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CACHE LA POUDRE RIVER NATIONAL HERITAGE AREA

APRIL 10, 2008.—Ordered to be printed

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

R E P O R T

[To accompany S. 128]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 128) to amend the Cache La Poudre River Corridor Act to designate a new management entity, make certain technical and conforming amendments, enhance private property protections, 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:

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 "Cache La Poudre River National Heritage Area Act of 2008".

SEC. 2. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term "Heritage Area" means the Cache La Poudre River National Heritage Area established by section 3(a).

(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the Poudre Heritage Alliance, the local coordinating entity for the Heritage Area designated by section 3(d).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area required under section 5(a).

(4) MAP.—The term "map" means the map entitled "Cache La Poudre River National Heritage Area", numbered 960/80,003, and dated April, 2004.

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

(6) STATE.—The term "State" means the State of Colorado.

SEC. 3. CACHE LA POUDRE RIVER NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State the Cache La Poudre River National Heritage Area.

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(b) BOUNDARIES.—The Heritage Area shall consist of the area depicted on the map.

(c) MAP.—The map shall be on file and available for public inspection in the appropriate offices of—

(1) the National Park Service; and

(2) the local coordinating entity.

(d) LOCAL COORDINATING ENTITY.—The local coordinating entity for the Heritage Area shall be the Poudre Heritage Alliance, a nonprofit organization incorporated in the State.

SEC. 4. ADMINISTRATION.

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

(1) to make grants to the State (including any political subdivision of the State), nonprofit organizations, and other individuals;

(2) to enter into cooperative agreements with, or provide technical assistance to, the State (including any political subdivision of the State), nonprofit organizations, and other interested parties;

(3) to hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resource protection, and heritage programming;

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

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

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

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

(B) is consistent with the approved management plan.

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

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

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

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

(B) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

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

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

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

(F) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest, are posted throughout the Heritage Area; and

(G) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area;

(3) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(4) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

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

(A) submit an annual report to the Secretary that describes the activities, expenses, and income of the local coordinating entity (including grants to any other entities during the year that the report is made);

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

(C) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

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

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

SEC. 5. MANAGEMENT PLAN.

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

(b) REQUIREMENTS.—The management plan shall—

(1) incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area;

(2) take into consideration State and local plans;

(3) include—

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

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

(C) a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area;

(D) a program of implementation for the management plan by the local coordinating entity that includes a description of—

(i) actions to facilitate ongoing collaboration among partners to promote plans for resource protection, restoration, and construction; and

(ii) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, or individual for the first 5 years of operation;

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

(F) analysis and recommendations for means by which local, State, and Federal programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this Act; and

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

(4) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area.

(c) DEADLINE.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the local coordinating entity shall be ineligible to receive additional funding under this Act until the date on which the Secretary approves a management plan.

(d) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

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

(2) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(A) the local coordinating entity is representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(B) the local coordinating entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(C) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area.

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

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

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

(C) not later than 180 days after the date of receipt of any proposed revision of the management plan from the local coordinating entity, approve or disapprove the proposed revision.

(4) AMENDMENTS.—

(A) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines would make a substantial change to the management plan.

(B) USE OF FUNDS.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this Act to carry out any amend-

ments to the management plan until the Secretary has approved the amendments.

SEC. 6. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

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

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

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

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

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

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

SEC. 7. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this Act—

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

(2) requires any property owner—

(A) to permit public access (including access by Federal, State, or local agencies) to the property of the property owner; or

(B) to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, or local agency;

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

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

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

(7) creates any liability, or affects any liability under any other law (including regulations), of any private property owner with respect to any individual injured on the private property.

SEC. 8. EVALUATION; REPORT.

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

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

(2) prepare a report in accordance with subsection (c).

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

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

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

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

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

(3) review the management structure, partnership relationships, and funding of the Heritage Area to identify the critical components for sustainability of the Heritage Area.

(c) REPORT.—

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

(2) REQUIRED ANALYSIS.—If the report prepared under paragraph (1) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

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

(B) the appropriate time period necessary to achieve the recommended reduction or elimination.

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

(A) the Committee on Energy and Natural Resources of the Senate; and
(B) the Committee on Natural Resources of the House of Representatives.

SEC. 9. FUNDING.

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

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

SEC. 10. TERMINATION OF AUTHORITY.

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

SEC. 11. CONFORMING AMENDMENT.

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

2. Amend the title so as to read: "To establish the Cache La Poudre River National Heritage Area, and for other purposes.".

PURPOSE

The purpose of S. 128, as ordered reported, is to establish the Cache La Poudre River National Heritage Area in the State of Colorado.

BACKGROUND AND NEED

The Cache La Poudre River Corridor was designated by Congress in 1996 to interpret the cultural and historical lands, waterways, and structures within the corridor. The corridor was the first national heritage area established west of the Mississippi River. The heritage area extends for 45 miles and includes the lands within the 100-year flood plain of the Cache la Poudre River. It begins in Larimer County at the eastern edge of the Roosevelt National Forest and ends east of Greeley, near the confluence with the South Platte.

Unlike most national heritage areas, the enabling legislation for the Cache La Poudre River Corridor directed the Secretary of the Interior to appoint a commission to develop and implement a management plan for the corridor. Because of constitutional concerns raised by the Department of Justice on how members of the commission would be appointed, the commission was never put in place.

S. 128 repeals the 1996 legislation and establishes a new Cache La Poudre River National Heritage Area in lieu of the present heritage corridor.

LEGISLATIVE HISTORY

S. 128 was introduced by Senators Allard and Salazar on January 4, 2007. The Subcommittee on National Parks held a hearing on the bill on September 27, 2007. (S. Hrg. 110–266.) At its business meeting on January 30, 2008, the Committee on Energy and Natural Resources ordered S. 128 favorably reported, with an amendment in the nature of a substitute.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on January 30, 2008, by a voice vote of a quorum

present, recommends that the Senate pass S. 128, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 128, the Committee adopted an amendment in the nature of a substitute. As introduced, S. 128, made numerous amendments to Public Law 104–323, the legislation establishing the Cache La Poudre River Corridor. The substitute amendment repeals that law, and instead authorizes the Cache La Poudre River National Heritage Area. The amendment designates a Colorado non-profit organization, the Poudre Heritage Alliance, as the local coordinating entity for the heritage area and establishes management authorities for the new heritage area consistent with recent national heritage areas approved by the Committee. The amendment is explained in detail in the section-by-section analysis, below.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title, the "Cache La Poudre River National Heritage Area Act of 2008".

Section 2 defines key terms used in the Act.

Section 3(a) establishes the Cache La Poudre River National Heritage Area in the State of Colorado.

Subsection (b) provides that the heritage area shall consist of the area depicted on the referenced map.

Subsection (c) states that a map of the heritage area shall be available on file in appropriate offices of the National Park Service and the local coordinating entity.

Subsection (d) designates the Poudre Heritage Alliance as the management entity for the heritage area.

Section 4 details how the heritage area will be administered.

Subsection (a) lists the authorities of the local coordinating entity. The subsection authorizes the local coordinating entity to make grants and enter into cooperative agreements, hire staff, obtain funds or services from any source, contract for goods or services, and serve as a catalyst for any activity that furthers the purposes and goals of the heritage area and is consistent with the approved management plan.

Subsection (b) describes the duties of the local coordinating entity.

Subsection (c) prohibits the local coordinating entity from using Federal funds made available under this Act to acquire real property or an interest in real property.

Section 5(a) requires the local coordinating entity to prepare and submit for review a management plan to the Secretary no later than three years after the date on which the funds are made available to carry out this Act.

Subsection (b) lists the requirements for the contents of the management plan.

Subsection (c) states that if the management plan is not submitted within the three-year period, Federal funding is suspended until the plan is submitted to the Secretary.

Subsection (d) requires the Secretary to approve or disapprove the management plan within six months after receiving the plan

and lists the criteria the Secretary is to consider in determining whether to approve or disapprove the plan.

Section 6 describes the relationship of other Federal agencies to the heritage area.

Subsection (a) clarifies that nothing in this Act affects the authority of a Federal agency to provide technical or financial assistance under any other law.

Subsection (b) encourages the head of a Federal agency planning to conduct activities that may have an impact on the heritage area to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

Subsection (c) clarifies that nothing in this Act modifies authorities of Federal agencies to manage Federal land, limits the discretion of a Federal agency to implement an approved land use plan, or modifies or alters any authorized use of Federal land.

Section 7 contains several savings provisions to clarify that the designation of the national heritage area will not affect private property rights, affect governmental land use regulation, reserve or appropriate water rights, diminish the authority of the State to manage fish and wildlife, or create any liability for property owners within the heritage area.

Section 8(a) requires the Secretary to conduct an evaluation of the accomplishments of the national heritage area not later than three years before the date Federal funding authority terminates.

Subsection (b) provides that the evaluation shall assess the progress of the management entity with respect to accomplishing the purposes of this Act for the heritage area and whether the management entity achieved the goals and objectives of the approved management plan for the heritage area. The evaluation is also required to analyze governmental investments in the heritage area to determine the leverage and impact of the investments.

Subsection (c) requires the Secretary to prepare a report, based on the evaluation that includes recommendations for the future role of the National Park Service, if any, for the heritage area. If the report recommends that Federal funding for the area be reauthorized, it is required to include an analysis of ways Federal funding may be reduced or eliminated. The report is to be submitted to the House and Senate authorizing committees.

Section 9(a) authorizes total appropriations of $10 million, with not more than $1 million authorized to be appropriated for any fiscal year.

Subsection (b) requires Federal funding to be matched on a 50:50 basis with funds from non-Federal sources.

Section 10 provides that the authority of the Secretary to provide assistance under this Act terminates 15 years after the date of enactment.

Section 11 repeals Public Law 104–323, the 1996 law establishing the Cache La Poudre River Corridor.

COST AND BUDGETARY CONSIDERATIONS

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

S. 128—Cache La Poudre River National Heritage Area Act of 2008

Summary: S. 128 would rename the Cache La Poudre River Corridor in Colorado as the Cache La Poudre National Heritage Area (NHA). The bill also would designate the Poudre Heritage Alliance, a local nonprofit organization, as the new management entity for the NHA and would authorize additional funding for the alliance or other eligible entities.

CBO estimates that implementing S. 128 would cost $5 million over the 2009–2013 period and an additional $5 million after 2013. Enacting S. 128 would have no effect on direct spending or revenues.

S. 128 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 128 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2009	2010	2011	2012	2013
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	1	1	1	1	1
Estimated Outlays	1	1	1	1	1

Basis of estimate: S. 128 would authorize the appropriation of $10 million, not to exceed $1 million annually, for financial assistance to the Poudre Heritage Alliance or other eligible entities over the next 15 years. Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 128 would cost $5 million over the 2009–2013 period and $5 million over the following five to 10 years. Such amounts would be used to cover a portion of the costs of planning, establishing, operating, and interpreting the heritage area.

Intergovernmental and private-sector impact: S. 128 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal costs: Deborah Reis; Impact on state, local, and tribal governments: Melissa Merrell; Impact on the private sector: MarDestinee Perez.

Estimate approved by: Theresa Gullo, 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. 128. 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. 128, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

In accordance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides the following identification of congressionally directed spending items contained in the bill, as reported:

Section	Provision	Member
9(a)	Authorization of appropriations	Allard

EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the September 27, 2007 subcommittee hearing on S. 128 follows:

STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 128, a bill to amend the Cache la Poudre River Corridor Act to designate a new management entity, make certain technical and conforming amendments, enhance private property protections, and for other purposes.

The Department has no objection to S. 128 if amended as described in this testimony to make the bill similar to other recent national heritage area bills. The Administration usually does not support extending the time period for financial assistance to national heritage areas, but is willing to accept an extension in this case, given the statutory problems in establishing a management entity.

The Cache la Poudre River Corridor was established on October 19, 1996 by P.L. 104–323. The National Park Service (NPS), working with former Senator Hank Brown and members of the community, completed a resource study that focused on the area's history of water and water rights. Water rights continue to be an important issue in the west, and the Cache la Poudre River Corridor provides a unique opportunity to tell the story of the natural history of 19th century settlement, irrigation, and establishment of water rights in an arid environment.

S. 128 would correct a number of technical errors, provide a more accurate definition of the national heritage area's boundary, change the management of the heritage area to a private not-for-profit organization from a federal commission, include the proper spelling of the Cache la Poudre River, and change the name of the area to more accurately reflect the purpose for which the area was established.

Congress established the Cache la Poudre River heritage area in 1996, however, it has never been fully operational due to concerns from the Department of Justice over language used in the law to appoint members to the operating commission that potentially conflict with the appointments clause of the Constitution. The NPS and members of the

Colorado delegation have been working for several years to reach an agreement on legislative language that meets the concerns laid out by the Department of Justice, preserves the regional administration of the area, and protects private property rights. S. 128 meets these goals.

The most significant change in S. 128 is the management entity. It replaces a federally appointed advisory commission with a local 501(c)(3) organization, the Poudre Heritage Alliance. Established in 2002, this group has continued to lead the program, meeting regularly with the public, conducting research and developing the elements of the required management plan. The Alliance represents a broad spectrum of the area's residents, organizations, and agencies that were involved in the planning for the National Heritage Area.

The NPS exercises limited oversight of national heritage areas. The current management of those areas is the responsibility of qualified management entities, with NPS providing financial and technical assistance to help with visitor education and planning if needed. Cache la Poudre, however, has received limited financial assistance, because of the problems in establishing a qualified management entity. NPS has provided some planning and research assistance over the past 10 years.

S. 128 would extend the authority to receive financial assistance until 10 years after enactment of this bill. In most cases, that would raise concerns about postponing the time when the heritage area becomes self-sufficient. In this case, however, the previous delays in designating a qualified management entity have significantly limited both the progress in establishing the heritage area and the financial assistance provided. Over 10 years, NPS has provided approximately $340,000 in financial assistance to the Cache la Poudre River heritage area, which is less than one-tenth of what was provided to other heritage areas established at the same time.

The bill also authorizes the development of a management plan within three years of enactment and authorizes the use of federal funds to develop and implement that plan. If the plan is not submitted within three years of enactment of this Act, the Heritage Area becomes ineligible for federal funding until a plan is submitted to the Secretary. Additionally, the Secretary may, at the request of the management entity, provide technical assistance and enter into cooperative agreements with other public and private entities.

S. 128 contains safeguards to protect private property, including a prohibition on the use of federal funds to acquire property. The bill proposes no new restrictions with regard to private property rights and does not convey any water right or water restrictions to the federal government.

S. 128 would also correct a number of errors in the original legislation. The first correction would be the proper spelling of the river, with a lower case "l" for Cache la

Poudre. It replaces the original name of the heritage area from Cache La Poudre River Corridor to Cache la Poudre River National Heritage Area. It also replaces a listing of flood plain map references with a map developed specifically for the area.

It appears that the amendments that the bill suggests to P.L. 104–323 result in contradictory language regarding land acquisition within the heritage area. We would like to work with the Subcommittee to clarify this language and make it similar to other heritage areas.

We also suggest including an additional requirement for an evaluation to be conducted by the Secretary, three years prior to the cessation of federal funding under this act. The evaluation would examine the accomplishments of the heritage area in meeting the goals of the management plan, analyze the leveraging and impact of investments to the heritage area, identify the critical components of the management structure and sustainability of the heritage area, and recommend what future role, if any, the NPS should have with respect to the heritage area.

Lastly, legislative language regarding National Heritage Areas has evolved since 1996 when the Cache la Poudre Heritage Corridor was enacted. We recommend amending the bill further to make the amended act similar to other, more recent heritage area legislation. We would be happy to work with the Subcommittee to develop these amendments.

Mr. Chairman that concludes my prepared remarks. I would be pleased to answer any questions you or other members of the Subcommittee may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 128 as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Public Law 104–323—Oct. 19, 1996

AN ACT *To establish the Cache La Poudre River Corridor*

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

[SEC. 100. SHORT TITLE.

[This Act may be cited as the "Cache La Poudre River Corridor Act"].

[SEC. 101. PURPOSE.

[The purpose of this Act is to designate the Cache La Poudre Corridor within the Cache La Poudre River Basin and to provide for the interpretation, for the educational and inspirational benefit of present and future generations, of the unique and significant contributions to our national heritage of cultural and historical lands, waterways, and structures within the Corridor.

[SEC. 102. DEFINITIONS.

[In this Act:

[(1) COMMISSION.—The term "Commission" means the Cache La Poudre Corridor Commission established by section 104(a).

[(2) CORRIDOR.—The term "Corridor" means the Cache La Poudre Corridor established by section 103(a).

[(3) GOVERNOR.—The term "Governor" means the Governor of the State of Colorado.

[(4) PLAN.—The term "Plan" means the corridor interpretation plan prepared by the Commission pursuant to section 108(a).

[(5) POLITICAL SUBDIVISION OF THE STATE.—The term "political subdivision of the State" means a political subdivision of the State of Colorado, any part of which is located in or adjacent to the Corridor, including a county, city, town, water conservancy district, or special district.

[(6) SECRETARY.—THE TERM "SECRETARY" means the Secretary of the Interior.

[SEC. 103. ESTABLISHMENT OF THE CACHE LA POUDRE CORRIDOR.

[(a) ESTABLISHMENT.—There is established in the State of Colorado the Cache La Poudre Corridor.

[(b) BOUNDARIES.—The boundaries of the Corridor shall include the lands within the 100–year flood plain of the Cache La Poudre River Basin, beginning at a point where the Cache La Poudre River flows out of the Roosevelt National Forest and continuing east along the floodplain to a point ¼ mile west of the confluence of the Cache La Poudre River and the South Platte River in Weld County, Colorado, comprising less than 35,000 acres, and generally depicted as the 100–year flood boundary on the Federal Flood Insurance maps listed below:

[(1) Flood insurance rate map, Larimer County, Colorado.—Community-Panel No. 080101 0146B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

[(2) Flood insurance rate map, Larimer County, Colorado.—Community-Panel No. 080101 0147B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

[(3) Flood insurance rate map, Larimer County, Colorado.—Community-Panel No. 080101 0162B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

[(4) Flood insurance rate map, Larimer County, Colorado.—Community-Panel No. 080101 0163C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

[(5) Flood insurance rate map, Larimer County, Colorado.—Community-Panel No. 080101 0178C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

[(6) Flood insurance rate map, Larimer County, Colorado.—Community-Panel No. 080102 0002B, February 15, 1984. Federal Emergency Management Agency, Federal Insurance Administration.

[(7) Flood insurance rate map, Larimer County, Colorado.—Community-Panel No. 080101 0179C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

[(8) Flood insurance rate map, Larimer County, Colorado.—Community-Panel No. 080101 0193D, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

[(9) Flood insurance rate map, Larimer County, Colorado.—Community-Panel No. 080101 0194D, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

[(10) Flood insurance rate map, Larimer County, Colorado.—Community-Panel No. 080101 0208C, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

[(11) Flood insurance rate map, Larimer County, Colorado.—Community-Panel No. 080101 0221C, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

[(12) Flood insurance rate map, Larimer County, Colorado.—Community-Panel No. 080266 0605D, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

[(13) Flood insurance rate map, Larimer County, Colorado.—Community-Panel No. 080264 0005A, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

[(14) Flood insurance rate map, Larimer County, Colorado.—Community-Panel No. 080266 0608D, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

[(15) Flood insurance rate map, Larimer County, Colorado.—Community-Panel No. 080266 0609C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

[(16) Flood insurance rate map, Larimer County, Colorado.—Community-Panel No. 080266 0628C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

[(17) Flood insurance rate map, Larimer County, Colorado.—Community-Panel No. 080184 0002B, July 16, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

[(18) Flood insurance rate map, Larimer County, Colorado.—Community-Panel No. 080266 0636C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

[(19) Flood insurance rate map, Larimer County, Colorado.—Community-Panel No. 080266 0637C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

As soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register a detailed description and map of the boundaries of the Corridor.

[(c) PUBLIC ACCESS TO MAPS.—The maps shall be on file and available for public inspection in—

[(1) the offices of the Department of the Interior in Washington, District of Columbia, and Denver, Colorado; and (2) local offices of the city of Fort Collins, Larimer County, the city of Greeley, and Weld County.

[SEC. 104. ESTABLISHMENT OF THE CACHE LA POUDRE CORRIDOR COMMISSION.

[(a) IN GENERAL.—Upon the recommendation of the Governor, the Secretary is authorized to recognize, for the purpose of developing and implementing the plan referred to in section 108, the Cache La Poudre Corridor Commission, as such Commission may be established by the State of Colorado or its political subdivisions.

[(b) REFLECTION OF CROSS-SECTION OF INTERESTS.—The Secretary may provide recognition under subsection (a) only if the Commission reflects the following:

[(1) MEMBERSHIP.—

[(A) COMPOSITION.—The Commission shall be composed of 15 members appointed not later than 6 months after the date of enactment of this Act. Of these 15 members—

[(i) 1 member shall be a representative of the Secretary of the Interior which member shall be an ex officio member;

[(ii) 1 member shall be a representative of the Forest Service, appointed by the Secretary of Agriculture, which member shall be an ex officio member;

[(iii) 3 members shall be recommended by the Governor and appointed by the Secretary, of whom—

[(I) 1 member shall represent the State;

[(II) 1 member shall represent Colorado State University in Fort Collins; and

[(III) 1 member shall represent the Northern Colorado Water Conservancy District;

[(iv) 6 members shall be representatives of local governments who are recommended by the Governor and appointed by the Secretary, of whom—

[(I) 1 member shall represent the city of Fort Collins;

[(II) 2 members shall represent Larimer County, 1 of which shall represent agriculture or irrigated water interests;

[(III) 1 member shall represent the city of Greeley;

[(IV) 2 members shall represent Weld County, 1 of which shall represent agricultural or irrigated water interests; and

[(V) 1 member shall represent the city of Loveland; and

[(v) 3 members shall be recommended by the Governor and appointed by the Secretary, and shall—

[(I) represent the general public;

[(II) be citizens of the State; and

[(III) reside within the Corridor.

[1(B) CHAIRPERSON.—The chairperson of the Commission shall be elected by the members of the Commission

from among members appointed under clause (iii), (iv), or (v) of subparagraph (A). The chairperson shall be elected for a 2-year term.

[(C) VACANCIES.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

[(2) TERMS OF SERVICE.—

[(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), each member of the Commission shall be appointed for a term of 3 years and may be reappointed.

[(B) INITIAL MEMBERS.—The initial members of the Commission first appointed under paragraph (1)(A) shall be appointed as follows:

[(i) 3-year terms.—The following initial members shall serve for a 3-year term:

[(I) The representative of the Secretary of the Interior.

[(II) 1 representative of Weld County.

[III) 1 representative of Larimer County.

[(IV) 1 representative of the city of Loveland.

[(V) 1 representative of the general public.

[(ii) 2-YEAR TERMS.—The following initial members shall serve for a 2-year term:

[(I) The representative of the Forest Service.

[(II) The representative of the State.

[(III) The representative of Colorado State University.

[(IV) The representative of the Northern Colorado Water Conservancy District.

[(iii) 1-YEAR TERMS.—The following initial members shall serve for a 1-year term:

[(I) 1 representative of the city of Fort Collins.

[(II) 1 representative of Larimer County.

[(III) 1 representative of the city of Greeley.

[(IV) 1 representative of Weld County.

[(V) 1 representative of the general public.

[(C) PARTIAL TERMS.—

[(i) FILLING VACANCIES.—A member of the Commission appointed to fill a vacancy occurring before the expiration of the term for which a predecessor was appointed shall be appointed only for the remainder of the member's term.

[(ii) EXTENDED SERVICE.—A member of the Commission may serve after the expiration of that member's term until a successor has taken office.

[(3) COMPENSATION.—Members of the Commission shall receive no compensation for their service on the Commission.

[(4) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

[SEC. 105. STAFF OF THE COMMISSION.

[(a) STAFF.—The Commission shall have the power to appoint and fix the compensation of such staff as may be necessary to carry out the duties of the Commission.

[(1) APPOINTMENT AND COMPENSATION.—Staff appointed by the Commission—

[(A) shall be appointed without regard to the civil service laws (including regulations); and

[(B) shall be compensated without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

[(b) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

[(c) STAFF OF OTHER AGENCIES.—

[(1) FEDERAL.—Upon request of the Commission, the head of a Federal agency may detail, on a reimbursement basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the Commission's duties. The detail shall be without interruption or loss of civil service status or privilege.

[(2) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

[(3) STATE.—The Commission may—

[(A) accept the service of personnel detailed from the State, State agencies, and political subdivisions of the State; and

[(B) reimburse the State, State agency, or political subdivision of the State for such services.

[SEC. 106. POWERS OF THE COMMISSION.

[(a) HEARINGS.—

[(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers necessary to carry out this Act.

[(2) SUBPOENAS.—The Commission may not issue subpoenas or exercise any subpoena authority.

[(b) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

[(c) MATCHING FUNDS.—The Commission may use its funds to obtain money from any source under a program or law requiring the recipient of the money to make a contribution in order to receive the money.

[(d) GIFTS.—Except as provided in subsection (e)(3), the Commission may, for the purpose of carrying out its duties, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services received from any source.

[(e) REAL PROPERTY.—

[(1) IN GENERAL.—Except as provided in paragraph (2), the Commission may not acquire real property or an interest in real property.

[(2) EXCEPTION.—Subject to paragraph (3), the Commission may acquire real property in the Corridor, and interests in real property in the Corridor—

[(A) by gift or device;

[(B) by purchase from a willing seller with money that was given or bequeathed to the Commission; or

[(C) by exchange.

[(3) CONVEYANCE TO PUBLIC AGENCIES.—Any real property or interest in real property acquired by the Commission under paragraph (2) shall be conveyed by the Commission to an appropriate non-Federal public agency, as determined by the Commission. The conveyance shall be made—

[(A) as soon as practicable after acquisition;

[(B) without consideration; and

[(C) on the condition that the real property or interest in real property so conveyed is used in furtherance of the purpose for which the Corridor is established.

[(f) COOPERATIVE AGREEMENTS.—For the purpose of carrying out the Plan, the Commission may enter into cooperative agreements with Federal agencies, State agencies, political subdivisions of the State, and persons. Any such cooperative agreement shall, at a minimum, establish procedures for providing notice to the Commission of any action that may affect the implementation of the Plan.

[(g) ADVISORY GROUPS.—The Commission may establish such advisory groups as it considers necessary to ensure open communication with, and assistance from Federal agencies, State agencies, political subdivisions of the State, and interested persons.

[(h) MODIFICATION OF PLANS.—

[(1) IN GENERAL.—The Commission may modify the Plan if the Commission determines that such modification is necessary to carry out this Act.

[(2) NOTICE.—No modification shall take effect until—

[(A) any Federal agency, State agency, or political subdivision of the State that may be affected by the modification receives adequate notice of, and an opportunity to comment on, the modification;

[(B) if the modification is significant, as determined by the Commission, the Commission has—

[(i) provided adequate notice of the modification by publication in the area of the Corridor; and

[(ii) conducted a public hearing with respect to the modification; and

[(C) the Governor has approved the modification.

[SEC. 107. DUTIES OF THE COMMISSION.

[(a) PLAN.—The Commission shall prepare, obtain approval for, implement, and support the Plan in accordance with section 108.

[(b) MEETINGS.—

[(1) TIMING.—

[(A) INITIAL MEETING.—The Commission shall hold its first meeting not later than 90 days after the date on which its last initial member is appointed.

[(B) SUBSEQUENT MEETINGS.—After the initial meeting, the Commission shall meet at the call of the chairperson or 7 of its members, except that the Commission shall meet at least quarterly.

[(2) QUORUM.—Ten members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

[(3) BUDGET.—The affirmative vote of not less than 10 members of the Commission shall be required to approve the budget of the Commission.

[(c) ANNUAL REPORTS.—Not later than May 15 of each year, following the year in which the members of the Commission have been appointed, the Commission shall publish and submit to the Secretary and to the Governor, an annual report concerning the Commission's activities.

[SEC. 108. PREPARATION, REVIEW, AND IMPLEMENTATION OF THE PLAN.

[(a) PREPARATION OF PLAN.—

[(1) IN GENERAL.—Not later than 2 years after the Commission conducts its first meeting, the Commission shall submit to the Governor a Corridor Interpretation Plan.

[(2) DEVELOPMENT.—In developing the Plan, the Commission shall—

[(A) consult on a regular basis with appropriate officials of any Federal or State agency, political subdivision of the State, and local government that has jurisdiction over or an ownership interest in land, water, or water rights within the Corridor; and

[(B) conduct public hearings within the Corridor for the purpose of providing interested persons the opportunity to testify about matters to be addressed by the Plan.

[(3) RELATIONSHIP TO EXISTING PLANS.—The Plan—

[(A) shall recognize any existing Federal, State, and local plans;

[(B) shall not interfere with the implementation, administration, or amendment of such plans; and

[(C) to the extent feasible, shall seek to coordinate the plans and present a unified interpretation plan for the Corridor.

[(b) REVIEW OF PLAN.—

[(1) IN GENERAL.—The Commission shall submit the Plan to the Governor for the Governor's review.

[(2) GOVERNOR.—The Governor may review the Plan and, if the Governor concurs in the Plan, may submit the Plan to the Secretary, together with any recommendations.

[(3) SECRETARY.—The Secretary shall approve or disapprove the Plan within 90 days. In reviewing the Plan, the Secretary shall consider the adequacy of—

[(A) public participation; and

[(B) the Plan in interpreting, for the educational and inspirational benefit of present and future generations, the unique and significant contributions to our national herit-

age of cultural and historical lands, waterways, and structures within the Corridor.

[(c) DISAPPROVAL OF PLAN.—

[(1) NOTIFICATION BY SECRETARY.—If the Secretary disapproves the Plan, the Secretary shall, not later than 60 days after the date of disapproval, advise the Governor and the Commission of the reasons for disapproval, together with recommendations for revision.

[(A) Revision and resubmission to governor.—Not later than 90 days after receipt of the notice of disapproval, the Commission shall revise and resubmit the Plan to the Governor for review.

[(B) RESUBMISSION TO SECRETARY.—If the Governor concurs in the revised Plan, he may submit the revised Plan to the Secretary who shall approve or disapprove the revision within 60 days. If the Governor does not concur in the revised Plan, he may resubmit it to the Commission together with his recommendations for further consideration and modification.

[(2) IMPLEMENTATION OF PLAN.—After approval by the Secretary, the Commission shall implement and support the Plan as follows:

[(A) CULTURAL RESOURCES.—

[(i) IN GENERAL.—The Commission shall assist Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations in the conservation and interpretation of cultural resources within the Corridor.

[(ii) EXCEPTION.—In providing the assistance, the Commission shall in no way infringe upon the authorities and policies of a Federal agency, State agency, or political subdivision of the State concerning the administration and management of property, water, or water rights held by the agency, political subdivision, or private persons or entities, or affect the jurisdiction of the State of Colorado over any property, water, or water rights within the Corridor.

[(3) PUBLIC AWARENESS.—The Commission shall assist in the enhancement of public awareness of, and appreciation for, the historical, recreational, architectural, and engineering structures in the Corridor, and the archaeological, geological, and cultural resources and sites in the Corridor—

[(A) by encouraging private owners of identified structures, sites, and resources to adopt voluntary measures for the preservation of the identified structure, site, or resource; and

[(B) by cooperating with Federal agencies, State agencies, and political subdivisions of the State in acquiring, on a willing seller basis, any identified structure, site, or resource which the Commission, with the concurrence of the Governor, determines should be acquired and held by an agency of the State.

[(4) RESTORATION.—The Commission may assist Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations in the restoration of any identified

structure or site in the Corridor with consent of the owner. The assistance may include providing technical assistance for historic preservation, revitalization, and enhancement efforts.

[(5) INTERPRETATION.—The Commission shall assist in the interpretation of the historical, present, and future uses of the Corridor—

[(A) by consulting with the Secretary with respect to the implementation of the Secretary's duties under section 110;

[(B) by assisting the State and political subdivisions of the State in establishing and maintaining visitor orientation centers and other interpretive exhibits within the Corridor;

[(C) by encouraging voluntary cooperation and coordination, with respect to ongoing interpretive services in the Corridor, among Federal agencies, State agencies, political subdivisions of the State, nonprofit organizations, and private citizens; and

[(D) by encouraging Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations to undertake new interpretive initiatives with respect to the Corridor.

[(6) RECOGNITION.—The Commission shall assist in establishing recognition for the Corridor by actively promoting the cultural, historical, natural, and recreational resources of the Corridor on a community, regional, statewide, national, and international basis.

[(7) LAND EXCHANGES.—The Commission shall assist in identifying and implementing land exchanges within the State of Colorado by Federal and State agencies that will expand open space and recreational opportunities within the flood plain of the Corridor.

[SEC. 109. TERMINATION OF TRAVEL EXPENSES PROVISION.

[Effective on the date that is 5 years after the date on which the Secretary approves the Plan, section 104 is amended by striking paragraph (4).

[SEC. 110. DUTIES OF THE SECRETARY.

[(a) ACQUISITION OF LAND.—The Secretary may acquire land and interests in land within the Corridor that have been specifically identified by the Commission for acquisition by the Federal Government and that have been approved for the acquisition by the Governor and the political subdivision of the State where the land is located by donation, purchase with donated or appropriated funds, or exchange. Acquisition authority may only be used if the lands cannot be acquired by donation or exchange. No land or interest in land may be acquired without the consent of the owner.

[(b) TECHNICAL ASSISTANCE.—The Secretary shall, upon the request of the Commission, provide technical assistance to the Commission in the preparation and implementation of the Plan pursuant to section 108.

[(c) DETAIL.—Each fiscal year during the existence of the Commission, the Secretary shall detail to the Commission, on a nonreimbursable basis, 2 employees of the Department of the Interior

to enable the Commission to carry out the Commission's duties under section 107.

[SEC. 111. OTHER FEDERAL ENTITIES.

[(a) DUTIES.—Subject to section 112, a Federal entity conducting or supporting activities directly affecting the flow of the Cache La Poudre River through the Corridor, or the natural resources of the Corridor shall consult with the Commission with respect to the activities.

[(b) AUTHORIZATION.—

[(1) IN GENERAL.—The Secretary or Administrator of a Federal agency may acquire land in the flood plain of the Corridor by exchange for other lands within the agency's jurisdiction within the State of Colorado, based on fair market value, if the lands have been identified by the Commission for acquisition by a Federal agency and the Governor and the political subdivision of the State or the owner where the lands are located concur in the exchange. Land so acquired shall be used to fulfill the purpose for which the Corridor is established.

[(2) CONVEYANCE OF SURPLUS REAL PROPERTY.—Without monetary consideration to the United States, the Administrator of General Services may convey to the State of Colorado, its political subdivisions, or instrumentalities thereof all of the right, title, and interest of the United States in and to any surplus real property (within the meaning of section 3(g) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472(g))) within the State of Colorado which the Secretary has determined is suitable and desirable to meet the purposes for which the Corridor is established. Subparagraph (B) of section 203(k)(3) of such Act shall apply to any conveyance made under this paragraph. For purposes of the preceding sentence, such subparagraph shall be applied by substituting "the purposes for which the Cache La Poudre Corridor is established" for "historic monument purposes".

[SEC. 112. EFFECT ON ENVIRONMENTAL AND OTHER STANDARDS, RESTRICTIONS, AND SAVINGS PROVISIONS.

[(a) EFFECT ON ENVIRONMENTAL AND OTHER STANDARDS.—

[(1) VOLUNTARY COOPERATION.—In carrying out this Act, the Commission and Secretary shall emphasize voluntary cooperation.

[(2) RULES, REGULATIONS, STANDARDS, AND PERMIT PROCESSES.—Nothing in this Act shall be considered to impose or form the basis for imposition of any environmental, occupational, safety, or other rule, regulation, standard, or permit process that is different from those that would be applicable had the Corridor not been established.

[(3) ENVIRONMENTAL QUALITY STANDARDS.—Nothing in this Act shall be considered to impose the application or administration of any Federal or State environmental quality standard that is different from those that will be applicable had the Corridor not been established.

[(4) WATER STANDARDS.—Nothing in this Act shall be considered to impose any Federal or State water use designation or water quality standard upon uses of, or discharges to, waters of the State or waters of the United States, within or adjacent

to the Corridor, that is more restrictive than those that would be applicable had the Corridor not been established.

[(5) PERMITTING OF FACILITIES.—Nothing in the establishment of the Corridor shall abridge, restrict, or alter any applicable rule, regulation, standard, or review procedure for permitting of facilities within or adjacent to the Corridor.

[(6) WATER FACILITIES.—Nothing in the establishment of the Corridor shall affect the continuing use and operation, repair, rehabilitation, expansion, or new construction of water supply facilities, water and wastewater treatment facilities, stormwater facilities, public utilities, and common carriers.

[(7) WATER AND WATER RIGHTS.—Nothing in the establishment of the Corridor shall be considered to authorize or imply the reservation or appropriation of water or water rights for any purpose.

[(b) RESTRICTIONS ON COMMISSION AND SECRETARY.—Nothing in this Act shall be construed to vest in the Commission or the Secretary the authority to—

[(1) require a Federal agency, State agency, political subdivision of the State, or private person (including an owner of private property) to participate in a project or program carried out by the Commission or the Secretary under this Act;

[(2) intervene as a party in an administrative or judicial proceeding concerning the application or enforcement of a regulatory authority of a Federal agency, State agency, or political subdivision of the State, including, but not limited to, authority relating to—

[(A) land use regulation;

[(B) environmental quality;

[(C) licensing;

[(D) permitting;

[(E) easements;

[(F) private land development; or

[(G) other occupational or access issue;

[(3) establish or modify a regulatory authority of a Federal agency, State agency, or political subdivision of the State, including authority relating to—

[(A) land use regulation;

[(B) environmental quality; or

[(C) pipeline or utility crossings;

[(4) modify a policy of a Federal agency, State agency, or political subdivision of the State;

[(5) attest in any manner the authority and jurisdiction of the State with respect to the acquisition of lands or water, or interest in lands or water;

[(6) vest authority to reserve or appropriate water or water rights in any entity for any purpose;

[(7) deny, condition, or restrict the construction, repair, rehabilitation, or expansion of water facilities, including stormwater, water, and wastewater treatment facilities; or

[(8) deny, condition, or restrict the exercise of water rights in accordance with the substantive and procedural requirements of the laws of the State.

[(c) SAVINGS PROVISION.—Nothing in this Act shall diminish, enlarge, or modify a right of a Federal agency, State agency, or political subdivision of the State—

[(1) to exercise civil and criminal jurisdiction within the Corridor; or

[(2) to tax persons, corporations, franchises, or property, including minerals and other interests in or on lands or waters within the urban portions of the Corridor.

[(d) ACCESS TO PRIVATE PROPERTY.—Nothing in this Act requires an owner of private property to allow access to the property by the public.

[SEC. 113. AUTHORIZATION OF APPROPRIATIONS.

[(a) IN GENERAL.—There are authorized to be appropriated not to exceed $50,000 to the Commission to carry out this Act for each of the first 5 fiscal years following the date of enactment of this Act.

[(b) MATCHING FUNDS.—Funds may be made available pursuant to this section only to the extent they are matched by equivalent funds or in-kind contributions of services or materials from non-Federal sources.]

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