of Ms. LaGrasse follows:]

PREPARED STATEMENT OF CAROL W. LAGRASSE, PRESIDENT, PROPERTY RIGHTS FOUNDATION OF AMERICA

Thank you for the honor and opportunity of testifying today at the oversight hearing on National Heritage Areas. My name is Carol W. LaGrasse, President, Property Rights Foundation of America, based in Stony Creek, New York. I am a retired civil and environmental engineer.

The National Heritage Area program is designed to gradually accomplish federal land use control, across especially the Eastern and Midwestern parts of the United States, without passage of national land use planning legislation by the Congress. The Heritage Area program also has the goal of transferring private land to government. The state and federal governments already own over 42 percent of the land in the United States. In 1994, I publicized a list kept by the National Trust for Historic Preservation of over 100 Heritage Areas under development. The House Natural Resources Committee made a map from that list, which showed the shocking extent to the program already at that time. As you know, direct national land use control would be much too unpopular to be enacted, as would be one single national greenway program encompassing the full extent of the National Heritage Areas, American Heritage Rivers, Stewardship areas, National Park Service trails, and other federal areas being individually enacted.

In the State of New Jersey, there are eight federal areas under the Park Service and Fish and Wildlife Service covering almost half the state. Now proposed in the Congress in various stages are six additional Heritage Areas and the like to cover virtually the entire rest of the state.[1]

The main selling points for National Heritage Areas are tourism, economic development, historic preservation, and protection of riverways. The word "greenway" is not used. Yet, National Heritage Areas are plainly greenways, areas where the purpose is landscape preservation by land use regulation and land acquisition by government and its surrogates.[2] In addition, and importantly, a theme trail is associated with each greenway. The elements of the National Heritage Areas fulfill the goal of "landscape connectedness," a textbook purpose of greenways. It is important for a greenway to have what is referred to as an "ensemblage" [not "ensemble," a dictionary word of commonly understood meaning] of sites related to the supposed theme. This is an important element that gives the ostensible reason for the overall geographic definition of the Heritage Area. If the Heritage Area did not have a geographic definition, it would be impossible for the real goal of landscape preservation to be accomplished.[3]

---

[1] See PRFA web site for two color coded diagrams of New Jersey at: *http//www.prfamerica.org/NJ-Existing-Proposed.html*.

[2] In the seminal work *Greenways for America* commissioned by the Conservation Fund, the National Endowment for the Arts, and the Rockefellers' American Conservation Association, author Charles E. Little bemoans the "mess" created by the lack of regional planning in America and welcomes greenways as a way toward better "settlement patterns."

Referring to a landscape preservationist, Little writes, "In the phrase of author Tony Hiss, what the urban-rural greenway infrastructure can create is 'landscape connectedness.' And connectedness has been the goal of regional planners for at least the past one hundred years."

"But comprehensive land-use planning on more than the most elementary level—mainly zoning in towns and cities—seems to be beyond us," laments Little.

"As I have said, regional greenways networks will not themselves clean up the mess," Little writes. "But the idea of establishing such an infrastructure might very well give us a new and less controversial approach to regional planning by providing a geophysical *framework* for it, which, unlike that of highways and high-tension lines, is the framework of the landscape itself." (Little, *Greenways for America*, John Hopkins, 1990, Opp. 135,136, italics in original)

[3] The bill for the Crossroads of the American Revolution National Heritage Area focuses on regulation of the landscape. In the "findings," the bill declares, "Congress finds that . . . portions of the landscapes important to the strategies of the British and Continental armies, including waterways, mountains, farms, wetlands, villages, and roadways . . . retain

Through the powerful tool of National Heritage Areas, the National Park Service focuses its efforts at the greenway model. The enabling statutes effectively provide for it to have this function. In each area, multiple programs in concert with other agencies at state, federal, regional, local and especially multi jurisdictional levels, along with various not-profits, focus on land use planning, land acquisition, and trail development. All of the relationships among agencies and non-profits are referred to as "partnerships." The auspices of the National Park Service is effectively diffused, so that the public eye would have to be excruciatingly trained to follow the relationships and the flow of authority, instigation, and especially cash incentives. In addition, local government is subverted and co-opted, becoming a tool of the skilled Park Service, non-profit, and consultant manipulators. At each National Heritage Area, at least one not-profit agency[4] is generally created expressly under the tutelage of the National Park Service to perhaps be the so-called "management entity" and focus the accomplishment of the greenway or to develop its related trail or multiple trails or canalway trails while concomitantly directing attention away from the Park Service. Multiple new non-profits are instigated for various trails, quite surreptitiously. New and existing not-profits serve also as channels for cash from various federal agencies to consultants, outside of public inspection under freedom of information law.

Congressional funding is used for several purposes: The first is studies, which, unfortunately, are geared to landscape preservation, often under the supposed rationale of historical preservation. Congress may proscribe funding under the Heritage Area law from being used for land acquisition, but this is immaterial, because the National Park Service has built relationships with multiple federal and state agencies where land acquisition funds can be exploited.

Lavish funds are provided for outreach. A National Heritage Area meeting that I attended recently, which was one of a series of informational affairs and was attended by about thirty to forty individuals, was hosted by seven National Park Service personnel and consultants. National Park Service personnel refused to divulge the annual budget for this Heritage Area until queried several times, and then could not reveal the funding available from other agencies.[5]

Sites are developed for tourism and historical preservation. the "connectedness" of these sites is a rational for regional land use controls.

A National Heritage Area can put a new National Park on the agenda. Such an example is the proposed Homestead Works National Park advocated by the Rivers of Steel National Heritage Area on their web site.[6]

Trails are a serious threat to private property today. As spin-offs of the specific legislation or under parallel legislation,[7] trails are an important facet of National Heritage Areas, where connectivity is essential. They are developed in segments, again according to textbook design for success. Eminent domain may not be directly exercised by the National Park Service, but is indeed threatened or exercised by the associated localities for the segments of a trail, each often separated from another segment so that the common threat is unrecognized. During public questioning, the Park Service refuses to address how these "partnerships," as I've called them, drawing on the Park Service term, to accomplish condemnation of private property work.[8]

Planning studies are instigated, in connection with funding for site improvements and in connection with the management plan, which is also funded by Congress. Strict land use controls are facilitated with planning projects.

---

the integrity of the period of the American Revolution, an . . . offer outstanding opportunities for conservation, education, and recreation."

[4] I witnessed the National Park Service and New York Parks and Conservation Consultant tutoring the members of such an infant agency in Schuylerville, NY, for the Champlain Canalway Trail, along the northerly branch of the Erie Canal toward Lake Champlain, part of the Erie Canal National Heritage Corridor.

[5] The budget for Erie Canal National Heritage Area was $400,000 for fiscal 2003, NPS submitted $600,000 for fiscal 2004. These appear to be largely administrative and promotional expenses.

[6] "Rivers of Steel National Heritage Area is working to preserve this site's rich industrial heritage and its priceless artifacts for generations to come through the creation of the Homestead Works National Park."—*http//www.riversofsteel.com/ros.aspx?id=23&h=80&sn=95*—3/28/04

[7] Example: The Crossroads of the American Revolution National Heritage Area in New Jersey is to be buttressed as a greenway with a separately enacted Washington-Rochambeau Revolutionary Route multi-state trail, under study.

[8] Examples: The City of Schenectady, NY, threatened condemnation of the property belonging to Janice Revella for cross-state NPS Erie Canalway Trail within the Erie Canal National Heritage Area. The Town of Wawarsing, NY, condemned a historic railroad station owned by Herter Diener for the cross-state NPS Delaware and Hudson Canalway Trail within the Delaware and Hudson Heritage Area (not yet a NPS National Heritage Area).

Reforms proposed in response objections by those concerned with infringements on private property rights have been largely irrelevant.

Prohibiting funding from the program from being used to acquire land, and prohibiting condemnation, will have no effect, because funding and condemnation are available through other programs and agencies, as I explained above. Prohibiting the National Park Service from imposing zoning in connection with the program is irrelevant because the Park Service does not do this directly. However, the Park Service argues for and instigates the imposition of stronger zoning controls.[9]

The inclusion of an opt-out provision might appear desirable, but is irrelevant because people would not know about it, and because the Heritage Area boundary would remain. The inclusion of an opt-in provision is feasible, considering that tax notices are routinely sent to all property owners. Even a complex geographically bounded roster can be culled easily in many jurisdictions by utilizing GIS. However, this provision is not worthwhile enacting because the boundary of the Heritage Area would still exist, along with the related greenway goals and programs. A property owner might opt out of the Heritage Area, but the land would be located in it and bear the brunt of the landscape preservation, trail development, economic design to eliminate non-compatible uses and gear the area toward tourism and nature, and the gradual increase in tax burden.

What reforms could preserve the opportunity for federal funding to preserve heritage, while eliminating the enabling framework for the National Park Service to develop greenways, to accomplish landscape preservation? It is not necessary to eliminate promotion and preservation of important historic sites in order to get the federal government out of landscape preservation.

First, on a mundane level, Congress should legislate requirements to improve fiscal accountability and increase openness to public scrutiny. In addition, Congress should enact changes geared to eliminate the greenway potential of the Heritage promotion program.

Eliminate the definition of a geographic area where the heritage program would exist. Instead, the Heritage program, perhaps called "Heritage Promotion," could be directed to Heritage block grants of moneys allocated state-by-state in proportion to population or federal tax contribution through an agency that is not geared to landscape preservation, such as Housing and Urban Development, National Endowment for the Arts, or Department of Commerce. No gatekeepers for funding grants should be allowed at the state level, to prevent the program from falling under the auspices of a state greenway agency.

Prohibit all the partnerships with the agency presiding over the block grants or grants to multiple grantee agencies, confining the transfer of federal moneys expressly to straightforward block grants competitively proposed under a process established by Congress. Prohibit the National Park Service or any other agency from promotional work for its policies at the local level, and from studies of historical areas or regional areas. Keep the National Park Service out of all programs except for parks. Prohibit the Park Service from working with non-profit agencies to promote its goals.

The National Park Service trails program should be inventoried and defined, as to its current and envisioned extent, as decided by Congress. Studies of new trails should be scrutinized by Congress. National Park Service personnel should be prohibited from participating in the feasibility studies, development of trails, or participating in developing support organizations. All federal trails should be publicly laid out in their full extent from the beginning, at the proposal stage and all property owners notified at that stage. The full width and ramifications of the trail should be spelled out legislatively in the conceptual stage. Protections for property owners should be put in place.

Trail development could be administered by the Department of Transportation and all eminent domain protections that exist under the federal highway laws applied to federal trail construction.

Legislation should prohibit segmented development of trails and the adoption of pieces of trails by separate local jurisdictions or non-profits for future joining into a full-length federal trail.

No additional federal areas should be established and no further development of trails in the United States should take place until a full inventory of lands owned

---

[9] At the House Natural Resources Committee hearing on H.R. 2949 to establish the Augusta Canal National Heritage Corridor on June 28, 2994, Denis P. Galvin, Associate Director, Planning and Development, National Park Service, recommended, that the bill to establish the Heritage Corridor "shall not take effect until the Secretary of the Interior approves the partnership compact for the heritage corridor that is now under development."

by the federal and state government, and of federal areas such as National Heritage Areas, is completed.

Where funding for National Heritage programs or studies is to be renewed, similar reforms should be instituted.

Living in a town controlled by overarching regional zoning and overlapping designations, and experiencing the influence of not-profit organizations, with half the town owned by the State government, I know first-hand how these programs hurt the local culture and economy. The National Heritage Area program is not just pork-barrel. It certainly is not economic development. It is pure preservationism, and should be drastically curtailed.

Senator THOMAS. Well, thank you all very much. I appreciate you being here and I appreciate your thoughts. I have a couple of questions, perhaps, for you.

A good many things, Mr. Carlino, that are mentioned are travel, business, all that sort of economic activity. Do you think that's the main function of a heritage?

Mr. CARLINO. It's not the main function but it's certainly an outcome of the work that we do. If we work in older communities, a lot of times the investment of the money will go into main street programs and historic revitalization of old buildings. The purpose of those in partnership with either local businesses or——

Senator THOMAS. Yeah. If it's economic development, why should it be a Federal program? Or why shouldn't it just be one of the grants for Federal instead of trying to make it a park?

Mr. CARLINO. Well, it's part of what we do. It's not the only thing we do. But it's an investment strategy that comes out——

Senator THOMAS. I get the feeling many times, particularly from small communities, that that's the main purpose of it, is to get Main Street the national heritage so they can increase their business activity.

Mr. CARLINO. It might be the purpose of a community within the Heritage Area but it's not always the only goal of the Heritage Area.

Senator THOMAS. Well, that's where the thrust comes from, is the community. I guess what I'm trying to say is it's interesting. For instance, we talked about these being significant. The whole State of Tennessee is a Heritage Area.

Mr. CARLINO. Yes sir.

Senator THOMAS. Now, how do you justify that?

Mr. CARLINO. I wasn't the one that designated——

Senator THOMAS. Well, I know not but it sort of gives you a little idea of whether you're really sustaining historical things or whether you're doing something else, doesn't it?

Mr. CARLINO. Well, from my understanding the argument for the Tennessee project is that a good amount of the Civil War occurred throughout the State.

Senator THOMAS. We had a lot of Indian wars in Wyoming. Maybe it ought to be a Heritage Area, do you suppose?

Mr. CARLINO. I couldn't tell you sir, I've not visited your State.

Senator THOMAS. I guess that's the reason it doesn't seem to have been a logical criteria for doing it and that the differences that do exist.

Now, you mentioned authorization. Now, these don't have a time authorization in them when they're granted do they? They don't run out of being a heritage?

Mr. CARLINO. Well, yeah. Most of the Heritage Areas that I know of do have either an authorization that caps at funding or at time.

Senator THOMAS. Oh, well that caps funding but it doesn't eliminate the Heritage Area, does it?

Mr. CARLINO. It doesn't say that the heritage necessarily will go away. It says that the funding will run out either at a cap of funding or at time.

Senator THOMAS. Well, are you saying that they have to have capital funding from the Federal Government forever?

Mr. CARLINO. I'm not saying that, no sir. What I'm saying is that the restriction put into the legislation creates a timeline in order for us to work. There are some projects that can be accomplished within that time period.

Senator THOMAS. I see.

Mr. CARLINO. There are some that take longer than that. And all I'm suggesting is that there be a process that we can report back to Congress and the Park Service that demonstrates the work we've achieved. And if there's a need for reauthorization and it's demonstrated by the work that we're doing and support then it should be left open——

Senator THOMAS. I just am not familiar; my impression has always been that there is supposed to have been a 10-year time limit on funding but that hasn't always been the case, sometimes it's been further. But I didn't think there was ever, in the authorization, an end to the heritage system.

Mr. CARLINO. Well, that's been our question. If the Heritage Area runs out of authorization from the Park Service——

Senator THOMAS. Are you talking about money or authorization?

Mr. CARLINO. Both.

Senator THOMAS. Oh, Okay.

Mr. CARLINO. Both.

Senator THOMAS. That's what I wanted to make clear. There comes a time, if I understand it correctly, where the Federal Government aren't any longer responsible for the funding. Isn't that true?

Mr. CARLINO. The Park Service, the National Park Service.

Senator THOMAS. The Park Service through the Federal Government.

Mr. CARLINO. Yes sir.

Senator THOMAS. That doesn't mean the Heritage Area goes away. You've all talked about——

Mr. CARLINO. No, that's exactly right. But that's the question. We still have the national label and yet it creates a public perception that it has some relationship with the National Park Service. So if the authorization has expired we have a difficult time with that relationship and explaining it to the public. Are we not or are we a part of the——

Senator THOMAS. Well, I think it's criteria you guys are going to have to come to grips with and that is you keep talking about local, regional on your managing. Ed, you said $900 million from the private, $1 million, but you sound also like you need Federal money to go on forever.

Mr. CARLINO. Not forever, no sir. But it does help in——

Senator THOMAS. Of course it helps. But if I had anything to do with the criteria it's going to be a time to get it started and then the Federal money stops. You don't agree with that, I don't think.

Mr. CARLINO. I would ask you to at least allow me to discuss that with you as you continue to pursue the program.

Senator THOMAS. Yeah, well that's the concept, at least. Almost all these have been 10-year funding things. Isn't that true?

Mr. CARLINO. Well, let me speak for my organization.

Senator THOMAS. Well, it's true.

Mr. CARLINO. We have—our authorization says no more than $10 million over a period of 16 years, and we can get no more than $1 million a year. At our current rate our authorization would cease because we will hit the 10-year authorization because we've been getting $1 million a year for the past 8 years.

Senator THOMAS. You'll get to the end of funding. You and I don't seem to be able to understand that.

Mr. CARLINO. No.

Senator THOMAS. Are you talking about funding or authorization? There's two different things.

Mr. CARLINO. Funding.

Senator THOMAS. Yes, okay.

Mr. CARLINO. Yes.

Senator THOMAS. I just want to make that clear.

Dr. Short, you talked about the need for more Federal money. What is the basis for that, to do more study? To help get started?

Dr. BENTON-SHORT. No, I just, I think in that context was that if you are going to have the Heritage Areas Program expand, that I do think that there probably needs to be additional Park Service personnel involved to make it as effective and successful as it should be. So you wouldn't want the Park Service to take away sources of money from other park units already under their jurisdiction and channel it to the Heritage Areas Program.

Senator THOMAS. That's of course, been the concern that some people have, whether it's right or wrong.

You mentioned recreation areas. Is there any reason to have a recreation area called a heritage?

Dr. BENTON-SHORT. Well, that's a very good question. You're kind of getting at the heart of the Park Service nomenclature, which I find incredibly confusing after 10 years; I could never tell the difference between a national historic site, a national historic park or a National Heritage Area. It kind of depends on who you talk to. Recreation areas, if you talk to some people, they'll define it as primarily open space areas where there are different facilities for recreation. So I guess that would depend on what Heritage Areas you'd be talking about. But I think that issues about what we call these different areas is very, very important because it often indicates status or lack of status.

Senator THOMAS. I guess that's the issue here with establishing criteria and so on.

Mr. Sanderson, you represent state heritage. Is that correct?

Mr. SANDERSON. Well, State heritage and State preservation offices, yes sir.

Senator THOMAS. You talked about regional areas and so on. Why not State? Why is the Federal Government involved if you can

have State historic areas to do the same thing, particularly when there's not as particularly significant national concept to it?

Mr. SANDERSON. Oh, I think you can have State Heritage Areas and certainly I would advocate for that. I don't think one is a substitute for the other. I think many States have developed heritage programs that take a lot of different forms and I think State programs are fine. I think when an area has a uniquely significant, as I said in my comment, assemblage of resources and what strikes me about many of these Heritage Areas is that they're not single dimensional. It's not just some historic sites or just recreational opportunities or just natural resources, it's the coming together of those different types of resources within a single area that creates a unique kind of a place, a special landscape or land area that——

Senator THOMAS. If you defined, very briefly, how would you define the criteria for a Federal Heritage Area?

Mr. SANDERSON. I think that, well, I guess I would start with those basic types of resources, the historic resources, the natural resources and then many areas will have recreational opportunities that occur between the two. Our State parks agency recently did a public opinion poll for their own planning and they discovered that visiting historic sites was rated as one of the top outdoor recreational activities for citizens in Rhode Island. Well, that came as something as a surprise to me and something as a surprise to them. But what it shows is that the kinds of boundaries that we bureaucrats sometimes slice up the world into are not perceived by citizens who like to get outside, like to hike along a historic canal; they enjoy visiting a historic site and learning about the area at the same time that they can have a picnic with their family and be in an area of environmental protection, Northeast Bird Flyway Area.

Senator THOMAS. Yeah, okay.

Mr. SANDERSON. And it's the coming together of these that I see——

Senator THOMAS. I guess there has to be a definition, unless you want the Federal Government involved in everything. What I hear all the time is, oh, the damn Federal Government's into us all the time. And then the next day, oh, well we want the Federal Government to be involved in this. We have to make some distinctions as to what they are and I guess that's probably what—when you set aside a historic building or some area like that, then you say there's no property restrictions. How do you define that? Property or land restrictions, if you're going to protect land and buildings?

Mr. SANDERSON. Well, when you say set aside a property, as I'm sure you know, there are different kinds of designations of properties, some historic properties, some sites are within State parks, some are owned by private, non-profit organizations that open them to the public as museums. These don't involve taking peoples' property away from them.

Senator THOMAS. No, but I'm saying though, is if your purpose of your heritage is to maintain certain properties, then how do you say you don't have anything to do with controlling the property?

Mr. SANDERSON. Well, for the most part there isn't control there is cooperation between owners. If a property owner with their own

private property chooses not to preserve the property, for the most part there aren't effective controls to stop that.

Senator THOMAS. Then the heritage saving you're talking about doesn't work. Is that right?

Mr. SANDERSON. Exactly. Which is why education and community consensus are so important within the area. Communities come together quite remarkably in my experience and make decisions that they like where they live, that they value the character of their place.

Senator THOMAS. I think we all agree with that. The question here before us is how do you best manage those things and who should have the responsibility, who should pay the money, how do you do this, what's the criteria for a Federal one?

Mr. SANDERSON. Right.

Senator THOMAS. You know, to talk about the value of property, everybody agrees with that, or areas. The question is, how do you best manage these and what's the criteria and how do you set it up with the different division of responsibility between state—you represent State Heritage Areas—and Federal. That's really the issue.

Mr. SANDERSON. Part of the success, I think, of Heritage Areas is that you get—in order to be designated, in order to create a Heritage Area, the local community has to want it; the State officials work with them and they want it, and then they come to the Congress and demonstrate that they are in fact worthy of that designation. So that you have a process of people who want to participate in this program.

Senator THOMAS. That's fine. We haven't had a definition of the criteria.

Mr. SANDERSON. Well, I would agree that there should be defined——

Senator THOMAS. I mean, just because the local folks want it, I can understand that. And they want the Federal Government to pay for it; I can understand that. But there has to be some designation to justify the Federal involvement and you agree with that.

Mr. SANDERSON. Oh, I would strongly agree that there need to be criteria that need to be met. We need to make sure that the criteria are flexible enough to notice that different Heritage Areas have different qualities to them.

Senator THOMAS. Sure, no question.

Mr. Frenchman, are you aware of similar heritage things in other countries?

Mr. FRENCHMAN. Yes sir, I am. And I've been involved with some of those, in particular in Spain and other locations in Korea and so forth. And they have many of the characteristics that our Heritage Areas and they have some of the challenges also as well. I think one of the thing's that is recognized in these areas which we seem to have trouble trying to value here is that it's the national recognition, it's the recognition by a higher authority that you are important, which is the key economic tool. Money is great, money is very important, everybody will take it, but it's the importance of that designation. It's no different in business. If you have a brand and it has value that you spent 200 years developing, you have to be very careful about where you put that brand and who carries

it. And people pay for that brand, by the way, they don't get it for free. So it has a value. And I would agree with I think almost all of us who are here that that has to be protected, that national significance has to be protected. Now, I think in Europe, for example, they are rather jealous about this. Each country is trying to really keep its personal identity in a place that's trying to make a union, so you just find people very strongly wanting to reinforce the identity. So those criteria tend to be pretty strong. And I think we could probably learn some things from them but to be honest, they're looking to us for the model.

Senator THOMAS. Well, it's interesting. You go to Turkey, for instance, and those Heritage Areas are 2,000 years old.

Mr. FRENCHMAN. Right.

Senator THOMAS. And it's quite a different situation than some of these things.

Ms. LaGrasse, there are 45 million people who live within the boundaries of existing Heritage Areas. Do you think it's possible for property rights to be in and out of these things and be protected? That their properties are not impacted or affected by——

Ms. LAGRASSE. Well, the way I see it happening, when the National Park Service and its consultants come to an area, there's a soft sell and there's a constant cross sell, there's an informal exchange where the local jurisdictions receive pressure and incentives to establish land use planning that they wouldn't otherwise put into place. And of course land use planning may or may not infringe on private property rights. One index of how it infringes on private property rights is the amount of litigation. I only have heard anecdotal evidence of particular municipalities which before and after establishing land use planning have a tremendous accentuation in litigation. At a hearing, actually, on the Erie Canalway National Heritage Corridor, a councilman from the town of Lake George pointed out that since his township had established zoning their annual litigation bill for their lawyers have gone from a few thousand dollars to several hundred thousand dollars. He just threw that into the pipe to say that this might be the type of thing you are instigating towns to do. But unless there's a systematic study of the affect of land use planning in these Heritage Area over a period of time no one can speak to that impact. All that I get is anecdotal evidence, particularly about trails.

Senator THOMAS. Zoning and so on is a local decision.

Ms. LAGRASSE. It's local but when there are incentives and when there's very sophisticated presentations, local people who in rural areas, frankly, are not as sophisticated as the National Park Service and its consultants are greatly influenced to go in those directions.

Senator THOMAS. Well, we don't admit that, those rural people.

Well, I appreciate all of your thoughts. I think certainly most of us have a view that there's great merit in preserving the historic things in our country and finding the best way to do that. Hoping to be able to come up with some criteria so that here, frankly, as you know, if we don't have criteria here, it's just whoever can get the votes for something that doesn't necessarily fit in and maybe that will always be the case. But we want to try and get a little more uniform. I think also we need to find a proper division be-

tween the responsibility of the Federal Government and local governments and State governments because they are different and they can work together, of course. So, we really appreciate it and I think we're moving in the right direction of continuing to be able to deal with Heritage Areas but to have some pretty common criteria that will allow us to do that.

So we thank you all very much for your participation. And as I said, some of the other members might possibly have some questions and we'll leave the record open for several days. So thank you very much, we appreciate it and the committee's adjourned.

[Whereupon, at 3:52 p.m., the hearing was adjourned.]

APPENDIXES

APPENDIX I

Responses to Additional Questions

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, June 21, 2004.

Hon. CRAIG THOMAS,
Chairman, Subcommittee on National Parks, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR SENATOR THOMAS: Enclosed are answers to the follow-up questions the committee submitted to the National Park Service after the hearing before the Subcommittee on National Parks of the Senate Energy and Natural Resources Committee, held on March 30, 2004, concerning National Heritage Areas.

Thank you for the opportunity to respond to the questions that have been submitted for the record.

Sincerly,

JANE M. LYDER,
Legislative Counsel,
Office of Congressional and Legislative Affairs

[Enclosure.]

QUESTIONS FROM SENATOR THOMAS

Question 1. Over 20 bills have been referred to this Subcommittee for studies and designations of new heritage areas. Are you aware of any additional heritage areas that may request federal status in the neat few years? If so, how many?

Answer. Other areas have contacted the agency about conducting their own feasibility study for possible national heritage area designation. However, until a bill is introduced it is hard to know which ones will complete the effort. At this time the National Park Service has been directed by Congress to undertake studies of the feasibility of establishing a national heritage area in four areas. These include a study of Buffalo Bayou in Houston, Texas; the Low Country Gullah Culture in South Carolina and Georgia; Muscle Shoals in Alabama; and Niagara Falls in New York. The Low Country Gullah Study is under final review in the National Park Service, the Niagara Falls Study has been underway for just over a year and the other two studies are just getting started.

Question 2. How much has been appropriated in the DOI budget, obligated, and spent for National Heritage Areas in the past 10 years? How does the National Park Service monitor and account for funds being spent on National Heritage Areas?

Answer. The attached list shows the level of funding authorized, obligated and spent for national heritage areas in fiscal year 2004 [Attachment A].* Funding for National Heritage Area grants has grown from $2.2 million in FY 1995 to $14.2 million in FY 2004, for a total of $80.4 million appropriated over ten years. In addition, National Heritage Areas have frequently received line-item construction funding, such as $2.5 million appropriated to the Southwestern Pennsylvania National Heritage Area in FY 2004. To compile the obligation and expended amounts, plus the line-item construction amounts, which have gone to all the areas over the past 10

*Attachment A has been retained in subcommittee files.

years before we had a heritage partnership account will take more time to assemble. We will provide this to the committee once all the information is compiled.

The National Park Service monitors and accounts for the appropriated federal dollars by entering into a cooperative agreement with each of the management entities. This agreement is amended every year to show where National Park Service funding will be spent in the upcoming year. These expenditures are tied to implementing the adopted and approved management plan. At the end of the year, the areas send a final report showing how the funding was spent and provide an annual audit for review.

Question 3. Should any of the existing National Heritage Areas be designated as units of the National Park System? If so, which ones and what type of unit would be suitable?

Answer. The 1998 National Parks Omnibus Management Act established a standardized process for identifying and authorizing studies of potential new National Parks units. Before the agency can undertake a study on the feasibility and suitability of designating a new National Park unit, the study must be authorized by a specific act of Congress. At this time, the only study that has been authorized to examine the feasibility and suitability of designating a park unit in a national heritage area is a study of the Carrie Furnaces in the Rivers of Steel National Heritage Area in western Pennsylvania. The Carrie Furnaces are one of the few remaining complexes of the once extensive Homestead Steel works.

In general, most national heritage areas are large living landscapes encompassing multiple counties and millions of people. For tills reason, they are not suitable for management as National Park units. However, many national heritage areas have National Park units within their boundaries or on their borders. A number of close partnerships for enhanced resource conservation and interpretation have been developed between these parks and the surrounding areas.

Question 4. How many heritage areas has the National Park Service reviewed for possible study or designation? Of those, how many has the park service advised against designation?

Answer. Prior to 1998, the National Park Service had a legislative mandate to conduct studies of potential new parks under our own initiative, in response to specific legislative direction, or as directed in appropriations committee reports. Studies on potential new park units initiated after the adoption of the 1998 Omnibus Parks and Management Act require specific authorization by Congress.

In undertaking a study for a new park or a national heritage area, it is the responsibility of the National Park Service to make our best and most appropriate professional recommendation. For this reason, a study of a resource may lead to a different recommendation than the stated purpose of the initiating authorization. Although most of the studies are undertaken for either creation of a new unit or a heritage area, some studies led to the establishment of a new program for technical and financial assistance or other legislative action that does not fit well-defined categories of National Park Service units.

Of the last 100 Special Resource Studies undertaken, 24 looked at a region's qualifications as a potential national heritage area. Of those 24 studies, nine were determined to be either ineligible under the criteria for designation as a national heritage area or more appropriately classified under another designation such as a trail or a cultural center or incorporated into another already designated area.

Question 5. Twenty-four National Heritage Areas currently exist with only one full-time park service employee running the program. How many National Heritage Areas can the park service manage with the one individual currently responsible?

Answer. More than one individual works in support of National Heritage Areas. The National Park Service assigns staff in regional offices and National Park units to administer national heritage areas designated in their regions. For example, staff in the Southeast Regional Office is working with the recently designated Blue Ridge National Heritage Area. These assignments are collateral duties as part of their regular work, but they play an essential role in running the program. Under the Administration's legislative proposal on heritage areas, up to five percent of the funds made available to heritage areas could be used for technical assistance, administrative, and oversight duties by the National Park Service.

Question 6. In your testimony, you reference the "National Heritage Partnership Act" as legislation proposed by the administration. When do you expect to formally introduce the language? Does the language give private property owners the right to opt in or opt out? If, not, how does it address private property?

Answer. The administration's legislative proposal, the "National heritage Partnership Act" was presented with our testimony before the Subcommittee on National Parks, Senate Committee on Energy and Natural Resources, at the oversight hearing on the National Heritage Areas program on March 30, 2004 and was formally

transmitted to the President of the Senate on the same day. Based on our proposal, Senator Thomas introduced a bill on June 17, 2004 (S. 2543).

The proposal does not give property owners the right to opt in and out of the boundaries of a heritage area. However, it requires extensive public involvement in both preparing a feasibility study and in the development of a management plan for an area. In addition, Section 9 of the legislative proposal offers extensive private property and regulatory protections. It states explicitly that nothing in the act abridges the rights of property owners and further states that owners are not required to participate in heritage area plans or programs or to allow public access. In addition, heritage area designation does not alter duly adopted land use plans, authorize changes in water rights, diminish the authority of states to manage fish and wildlife, or create other liabilities.

Question 7. How does the National Park Service account for funds provided to National Heritage Areas?

Answer. For most national heritage areas, the National Park Service enters into a cooperative agreement that establishes the working relationship between the area and the agency. Each year the cooperative agreement is amended or modified to specify the area's annual work plan and budget to implement the heritage area's management plan. This document obligates the authorized funding. The areas then request advances or reimbursement using a standard form that ties the request to the annual modification (Standard Form 270). At the end of the financial year, the areas are required to send in an annual report. In addition, the cooperative agreement requires an annual financial audit to be provided to the agency. The agreements, modifications, and reimbursements are overseen by a warranted contract officer and the agency's technical representative.

Question 8. Does the park service conduct any audits of National Heritage Areas to ensure funds are being used for the intended purposes?

Answer. As part of the cooperative agreement process discussed above, the National Park Service requires national heritage areas to provide an annual financial audit. Based on the findings in the recent General Accounting Office report, the agency plans to develop guidelines for reviewing and monitoring expenditure of funds, audits and compliance with annual work plans.

QUESTIONS FROM SENATOR CAMPBELL

Question 1. How many National Heritage Area proposals are under consideration at this moment'?

Answer. As of April 1, there are eight study bills on six different areas and 26 designation bills on 15 different areas pending in Congress. So far only one new national heritage area has been designated during the 108th Congress (Blue Ridge National Heritage Area). A summary of pending heritage bills is attached. [Attachment B]* Based on earlier congressional authorizations, the National Park Service is studying three proposed national heritage areas: Buffalo Bayou in Houston, Texas, Muscle Shoals in Alabama and Niagara Falls in New York. In addition, a heritage area strategy is proposed as one of the alternatives in our recent study of the Low Country Gullah Culture in South Carolina and Georgia.

Question 2. What kind of notification will property owners receive if their land becomes incorporated as part of a heritage area?

Answer. Prior to designation, public meetings are held throughout the proposed national heritage area to inform residents about the proposal, to measure if strong, widespread support exists in the local community, and to discuss the boundaries of the area. These public meetings are advertised in local newspapers and publications. As part of the feasibility study that is required before an area is designated, residents and property owners discuss what resources they wish to protect, enhance and interpret and how best a boundary could be drawn to meet this goal; this feasibility study is sometimes undertaken by the National Park Service, but often undertaken by local community supporters.

The legislation enacted for each area treats private property issues in a different way. However, none of the current twenty-four areas have required individual owner notification. They do require public involvement in developing the management plan for the area. Our legislative proposal makes explicit the need for public involvement in preparing both a feasibility study for proposed areas and in developing the area's management plans. Section 9 also provides property owners with a number of specific guarantees that being included within a national heritage area will not require them to participate, permit public access, alter any adopted land use regulation or plan, appropriate water rights, diminish the right of the State to

*Attachment B has been retained in the subcommittee files.

manage fish and wildlife, or create any liability for any person injured on private land.

Questions 3 and 4. It seems to me that many national Heritage Areas express a local or regional rather than a national interest. Just as states have State Parks programs, many states, such as Colorado, have similarly successful heritage programs that are run on the state/local level. As well, it seems that the most successful heritage sites in the national program are those that are managed in conjunction with local community interests. In light of these facts, are these programs that might better be left to the states?

Answer. Some proposals for National Heritage Areas that lack nationally important resources may be more appropriately "left to the states." Seven states and many local groups have well-established and funded heritage area programs, and every state provides sonic form of support to historic preservation efforts. But for nationally important resources, it is appropriate for the federal government to recognize these areas.

Question 5. What exactly are the criteria by which a potential national heritage site is judged to have national interest above and beyond a more local and regional interest?

Answer. The National Park Service has the challenge of assessing levels of significance in making many of our resource-based designation decisions. Two examples include the evaluation of proposals to establish new units of the National Park System and designating properties as National Historic Landmarks. In making decisions on the national significance of new parklands or new landmarks, the agency applies criteria that have been established by statute and further explicated by regulations and guidance documents. The national heritage areas program has developed proposed criteria that draw upon the experience of both of these programs.

Our legislative proposal recognized that criteria are needed to determine whether a proposed national heritage area is indeed of national interest. Section 5 states that a feasibility study shall apply the following criteria to determine the feasibility of designating a proposed National Heritage Area:

(1) An area—

(i) has an assemblage of natural, historic, or cultural resources that together tell a nationally important story;

(ii) represents distinctive landscapes and aspects of our American heritage worthy of recognition, conservation, interpretation, and continuing use;

(iii) is best managed as such an assemblage through partnerships among public and private entities at the local or regional level;

(iv) reflects traditions, customs, beliefs, and folk life that are a valuable part of the national story;

(v) provides outstanding opportunities to conserve natural, cultural, historic, and/or scenic features;

(vi) provides outstanding recreational and educational opportunities; and

(vii) has the resources and traditional uses important to the identified stories and themes and these resources and uses retain a degree of integrity capable of interpretation.

(2) Residents, business interests, non-profit organizations, and governments including relevant Federal land management agencies within the proposed area are involved in the planning and have demonstrated significant support through letters and other means for National Heritage Area designation and management.

(3) The local coordinating entity responsible for preparing and implementing the management plan is identified.

(4) The proposed local coordinating entity and units of government supporting the designation are willing and have documented a significant commitment to work in partnership to protect, enhance and interpret resources within the heritage area.

(5) The proposed local coordinating entity has developed a conceptual financial plan that outlines the roles of all participants including the Federal government.

(6) The proposal is consistent with continued economic activity within the area.

(7) A conceptual boundary map has been developed and is supported by the public, and by participating Federal agencies.

To make these determinations, the National Park Service can draw on the resources of the criteria developed assessing new parkland and on the national historic landmark theme studies. In addition, if legislative criteria are adopted, additional guidance materials will be developed.

Question 6. In your opinion, how much has this program impacted the funding levels for other Park programs?

Answer. Funding for this program is relatively small compared to total NPS funding. The NPS was funded in FY 2004 at approximately $2.4 billion of which the

Heritage Partnership appropriation was $14.4 million. At the margins, however, it might have an impact. In FY 2004, Congress appropriated $7 million more than requested for National Heritage Areas, compared to $16 million in park base increases over FY 2003.

THE PROPERTY RIGHTS FOUNDATION OF AMERICA, INC.,
Stony Creek, NY, April 16, 2004.

Hon. CRAIG THOMAS,,
Chairman, Subcommittee on National Parks, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

Re: National Heritage Areas

DEAR SENATOR THOMAS: It was an honor to testify before the Energy and Natural Resources Committee on March 30, 2004. Thank you for the additional opportunity expressed in your letter of April 5, 2004 requesting my response to four sets of questions on National Heritage Areas. This letter is my reply, question by question.

I hope that these replies to your four questions about the National Heritage Area program are helpful and that the various angles from which I examined the program offer information, viewpoints and specific proposals that are worthwhile and practical to help preserve our heritage in its great diversity while promoting private property rights to their fullest extent as guaranteed in the United States Constitution.

Thank you for the honor of this opportunity of replying to your important questions.

Respectfully,

CAROL W. LAGRASSE,
President.

Question 1. The GAO did not find any adverse impact to private property. Do you have any specific examples of private property being adversely affected by a heritage area? What could GAO have done differently to better address private property impacts?

Answer. As I explained in my testimony, the system of partnerships, compacts, carrots and sticks, and the like to establish these greenway programs involves precipitating local, multi-jurisdictional and regional land use control enactments, land acquisition programs, and trails that adversely impact private property rights without putting the onus on the heritage area commissions or National Park Service to carry out the on-the-ground impositions on private property owners. My testimony cited clear-cut policy statements by the Park Service, management plans and formative thinking in the greenway advocacy world that show how the greenway system is designed to carry out its goal of landscape preservation.

As I explained on the telephone during the adversarial interview by Preston Heard and other members of the staff of the General Accounting Office during August 2003, the careful distancing of the official federal agencies from local land use jurisdiction makes it impossible for an organization of this modest capacity to investigate the impact of a National Heritage Area on private property rights. The investigator would have to follow a chain of events, from the creation of the management plan; the establishment of the heritage area commission; to the partnerships, compacts, many meetings of a public and less public nature; documents promulgated during implementation of the management plan and the like; resultant local, multi-jurisdictional, and regional enactments; enforcements by such non-federal agencies; and litigation. The investigator would have to do interviews and studies of affected property owners and studies of tax impacts. Such studies would have to be conducted over a reasonable period of time from establishment of a heritage area, perhaps in the neighborhood of a decade. Separate study of trails being created in connection with heritage areas would be essential and probably more quickly fruitful, because it appears that there is yet no way to establish trails through private property through legislation that leaves property owners entirely bamboozled about the taking of their rights, and once the trails are being created or are in existence, at least a few of the property owners take their time from compelling their day-to-day affairs to forcefully complain of infringements.

With respect to trails, which are unfailingly associated with heritage areas, it is relatively easy, when a complaint arrives here at PRFA to see a connection with a larger motivating entity, such as the National Park Service, whose behind-the-scenes responsibility for an innocent appearing segment of a relatively long trail in a particular locality can be brought to light. However, as with almost all examples of private property rights infringements that come to the attention of PRFA, examples of these trail infringements on private property rights come to the attention of

PRFA by pure happenstance, e.g., someone e-mails or telephones for help, mails a clipping, or the like.

Examples of threatened and executed condemnations, or threatened forced sales, for trails associated with heritage areas that have recently come to the attention of PRFA are:

a. The City of Schenectady, NY, threatened condemnation of the property belonging to Janice Revella for the 500-plus mile cross-state *National Park Service Erie Canalway Trail* within the *Erie Canal National Heritage Area*. (David Riley, "Tour de Schenectady—Local resident fights City Hall's attempt to put a bike path in her backyard"—*Metroland*, Albany, NY, Nov. 7, 2002)

b. The Town of Wawarsing, NY, initiated condemnation proceedings for the historic Port Ben railroad station owned by Herter Diener for the National Park Service-instigated cross-state Delaware and Hudson Canalway Trail within the Delaware and Hudson Heritage Corridor. (Dianne Wiebe, "Negotiations off track in drawn-out dispute over train station," *Daily Freeman.com*, Kingston, NY, 12/17/2002, referenced 8/7/03). This heritage corridor involves the Delaware and Hudson Heritage Corridor Alliance, but is not yet a National Park Service National Heritage Area.

c. Farmer Ed Richardson, whose land is located near the Saratoga National Historical Park in Stillwater, NY, complained about being approached to allow the trail through his property by representatives for the Champlain Canalway Trail, which is the northern spur to Lake Champlain from the Erie Canalway Trail in the Erie Canal National Heritage Area (according to a reports and an article in the *Saratogion*, Saratoga Springs, NY). Ironically, no newspaper article or other public information about this trail appeared until this reporter for the *Saratogian* read my article about the secrecy involved in the trail in the *New York Property Rights Clearinghouse* ("Saratoga County Canalway Trail Shrouded in Secrecy," Property Rights Foundation of America, Fall 2002).

d. Considering the National Parks typically have property rights impacts, a new 38-acre Homestead Words National Park being advocated by the Rivers of Steel National Heritage Area for the formerly 400-acre Homestead Works site may have property rights impacts if private land is contemplated for acquisition. (Ref.: *http:www.riversofsteel.com/ros.aspx?id=23&h=80&sn=95* Apr. 15, 2004)

The GAO could have should addressed property rights impacts more deliberately. When interviewing this property rights advocate, the GAO interviewers should have taken an interest made, instead of arguing about whether to hang up in disgust at this interviewee's remarks. With the viewpoint presented that the property rights impacts happen through the programs established through the Heritage Area, rather than directly, the GAO should have attempted to address that viewpoint. The report simply cites the concerns of property rights advocates and GAO interviews of officials involved with Heritage Areas and leading property rights advocates. This amounts to study by interview.

> ". . . However, property rights advocates fear the effects of provisions in some management plans. These provisions encourage local governments to implement land use policies that are consistent with the heritage areas' plans, which may allow the heritage areas to indirectly influence zoning and land use planning in ways that could restrict owners' use of their property. Nevertheless, heritage area officials, park Service headquarters and regional staff, and representatives of national property rights groups that we contacted were unable to provide us with any examples of a heritage area directly affecting—positively or negatively—private property values or use." (Excerpts from "What GAO Found," GAO Testimony Before the Committee on Energy and Natural Resources, U.S. Senate, March 30, 2004, on the page before page 1)

To study the impacts on private property rights, studies could consider:

- a comparison of the level of zoning before and after implementation of a Heritage Area, including a study of factors influencing changes in zoning with a mind to ascertaining how Heritage Area designation was involved;
- the change in land ownership patterns (e.g., government and non-profit as compared to private) after establishment of a Heritage Area;
- the change in property values, as compared to similarly situated properties outside during the same time period;
- census statistics showing changes in population age groups and ethnic constituency, income levels as after establishment of the Heritage Area (See Toni Thayer, "National Heritage Area. Water or Historical Preservation?" September 2003);

- real estate tax impacts, possibly caused by the reduction of availability of developable land and the high prices paid for land by government and non profits;
- increase in litigation following from zoning enacted after establishment of Heritage Area;
- study of treatment of property owners whose land is used for trails, involving interviews of every owner to consider the land acquisition or easement acquisition process, modeled after Bo Thott's study of National Park Service acquisitions of land from property owners ("Willing Seller Willing Buyer," Bo W. Thott, Washington County Alliance, Cutler, Maine, 1993, posted on PRFA web site at *http://www.prfamerica.org/WillingSeller/WillingBuyer.html*)
- surveys of land owners along trailways as to information made available as opposed to segmented development and concealed agenda;
- study of experience of trail easement property owners and neighboring property owners with liability and intrusions, as well as reverse harassment of property owners; and
- inventory of new or enlarged local and state parks, National Parks, Scenic Byways, All-American Roads, Wild and Scenic Rivers, National Historic Register designation of Sites or Districts, and similar government land acquisition and regulatory structures in Heritage Areas. Studies of affected property owners.

Question 2. Over 45 million people live within the boundaries of existing heritage areas. Do you think it would be feasible and even possible to implement a system for allowing each property owner to opt in or opt out?

Answer. This response is directed to the query about whether it would be feasible to implement a notification system for the opt in or opt out concept.

Yes, it would be feasible. Each individual Heritage Area would be, of course, tackled individually. The number of private property owners would be somewhat less than the population, considering household size and the fact that individual property owners hold multiple properties, and own rental properties.

In each real estate taxing jurisdiction, notices are routinely sent to every property owner for the taxes due on each property. All of this information is computerized today. Therefore, the name and address of every property owner are readily available in a form that is readily usable for mailing purposes to conduct an opt out or opt in survey.

In addition, it is common for jurisdictions to have access to GIS (Geographic Information Systems), whereby coordinate-based computerization of tax assessment maps can be utilized to select properties fitting almost any description, such as one-mile from a given watercourse. Today, this can be done automatically and all the names and addresses of these geographically selected property owners) even if the boundaries of the Heritage Area are not a municipal jurisdictional boundary) spewed out of the computer for a mailing for any purpose.

The opt in or opt out provisions would have importance even though they would not eliminate the property from within the bounds of the Heritage Area and its concomitant increase in land use restrictions and other pressures on property owners. The opt in or opt out provisions would afford property owners a notification process that the Heritage Area is in the works and be an even-handed notification that would encourage public participation from all sectors, not just the select few who are advocates for greenways and trails and those individuals who act as advocates for private property rights by attempting to assiduously monitor these programs.

Question 3. What sort of discussion have you had with representatives from the National Park Service or managers of any specific Heritage Areas regarding your concerns?

Answer. I have engaged in discussions with representatives of the National Park Service and managers of specific Heritage Areas on numerous occasions over the past decade and longer. With rare exceptions, the officials expressed their offense at my presence and questions by their contemptuous manner and refusal to straightforwardly answer my inquiries or to answer the inquiries at all. Park Service officials have attempted and to marginalize me, insult me, they have treated me in a consistently demeaning mariner, attempting to convey publicly that I and others concerned about property rights were ignoramuses, fanatics, and disrupters. Most interesting of all, except for one official whose work I complimented a number of years ago in the very respect that the higher officials were in the process of reversing, they have never taken any of my comments seriously or allowed any of my comments to have any impact on the direction of their programs, except for their becoming more secretive and evasive about the programs.

For purposes of this reply, I'll refer to only one or two specifics at four relatively recent discussions.

- Champlain Valley National Heritage Corridor: Meeting at the canal park in Whitehall on September 19, 2001, presided over by Bill Howland, Executive Director of the Lake Champlain Basin Program. This program involves New York, Vermont and Quebec, and is especially hard to get a handle on. It also goes by the name of the Champlain-Richelieu Valley Heritage Corridor. In the viewpoint of its many critics, this Heritage Corridor keeps metamorphosing. At present, after vociferous objections to the heritage corridor, the Lakes to Locks Scenic Byway appears to be an early implementation phase. At the meeting, I advocated that the continuous trail be eliminated. Thus comment was ignored. I asked Mr. Howland to divulge the federal funding to date. After some diversion tactics, he divulged the funding for that year, I noted his reply of $1.5 million from the EPA, $150,000 from USDA, $350,000 from National Park Service for heritage. (The latter caveat probably related to the fact the Park Service also funds the Lake Champlain Basin Program, along with other agencies.) The funding to date, which I requested, was not available.

Champlain Valley National Heritage Corridor: Meeting at City Hall, Plattsburgh, NY, November 19, 2001. The corridor name was referred to as the Champ lain-Richelieu Valley Heritage Area. Bill Howland, Champlain Basin Program, presided. Many opposition concerns were voiced from the floor. Opposition was dismissed as concerns because of the Adirondack Park. We were referred to as "the property rights people," by the person assisting him and, after objection, an apology was proffered to us for this. Mr. Howland said that the area would have no boundary. Jack Vitvitsky wanted to know the boundary that would be affected, but the lack of a boundary meant that no answer was given. I complained that the local lifestyle does not fit with tourism, because it may not necessarily fit the appealing formulas being prescribed, and that the program goals would present a fundamental problem for the ordinary local people. Mr. Howland asked for this comment to be stated in writing. Susan Allen asked, "Why are you writing the bill?" [and not us] No response to this. Mr. Howland claimed that there were no regulations contemplated, only grants, but the many people at the meeting who had not come to request grants did not believe him, because nothing of substance was offered to back up this statement, and the promotional aspect of the slides indicated a contrary scenic preservation goal. Concern was expressed about a federal Lakes to Locks Scenic Byway, which was formerly the state Champlain Valley Scenic Byway, but this topic was evaded. Mr. Howland claimed that he had refocused the program to economics on account of property rights. He said that he was considering an opt in/opt out method. However, he did not have any credibility, especially when he said that they had already entered into a contract with Quebec Labrador Foundation, an organization that no one concerned with property rights knew anything about. He said that funding was brought to the program by the National Park Service.

Champlain Canalway Trail: Cozy meeting in public school cafeteria, Schuylerviile, October 9, 2002. Attending were officials from the National Park Service, New York State Canal Corporation, consultant from the New York Parks and Conservation Association and perhaps two private individuals, totaling six individuals, plus my husband and I. My husband and I were not invited to this small meeting, as the public was not noticed. After sitting through the planning session to form a "local" "Friends" group and obtain a first grant, I attempted to obtain funding information, but was totally denied, and charged with being disruptive for persisting in my questions.

Erie Canalway National Heritage Corridor: Public meeting, Queensbury Town Hall, December 9, 2003. The official greeting attendees said that questions would be answered from the floor throughout the meeting, but no one called on me when I repeatedly raised my hand. I had to call my questions out. I asked for funding amounts, and was given partial information after repeating my question several tunes. During the section on recreation, I asked how the Erie Canalway Trail eminent domain "partnerships" with local municipalities worked, and pointed out Janice Revella in the audience, whose property was threatened by condemnation. I received no answer, and finally was told that eminent domain was not on the agenda. During the section on economic development partnerships, I asked how the partnerships worked that a single developer was sold all the development rights to the entire 500-plus wile canal for a mere $30,000 (Michelle Breidenbach, "Man pays $30K for canal rights, *Syracuse Post-Standard*, article published in *Post-Star*, Glens Falls, NY, September 15, 2003), and was told that this was the Canal Corporation, which was entirely separate. However, a few minutes later, the presiding officer introduced a representative of the Canal Corporation in the audience, as though he were an honored guest.

Question 4. Heritage Areas are here to stay, but we have an opportunity to make improvements as new Heritage Areas are proposed. What recommendations would you make for protecting private property rights in current and future Heritage Areas?

Answer. The following recommendations would allow the preservation of the nation's heritage to receive federal support while eliminating the greenway potential of Heritage Areas and the infringements on property rights that are designed into the Heritage Area program.

Respect and Promote Living Historic Heritage

Where a specific heritage is to be preserved, such as an industrial heritage, the heritage program should feature the importance of industry to the heritage of the area up to the present time. For instance, the Congress should require a certain proportion of funding to involve a promotion of awareness of the importance of modern factories and industrial production, and the heritage program proffered in the management plan could also promote tours of modern operating factories and industrial facilities. Factory tours have rebounded in popularity, and this could be promoted with the heritage program. For example, in New York's Hudson Valley, tours of the large shorefront facilities of the cement industry should be facilitated with federal funding.

Where the heritage is lumber production, typical landscape preservation consultants who produce falsified history should be avoided, and qualified historians who retain an interest in the present used. An example in upstate New York where a Scenic Byway kiosk system was put in place, this focus on preserving the living heritage would change the policy so that the role of government land acquisition in reducing timber production would be factually presented, rather than blaming industrial factors. Tours of present-day logging operations could be promoted. In Corinth, NY, a historic paper mill operated by International Paper Company on the Hudson River recently closed. Federal investment for living historic preservation might make a difference in the maintenance of such living heritage typical to a geographic region.

Establish a Fair Granting Process

Where Heritage Areas and trails are being promoted, the granting process is preordained by the relationships that already exist between the National Park Service and its "partners" consultants. The application process should be publicly and widely advertised and all comers should be able to apply for the lucrative grants that become available. Consultants such as the New York Parks and Conservation Association should not be routinely selected, but should have to compete in, the open arena. Subcontracts through consultants should be accessible to freedom of information law where government funds are involved. A variety of "heritage" projects should be open to competition, including those that benefit private property owners rather than nonprofits and government entities.

Establish Procedures for Public Scrutiny of Budget at the Local Level

Open up to public scrutiny the budget of the entire heritage process, including all funding from "partner" agencies at federal, state, regional and local level. Publicly maintain financial statements and audits of the origin and routing of all funding from appropriation to on-the-ground expenditures for actual work. Where funding is contemplated that affects a particular area, advertise publicly for public comment on that expenditure.

Eliminate Geographic Delineation of Heritage Areas

Heritage programs should not be geographically delineated because this works toward the greenway goal and landscape preservation that has been central to National Heritage Areas from inception. With the realization that Heritage Areas are not about historic preservation or any but the most narrow sphere of economic development, comes the necessity of a single measure that would stymie their purpose of landscape preservation. Instead of geographically delineated Heritage program, direct the program to block grants allocated state-by-state by an agency that is not geared to landscape preservation, such as Housing and Urban Development, the Department of Commerce, or a new bureau in the National Park Service that is not oriented to landscape preservation, but is instead expert in all spheres of national heritage, especially the living industrial heritage and the continuing multifaceted independent rural lifestyle with its scruffy way of living that is not designed to fit into an elite subdivision.

Instead of attempting to restore the quaint past by regulation, where the product is only empty shells of dead villages that lonely city dwellers visit transiently, let's

celebrate the past along with the constant evolution of new traditions in the context of our evolving heritage.

Instead of implementing harsh landscape preservation where ordinary rural people will be displaced, get the federal government our of sophisticated advocacy for land use control, and let the chips fall where they may with local people controlling their future with the degree of planning regulation that they freely choose without heavy pressure from the "experts."

Prohibit all the Partnerships and the Park Service's Self-Promotion

Prohibit the Park Service from promotional work for its policies at the local level, and from studies of historical or regional areas. Prohibit the Park Service from working with nonprofit agencies. This can be accomplished by opening up the procurement process to bidding. This change can be assisted by ceasing to write any specific non-profit into Congressional legislation.

Take the Park Service out of Trail Development

With its terrible record of treatment of private property owners, and its one-sided agenda of promoting landscape preservation to the detriment of the maintenance of existing National Parks, it is essential to get the Park Service's spidery reach out of private property all across the country. An important and easy way to accomplish this is to prohibit the Park Service and its personnel from participating in the studies and development of trails, or developing support organizations. All trails should be publicly laid out in their full length, width and other aspects, such as style of ownership and access, desired viewsheds, from the proposal stage, and all potentially affected property owners individually notified. If trails are developed, the development should be administered by the Department of Transportation and the eminent domain protection protections under the federal highway law applied.

Inventory Government-Owned Land

No additional Heritage Areas should be established and no further development of trails should take place until a full inventory of lands owned by the federal and state government, and of federal areas such as National Heritage Areas and trails, is completed.

Conduct Environmental Impact Analysis of Heritage Areas, Including Land Ownership Impact Studies

In some federal areas under consideration in Congress, major changes of land ownership patterns are underway. Consider the Highlands Area proposed for Northern New Jersey, Southeastern New York, eastern Pennsylvania, and western Connecticut. In New York, the State government, the Open Space Institute, other land trusts, and other agencies are cutting into the base of private land ownership without any land ownership impact studies being conducted. Tax impacts are becoming profound, while future economic potential is being narrowed. If an area is to be designated, contrary to the recommendation above, when it is proposed, the specific area should be studied for land ownership trends and these should be projected, with the concomitant taxation and economic and social impacts, in an environmental impact study in accordance with NEPA.

RESPONSES OF DENNIS FRENCHMAN TO QUESTIONS FROM THE SUBCOMMITTEE ON NATIONAL PARKS

Question 1. Do heritage areas similar to those in the United State exist in any other countries? If so, how common are they?

Answer. Heritage areas similar to those in the United States do exist in many other countries, including countries in Europe and South America, Canada and Mexico, and increasingly in China. Local and national governments have supported the creation of heritage areas, as have international organizations such as the Council of Europe, the European Union, UNESCO, and the World Bank.

The greatest number of heritage areas is found in European countries, where, called by a variety of names, they have become increasingly common since the 1970's. In general, heritage areas have been motivated by the desire to conserve evidence of national heritage and European regional identity in an era of globalization and growing homogeneity. As in the U.S., these projects involve territories of different sizes and historical themes, managed by partnership entities, with no control over land use.

The European Union (EU) has encouraged the formation of heritage areas by providing support for regional projects that encourage cooperation among cities and areas with distinctive cultural or natural features that bind them together, even

across national boundaries. The EU provides no central source for funding heritage areas, however, support for related projects is a priority in a number of important development programs, for example: The Energy, Environment and Sustainable Development Program earmarked almost $200 million (1998-2002) for "city of tomorrow and cultural heritage" efforts to inventory, conserve, and promote sustainable development of regional heritage resources.[1] The Intereg Program, which has funded many heritage area projects, is providing about $270 million per year (2000-2004) for regional economic and cultural development promoting regional identity, cultural awareness, and sustainability.[2] The EU and the Council of Europe also support the European Heritage Network, an extensive database and information exchange on heritage projects, programs, funding, and best practice across the continent. Heritage areas have used these resources, in combination with national and local support, to plan for and develop heritage assets.

The nature and extensiveness of heritage areas in Europe varies from country to country, as does the level of national support. However, important examples of Heritage area development can be found in almost every country. One interesting aspect of the movement is the growing number of heritage areas being created in Eastern Europe, where traditional settings and ways of life have survived amidst economic dislocation. In these places conservation of heritage and distinctive cultural landscapes is seen as essential in the transition to a market economy because it provides a vehicle for regeneration and sustainable development. Many of the individual heritage areas and several national programs that have been created in Europe are innovative and could inform the evolution of national heritage areas in the U.S. Some particularly relevant examples are discussed below.

BRITAIN: INDUSTRIAL HERITAGE AREAS

England includes some of the earliest and most important historic sites related to the industrial revolution and has pioneered the creation of heritage areas to conserve and develop these resources. Heritage and conservation projects are locally driven and managed but benefit from generous national support made available through the Heritage Lottery Fund, which provided about $58 million for cultural landscape, townscape, and local heritage area projects in 2004 (out of a total income of over $500 million primarily earmarked for building preservation), and from English Heritage grants.[3]

A pioneering example of a British heritage area is *Ironbridge Gorge* organized beginning in the late 1960's. It encompasses six square miles of territory along the River Severn in Shropshire where an 18th century landscape of early iron mines, foundries, and mills is conserved amidst functioning towns and contemporary development. The project is involves a consortium of local municipalities; the Severn Gorge Countryside Trust, and the private Ironbridge Gorge Museum Trust. The museum operates 10 landmark interpretive sites with an annual income of $11 million. Since its founding, over $50 million in private donations coupled with support from English Heritage, the Heritage Lottery Fund and other sources have been used to preserve and interpret key sites and encourage conservation of the valley landscape.[4] A more recent example is the *Derwent Valley World Heritage Area*, established in 2001, which includes historic mills, towns, canals, and landscape along 18 miles of the Derwent River, where integrated textile manufacturing was first developed by Sr. William Arkwright beginning in 1769. The project is managed by the Derwent Valley Mills Partnership representing local governments, non-profit cultural and development agencies, English Heritage, and UNESCO. A Management Action Plan spells out specific funding and implementation responsibilities of the partners, who have agreed to "conserve the unique and important cultural landscape of the Derwent Valley . . . to interpret and promote its assets; and to enhance its character, appearance and economic well-being in a sustainable manner.[5] Approximately $2.1 million (2001) per year has been budgeted for studies and capital projects, derived from the Heritage Lottery Fund, English Heritage grants, and

[1] "Energy, Environment and Sustainable Development; Key Action: Cities of Tomorrow and Cultural Heritage." (Fifth Framework Program 1998-2002). European Commission, 2002. *http://www.cordis.lu/fp5/src/budget4.htm*

[2] "Interreg IIIC: Program". European Union, 2004 *http://www.interreg3c.net/sixcms/list.php?page=home en.htm*

[3] "2004 Business Plan." Heritage Lottery Fund and the National Heritage Memorial Fund, 2004. *http://www.hlf.org.uk/dimages/Business Plan 2004/BusinessPlan2004.pdf*

[4] "Management Plan: Ironbridge Gorge. Ironbridge Gorge World Heritage Site Strategy Group, 2000. *http://www.telford.gov.uk/FreeTime/LocalHistory/IronbridgeWHSManagementPlan.htm*

[5] "Management Plan: Derwent Valley Mills World Heritage Site." Derwent Valley Partnership, 2003. p. 2. *http://www.derbyshire.gov.uk/enviro/ENV1556.pdf*

local government contributions.[6] The partnership promotes conservation and economic development; it has no land use control but provides financial incentives to private owners to encourage re-use and incorporate interpretation within their sites.

FRANCE: REGIONAL ENVIRONMENT PARKS

Since 1968, 42 nationally designated "regional parks" have been established in France to help conserve cultural landscapes combining scenic and heritage resources that illustrate aspects of French culture and that are now threatened either with rampant urbanization or loss of economic productiveness.[7] These projects include urban and rural areas that range in size up from a few hundred up to a thousand square miles. While Regional Environment Parks receive federal designation and support, they are completely distinct from French National Parks that, as in the U.S., involve premier resources of high integrity on lands owned entirely by the government.

French Regional Environment Parks have many similarities to U.S. National Heritage Areas, and the French program illustrates some lessons that might be transferable to the U.S. The goals of the program are to: Conserve areas and themes of national importance; contribute to rational land use planning in these areas; promote the use of heritage and natural resources for economic social and cultural development; educate and inform public; and create a supportive network of projects and institutions. To achieve this at each park, the national government joins in partnership with local governments and the private sector in an "innovative contractual process". Proposed areas must undergo a planning process leading to a "park charter" that establishes goals, actions, implementation measures and responsibilities. Boundaries are negotiated by all the partners and must, along with the "park charter", be ratified by municipalities involved. Charters extend for a ten-year time frame, after which they must be reviewed and renewed. Once designated, the regional parks can use the official seal of the program, widely recognized in France, to promote environmental quality and heritage. Most parks are managed by local partnership organizations with a small permanent staff and many volunteers. The national government contributes up to $1.1 million per year to assist each project, matched by funds from local governments and private partners.[8]

An example project is *Vosges du Nord*, covering an area of 476 sq. miles in Alsace-Loraine, the northwest corner of France, in which 76,000 people live.[9] The unusual sandstone landscape includes remains of early glassmaking and iron industries, distinctive regional architecture, and defensive fortifications dating from medieval times through the Maginot Line fortifications of the 1930's. Regional tour routes and recreational trails link urban and rural interpretive sites that convey the story of the region.

SCANDINAVIA: ECO-MUSEUMS AND PARKS

With a history dating back to the 1890's, eco-parks blossomed in Scandinavia in the 1970's as a movement to pull education and interpretation out of tradition museums and into the active landscape of cities, towns and settings that capture cultural heritage, sites, and stories of regional and national significance. They have been described as museums without walls or museums "in situ" (rather than museums in buildings), where local residents and groups are the curators who define, protect, enhance and explain the unique characteristics of their own area and way of life. Paralleling the American notion of Heritage Areas, they involve territories of differing sizes, sometimes disaggregated, bounded by the extent of a particular historical economic activity or regional culture.

Eco-museums are typically managed by local non-profit groups with government assistance. They focus on conservation and educational programs and the re-use of heritage resources to attract tourism and compatible economic development. In many places they are seen as a means to maintain local and national identity and distinctiveness in the face of increasing European homogeneity. Such "museums" may acquire landmark buildings and sites to conserve them for educational purposes, exhibits, or visitor services, or to help preserve them through private re-use, however, eco-museums are not concerned with land use controls, zoning, or large-

[6] Derwent Valley Mills Partnership, April 2003. p. 35.

[7] "Promoting and Preserving." Parcs naturels regionaux de France, 2004. *http://www.parcs-naturels-regionaux.tm.fr/un_parc/index_en.html*

[8] "The Land: Operating Budget." Parcs naturels regionaux de France, 2004. *http://www.parcs-naturels-regionaux.tm.fr/un_parc/priseenmain_en.html*

[9] "Northern Vosges Regional Natural Park." Parcs naturels regionaux de France, 2004. *http://www.parcs-naturels-regionaux.tm.fr/lesparcs/vonoa_en.html*

scale development, relying on incentives and educational programs to raise public consciousness about the special qualities of the territory and the values of conservation. Today there are over a dozen major projects of this type in Scandinavian countries and many more elsewhere in Europe, particularly the Netherlands, Germany, Italy and Portugal.[10]

A prime example of an eco-park is *Ecomuseum Bergsladen* in Sweden, encompassing the country's historic iron mining area, which declined in the last century. The project was initiated in the late 1980's with the mission to "reinforce the sense of identity of the inhabitants, to exalt the characteristic aspect of the region, and to foster tourism development." It includes over 50 interpreted sites spread across seven municipalities, including mines, villages, furnaces, an oil refinery, and mills interlinked by a network of historic roads, rails, and canals all intertwined with the contemporary environment. The project is managed by a non-profit foundation established by the municipalities, with a small annual budget of about $200,000 funded by them and the national government of Sweden. Significantly, the foundation owns no property or collections; it provides planning, coordination, development assistance, conservation, and educational services through a network of over 1200 volunteers who work with local sites owned by private citizens, societies, and associations.[11]

GERMANY: EMSHER PARK

There are many eco-museum type projects and regional heritage areas in west and east Germany, however, the premier example is *Emscher Park*, encompassing an area of the Ruhr Valley that was Germany's industrial heartland from the 19th century. Steel mills, coke smelters, coal mines, and chemical plants were abandoned in the 1970's, leaving a degraded physical environment and economic decline. The Emsher Park project was initiated in 1989 by the state of North Rhine-Westphalia to reclaim the natural ecology of the area while conserving and redeveloping its industrial heritage for new economic uses, recreation and culture. A non-profit corporation, IBA Emsher Park, was established to plan and coordinate a 10-year long initiative involving local municipalities, institutions, and private developers in over 100 projects spread over an area of 800 square kilometers along the River Emsher.[12] Included have been an integrated set of historic building re-use efforts combined with compatible new construction of research centers, restoration of watercourses and brownfield sites; creation of museums, cultural facilities, and public parks; and heritage education programs.

IBA Emsher Park develops no projects of its own and has no direct influence over local municipalities, developers or private property. Instead, it has encouraged joint ventures between local governments and private companies, and advocated for financing from private, state and federal government programs, and the European Union. By 1999, over $3 billion in public and private funds had been channeled through IBA Emsher Park projects that have transformed the landscape and economic base of the region.[13]

SPAIN: LLOBREGAT RIVER CORRIDOR

Spain, too, has many regional heritage projects. One of the more innovative is along the *Llobregat River Corridor*, stretching 120 miles from the Pyrenees south to Barcelona and the Mediterranean. The Llobregat is known as the "hardest working river in Europe." From the 19th century it provided a source of power for industry, including textile mills that created the wealth of Barcelona, and a source of water and fertile soil that nourished its population. By the 1980's, the textile mills were abandoned and agricultural lands were threatened with pollution and urban encroachment. Nevertheless, the river landscape preserved an extraordinary record of industrial and social development including historic bridges, irrigation channels, dams, factories, textile communities, mines and railroads. These are now being conserved, interpreted and developed through an integrated series of local and regional initiatives. For example, the Museum of Science and Technology of Catalunya has

---

[10] Maggi, Maurizio and Falletti, Vittorio. *Ecomuseums in Europe: What they are and what they can be.* Istituto Ricerche Economico-Sociali del Piemonte, June 2000. *http://www.ecomusei.net/User/museologia/Libri/rapporto%20in%20inglese.pdf*

[11] Istituto Ricerche Economico-Sociali del Piemonte, June 2000. p. 59.

[12] Almaas, Ingerid Helsing. "Regenerating the Ruhr: IBA Emscher Park project for the Regeneration of Germany's Ruhr Region," *The Architectural Review.* February, 1999. *http://www.findarticles.com/cf_dls/m3575/1224_205/54172205/p1/article.jhtml*

[13] Christ, Wolfgang. "RuhRegion vs. 7.0: From Kohlenpott via Emsherpark to Ruhrstadt." Regeneration Conference Southampton, April 3, 2003. *http://www.uni-weimar.de/architektur/staedtebaul/forschung/aufsaetze/ruhrregion_vs7_en.htm*

developed several theme museums on textiles, railroads, coal mining, and other industries. Taking a page from American heritage areas, a new regional plan has organized the river corridor into a series of seven thematic areas and "gateway" interpretive sites. Regional public investments in infrastructure and interpretation are prioritized towards projects that help to implement the plan.

Two of the theme areas have been organized into heritage areas, with support and funding from the regional and national (Catalan) governments. *Parc Agrari del Baix Llobregat* encompasses agricultural lands in the river delta, covering some 15 square miles bordered by the dense Barcelona metropolitan area, with a total population over 2.5 million inhabitants. An authority representing over 1500 small agricultural concerns in the delta, 14 local municipalities, and the regional and Catalan governments, manages the park and provides funding. It is charged to conserve agricultural land, historic irrigation channels, haciendas and farming settlements; restore ecological balance; advocate for sensitive development; and establish educational institutions in the delta to research urban agriculture and economic development. *Parc de les Colonies del Llobregat* extends for 18 miles along the river north of Barcelona, encompassing fifteen historic textile mill towns, or "Colonies", located with eight contemporary municipalities with a total population of about 12,000 people. It is managed by an autonomous Board of Trustees representing local municipalities and chaired by the regional government. The park is organized around a regional tour route linking key scenic and historic sites and museums operated by civic organizations. The park advocates for conservation and economic regeneration of the area though tourism and private re-use of historic infrastructure, working with private owners, banks, and government agencies.[14]

HERITAGE AREAS IN ASIA AND CHINA

Given the tremendous economic development now going on in Asia, it is worth noting that there has been a parallel development of heritage areas in Japan, Vietnam, and China. In China, these projects have been motivated in part by a national drive to inscribe sites on UNESCO's World Heritage List. Many of the 29 Chinese sites involve large areas and city-regions with emerging management partnerships.[15] For example, six historic *Yangtze River canal towns* dating from the Ming Dynasty have joined in a single designation and are now cooperating to develop regional conservation and tourism development strategies. The port city of *Ningbo* has adopted a strategy of preservation, education, and economic development to conserve and re-use its historic urban fabric and countryside with a history dating back to medieval China. The project was initiated in the early 1990's following the decline of traditional shipping and distribution industries; it is managed by a partnership between the city, international agencies and universities using International Development Association and Chinese government funding. Some projects have been inspired by U.S. National Heritage Areas. For example, in Yunnan Province the I&M and Ohio and Erie Canals have provided the model for organizing a heritage area along the *Tea Route and Southern Silk Road*. Towns along the historic trade route are the most ethnically diverse in China and have adopted a partnership program to promote culture, conservation, sustainable development, and international tourism. Projects of these types are receiving increasing attention and support from the national government, with assistance from the World Bank and UNESCO.

Question 2. Existing heritage areas are broadly defined and range in scope from relatively small to an entire state. Can you think of any way to define heritage areas based on urban planning criteria?

Answer. The broad range of existing national heritage areas derives partially from their differing historical themes and landscapes, and partially from the lack of a coherent program to define what a national heritage area is or should encompass. In the absence of a program, national heritage areas have become whatever Congress chooses to designate. The resulting lack of consistency makes it difficult to determine how best to support and guide the planning and development of heritage areas in the short run, and in the long run, it could devalue the designation.

From an urban planning perspective, the situation could be improved by a clearer set of written criteria for defining and bounding heritage areas, but this is only part of the need. Also needed is a process to apply the criteria that will ensure that the areas that are designated can be managed and sustained.

---

[14] Sabate, Joachim, et al., *Designing the Llobregat Corridor*. Universitat Politecnica de Catalunya and Massachusetts Institute of Technology, 2001.

[15] "World Heritage Sites in China." Chinese National Tourist Office, 2002. *http://www.tourismchina-ca.com/wheritage.html*

With respect to criteria, there is now ample experience with heritage areas in the U.S. and other countries to make a clear list about what they should contain. The NSP already has a de facto set of criteria embedded in their specification for a feasibility/suitability study for National Heritage Areas (see Statements of Dennis Galvin on October 26, 1999 and de Teel Patterson on October 16, 2003 before the House Subcommittee on National Parks and Public Lands). However, the NPS criteria are rather general and basically silent on the issue of boundary. In the context of creating a National Heritage Area program, I would suggest two clarifications to the criteria:

1. The presence of a narrative, or nationally important story, rather than general historical themes, should be a basis for designation. Thus, the Derwent Valley Mills World Heritage area, tells the story of the early development of British textile industry in Shropshire; the Lackawanna National Heritage Area captures the story of anthracite coal mining and miners in the hills of Pennsylvania, key to the development of major U.S. cities; Emsher Park is built on the narrative of German iron and steel-making in the Ruhr Valley. National importance might be measured by the continuing relevance of the story to American life.

2. The heritage area boundary should focus on those sites, resources, routes and distinctive landscapes or settings that illustrate key elements of the story. This evidence may stretch over a rather large area—the Lackawanna Valley is 40 miles long, for example—or disaggregated areas, and a boundary would likely circumscribe contemporary development intertwined with the cultural landscape. In fact, present day features could be an important part of the story if they are a legacy of historical Industries, routes of movement, or ways of life. Not appropriate under this criterion would be to incorporate territories that are unrelated to the story, but which have been included to conform to political boundaries, spread the benefits of the project, or other reasons.

An Advisory Panel (see testimony, March 30, 2004) could help to review the national importance of particular narratives and the appropriateness of the boundaries of proposed heritage areas. Incorporating representatives of existing heritage areas and scholars would help ensure the credibility of the panel.

With respect to defining heritage areas that are sustainable and manageable, the French process of creating Regional environment parks offers a straightforward approach to designation and boundary definition that seems applicable in the U.S.:

1. Proposed areas would undergo an inclusive planning/feasibility process, to define the storyline, goals, implementation actions and partners. Partners would typically include local municipalities, the NPS, a local management entity, and potentially other stakeholders. The partners must agree on the story and extent of the area.

2. Partners including municipalities must signify their acceptance of the boundaries, plan, and individual financial or programmatic commitments to implement aspects of the project by ratifying a "heritage area compact".

3. A ratified compact and favorable review by the Advisory Committee would be a prerequisite for designation. Once designated, a heritage area could use the NPS logo, access technical assistance, and receive limited funds for planning and programs (no acquisition) as part of the federal commitment to the compact, presumably matched by local funds and support.

4. The compact would extend for 10 years, after which it must be reviewed and renewed.

This approach would allow local flexibility and is similar in many ways to what the NPS has advocated. However, it would more clearly define and to some degree standardize the federal role in the process while providing a set of checks and balances to help ensure that designated national projects are appropriate and sustainable.

RESPONSES OF BARRY HILL TO QUESTIONS FROM SENATOR THOMAS

Question 1. In the course of your review, did you find any specific examples of private property being adversely affected by a heritage area?

Answer. GAO found no examples of a heritage area directly affecting—positively or negatively—private property values or use. We asked officials at the 24 heritage areas, Park Service headquarters and regional staff working with these areas, and representatives of six national property rights groups to provide us examples and they could not. However, we believe that, as the number of heritage areas increases, the effects, if any, of the areas on private property need to be monitored carefully.

Question 2. Do you see any limit in the number of potential heritage areas if criteria for designation are based on existing areas?

Answer. Because there is no systematic process for identifying and designating heritage areas and the criteria the Park Service uses is broad and open to interpretation, it may be difficult to limit the number of future heritage areas, if the Congress wishes to do so. The Congress has designated a number of heritage areas (1) without complete studies of their qualifications, (2) without the Park Service's advice, or (3) against its advice. Using the current criteria, the Park Service has found that most sites it has evaluated would qualify as heritage areas.

Question 3. What do you consider the most significant finding of the GAO review?

Answer. GAO's most significant finding is that the Park Service lacks an effective process for ensuring that national heritage areas are accountable for their use of federal funds. In this regard, we found that the Park Service:

- does not always review the areas' annual financial audit reports, although the agency is ultimately the federal agency responsible for heritage area projects that are financed with federal funds;
- has not yet developed clearly defined, consistent, and systematic standards and processes for regional staff to use in reviewing the adequacy of areas' management plans, although these reviews are one of the Park Service's primary heritage area responsibilities; and
- has not yet developed results—oriented performance goals and measures consistent with the requirements of the Government Performance and Results Act—that would, help to ensure the efficiency and effectiveness of its heritage area activities.

RESPONSES OF BARRY HILL TO QUESTIONS FROM SENATOR CAMPBELL

Question 1. How many National Heritage Area proposals are under consideration at this moment?

Answer. According to the Park Service, as of April 1, 2004, 8 bills had been introduced in the 108th Congress to study the eligibility of 6 locations as national heritage areas and 29 bills had been introduced proposing the designation of 16 locations as national heritage areas.

Question 2. What kind of notification will property owners receive if their land becomes incorporated as part of a heritage area?

Answer. GAO did not specifically review how private property owners were notified when the existing heritage areas were designated. Because these areas are managed locally by a management entity, these entities would likely determine how property owners will be notified if their land becomes part of a heritage area in the future.

Question 3. It seems to me that many national heritage areas express a local or regional rather than a national interest. Just as states have State Parks programs, many states, such as Colorado, have similarly successful heritage programs that are run on state and/or local levels. As well, it seems that the most successful heritage sites in the national program are those that are managed in conjunction with local community interests.

Answer. (Statement—question follows: #4)

Question 4. In light of these facts, are these programs something that might be better left to the states?

Answer. GAO did not specifically review or evaluate alternative options for providing assistance to or managing heritage areas.

Question 5. What exactly are the criteria by which a potential national heritage site is judged to have national interest above and beyond a more local or regional interest?

Answer. GAO did not specifically review the basis on which the National Park Service makes its determinations as to the national importance of potential heritage areas. Our work indicates that, like the designation criteria overall, this determination is subjective and open to interpretation. The Park Service could better address this issue.

Question 6. In your opinion, how much has this program impacted the funding levels for other Parks programs?

Answer. GAO found that the Park Service regions that provide support to the national heritage areas receive no funding for these activities. Therefore, to assist the areas, the regions must divert resources from other areas. While it would appear that this could potentially affect other Park Service programs, GAO did not specifically address this issue in our work.

RESPONSES OF AUGUST R. CARLINO TO QUESTIONS FROM SENATOR THOMAS

Question 1. Over 100 State heritage areas exist across the nation without federal funding or other federal involvement. Why is federal funding and other involvement necessary for the 24 existing National Heritage Areas?

Answer. Federal funding and involvement is provided to the 24 NHAs because Congress has determined the historic, cultural, and natural resources of the NHA have national significance and, therefore, warrant federal funding and involvement. This is the fundamental and primary question that should be asked by the Congress for any region contemplating designation as a heritage area—is "national" designation necessary and warranted?

With the National Heritage Area designation, Congress has separated these 24 NHAs from all other heritage areas in the nation and authorized assistance to the NHA in the form of annual National Park Service appropriations, and technical assistance. With the "National Heritage Area" designation, Congress has distinguished these 24 heritage areas from other state or local heritage areas, just as Congress has done in distinguishing National Parks, National Historic Site, Monuments or other NIPS units from state parks or historic sites. However, if Congress adopts the proposed National Park Service approach of designating an NHA before the management plan is completed, it runs the risk of authorizing funding and assistance to a heritage area that may not meet the test of national significance. In addition, Congress will be making a determination and granting approval to an NHA before all of the planning work is completed. The completion of a management plan for an NHA is critical and necessary before the designation; without it, Congress has little information to consider on which to base its determination of whether or not the heritage area has national significance or even will be viable.

Question 2. What is the role of the National Park Service in your Heritage Area?

Answer. Over the years, the National Park Service has played a critical role as a supporting partner to Rivers of Steel. Early on during the feasibility and management planning phases, the NPS worked closely with the Steel Industry Heritage Corporation and the communities of Southwestern Pennsylvania, providing technical assistance for the plans. After designation, NPS continued to hold a "counsel" role as an ex officio member of the Board of Directors of SIHC. In addition, NPS provides assistance on key preservation and recreational resource projects in the Rivers of Steel National Heritage Area. Finally, NPS oversees the cooperative agreements between SIHC and the agency. These documents are used to direct the appropriations to the projects in the Rivers of Steel National Heritage Area.

Question 3. How does your management plan address land use or private property?

Answer. The Rivers of Steel Management Action Plan does not address the issues of land use, zoning, or private property rights. During the feasibility study and management plan phases, more than 700 community meetings were held over a period of 7 years throughout Southwestern Pennsylvania. Never in that time was there any question raised by any citizen, property owner, local official or other organizational representative as to the effect that the designation of the National or State (Pennsylvania) Heritage Area would have on private property. The Rivers of Steel Management Plan acknowledges that land or property must be acquired through purchase or donation for certain heritage development actions to take place. Further, the Rivers of Steel Management Plan does not make any recommendations or suggestions for zoning changes for local governments to undertake.

Question 4. Have you ever attempted to influence land use or zoning within the heritage area, and if so, what was the public's reaction?

Answer. As I stated above, SIHC and Rivers of Steel has never involved itself in any local government discussion on general zoning or land use policies. We have, however, met with local governments to make requests for land uses for property that we own that needed certain conditional permitted uses for preservation or development to take place.

Question 5. We have heard that National Heritage Areas are a great way to leverage Federal funds. In fact, I've heard that every Federal dollar is matched by 8.7 dollars from other sources. Why is the Federal dollar needed when the program is successful at garnering outside support?

Answer. As I have stated in my testimony, the federal funding that comes from the Interior Appropriations is critical for the continued success of the National Heritage Areas. First, the Appropriations provides the seed investment for the NHAs to use to as advance funding to help leverage other forms of investment, whether from other federal sources, or from state and local governments or foundations or private sources. The first dollars pledged are often the most difficult money to raise for any project. After the seed investment is provided, other funding partners can

be sought, often successfully, especially if the initial seed is from the principal partner, in this case the National Park Service.

Second, NPS funds often have the greatest flexibility, simply because they were designed by Congress to meet the overall goals and projects defined in the National Heritage Area's management plan. The NHA can use these funds, therefore, for a wide variety of uses, as grant funding to communities, as bridge or gap funding for specific ongoing projects, to cover operating expenses, or for other purposes as permitted. Further, because the funds are used to implement the goals and objectives of the management plan, Congress should be careful not to appropriate funding to the proposed NHA prior to designation, as I explain in Question #1 above.

Third, raising funds for any project becomes more difficult if the principle funding partner(s) would begin to withdraw or withhold funding. NPS funding provides a level of credibility to the NHA attempting to raise the additional money, and it provides a level of surety to the other funding partners that the Federal government is committed to the NHA. If the funding were not available, other partners could begin to withdraw their support from the NHA. Simply stated, it would be safe to conclude that the remarkable funding ratio of $8.70-to-$1.00 as demonstrated to date by the NHAs would be far less without the NPS appropriations.

I understand that Congress has very difficult budget considerations to make this year, and for many years to come, for many worthwhile projects and programs. I am surprised, quite honestly, that there seems to be questions raised as to the need for the NPS funds for NHAs based upon the funding track records, and match rations of the 24 National Heritage Areas. NHAs work very hard at guaranteeing the return on investment to the Congress, and to all of their funding partners in the heritage development projects they undertake. Therefore, given these tight budget times—or within any budget time—I believe Congress should be asking another, different question: "If NHAs can so successfully match the investment made by Congress through the NPS Appropriations, why can't other recipients of federal funds do the same?" It seems logical to me that the NHA funding ratios are the type that the Congress should be encouraging for all of its grants and appropriations, and not discouraging by saying that success in fund raising demonstrates that the project should not continue to be funded. The bar should be raised, not lowered, for the National Park Service and other Federal agencies to meet the successes of fund raising that the National Heritage Areas have demonstrated to date.

RESPONSES OF DR. LISA BENTON-SHORT TO QUESTIONS FROM THE SUBCOMMITTEE ON NATIONAL PARKS

Question 1. I understand from your testimony that you have studied parks in or near urban areas. Does the heritage area concept resemble any other type of designation within the national park system?

Answer. This is a very challenging question. The short answer is that I am not quite sure. As you know, there are many different categories of parks within the park system. In urban areas, these park unit categories can include historic parks, historic areas, historic sites, recreation are, and even on occasion military sites and military parks. I have found these different park categories somewhat confusing: it is not at all clear what the difference is between a national historic park and a national historic site. The nomenclature of the NPS makes it difficult to know how Heritage Areas might resemble other designations. I suspect that this would need to be considered on a case by case basis. For example, Rivers of Steel might feature some of the qualities of a historic area; while the Ohio & Erie Canal Corridor might more appropriately resemble recreational areas punctuated by occasional historic sites. The Tennessee Civil War Heritage Area, which covers nearly the entire state of Tennessee, resembles none of these NPS designations. Clearly, even the Heritage Areas Program contains a diversity of sites, some of which resemble existing NPS designations, some of which do not.

Question 2. You mentioned that without a working definition and criteria, the process for designating and protecting important places could become compromised. What would you consider the two most important criteria and why?

Answer. First, I think it would be important to establish some initial criteria through a committee process—perhaps the creation of a Heritage Area Criteria Committee comprised of designates from the DOI/NPS, representatives of the existing heritage areas, a designate from your Subcommittee and perhaps a scholar or two (I would be happy to serve; I would also suggest the well-known geographer and historian Dr. David Lowenthal who has written extensively on heritage at the local, national and global scale). By including designates from existing heritage areas you may actually create a more rigorous set of criteria as there will be some incentive

to maintain the "special" quality of the program, rather than seeing it diminished through over-designation.

I would recommend that the committee consider how they might incorporate the following three criteria:

1) *National significance*: this is harder to define, but easier to measure. Currently, the Park Service definition of national significance is ambiguous, although there is a general consensus that these are places that have made a significant contribution to national identity (not just local or regional). In reality, "national significance" is defined by an act of Congress (which of course means that this definition is subject to political forces and the tides of political change). However, it might be of use in this instance to thoughtfully consider ways to give intellectual weight to the concept of national significance. There exists some model for this in UNESCO's World Heritage Program, where they have a detailed list of both natural and cultural criteria for inclusion in the World Heritage Areas Program.

One way to consider national significance is through measurement. If something is truly national in interest, one would expect that visitors would come from around the country. I would offer this suggestion: the first year any Heritage Area is funded, it be required to conduct weekly surveys gathering geographic data. This geographic data would include, for example, the zip-code or county or state of origin and it would preserve individual privacy while still providing geo-coded information). This information could then be mapped and analyzed and the Committee could determine if there exists truly national interest.

2) *A second criteria to consider is temporal/spatial*. The Committee could key moments iii the evolution of American identity and the history of the country. Some of these would be broad temporal themes (e.g. colonial era, pre-Columbia era, Industrial era) or could also include more focused temporal themes (e.g. the "Roaring Twenties", the "Great Depression", "Frontier Expansion", "Civil War"). Creating a list of historical themes would allow a committee to determine if the program is balanced in what it is representing as heritage; it could also been used to actively seek sites that reflect underrepresented moments in American history.

In addition to these historical/temporal themes, I would strongly recommend including spatial/geographic themes so that the program eventually represents truly national heritage by including areas in both the East and West. It currently is highly imbalanced geographically, with many Western states not participating. Themes that would be spatial/geographic could include the range of cultural identities (e.g. "Cajun" or "Pueblo Indian" or "Birthplace of the Automobile"). These geographic themes are really broad names for cultural landscapes, but the process of compiling them would be a useful and important exercise in creating a better defined National Heritage Areas Program.

If a Committee were to establish these temporal and geographic themes as initial (to be revisited every 5 years or so), programs could apply based on how they fit either the temporal/spatial as well as nationally significant criteria. This would be in reverse of the process now, whereby they apply to the program based on what they consider to be significant heritage.

3) *A final criteria to consider is nomenclature*. This is actually beyond the Heritage Area Programs and falls more broadly under the Park Service. There are a lot of park categories; I strongly believe the NPS could better define these categories, especially those that may overlap with Heritage Areas. For example: what is the difference between a historic park, a historic area, and a heritage area? The NPS needs to better clarify these meanings in order to make the Heritage Areas either unique entities, or part of the formal park system. For example, if a proposed heritage area meets most of the criteria for a national historic park, why not consider this designation first? If it merits something less than national park status, then this too is something that needs to be more thoughtfully incorporated into criteria and description of the Heritage Areas. Either way, the NPS is a crucial actor in the establishment of criteria, and to do so may benefit important definitions and criteria currently used by the wider NPS.

Question 3. How many heritage areas do you think the nation can support without compromising the program ore making the designation meaningless?

Answer. If the Heritage Area program developed well-defined criteria, I would hesitate to cap the number of heritage areas. This is because we have never set a limit to how many places could be considered for national park status; it could be contradictory to do so with the Heritage Area Program

In addition, we are constantly re-discovering aspects of our history and culture that have been hidden or neglected, so I imagine there are the possibilities for many more than we realize.

However, I think it prudent to consider a limit on the duration under which the program could be funded. There is nothing unusual about setting a time limit for federal funding, even of a national park unit. Congress required the Presidio of San Francisco, which is part of the Golden Gate National Recreation Area (GGNRA) of the National Park System, to achieve "financial self-sustainability" in 10 years (later extended to 15 years). The precedence exists if the political will can be mustered.

The potential for financial self-sustainability is particularly possible for Heritage Area Programs, since they require a commitment from private partners to begin. If an area develops a good program, attracts a national and diverse visitorship, it should not require indefinite funding.

Rather than limiting the program by numbers, I would limit the program by duration. Once a heritage area has received 10 years of federal funding, it could "graduate" to a special title that still confers NPS guidance and continued use of the NPS seal/shield, which I gather appears to be an important enticement for private investment.

Question 4. Under the current concept of heritage areas, the NPS provides guidance to local management entities. but Heritage areas are not park units. Do you think it would he a good idea or a bad idea to make heritage area units of the National Park System?

Answer. This is a difficult but important question.

At this point, given the ill-defined nature of heritage areas, I would recommend against a formal status as an official unit of the NPS. The NPS logo and shield stand for something very special and unique and should not be awarded indiscriminately.

However, should the Heritage Area Program establish better criteria (especially with regard to national significance, as this is a criteria that all national parks must meet) and financial accountability (as the GAO report calls for), it would be important to consider these for a formal designation within the park system.

There would be, however, potential problems in generating yet another typology of national park units. Nomenclature is no small issue. As you read in my written testimony, new park categories have traditionally faced resistance and sometimes outright hostility by Park Service administrators who question whether these "newcomers" truly merit national park status. This is why I would not consider making Heritage Areas a formal part of the national park system until they have better defined and conceived of a) their own program and b) how they would fit within the national park system. A clear demonstration of their merit and significance would be essential for their acceptance as a formal designated part of the NPS.

Question 5. Can you think of any way to define a heritage area based on demographics?

Answer. Part of the work I do as a geographer is to analyze demographics, especially in the context of urban change, so I am familiar with the many ways demographics can be used to understand process or phenomenon. However, I have considered this carefully, and would not recommend using demographic variables as part of a definition of heritage because they would be problematic. For example, say you establish criteria for a heritage area designation stipulating that it must contain a minimum population threshold of 500,000 (reasoning that to sustain visitorship, an area must be proximate to a significant population and not too distant or remote). You could encounter problems with defending that number as "arbitrary"—why not a million, or at the other extreme, why not 50,000 or 10,000? In addition, this might hamper the program's success in the Western states where population density is much lower than on the coasts.

Or, consider a second example, if you establish criteria that requires demographic diversity—age, ethnicity, race—this would also create some uncomfortable problems because not all places are as demographically diverse as others. Yet this does not necessarily mean that they are not important cultural heritage areas. In addition, some heritage areas are celebrating a distant past, which may or may not coincide with the current demographic make up of the area.

I believe that using demographics to help define heritage areas may create more problems and debates than it would help.

APPENDIX II

Additional Material Submitted for the Record

STATEMENT OF THE AMERICAN FARM BUREAU FEDERATION

The American Farm Bureau Federation appreciates the opportunity to provide this statement for the hearing record. We commend the subcommittee for holding an oversight hearing on this issue.

The National Heritage Area program administered within the National Park Service provides funding and technical assistance to local community-based efforts or conservation organizations to preserve areas that they deem to be of cultural or historic importance. The National Heritage Area program is neither authorized by legislation nor by regulation. National heritage areas, however, must be designated by Congress.

Generally, national heritage areas support local efforts to preserve local sites that are important to the culture or history of the area and which have significance in a broader national context. Creation of such areas is supposed to be through broad-based community involvement and acceptance of the development of heritage areas. These areas are essentially a form of historical or cultural zoning, and are comprised primarily of privately owned property.

The National Park Service provides funding and technical assistance to local entities to conduct feasibility studies necessary to seek congressional approval, and also provides funding for development and maintenance of the designated heritage area for a period of 10 or more years.

National heritage areas can encompass large areas of land. For example, between the Tennessee Civil War National Heritage Area and the Blue Ridge National Heritage Area, the entire State of Tennessee is designated as a national heritage area. The Silos and Smokestacks National Heritage Area occupies approximately one quarter of the State of Iowa.

We have a number of concerns with the way that the current National Heritage Area program is being administered.

1. The program adversely impacts the property rights of private landowners.

The biggest concern that we have with this program is that it unduly affects the private property rights of landowners within designated heritage areas. The purpose of heritage areas is to preserve particular cultural or historical values within a designated area. To be effective, that necessarily means private landowners within the designated area will be prohibited from using private property in ways inconsistent with the designation.

For landowners who voluntarily elect to be bound by the terms and conditions of the designation, that does not present a problem. For others, the problem looms large.

National designation as a heritage area may not result in direct federal land-use restrictions on private property. The program, however, enables and empowers state and local authorities to impose land-use restrictions consistent with the designation. The National Park Service fosters and contributes money and technical assistance to effectuate these local property restrictions. Without a national heritage program, these land-use restrictions would not exist.

For example, the Yuma Crossing National Heritage Area designation statute provides that federal funds received under the act cannot be used to acquire an interest in real property. The next sentence of section 5(b) of that Act says: "Nothing in this Act shall preclude any managing entity from using Federal funds from other sources for their permitted use." In other words, federal funds might be used to acquire private property either by condemnation or from a willing seller (the statute does not distinguish) if received from other sources.

Receipt of federal funds also frees up other money received from non-federal sources to be acquired by eminent domain. With no statutory or regulatory safe-

guards for this program, there is no limit to how these programs can intrude on private property rights, and there is no accountability to the Park Service to ensure that private property rights are maintained.

2. There is no basis for the program in law or regulation.

Equally troubling is the fact that this program is not authorized by law or by regulation. Congress has been given no opportunity to determine whether this program is something that Congress deems appropriate for the National Park Service. As mentioned above, this produces a lack of accountability at the federal government level that is disturbing.

Any National Heritage Area Program must be authorized by Congress through legislation. Only then will the appropriate oversight and accountability be established.

With no national authorization and direction, the program has failed to develop national criteria for designation and also failed to develop a national strategy for the program. As presently constituted, the Park Service assists local entities in developing national heritage areas that are important to those local areas. But because an area might be important to a local area does not mean that it has "national significance" to warrant designation as a national heritage area.

Authorizing legislation should clearly define "national significance" so that appropriate direction and limitations can be provided for the program. There are clearly areas within the country where truly national events occurred. Revolutionary and Civil War sites come to mind. Should Congress decide to authorize this program, the authorized agency should develop criteria and a plan to determine what other local areas might fit in to this national mosaic in order to maintain a fabric of American history and lost cultures. But that does not mean inclusion of every locally important historical or cultural area. This criteria should be subject to public scrutiny.

In addition, legislation is necessary in order to establish criteria on size and areas included within a designated area. While Tennessee has a large number of important sites, designation of the entire state as a national heritage area seems too much. It is important to restrict the size and impact of national heritage areas to only those areas absolutely necessary for the intended purposes.

Legislation is also necessary in order to protect private property rights. Only private landowners who volunteer to be part of a heritage area should be included. Landowners who choose not to participate should not be included within the boundaries of a national heritage area, and should not otherwise suffer indirect adverse impacts on their private property. For example, a private landowner may opt out of a heritage area and be surrounded by property within the area. Management planning for the heritage area may indirectly prohibit that landowner from using that property in a way that is inconsistent with the heritage area. Legislation is necessary to ensure that such a result does not occur.

Current heritage area legislation introduced in the House, H.R. 280, contains a private property rights provision (section 510 of the bill) that is one of the best protective provisions we have seen. Nevertheless, it does not provide the desired level of protection.

Many heritage areas are proposed in order to provide economic opportunities for the community or local areas as their main purpose. We do not believe that National Park Service funds should be spent for economic development purposes. Nor do we believe that the attendant restrictions on private property rights from designation should occur to enhance private economic gain. Authorizing legislation should clearly exclude areas proposed for private economic gain from national heritage areas.

Any authorizing legislation should also specify the criteria to be used for designating or approving national heritage area designation. Current Park Service criteria are vague and general, and proposed sites are rarely rejected. Congress should require that as part of the national plan for heritage area designations, that specific criteria be developed and rigorously applied by the Park Service before proposals are made to Congress.

The General Accounting Office (GAO) recently investigated the National Heritage Area Program and issued a report. The GAO found that heritage area criteria were too general and not consistently applied. In fact, it found that 10 of the 24 heritage areas were designated without any agency review at all. GAO also found that heritage area financial audit reports were not always reviewed by the agency, and the agency often failed to monitor and measure results of the heritage programs. Although the program is supposed to restrict funding to a certain time period, the agency often provides funding beyond the time limit for the area to become self-sustaining. The GAO report says: "Park Service officials said that the agency has not

taken these actions because, without a program, it lacks adequate direction and funding."

Congressional authorization is therefore essential.

Authorizing legislation should also consider other limitations and parameters for the national heritage area program. Such issues should be debated and decided in Congress, not in closed doors of some office in the National Park Service.

3. We have concerns whether or when National Park Service funds should be used to underwrite local Heritage Areas.

According to the GAO Report, the Park Service has spent more than $156 million on national heritage areas over the past five years. During that same time frame, the National Park System has been plagued by a large maintenance backlog of projects at National Parks needed to make the parks safe and presentable to the public. National Park funding has increased to address the backlog, but the consensus of opinion is that this is not enough. National Park officials have also been criticized in the press recently because of discussions that some parks may have to restrict hours of operation due to lack of funding.

Against this backdrop, over $156 million has been spent on heritage areas. Careful scrutiny and serious consideration must be given to whether such expenditures on essentially local projects are warranted. Funds appropriated for the care of the National Park System should not be siphoned off to fund local projects that do not fall within any defined Park Service program.

An added consideration is that many states have their own heritage programs, and designated heritage areas within their state. It is difficult to justify the expenditure of scarce federal money for essentially state and local projects. Without direction and without viable, consistent and enforceable designation criteria, the national heritage areas are really state or local heritage projects.

Many of these projects are established for economic revitalization that results in private economic gain to local retailers or businesses. Park Service funding should not be spent to enhance private economic gain.

Federal funding can only be justified after Congress has decided that it wants such a program by enacting authorizing legislation, and by defining what areas of "national significance" should be included.

Thank you for the opportunity to present our views on this issue. We look forward to working with the subcommittee as it addresses this issue.

STATEMENT OF CHERYL K. CHUMLEY, AMERICAN POLICY CENTER

NATIONAL HERITAGE AREAS: SHORTCOMINGS OF THE CRS REPORT

On several fronts, a Congressional Research Service study on National Heritage Areas is misleading, misguided or outright mistaken—the latter by omission, as report authors fail to point out the absurdities of a key and common phrase used to identify private lands for public oversight.

Absent from the report to Congress is mention of the term "nationally significant," a most familiar means by which environmentalists and their non-government and political cohorts justify the taking of private properties. This is the exact term, for instance, that was used as grounds for recent House passage of the Highlands Conservation Act, a $100 million-plus piece of legislation that hurts private landowners by seeking public control of more than two million acres of property, ostensibly to protect the region's "water, forest, wildlife, recreational, agricultural and cultural resources."

This is also a term the National Park Service and various state and local entities have used since 1984 to ultimately declare 24 tracts of land encompassing 160,000 square miles as NHAs, needful of public oversight, preservation and management.

The only problem is nobody knows for sure what national significance means. So one fundamental issue to decide is whether Congress still plans to use this term. If not, then whatever new phrase is developed to justify the declaration of a NHA, and subsequent public oversight of the affected private properties, needs strict definition.

But if "nationally significant" remains the favored qualifier for declaring a NHA, the first order of business must be to outline the exact conditions under which a parcel of property can be found to affect the future well-being of the nation at-large to such a degree that the private landowner could not possibly maintain these conditions without oversight from public land and environmental entities.

Is Congress planning to continue use of the "nationally significant" term, and if not, what will instead establish a NHA?

This is the core of the debate with NHAs. This issue has gone unchallenged for far too long, resulting in the creation of 24 NHAs that—it could easily be argued—may not even be needed and leaving open the potential for further such illogical declarations. Without an indisputable means of determining, who's to say?

Absent clear definition of what exactly constitutes national significance, cases could be made that parcels of property with birds' nests or carrot patches are indeed areas of importance to the country-at-large in terms of wildlife and agriculture, and are therefore worthy of public management and oversight. This only sounds ridiculous; if the doors to private property encroachments weren't meant to be left open to interpretation and special interest whim, why would the definition of national significance be so loose in the first place?

Unfortunately, CRS does not raise this crucial question—but it does point to another troubling facet of NHAs, one that by itself should be enough to halt in its tracks this decades-old method of placing private property under the control of public managers.

"There is no generic statute that establishes criteria for designating (National Heritage Areas) or provides standards for their funding and management," CRS finds.

So the ludicrousness continues: It's admitted no defined method exists for creating and managing a NHA.

In other words, National Heritage Areas can be declared by whatever means possible, because "no generic statute exists," and most notably by assertion of "national significance," which means whatever it means. What's next—declaration of a National Heritage Area depends upon what the definition of 'is' is?

With more than 30 measures pending in Congress seeking establishment of new NHAs, the importance of such definitions is heightened because private property rights—the most fundamental of all God-given and constitutional guarantees—are at the mercy of the interpretations of self-serving environmentalists who will use whatever means necessary to control gigantic swaths of land for wildlife rather than human use.

So when CRS finds that "heritage areas are not federally owned, and a designation generally is not intended to lead to federal acquisition of lands," those with concern for private property rights should see the red flag in use of the word "generally."

This touted so-called benefit of NHAs is aimed at appeasing private property owners with either experience or knowledge of the heavy-handed tactics of federal land-greedy bureaucrats. The idea is that since NHAs are overseen by supposed friendly and gentle state, local and private entities, infringement from the federal government will not occur. But reality shows otherwise, as even CRS admits.

"In a few cases, Congress has authorized federal acquisition of land in heritage areas, CRS finds. "For instance, Congress authorized creation of the Cane River Creole National Historical Park (in Louisiana) within the Cane River NHA."

This national park encompasses two separate areas within the NHA, 42 acres and 18 acres, and is a prime example of why those who profess an utmost concern for private property rights should view with caution the loophole-ridden promises of heritage area advocates to keep the federal bureaus out of the property acquisition and management picture.

Another reason for wariness is the proven fallacy of the National Park Service's purported role with MIAs.

"Heritage areas are among the types of areas that utilize aid from the National Park Service, but are not directly owned and managed by the agency," CRS says.

The key word here is "directly."

While it's true the NPS does not hold the ultimate jurisdiction over management of NHAs, this federal bureaucracy does provide "various types of assistance" to the many non-government organizations, politicians and environmental groups who do oversee the areas, to include "administrative, financial, policy, technical and public information," CRS finds. Is it really that difficult to comprehend that those who control the purse also control the strings?

CRS also says that NHAs are generally created when Congress "designates a management entity, usually non-federal, to coordinate the work of the partners. The management entity typically develops and implements a plan for managing the NHA, in collaboration with other parties. Once approved by the Secretary of the Interior, the management plan essentially becomes the blueprint for managing the heritage area."

Why, if the nature of the NHA beast is to really keep property control in the hands of the states and locals, does the Secretary of Interior have to approve all land management plans? Coupled with the stated role of the NPS, and awareness of the ease with which these federal bureaucrats could, say, enter quid pro quo

agreements with local officials, trading funding for stricter zoning and land-use laws, it's not difficult to see how any so-called benefit of NHAs to private landowners is actually a thinly disguised travesty.

Think this couldn't happen? It already has, during creation of the Augusta Canal National Area in Georgia in 1994 when the NPS refused to approve local management plans until zoning laws were tightened.

But that was 1994 and this is 2004, you say? A decade may have passed, but deceptive claims of concern for private land owners still prevail, and as proof one need only analyze a current NHA-related measure being waved in Congress as a surefire solution to this whole, oft-cumbersome, property protections debate.

Of an estimated 30 pending congressional NHA bills, only one has passed the House, H.R. 280. Titled the National Aviation Heritage Area Act, this measure is being touted by NHA advocates for its inclusion of private property protections that supposedly guarantee no privately owned lands "shall be preserved, conserved or promoted by the management plan for the heritage area until the owner receives written notification and gives written consent," CRS reports.

H.R. 280 also theoretically gives landowners the right to remove their properties from consideration of NHA declaration "upon written request" and likewise requires "that any land acquired for a historical site be done by donation."

The notion of land donor aside, which evokes comparisons with the falsely labeled "willing seller" who parts with property after facing horrendous pressure from environmentalists and self-serving government groups, the problem with these other property rights protections is they likely aren't worth the paper upon which they're written. That's because the NPS—the agency, remember, that is tasked as a catalyst for the planning and funding of NHA lands—has a history of violating these same listed provisions, as evidenced during an early 1990s scheme to declare landmarks in Maine.

Then, the NPS broke its own agency policy of informing landowners in writing of any landmark declaration effort, and thereby deprived many of the chance to protest. Subsequent outrage was so intense that an investigation ensued and in 1992, the Interior Dept. concluded the NPS "may have violated the property rights of over 2,800 private landowners" in both Maine and across the nation because of its sloppy disregard for notifying owners when properties were targeted for landmark status, a Jan. 1992 edition of the Bangor Daily News reports.

So how exactly will these private land protections in H.R. 280, held as a happy compromise between NHA advocates and landowners, guarantee that NPS will not commit these atrocities against property owners yet again?

It doesn't—and if this is the best protections NHAs can offer the private land owner, perhaps it's time to abolish this bill, along with the other pending 29, and along with the entire spotty argument that heritage areas really reflect a true concern for property rights and are win-wins for environmentalists and those who own the lands environmentalists seek to control.

○