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KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA ACT OF 2001

JUNE 5, 2001.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 509]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 509) to establish the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska, and for other purposes, having considered the same, reports favorably thereon with an amendment and an amendment to the title and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Kenai Mountains-Turnagain Arm National Heritage Corridor Act of 2001".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) The Kenai Mountains-Turnagain Arm transportation corridor is a major gateway to Alaska and includes a range of transportation routes used first by indigenous people who were followed by pioneers who settled the nation's last frontier;

(2) the natural history and scenic splendor of the region are equally outstanding; vistas of nature's power include evidence of earthquake subsidence, recent avalanches, retreating glaciers and tidal action along Turnagain Arm, which has the world's second greatest tidal range;

(3) the cultural landscape formed by indigenous people and then by settlement, transportation and modern resource development in this rugged and often treacherous natural setting stands as powerful testimony to the human fortitude, perseverance, and resourcefulness that is America's proudest heritage from the people who settled the frontier;

(4) there is a national interest in recognizing, preserving, promoting, and interpreting these resources;

(5) the Kenai Mountains-Turnagain Arm region is geographically and culturally cohesive because it is defined by a corridor of historic routes—trail,

water, railroad, and roadways through a distinct landscape of mountains, lakes, and fjords;

(6) national significance of separate elements of the region include, but are not limited to, the Iditarod National Historic Trail, the Seward Highway National Scenic Byway, and the Alaska Railroad National Scenic Railroad;

(7) national Heritage Corridor designation provides for the interpretation of these routes, as well as the national historic districts and numerous historic routes in the region as part of the whole picture of human history in the wider transportation corridor including early Native trade routes, connections by waterway, mining trail, and other routes;

(8) national Heritage Corridor designation also provides communities within the region with the motivation and means for "grass roots" regional coordination and partnerships with each other and with borough, State, and Federal agencies; and

(9) national Heritage Corridor designation is supported by the Kenai peninsula Historical Association, the Seward Historical Commission, the Seward City Council, the Hope and Sunrise Historical Society, the Hope Chamber of Commerce, the Alaska Association for Historic Preservation, the Cooper Landing Community Club, the Alaska Wilderness Recreation and Tourism Association, Anchorage Historic Properties, the Anchorage Convention and Visitors Bureau, the Cook Inlet Historical Society, the Moose Pass Sportsman's Club, the Alaska Historical Commission, the Girdwood Board of Supervisors, the Kenai River Special Management Area Advisory Board, the Bird/Indian Community Council, the Kenai Peninsula Borough Trails Commission, the Alaska Division of Parks and Recreation, the Kenai Peninsula Borough, the Kenai Peninsula Tourism Marketing Council, and the Anchorage Municipal Assembly.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize, preserve, and interpret the historic and modern resource development and cultural landscapes of the Kenai Mountains-Turnagain Arm historic transportation corridor, and to promote and facilitate the public enjoyment of these resources; and

(2) to foster, through financial and technical assistance, the development of cooperative planning and partnerships among the communities and borough, State, and Federal Government entities.

SEC. 3. DEFINITIONS.

In this Act:

(1) HERITAGE CORRIDOR.—The term "Heritage Corridor" means the Kenai Mountains-Turnagain Arm National Heritage Corridor established by section 4(a) of this Act.

(2) MANAGEMENT ENTITY.—The term "management entity" means the 11 member Board of Directors of the Kenai Mountains-Turnagain Arm National Heritage Corridor Communities Association, a non-profit corporation, established in accordance with the laws of the State of Alaska.

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Corridor.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. KENAI MOUNTAINS.TURNAGAIN ARM NATIONAL HERITAGE CORRIDOR.

(A) ESTABLISHMENT.—There is established the Kenai Mountains-Turnagain Arm National Heritage Corridor.

(b) BOUNDARIES.—The Heritage Corridor shall comprise the lands in the Kenai Mountains and upper Turnagain Arm region generally depicted on the map entitled "Kenai Peninsula/Turnagain Arm National Heritage Corridor", numbered "Map #KMTA—1, and dated "August 1999". The map shall be on file and available for public inspection in the offices of the Alaska Regional Office of the National Park Service and in the offices of the Alaska State Heritage Preservation Officer.

SEC. 5. MANAGEMENT ENTITY.

(a) To carry out the purposes of this Act, the Secretary shall enter into a cooperative agreement with the management entity. The cooperative agreement shall be prepared with public participation and shall include information relating to the objectives and management of the Heritage Corridor, including the following:

(1) A discussion of the goals and objectives of the Heritage Corridor;

(2) An explanation of the proposed approach to conservation and interpretation of the Heritage Corridor;

(3) A general outline of the protection measures, to which the management entity commits.

(b) Nothing in this Act authorizes the management entity to assume any management authorities or responsibilities on Federal lands.

(c) Representatives of other organizations shall be invited and encouraged to participate with the management entity and in the development and implementation of the management plan, including but not limited to: The State Division of Parks and Outdoor Recreation; the State Division of Mining, Land and Water; the Forest Service; the State Historic Preservation Office, the Kenai Peninsula Borough; the Municipality of Anchorage; the Alaska Railroad; the Alaska Department of Transportation; and the National Park Service.

SEC. 6. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the Secretary enters into a cooperative agreement with the management entity, the management entity shall develop a management plan for the Heritage Corridor, taking into consideration existing Federal, State, borough, and local plans.

(2) CONTENTS.—The management plan shall include, but not be limited to—

(A) comprehensive recommendations for conservation, funding, management, and development of the Heritage Corridor;

(B) a description of agreements on actions to be carried out by public and private organizations to protect the resources of the Heritage Corridor;

(C) a list of specific and potential sources of funding to protect, manage, and develop the Heritage Corridor;

(D) an inventory of the known cultural and historic resources contained in the Heritage Corridor; and

(E) a description of the role and participation of other Federal, State, and local agencies that have jurisdiction on lands within the Heritage Corridor;

(b) PRIORITIES.—The management entity shall give priority to the implementation of actions, goals, and policies set forth in the cooperative agreement with the Secretary and the management plan, including assisting communities within the region in—

(1) carrying out programs which recognize important resource values in the Heritage Corridor;

(2) encouraging economic viability in the affected communities;

(3) establishing and maintaining interpretive exhibits in the Heritage Corridor;

(4) improving and interpreting heritage trails;

(5) increasing public awareness and appreciation for the natural, historical, and cultural resources and modern resource development of the Heritage Corridor;

(6) restoring historic buildings and structures that are located within the boundaries of the Heritage Corridor; and

(7) ensuring that clear, consistent, and appropriate signs identifying public access points and sites of interest are placed throughout the Heritage corridor.

(c) PUBLIC MEETINGS.—The management entity shall conduct 2 or more public meetings each year regarding the initiation and implementation of the management plan for the Heritage Corridor. The management entity shall place a notice of each such meeting in a newspaper of general circulation in the Heritage Corridor and shall make the minutes of the meeting available to the public.

SEC. 7. DUTIES OF THE SECRETARY.

In accordance with the terms and conditions of the cooperative agreement and upon the request of the management entity, and subject to the availability of funds, the Secretary may provide administrative, technical, financial, design, development, and operations assistance to carry out the purposes of this Act.

SEC. 8. SAVINGS PROVISIONS.

(a) REGULATORY AUTHORITY.—Nothing in this Act shall be construed to grant powers of zoning or management of land use to the management entity of the Heritage Corridor.

(b) EFFECT ON AUTHORITY OF GOVERNMENTS.—Nothing in this Act shall be construed to modify, enlarge, or diminish any authority of the Federal, State, or local governments to manage or regulate any use of land as provided for by law or regulation.

(c) EFFECT ON BUSINESS.—Nothing in this Act shall be construed to obstruct or limit business activity on private development or resource development activities.

SEC. 9. PROHIBITION ON THE ACQUISITION OR REAL PROPERTY.

The management entity may not use funds appropriated to carry out the purposes of this Act to acquire real property or interest in real property.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) FIRST YEAR.—For the first year $350,000 is authorized to be appropriated to carry out the purposes of this Act, and is made available upon the Secretary and the management entity entering into a cooperative agreement as authorized in section 3.

(b) IN GENERAL.—There is authorized to be appropriated not more than $1,000,000 to carry out the purposes of this Act for any fiscal year after the first year. Not more than $10,000,000, in the aggregate, may be appropriated for the Heritage Corridor.

(c) MATCHING FUNDS.—Federal funding provided under this Act shall be matched at least 25 percent by other funds or in-kind services.

(d) SUNSET PROVISION.—The Secretary may not make any grant or provide any assistance under this Act beyond 15 years from the date that the Secretary and management entity complete a cooperative agreement.

2. Amend the title so as to read: "To establish the Kenai Mountains-Turnagain Arm National Heritage Corridor in the State of Alaska, and for other purposes.".

PURPOSE OF THE MEASURE

The purpose of S. 509 is to establish the Kenai Mountains-Turnagain Arm National Heritage Corridor in the State of Alaska, and designate the Board of Directors of the Kenai Mountains-Turnagain Arm National Heritage Corridor Communities Association as the management entity to carry out the purposes of the Act.

BACKGROUND AND NEED

The Kenai Mountains-Turnagain Arm corridor in Alaska highlights the experience of the western frontier, and contains heritage resources that tell the story of transportation, settlement, the gold rush, and resource development in a difficult and remote landscape. Small communities, still very much as they were in the past, are dwarfed by the sweeping landscape. Turnagain Arm, once a critical transportation link, has the world's second greatest tidal range, and a traveler through the alpine valleys and mountain passes of the area can see evidence of retreating glaciers, earthquake subsidence, and avalanches. Wildlife is abundant.

Through this rugged terrain, transportation routes were developed into south central and interior Alaska. Alaska Natives, Russians, gold rush "stampeders," and other arrived seeking access to the resource-rich land. Historic trails and evidence of mining history are often embedded and nearly hidden in the landscape. The Iditarod Trail to Nome, used to haul mail in and gold out, started at Seward. Only in the last half of the 20th Century was the highway from Seward to Anchorage opened. Before then, the small communities of the corridor were linked to the rest of Alaska by wagon trail, rail, and by boat access across Turnagain Arm and the Kenai River.

S. 509 creates the Kenai Mountains-Turnagain Arm National Heritage Corridor. The designation has the support of statewide tourism and historical preservation groups, and the city of Seward. Virtually every small community within the corridor has passed a resolution or submitted a letter in support of the designation. The Board of Directors of the Kenai Mountains-Turnagain Arm National Heritage Corridor Communities Association would serve as the management entity, and would be comprised by citizens of the local communities and representatives of organizations such as Native associations, the Iditarod Trail Committee, historical societies,

visitor associations, and private or business entities. S. 509 authorizes the appropriation of $10 million and Secretary of the Interior's assistance for a period of 15 years.

LEGISLATIVE HISTORY

S. 509 was introduced by Senator Mukowski on March 9, 2000. The bill is similar to legislation introduced by the 106th Congress, S. 2511. Although the Committee did not hold a hearing on S. 509, on May 25, 2000 the Subcommittee on National Parks, Historic Preservation, and Recreation held a hearing on S. 2511 and on June 7, 2000, the Committee on Energy and Natural Resources ordered S. 2511, as amended, favorably reported. The Senate passed S. 2511 as amended, on September 22, 2000. No further action on S. 2511 was taken by the House of Representatives during the 106th Congress.

COMMITTEE RECOMMENDATION

On May 16, 2001, the Committee on Energy and Natural Resources ordered S. 509 favorably reported, with an amendment in the nature of a substitute.

COMMITTEE AMENDMENT

At a Committee business meeting, an amendment in the nature of a substitute was offered. The amendment makes several technical and clarifying changes to S. 509.

SECTION-BY-SECTION ANALYSIS

Section 1 designates the bill's short title.

Section 2(a) contains congressional findings.

Subsection (b) describes the purposes of the Act, which are to: (1) recognize, preserve, and interpret the historic and modern resource development and cultural landscapes of the Kenai Mountains-Turnagain Arm historic transportation corridor, and to promote and facilitate the public enjoyment of these resources; and (2) foster, through financial and technical assistance, the development of cooperative planning and partnerships among the communities and borough, State, and Federal Government entities.

Section 3 defines the term "management entity" as the management entity established by section 5, and provides definitions for several other key terms used in the Act.

Section 4 established the Kenai Mountains-Turnagain Arm National Heritage Corridor, and provides a map reference that depicts its boundaries.

Section 5 directs the Secretary to enter into a cooperative agreement with the management entity. This section also prescribes the contents of the cooperative agreement and directs that the cooperative agreement is to be prepared with public participation. The management entity is not authorized to assume any management authority on Federal lands. Representative of other organizations, including but not limited to those specified, must also be invited and encouraged to participate with the management entity in the development and implementation of the management plan.

Section 6(a) requires the management entity to develop a management plan for the Heritage Corridor within 3 years of entering

into a cooperative agreement with the Secretary of the Interior, and prescribes the contents of the plan.

Subsection (b) establishes activities to which the management entity must give priority in assisting communities in the region, including: (1) carrying out programs which recognize the important resource values in the heritage area; (2) encouraging economic viability in the affected communities; (3) establishing and maintaining interpretive exhibits; (4) improving and interpreting heritage trails; (5) increasing public awareness and appreciation of resources within the heritage corridor; (6) restoring historical building and structures; and (7) ensuring that clear, consistent, and appropriate signs identifying public access points and sites of interest are placed throughout the heritage corridor.

Subsection (c) requires the management entity to conduct at least two public meetings each year regarding initiation and implementation of the management plan.

Section 7 allows the Secretary to provide administrative, technical, financial, design, development, and operations assistance, pursuant to the cooperative agreement.

Section 8 clarifies that nothing in this Act grants powers of zoning or land use to the management entity, changes the authority of any unit of government to manage or regulate land use, or limits business activity on private development or resource development activities.

Section 9 prohibits the management entity from acquiring real property or any interest in real property.

Section 10 authorizes the appropriation of $10 million, with a limit of $350,000 for the first fiscal year, and $1 million per fiscal year thereafter, conditioned upon the management entity completing a cooperative agreement, and subject to at least a 25 percent match of other funds or in-kind services. The Secretary's authority to provide any assistance under this Act terminates 15 years after the date that the Secretary and the management entity complete a cooperative agreement.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office.

S. 509—Kenai Mountains-Turnagain Arm National Heritage Corridor Act of 2001

S. 509 would establish the Kenai Mountains-Turnagain Arm National Heritage Corridor in Alaska. The heritage corridor would be managed by the Board of Directors of the Kenai Mountains-Turnagain Arm National Heritage Corridor Communities Association, a nonprofit corporation. The bill would direct the Secretary of the Interior to enter into a cooperative agreement with the association under which the government would provide technical, financial and other assistance. The association would develop a management plan for the heritage corridor designed to help local communities establish and maintain interpretive exhibits and signs, improve trails, and restore historic buildings. For these purposes, including projects implementing the management plan, the bill would authorize the appropriation of $350,000 for the first year after enactment and $1 million annually thereafter, up to a total of $10 million.

Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 509 would cost $10 million over the next 10 to 15 years. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

S. 509 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. The state of Alaska and local governments within the state might choose to participate in the planning for and management of the national heritage corridor, and would incur some costs as a result. Such costs would be voluntary. Participating governments would be eligible to receive grants to cover a portion of the costs associated with those activities. S. 509 would impose no costs on other state, local, or tribal governments.

The CBO staff contacts are Deborah Reis (for federal costs) and Marjorie Miller (for the state and local impact). This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 509. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 509, as ordered reported.

EXECUTIVE COMMUNICATIONS

A legislative report was not requested on S. 509. The testimony on S. 2511, an identical bill, provided by a representative of the National Park Service at the Park, Historic Resources, Recreation Subcommittee hearing during the 105th Congress follows:

STATEMENT OF KATHERINE H. STEVENSON, ASSOCIATE DIRECTOR, CULTURAL RESOURCES STEWARDSHIP AND PARTNERSHIPS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Thank you for the opportunity to present the position of the Department of Interior on S. 2511, a bill to establish the Kenai Mountains-Turnagain Arm National Heritage Corridor Area in the State of Alaska.

The Administration believes that the designation of the Kenai Mountains-Turnagain Arm area of Alaska as a National Heritage Area (NHA) would recognize the nationally distinctive history of the region and, therefore, supports the purposes of S. 2511, as currently drafted, but would support the bill if amended to:

- Exclude National Forest lands from the proposed National Heritage Area. Typically, National Heritage Areas consist of non-federal lands, where federal lands are included in NHAs, they do not constitute the overwhelming

majority of acreage in the NHA. NHAs are intended primarily to help communities take the initiative themselves to protect and interpret cultural and historic resources on non-federal lands. The appropriate vehicle for managing National Forest lands is the forest land management plan, which relies on public participation and incorporates the interests of the general community.

• Vest the responsibility for providing technical assistance to the management entity and approval of the management plan for the NHA with the Secretary of Agriculture. To the extent that the management entity may wish to draw upon the expertise of the National Park Service, we recommend that the bill be amended to authorize National Park Service, in consultation with the Secretary of Agriculture, to provide such assistance.

• Provide explicitly that, where the management entity's plan conflicts with the management plan for the National Forest lands, the latter document controls. To the extent that a non-federal management entity wishes to invest in projects on federal lands, the conditions for their participation should be consistent with the terms and conditions set forth in section 323 of the FY 1999 Interior and Related Agencies Appropriations Act.

Consistent with the bottom-up approach common to NHA planning, the Administration believes that the affect local communities, not the Federal Government, should determine the membership of the management entity. Nonetheless, membership should reflect all the interests of the community—including environmental interests and, specifically, the interests of Native Alaskans. The Administration therefore, recommends deleting the provision regarding secretarial appointment of management entity representatives and replacing it with standard language requiring a locally-developed management entity to enter into a compact with the Secretary. Management entities are supposed to arise from broad-based community interest and not be top-down designations. It is expected, however, that any management entity would be representative of all local groups, including Native Alaskans.

In addition, we recommend that section 7(b) be revised to make the provision of assistance discretionary, rather than mandatory, and to exclude assistance for administrative, financial, or operations. Although we recognize the need to provide assistance, and intend to do so to the extent possible, there are certain functions that should remain the responsibility of the management entity. Grants funds, rather than agency appropriations, should be available to address basic operational responsibilities.

Finally, we recommend maintaining the 50 percent matching requirement, which is a common requirement in all other Heritage Areas. Keeping Heritage Areas as locally driven entities is a fundamental principle, but that would be difficult to maintain if the Federal Government provided a majority of funding.

Congress has already acknowledged the significance of parts of this region by establishing the Iditarod National Historic Trail and the Seward Highway National Scenic Byway. The heritage area designation wraps these routes into the whole picture of human history in the wider transportation corridor. This heritage area features mountain passes leading into south central and interior Alaska, including early native trade routes, waterway connections across the treacherous Turnagain Arm, the Alaska Railroad and numerous mining trails. Heritage area designation under this bill will greatly enhance our understanding of travel and resource development in the last frontier.

A National Heritage Area is defined as a place where natural, cultural, historic and recreational resources combine to form a nationally distinctive landscape arising from patterns of human activity. Heritage conservation efforts are grounded in a community's pride in its history and traditions, and its interest in seeing them retained. Preserving the integrity of the cultural landscape and local stories means that future generations in communities will be able to understand and define who they are, where they come from, and what ties them to their home. Heritage areas do not require federal ownership of property, but do rely on cooperation and technical assistance from the federal government.

As we have testified before the Congress, there are several steps that should be completed prior to the designation of a heritage area. The four main steps are that the proposal should have a completed suitability/feasibility study; early and frequent public involvement; a demonstration of wide public support and feasibility to implement the project in communities; and commitments from potential partners to support the project.

We believe S. 2511, if amended as the administration proposes, can meet a large portion of the intent and spirit of these steps.

Although a technical suitability/feasibility study has not been done of this area, many of the themes and the areas within this corridor have been extensively studied. The Iditarod National Historic Trail and the Seward Highway National Scenic Byway are important parts of this Corridor, and both were the subject of recent studies that found that the Iditarod Trail and the Seward Highway were nationally significant. To satisfy the technical requirement of a study in this case, we suggest language be added to the bill that would require a suitability and feasibility analysis to take place in the planning process for this area.

In Alaska, the energy and support this proposal has engendered bear witness to not only the fulfillment of the steps outlined above, but to the inspirational quality of the land and its history. More than 24 local and statewide organizations have written to express their support. The small communities within the proposed heritage area support the proposal. Local governments—including the Kenai

Peninsula Borough and the Seward City Council—have supported the plan. Statewide visitor organizations, such as the Alaska visitors Association and the Alaska Wilderness Recreation and Tourism Association have supported the heritage area proposal, as have the Kenai Peninsula Historical Association and the State Historical Commission.

By passage of this bill, Congress will respond to this grassroots support and will give the small communities on the Kenai Peninsula within the heritage area new motivation and means to work together to present the story of their historic region and to interpret and share this part of America's heritage. The heritage area model is working well in many areas in the East—in the Rivers of Steel Heritage Area in Pittsburgh, in the Black Stone River Valley, and in the Hudson Valley. The Kenai Mountains-Turnagain Arm National Heritage Area will be the first in this area, but will follow the model of success seen in other areas.

In summary, the goals of this bill are compatible with the mission of National Heritage Areas elsewhere, there is the requisite local support and commitment of success, and the historic, cultural and natural resources of the area are of national significance. We urge the Committee to adopt the amendments proposed by the Administration and pass the bill at the earliest opportunity.

This concludes my testimony. I would be happy to answer any of your questions.

STATEMENT OF SANDRA KEY, ASSOCIATE DEPUTY CHIEF, PROGRAMS AND LEGISLATION, U.S.D.A. FOREST SERVICE

Chairman Thomas and members of the subcommittee: Thank you for the opportunity to testify here today on S. 2511 which would establish the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska. The Administration believes that the designation of the Kenai Mountains-Turnagain Arm area of Alaska as a National Heritage Area (NHA) would recognize the nationally distinctive history of the region and, therefore, supports the purpose of S. 2511. The Administration, however, must oppose S. 2511, as currently drafted, but would support the bill if amended to:

• Exclude National Forest lands from the proposed NHA. Typically, NHAs consist of non-federal lands; where federal lands are included in an NHA, they do not constitute the overwhelming majority of acreage in the NHA. NHAs are intended primarily to help communities take the initiative themselves to protect and interpret cultural and historic resources on non-federal lands. The appropriate vehicle for managing National Forest lands is the forest land management plan, which relies on public participation and incorporate the interests of the general community.

• Vest the responsibility for providing technical assistance to the management entity and approval of the management plan for the NHA with the Secretary of Agriculture. To the extent that the management entity may wish to draw upon the expertise of the National Park Service, we recommend that the bill be amended to authorize National Park Service, in consultation with the Secretary of Agriculture, to provide such assistance.

• Provide explicitly that, where the management entity's plan conflicts with the management plan for the National Forest lands, the latter document controls. To the extent that a non-federal management entity wishes to invest in projects on federal lands, the conditions for their participation should be consistent with the terms and conditions set forth in section 323 of the FY 1999 Interior and Related Agencies Appropriations Act.

Consistent with the bottom-up approach common to NHA planning the Administration believes that the affected local communities, not the Federal Government, should determine the membership of the management entity. Nonetheless, membership should reflect all the interests of the community—including environmental interests and, specifically, the interests of Native Alaskans. The Administration, therefore, recommends deleting the provisions regarding secretarial appointment of management entity representatives and replacing it with standard language requiring a locally-developed management entity to enter into a compact with the Secretary. Management entities are supposed to arise from broad-based community interest and not be top-down designations. It is expected, however, that any management entity would be representative of all local groups, including Native Alaskans.

In addition, we recommend that section 7(b) be revised to make the provision of assistance discretionary, rather than mandatory, and to exclude assistance for administrative, financial, or operations. Although we recognize the need to provide assistance, and intend to do so to the extent possible, there are certain functions that should remain the responsibility of the management entity. Grants funds, rather than agency appropriations, should be available to address basic operational responsibilities.

Finally, we recommend maintaining the 50 percent matching requirement, which is a common requirement in all other Heritage Areas. Keeping Heritage Areas as locally driven entities is a fundamental principle, but that would be difficult to maintain if the Federal Government provided a majority of funding.

The Administration enthusiastically supports the concepts and goals of this bill:

• to interpret history and culture of the corridor,
• to facilitate public enjoyment of these resources,
• to foster cooperative planning and partnerships among communities, state and federal governments.

We embrace the idea of a heritage area and believe that the rich history, spectacular natural resource values and

community support merit recognition in a designation of a heritage area.

The bill, as written, could be interpreted as putting federal land management decisions in the hands of a nonfederal board of directors, a board that does not represent the full spectrum of viewpoints on resource management.

S. 2511 also brings into question the legal status of the lands involved in the Heritage Area. Under the bill, as written, it is unclear whether this land continues to be subject to the laws and regulations pertaining to the national forests. If this substantial area is effectively removed from the National Forest System, then rights established under a number of laws, including the National Forest Organic Act, the Alaska Statehood Act, ANCSA and ANILCA could be affected. If there is a change in national forest status, then payments to the State of Alaska and local government entities could be affected. If the bill results in a change in national forest status, then multiple use management and planning under the National Forest Management Act (NFMA) may no longer apply. Likewise, the public's use of the Chugach National Forest, under existing laws could be questioned.

We concur with the eloquent description of the Kenai Mountains-Turnagain Arm area's history, heritage and natural resources in the testimony of the Department of the Interior.

Grassroots efforts

The Kenai Peninsula Historical Society has worked tirelessly to bring the concept of a heritage corridor for this area into reality. When the staff of the Chugach National Forest became aware of the Kenai Peninsula Historical Society's efforts to designate the western third of the National Forest as National Heritage Corridor, we began to work with the group to incorporate their goals into our forest plan revision. Approximately 80% of the land within the proposed Corridor is Chugach National Forest. The Administration supports the Kenai Peninsula Historical Society's energy and enthusiasm as it dovetails with Forest Service emphasis to support and assist local communities on the Kenai. The Chugach National Forest planning team is strongly considering incorporating a goal and several objectives in the proposed plan that directly address the Kenai Peninsula Historical Society's interests. We encourage proponents to continue working with the planning team.

Predominant land management/local community commitment

For a Heritage Area designation in the vicinity of the Chugach National Forest, we believe that the Secretary of Agriculture, would be the most effective and appropriate Secretary to be vested with responsibility for providing technical assistance to the management entity and approval of the management plan. The proposed Heritage

Corridor of about 1.3 million acres encompass about 1 million acres of the Chugach National Forest. The Heritage Corridor is surrounded by the remainder of the Chugach's over 5.3 million acres. The Forest Service, as the predominant local land manager, has well established community ties.

The Forest Service shares many of the goals and objectives expressed by the proponents for the Heritage Corridor designation. We often work in partnership with a variety of organizations, such as our interpretative partnership with the Kenaitze Indian Tribe at Footprints, and our collaboration with the Alaska Department of Transportation and the Hope-Sunrise Historical Society to relocate mining cabins and a Forest Service guard station during reconstruction of the Seward Highway.

Like the Park Service, the Forest Service has employees with the skills and experience needed to support and guide a Heritage Corridor effort. We also value heritage resources and consider it part of our mission to preserve them and interpret them to the public. Our Chugach Design Center is renowned for its design work on interpretive displays, maps and publications. Chugach National Forest employees at the ranger districts in Seward and Girdwood and Supervisor's Office employees in Anchorage work daily with local community groups in project and forest planning efforts. They support those communities' efforts with grants through the state and private forestry programs for economic development. The Chugach National Forest's commitment already exists.

In conclusion

The Department of Agriculture opposes S. 2511 as it is written but would support the bill if amended to:

- exlude National Forest lands from the Heritage Area,
- vest responsibility for providing technical assistance and management plan approval with the Secretary of Agriculture and allow the Park Service, in consultation with the Secretary of Agriculture, to provide technical assistance, and
- explicitly provide that if the management entity's plan conflicts with the Chugach National Forest Plan, the Forest Plan controls.

I would be happy to answer any questions you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 509, as ordered reported.

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