

104TH CONGRESS
1ST SESSION

S. 342

To establish the Cache La Poudre River National Water Heritage Area
in the State of Colorado, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 2 (legislative day, JANUARY 30), 1995

Mr. BROWN introduced the following bill; which was read twice and referred
to the Committee on Energy and Natural Resources

A BILL

To establish the Cache La Poudre River National Water
Heritage Area in the State of Colorado, and for other
purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Cache La Poudre River
5 National Water Heritage Area Act”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the Cache La Poudre River Basin rep-
9 represents a nationally significant historical, rec-

1 reational, scenic, cultural, natural, economic, and
2 scientific resource;

3 (2) sites and structures within the Cache La
4 Poudre River Basin symbolize in physical form—

5 (A) the development and management of
6 water resources critical to the westward expan-
7 sion of the Nation; and

8 (B) the sociocultural evolution of a work-
9 ing river from aboriginal tribes, through—

10 (i) early exploration;

11 (ii) 19th century settlement;

12 (iii) development of a water dependent
13 agricultural economy; and

14 (iv) an ongoing transition to present
15 day urban development;

16 (3) the Cache La Poudre River National Water
17 Heritage Area will represent the first working river,
18 within the National Park Service's management
19 theme of the history of water development and river
20 basin management in the westward expansion of the
21 United States, that will demonstrate the historical,
22 present, and future utilization of a river in the devel-
23 opment of the western United States;

24 (4) establishment of a Cache La Poudre River
25 National Water Heritage Area will provide a unique

1 opportunity to observe and understand the utiliza-
2 tion of a working river as societal needs and de-
3 mands change, both in a historical context, and as
4 development and use of the Cache La Poudre River
5 change in the future;

6 (5) establishment of a Cache La Poudre River
7 National Water Heritage Area will provide for the
8 maintenance and development of needed recreational
9 and natural open space necessary to the urban envi-
10 ronment; and

11 (6) despite efforts by State agencies, political
12 subdivisions of the State, volunteer organizations,
13 and private businesses, the cultural, historical, edu-
14 cational, and recreational resources of the Cache La
15 Poudre River Basin have not realized full potential
16 and may be lost without assistance from the Federal
17 Government.

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

19 (1) retain, enhance, and interpret, for the edu-
20 cational and inspirational benefit of present and fu-
21 ture generations, the unique and significant con-
22 tributions to our national heritage of cultural and
23 historical lands, waterways, and structures within
24 the Cache La Poudre River Basin;

1 (2) provide an interpretive and management
2 framework that may be used by present and future
3 generations to observe how the changing and grow-
4 ing needs of all the various water users within the
5 Basin affect the use of the River over time, includ-
6 ing the structural and technological changes made to
7 the various water delivery, water storage, water
8 treatment, wastewater facilities, and stormwater fa-
9 cilities, located within the Basin;

10 (3) provide a framework to assist the State
11 agencies and political subdivisions of the State in the
12 development of a plan to retain, enhance, and inter-
13 pret the significant values (past, present, and fu-
14 ture) of the lands, waters, and structures of the
15 Basin, where feasible, consistent with the present
16 and future development and use of the Cache La
17 Poudre River for all beneficial purposes, as defined
18 by State law; and

19 (4) recognize the special importance of the
20 urban river corridor through Fort Collins, Colorado,
21 in the interpretation and management of the history
22 of water development theme.

23 **SEC. 3. DEFINITIONS.**

24 As used in this Act:

1 (1) AREA.—The term “Area” means the Cache
2 La Poudre River National Water Heritage Area es-
3 tablished by section 4(a).

4 (2) COMMISSION.—The term “Commission”
5 means the Cache La Poudre River National Water
6 Heritage Area Commission established by section
7 5(a).

8 (3) HISTORY OF WATER DEVELOPMENT
9 THEME.—The term “history of water development
10 theme” means the management theme of the Na-
11 tional Park Service relating to the history of water
12 development and river basin management in the
13 westward expansion of the United States.

14 (4) GOVERNOR.—The term “Governor” means
15 the Governor of the State of Colorado.

16 (5) PLAN.—The term “Plan” means the water
17 heritage area interpretation and management plan
18 prepared by the Commission pursuant to section
19 9(a).

20 (6) POLITICAL SUBDIVISION OF THE STATE.—
21 The term “political subdivision of the State” means
22 a political subdivision of the State of Colorado, any
23 part of which is located in or adjacent to the Area,
24 including a county, city, town, water conservancy
25 district, or special district.

1 (7) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (8) STATE.—The term “State” means the State
4 of Colorado.

5 **SEC. 4. ESTABLISHMENT OF THE CACHE LA POUVRE RIVER**
6 **NATIONAL WATER HERITAGE AREA.**

7 (a) ESTABLISHMENT.—To carry out this Act, there
8 is established in the State of Colorado the Cache La
9 Poudre River National Water Heritage Area.

10 (b) BOUNDARIES.—The boundaries of the Area shall
11 include those lands generally depicted on the map entitled
12 “Boundary Map, Cache La Poudre River National Water
13 Heritage Area” numbered _____ and dated
14 _____. As soon as practicable
15 after the date of enactment of this Act, the Secretary shall
16 publish in the Federal Register a detailed description and
17 map of the boundaries of the Area.

18 (c) PUBLIC ACCESS TO MAP.—The map shall be on
19 file and available for public inspection in—

20 (1) the offices of the Department of the Inte-
21 rior in Washington, District of Columbia;

22 (2) the offices of the National Park Service in
23 Denver, Colorado; and

24 (3) local offices of—

25 (A) the city of Fort Collins;

- 1 (B) Larimer County;
2 (C) the city of Greeley; and
3 (D) Weld County.

4 (d) ADMINISTRATION.—The Area shall be adminis-
5 tered in accordance with this Act.

6 **SEC. 5. ESTABLISHMENT OF THE CACHE LA POUFRE RIVER**
7 **NATIONAL WATER HERITAGE AREA COMMIS-**
8 **SION.**

9 (a) ESTABLISHMENT.—

10 (1) IN GENERAL.—There is established the
11 Cache La Poudre River National Water Heritage
12 Area Commission.

13 (2) FUNCTION.—The Commission shall coordi-
14 nate with appropriate Federal, State, and local au-
15 thorities in the development and implementation of
16 an integrated plan to interpret and manage elements
17 of the history of water development theme.

18 (b) MEMBERSHIP.—

19 (1) COMPOSITION.—The Commission shall be
20 composed of 15 members appointed not later than 6
21 months after the date of enactment of this Act. Of
22 these 15 members—

23 (A) 1 member shall be the Director of the
24 National Park Service (who shall be an ex
25 officio member), or a delegate of the Director;

1 (B) 1 member shall be a representative of
2 the Forest Service, appointed by the Secretary
3 of Agriculture, which member shall be an ex
4 officio member;

5 (C) 3 members shall be recommended by
6 the Governor and appointed by the Secretary,
7 of whom—

8 (i) 1 member shall represent the
9 State;

10 (ii) 1 member shall represent Colo-
11 rado State University in Fort Collins; and

12 (iii) 1 member shall represent the
13 Northern Colorado Water Conservancy
14 District;

15 (D) 6 members shall be representatives of
16 local governments who are recommended by the
17 Governor and appointed by the Secretary, of
18 whom—

19 (i) 1 member shall represent the city
20 of Fort Collins;

21 (ii) 2 members shall represent
22 Larimer County;

23 (iii) 1 member shall represent the city
24 of Greeley;

1 (iv) 2 members shall represent Weld
2 County; and

3 (v) 1 member shall represent the city
4 of Loveland; and

5 (E) 3 members shall be recommended by
6 the Governor and appointed by the Secretary,
7 and shall—

8 (i) represent the general public;

9 (ii) be citizens of the State; and

10 (iii) reside in the area through which
11 the Area extends.

12 (2) CHAIRPERSON.—The chairperson of the
13 Commission shall be elected by the members of the
14 Commission from among members appointed under
15 subparagraph (C), (D), or (E) of paragraph (1). The
16 chairperson shall be elected for a 2-year term.

17 (3) VACANCIES.—A vacancy on the Commission
18 shall be filled in the same manner in which the origi-
19 nal appointment was made.

20 (c) TERMS OF SERVICE.—

21 (1) IN GENERAL.—Except as provided in para-
22 graphs (2) and (3), each member of the Commission
23 shall be appointed for a term of 3 years and may be
24 reappointed.

1 (2) INITIAL MEMBERS.—The initial members of
2 the Commission first appointed under subsection
3 (b)(1) shall be appointed as follows:

4 (A) 3-YEAR TERMS.—The following initial
5 members shall serve for a 3-year term:

6 (i) The Director of the National Park
7 Service (or the delegate of the Director).

8 (ii) 1 representative of Weld County.

9 (iii) 1 representative of Larimer
10 County.

11 (iv) 1 representative of the city of
12 Loveland.

13 (v) 1 representative of the general
14 public.

15 (B) 2-YEAR TERMS.—The following initial
16 members shall serve for a 2-year term:

17 (i) The representative of the Forest
18 Service.

19 (ii) The representative of the State.

20 (iii) The representative of Colorado
21 State University.

22 (iv) The representative of the North-
23 ern Colorado Water Conservancy District.

24 (C) 1-YEAR TERMS.—The following initial
25 members shall serve for a 1-year term:

1 (i) 1 representative of the city of Fort
2 Collins.

3 (ii) 1 representative of Larimer
4 County.

5 (iii) 1 representative of the city of
6 Greeley.

7 (iv) 1 representative of Weld County.

8 (v) 1 representative of the general
9 public.

10 (3) PARTIAL TERMS.—

11 (A) FILLING VACANCIES.—A member of
12 the Commission appointed to fill a vacancy oc-
13 ccurring before the expiration of the term for
14 which a predecessor was appointed shall be ap-
15 pointed only for the remainder of the term.

16 (B) EXTENDED SERVICE.—A member of
17 the Commission may serve after the expiration
18 of that member's term until a successor has
19 taken office.

20 (d) COMPENSATION.—Members of the Commission
21 shall receive no compensation for their service on the Com-
22 mission.

23 (e) TRAVEL EXPENSES.—While away from their
24 homes or regular places of business in the performance
25 of services for the Commission, members shall be allowed

1 travel expenses, including per diem in lieu of subsistence,
2 in the same manner as persons employed intermittently
3 in the Government service are allowed expenses under sec-
4 tion 5703 of title 5, United States Code.

5 **SEC. 6. DIRECTOR AND STAFF OF THE COMMISSION.**

6 (a) IN GENERAL.—

7 (1) DIRECTOR.—

8 (A) IN GENERAL.—Based on recommenda-
9 tions from the Commission, the Secretary of the
10 Interior shall appoint a Director who shall carry
11 out the decisions of the Commission.

12 (B) COMPENSATION.—The Director shall
13 be compensated at a rate not to exceed the min-
14 imum rate of basic pay prescribed for level GS-
15 13 of the General Schedule.

16 (2) STAFF.—

17 (A) IN GENERAL.—The Commission shall
18 have the power to appoint and fix the com-
19 pensation of such staff as may be necessary to
20 carry out the duties of the Commission.

21 (B) APPOINTMENT AND COMPENSATION.—
22 Staff appointed by the Commission—

23 (i) shall be appointed without regard
24 to the civil service laws and regulations;
25 and

1 (ii) shall be compensated without re-
2 gard to the provisions of chapter 51 and
3 subchapter III of chapter 53 of title 5,
4 United States Code, relating to classifica-
5 tion of positions and General Schedule pay
6 rates.

7 (b) EXPERTS AND CONSULTANTS.—Subject to such
8 rules as may be adopted by the Commission, the Commis-
9 sion may procure temporary and intermittent services to
10 the same extent as is authorized by section 3109(b) of title
11 5, United States Code, at rates for individuals that do not
12 exceed the daily equivalent of the annual rate of basic pay
13 prescribed for level V of the Executive Schedule under sec-
14 tion 5316 of such title.

15 (c) STAFF OF OTHER AGENCIES.—

16 (1) FEDERAL.—Upon request of the Commis-
17 sion, the head of a Federal agency may detail, on a
18 reimbursable basis, any of the personnel of the agen-
19 cy to the Commission to assist the Commission in
20 carrying out the Commission's duties. The detail
21 shall be without interruption or loss of civil service
22 status or privilege.

23 (2) ADMINISTRATIVE SUPPORT SERVICES.—The
24 Administrator of the General Services Administra-
25 tion shall provide to the Commission, on a reimburs-

1 able basis, such administrative support services as
2 the Commission may request.

3 (3) STATE.—The Commission may—

4 (A) accept the services of personnel de-
5 tailed from the State, State agencies, and politi-
6 cal subdivisions of the State; and

7 (B) reimburse the State, State agency, or
8 political subdivision of the State for the serv-
9 ices.

10 **SEC. 7. POWERS OF THE COMMISSION.**

11 (a) HEARINGS.—

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

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

19 (b) ASSISTANCE WITH THEME.—

20 (1) IN GENERAL.—The Commission may pro-
21 vide advice, recommendations, and assistance to the
22 Secretary in the development and implementation of
23 plans for the interpretation of the history of water
24 development theme.

1 (2) COORDINATE.—The Commission may co-
2 ordinate the integration of the history of water de-
3 velopment theme with other plans of the Department
4 of the Interior.

5 (c) MAILS.—The Commission may use the United
6 States mails in the same manner and under the same con-
7 ditions as other departments and agencies of the Federal
8 Government.

9 (d) MATCHING FUNDS.—The Commission may use
10 its funds to obtain money from any source under a pro-
11 gram or law requiring the recipient of the money to make
12 a contribution in order to receive the money.

13 (e) GIFTS.—

14 (1) IN GENERAL.—Except as provided in sub-
15 section (f)(3)(B), the Commission may, for the pur-
16 pose of carrying out its duties, seek, accept, and dis-
17 pose of gifts, bequests, or donations of money, per-
18 sonal property, or services, received from any source.

19 (2) CHARITABLE CONTRIBUTIONS.—For the
20 purpose of section 170(c) of the Internal Revenue
21 Code of 1986, a gift to the Commission shall be
22 deemed to be a gift to the United States for the ben-
23 efit of the Area.

24 (f) REAL PROPERTY.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2) and except with respect to a leasing of fa-
3 cilities under section 6(c)(2), the Commission may
4 not acquire real property or an interest in real prop-
5 erty.

6 (2) EXCEPTION.—Subject to paragraph (3), the
7 Commission may acquire real property in the Area,
8 and interests in real property in the Area—

9 (A) by gift or devise;

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

13 (C) by exchange.

14 (3) CONVEYANCE TO PUBLIC AGENCIES.—Any
15 real property or interest in real property acquired by
16 the Commission under paragraph (2) shall be con-
17 veyed by the Commission to an appropriate public
18 agency, as determined by the Commission. The con-
19 veyance shall be made—

20 (A) as soon as practicable after acquisi-
21 tion;

22 (B) without consideration; and

23 (C) on the condition that the real property
24 or interest in real property so conveyed is used

1 to fulfill the purposes for which the Area is es-
2 tablished.

3 (g) COOPERATIVE AGREEMENTS.—

4 (1) IN GENERAL.—For the purpose of carrying
5 out the Plan, the Commission may enter into cooper-
6 ative agreements with—

7 (A) Federal agencies;

8 (B) State agencies;

9 (C) political subdivisions of the State; and

10 (D) persons.

11 (2) NOTICE.—A cooperative agreement shall, at
12 a minimum, establish procedures for providing no-
13 tice to the Commission of any action that may affect
14 the implementation of the Plan and that is proposed
15 by a—

16 (A) Federal agency;

17 (B) State agency;

18 (C) political subdivision of the State; or

19 (D) person.

20 (h) ADVISORY GROUPS.—The Commission may es-
21 tablish such advisory groups as it considers necessary to
22 ensure open communication with, and assistance from—

23 (1) Federal agencies;

24 (2) State agencies;

25 (3) political subdivisions of the State; and

1 (4) interested persons.

2 (i) MODIFICATION OF PLANS.—

3 (1) IN GENERAL.—The Commission may mod-
4 ify the Plan if the Commission determines that such
5 modification is necessary to carry out this Act.

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

8 (A) any Federal agency, State agency, or
9 political subdivision of the State that would be
10 affected by the modification receives adequate
11 notice of, and an opportunity to comment on,
12 the modification; and

13 (B) if the modification is significant, as de-
14 termined by the Commission, the Commission
15 has—

16 (i) provided adequate notice of the
17 modification by publication in the area of
18 the Area; and

19 (ii) conducted a public hearing with
20 respect to the modification.

21 (j) AGENCY.—A member or agent of the Commission,
22 if so authorized by the Commission, may take any action
23 that the Commission is authorized to take under this Act.

1 **SEC. 8. DUTIES OF THE COMMISSION.**

2 (a) PLAN.—The Commission shall prepare, obtain
3 approval for, implement, and support the Plan in accord-
4 ance with section 9.

5 (b) MEETINGS.—

6 (1) TIMING.—

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

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

16 (2) PUBLIC MEETINGS.—Meetings of the Com-
17 mission shall be subject to section 552b of title 5,
18 United States Code.

19 (3) QUORUM.—Ten members of the Commis-
20 sion shall constitute a quorum, but a lesser number
21 of members may hold hearings.

22 (4) BUDGET.—The affirmative vote of not less
23 than 10 members of the Commission shall be re-
24 quired to approve the budget of the Commission.

25 (c) ANNUAL REPORTS.—Not later than May 15 of
26 each year (other than the year in which this Act is en-

1 acted), the Commission shall publish and submit, to the
 2 Secretary and to the Governor, an annual report concern-
 3 ing the Commission's activities.

4 **SEC. 9. PREPARATION, REVIEW, AND IMPLEMENTATION OF**
 5 **THE PLAN.**

6 (a) PREPARATION OF PLAN.—

7 (1) IN GENERAL.—Not later than 2 years after
 8 the Commission conducts its first meeting, the Com-
 9 mission shall submit, to the Secretary and to the
 10 Governor, a Water Heritage Area Interpretation and
 11 Management Plan.

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

14 (A) consult on a regular basis with appro-
 15 priate officials of any—

16 (i) Federal or State agency;

17 (ii) political subdivision of the State;

18 or

19 (iii) local government that has juris-
 20 diction over or an ownership interest in
 21 land, water, or water rights within the
 22 Area; and

23 (B) conduct public hearings within the
 24 Area for the purpose of providing interested

1 persons the opportunity to testify about matters
2 to be addressed by the Plan.

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

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

7 (B) shall not interfere with the implemen-
8 tation, administration, or amendment of the
9 plans; and

10 (C) to the extent feasible, shall seek to co-
11 ordinate the plans and present a unified inter-
12 pretation plan for the Area.

13 (b) REVIEW OF PLAN.—

14 (1) IN GENERAL.—The Commission shall sub-
15 mit the Plan to the Governor and to the Secretary
16 for their review.

17 (2) GOVERNOR.—The Governor may review the
18 Plan and submit the Plan to the Secretary, together
19 with any recommendations.

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

24 (A) public participation;

1 (B) assurances of Plan implementation
2 from State and local officials;

3 (C) the Plan in retaining, enhancing, and
4 interpreting, for the educational and inspira-
5 tional benefit of present and future generations,
6 the unique and significant contributions to our
7 national heritage of cultural and historical
8 lands, waterways, and structures within the
9 Area;

10 (D) the Plan in providing the unique op-
11 portunity to observe future utilization of the
12 Cache La Poudre River by all the various water
13 users throughout the Area as user needs change
14 and develop over time;

15 (E) the Plan in ensuring the effective im-
16 plementation of local aspects of the Plan;

17 (F) the financial resources that are in
18 place to implement the Plan; and

19 (G) Plan provisions for continuing over-
20 sight of the Plan implementation by the Gov-
21 ernor, Secretary, and Commission.

22 (c) DISAPPROVAL OF PLAN.—

23 (1) NOTIFICATION BY SECRETARY.—If the Sec-
24 retary disapproves the Plan, the Secretary shall, not
25 later than 60 days after the date of disapproval, ad-

1 vise the Governor and the Commission of the rea-
2 sons for disapproval, together with recommendations
3 for revision.

4 (2) REVISION AND RESUBMISSION TO GOV-
5 ERNOR.—Not later than 90 days after receipt of the
6 notice of disapproval, the Commission shall revise
7 and resubmit the Plan to the Governor for review.

8 (3) RESUBMISSION TO SECRETARY.—The Com-
9 mission shall submit the revised plan, together with
10 any recommendations the Governor may have, to the
11 Secretary who shall approve or disapprove the revi-
12 sion within 60 days.

13 (d) IMPLEMENTATION OF PLAN.—After approval by
14 the Secretary as provided in subsections (b) and (c), the
15 Commission shall implement and support the Plan as fol-
16 lows:

17 (1) CULTURAL RESOURCES.—

18 (A) IN GENERAL.—The Commission shall
19 assist Federal agencies, State agencies, political
20 subdivisions of the State, and nonprofit organi-
21 zations in the conservation and interpretation
22 (in accordance with the Plan) of cultural re-
23 sources within the Area.

24 (B) EXCEPTION.—In providing the assist-
25 ance, the Commission shall in no way infringe

1 upon the authorities and policies of a Federal
2 agency, State agency, or political subdivision of
3 the State concerning the administration and
4 management of property, water, or water rights
5 within the Area.

6 (2) PUBLIC AWARENESS.—The Commission
7 shall assist in the enhancement of public awareness
8 of, and appreciation for, the historical, recreational,
9 architectural, and engineering structures in the
10 Area, and the archaeological, geological, and cultural
11 resources and sites in the Area—

12 (A) by encouraging private owners of iden-
13 tified structures, sites, and resources to adopt
14 voluntary measures for the preservation of the
15 identified structure, site, or resource; and

16 (B) by cooperating with Federal agencies,
17 State agencies, and political subdivisions of the
18 State in acquiring, on a willing seller basis, any
19 identified structure, site, or resource.

20 (3) RESTORATION.—The Commission may as-
21 sist Federal agencies, State agencies, political sub-
22 divisions of the State, and nonprofit organizations in
23 the restoration of any identified structure or site in
24 the Area. The assistance may include providing tech-

1 nical staff assistance for historic preservation, revi-
2 talization, and enhancement efforts.

3 (4) INTERPRETATION.—The Commission shall
4 assist in the interpretation of the historical, present,
5 and future utilization of the River, and of the devel-
6 opment of communities adjacent to the Area—

7 (A) by consulting with the Secretary with
8 respect to the implementation of the Secretary’s
9 duties under section 11;

10 (B) by establishing visitor orientation cen-
11 ters and other interpretive exhibits within the
12 urban river corridor portions of the Area;

13 (C) by encouraging voluntary cooperation
14 and coordination, with respect to ongoing inter-
15 preitive services in the Area, among—

16 (i) Federal agencies;

17 (ii) State agencies;

18 (iii) political subdivisions of the State;

19 (iv) nonprofit organizations; and

20 (v) private citizens; and

21 (D) by encouraging Federal agencies,
22 State agencies, political subdivisions of the
23 State, and nonprofit organizations to undertake
24 new interpretive initiatives with respect to the
25 Area.

1 (5) RECOGNITION.—The Commission shall as-
2 sist in establishing recognition for the Area by ac-
3 tively promoting the cultural, historical, natural, and
4 recreational resources of the Area on a community,
5 regional, statewide, national, and international basis.

6 (6) LAND EXCHANGES.—The Commission shall
7 assist in identifying and implementing land ex-
8 changes by Federal and State agencies that will ex-
9 pand open space and recreational opportunities with-
10 in the flood plain of the Area.

11 **SEC. 10. TERMINATION OF THE COMMISSION.**

12 (a) TERMINATION.—Except as provided in subsection
13 (b), the Commission shall terminate 5 years after the date
14 of approval of the Plan by the Secretary.

15 (b) EXTENSION.—The Commission may be extended
16 for a period of not more than 5 years from the date of
17 termination established in subsection (a), if, not later than
18 180 days before that date—

19 (1) the Commission determines that an exten-
20 sion is necessary in order to carry out this Act;

21 (2) the Commission submits a proposed exten-
22 sion to the—

23 (A) Committee on Interior and Insular Af-
24 fairs of the House of Representatives;

1 (B) Committee on Energy and Natural Re-
2 sources of the Senate; and

3 (C) Secretary of Agriculture; and

4 (3) the Secretary approves the extension.

5 **SEC. 11. DUTIES OF THE SECRETARY.**

6 (a) REVIEW OF PLAN.—The Secretary shall review
7 the Plan in accordance with subsections (b) and (c) of sec-
8 tion 9.

9 (b) ACQUISITION OF LAND.—

10 (1) IN GENERAL.—The Secretary may acquire
11 land and interests in land within the Area by dona-
12 tion, purchase with donated or appropriated funds,
13 or exchange.

14 (2) CONSENT REQUIRED.—No land or interest
15 in land may be acquired without the consent of the
16 owner.

17 (c) DEVELOPMENT OF THEME AND INTERPRETIVE
18 MATERIALS.—Following approval of the Plan as provided
19 under subsections (b) and (c) of section 9, the Secretary
20 shall—

21 (1) complete an inventory of sites and struc-
22 tures of historical, architectural, or engineering sig-
23 nificance in the Area;

1 (2) complete an inventory of sites and resources
2 of archaeological or geological significance in the
3 Area;

4 (3) develop a thematic structure for the inter-
5 pretation of the heritage of the Area; and

6 (4) design and fabricate interpretive materials
7 based on the thematic structure, including—

8 (A) guide brochures for exploring the Area
9 by automobile, bicycle, boat, foot or other
10 means of transportation considered appropriate;

11 (B) indoor and outdoor visitor displays,
12 which may include video presentations and
13 models, at several locations within the urban
14 river corridor portions of the Area;

15 (C) a mobile display describing the history,
16 development, present, and future use of the
17 Area, to be used in the Area, public buildings,
18 libraries, and schools; and

19 (D) on National Forest System lands in
20 the upper portions of the river basin, features
21 ancillary to the history of water development
22 theme.

23 (d) TECHNICAL ASSISTANCE.—The Secretary shall,
24 upon the request of the Commission, provide technical as-

1 sistance to the Commission in the preparation and imple-
2 mentation of the Plan pursuant to section 9.

3 (e) PROFESSIONALS ON LOAN.—Each fiscal year dur-
4 ing the existence of the Commission, the Secretary shall
5 detail to the Commission, on a nonreimbursable basis, 2
6 employees of the Department of the Interior to enable the
7 Commission to carry out the Commission’s duties under
8 section 8.

9 **SEC. 12. OTHER FEDERAL ENTITIES.**

10 (a) DUTIES.—Subject to section 13, a Federal entity
11 conducting or supporting activities directly affecting the
12 flow of the Cache La Poudre River through the Area, or
13 the natural resources of the Area shall—

14 (1) consult with the Commission with respect to
15 the activities;

16 (2) cooperate with the Commission in—

17 (A) carrying out the entity’s duties in ac-
18 cordance with established management plans;

19 and

20 (B) to the extent practicable, coordinating
21 the activities with the carrying out of the enti-
22 ty’s duties; and

23 (3) to the extent practicable, conduct or support
24 the activities in a manner consistent with the Plan
25 and this Act.

1 (b) AUTHORIZATION.—

2 (1) IN GENERAL.—The Secretary or Adminis-
3 trator of a Federal agency may acquire land in the
4 flood plain of the Area by exchange, based on fair
5 market value. Land so acquired shall be used to ful-
6 fill the purposes for which the Area is established.

7 (2) AUTHORIZATION TO CONVEY PROPERTY.—
8 The first sentence of section 203(k)(3) of the Fed-
9 eral Property and Administrative Services Act of
10 1949 (40 U.S.C. 484(k)(3)) is amended by striking
11 “historic monument, for the benefit of the public”
12 and inserting “historic monument or the Cache La
13 Poudre River National Water Heritage Area, for the
14 benefit of the public”.

15 **SEC. 13. EFFECT ON ENVIRONMENTAL AND OTHER STAND-**
16 **ARDS, RESTRICTIONS, AND SAVINGS PROVI-**
17 **SIONS.**

18 (a) EFFECT ON ENVIRONMENTAL AND OTHER
19 STANDARDS.—

20 (1) VOLUNTARY COOPERATION.—In carrying
21 out this Act, the Commission and Secretary shall, to
22 the maximum extent feasible, emphasize voluntary
23 cooperation.

24 (2) RULES, REGULATIONS, STANDARDS, AND
25 PERMIT PROCESSES.—Nothing in this Act shall be

1 considered to impose any environmental, occupa-
2 tional, safety, or other rule, regulation, standard, or
3 permit process that is different from those that
4 would be applicable had the Area not been estab-
5 lished.

6 (3) ENVIRONMENTAL QUALITY STANDARDS.—
7 Nothing in this Act shall be considered to impose
8 the application or administration of any Federal or
9 State environmental quality standard that is dif-
10 ferent from those that would be applicable had the
11 Area not been established.

12 (4) WATER STANDARDS.—Nothing in this Act
13 shall be considered to impose any Federal or State
14 water use designation or water quality standard
15 upon uses of, or discharges to, waters of the State
16 or waters of the United States, within or adjacent
17 to the Area, that is more restrictive than those that
18 would be applicable had the Area not been estab-
19 lished.

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

1 (6) WATER FACILITIES.—Nothing in the estab-
2 lishment of the Area shall affect the continuing use
3 and operation, repair, rehabilitation, expansion, or
4 new construction of water supply facilities, water
5 and wastewater treatment facilities, stormwater fa-
6 cilities, public utilities, and common carriers.

7 (7) WATER AND WATER RIGHTS.—Nothing in
8 the establishment of the Area shall be considered to
9 authorize or imply the reservation or appropriation
10 of water or water rights.

11 (b) RESTRICTIONS ON COMMISSION AND SEC-
12 RETARY.—Nothing in this Act shall be construed to vest
13 in the Commission or the Secretary the authority to—

14 (1) require a Federal agency, State agency, po-
15 litical subdivision of the State, or private person to
16 participate in a project or program carried out by
17 the Commission or the Secretary under this Act;

18 (2) intervene as a party in an administrative or
19 judicial proceeding concerning the application or en-
20 forcement of a regulatory authority of a Federal
21 agency, State agency, or political subdivision of the
22 State, including authority relating to—

23 (A) land use regulation;

24 (B) environmental quality;

25 (C) licensing;

1 (D) permitting;

2 (E) easements;

3 (F) private land development; or

4 (G) other occupational or access issue;

5 (3) establish or modify a regulatory authority of
6 a Federal agency, State agency, or political subdivi-
7 sion of the State, including authority relating to—

8 (A) land use regulation;

9 (B) environmental quality; or

10 (C) pipeline or utility crossings;

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

13 (5) establish or modify any authority of the
14 State, State agency, or political subdivision of the
15 State with respect to the acquisition of lands or
16 water, or interest in lands or water;

17 (6) vest authority to reserve or appropriate
18 water or water rights;

19 (7) deny, condition, or restrict the construction,
20 repair, rehabilitation, or expansion of water facili-
21 ties, including stormwater, water, and wastewater
22 treatment facilities; or

23 (8) deny, condition, or restrict the exercise of
24 water rights by other persons.

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

4 (1) to exercise civil and criminal jurisdiction
5 within the Area; or

6 (2) to tax persons, corporations, franchises, or
7 property, including minerals and other interests in
8 or on lands or waters within the urban river corridor
9 portions of the Area.

10 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) COMMISSION.—

12 (1) IN GENERAL.—There are authorized to be
13 appropriated \$1,000,000 to the Commission to carry
14 out this Act.

15 (2) MATCHING FUNDS.—Funds may be made
16 available pursuant to this section only to the extent
17 they are matched by equivalent funds or in-kind con-
18 tributions of services or materials from non-Federal
19 sources.

20 (b) DEPARTMENT OF THE INTERIOR.—There are au-
21 thorized to be appropriated annually to the Department
22 of the Interior such sums as are necessary to carry out
23 the Secretary's duties under this Act.

○

S 342 IS—2

S 342 IS—3