

Calendar No. 12

109TH CONGRESS
1ST SESSION

S. 204

[Report No. 109-5]

To establish the Atchafalaya National Heritage Area in the State of Louisiana.

IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2005

Ms. LANDRIEU (for herself and Mr. VITTER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

FEBRUARY 16, 2005

Reported by Mr. DOMENICI, without amendment

A BILL

To establish the Atchafalaya National Heritage Area in the State of Louisiana.

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 “Atchafalaya National
5 Heritage Area Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) HERITAGE AREA.—The term “Heritage
4 Area” means the Atchafalaya National Heritage
5 Area established by section 3(a).

6 (2) LOCAL COORDINATING ENTITY.—The term
7 “local coordinating entity” means the local coordi-
8 nating entity for the Heritage Area designated by
9 section 3(c).

10 (3) MANAGEMENT PLAN.—The term “manage-
11 ment plan” means the management plan for the
12 Heritage Area developed under section 5.

13 (4) SECRETARY.—The term “Secretary” means
14 the Secretary of the Interior.

15 (5) STATE.—The term “State” means the State
16 of Louisiana.

17 **SEC. 3. ATCHAFALAYA NATIONAL HERITAGE AREA.**

18 (a) ESTABLISHMENT.—There is established in the
19 State the Atchafalaya National Heritage Area.

20 (b) BOUNDARIES.—The Heritage Area shall consist
21 of the whole of the following parishes in the State: St.
22 Mary, Iberia, St. Martin, St. Landry, Avoyelles, Pointe
23 Coupee, Iberville, Assumption, Terrebonne, Lafayette,
24 West Baton Rouge, Concordia, and East Baton Rouge.

25 (c) LOCAL COORDINATING ENTITY.—

1 (1) IN GENERAL.—The Atchafalaya Trace
2 Commission shall be the local coordinating entity for
3 the Heritage Area.

4 (2) COMPOSITION.—The local coordinating enti-
5 ty shall be composed of 13 members appointed by
6 the governing authority of each parish within the
7 Heritage Area.

8 **SEC. 4. AUTHORITIES AND DUTIES OF THE LOCAL COORDI-**
9 **NATING ENTITY.**

10 (a) AUTHORITIES.—For the purposes of developing
11 and implementing the management plan and otherwise
12 carrying out this Act, the local coordinating entity may—

13 (1) make grants to, and enter into cooperative
14 agreements with, the State, units of local govern-
15 ment, and private organizations;

16 (2) hire and compensate staff; and

17 (3) enter into contracts for goods and services.

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

19 (1) submit to the Secretary for approval a man-
20 agement plan;

21 (2) implement the management plan, including
22 providing assistance to units of government and oth-
23 ers in—

1 (A) carrying out programs that recognize
2 important resource values within the Heritage
3 Area;

4 (B) encouraging sustainable economic de-
5 velopment within the Heritage Area;

6 (C) establishing and maintaining interpre-
7 tive sites within the Heritage Area; and

8 (D) increasing public awareness of, and
9 appreciation for the natural, historic, and cul-
10 tural resources of, the Heritage Area;

11 (3) adopt bylaws governing the conduct of the
12 local coordinating entity; and

13 (4) for any year for which Federal funds are re-
14 ceived under this Act, submit to the Secretary a re-
15 port that describes, for the year—

16 (A) the accomplishments of the local co-
17 ordinating entity; and

18 (B) the expenses and income of the local
19 coordinating entity.

20 (c) ACQUISITION OF REAL PROPERTY.—The local co-
21 ordinating entity shall not use Federal funds received
22 under this Act to acquire real property or an interest in
23 real property.

24 (d) PUBLIC MEETINGS.—The local coordinating enti-
25 ty shall conduct public meetings at least quarterly.

1 **SEC. 5. MANAGEMENT PLAN.**

2 (a) IN GENERAL.—The local coordinating entity shall
3 develop a management plan for the Heritage Area that
4 incorporates an integrated and cooperative approach to
5 protect, interpret, and enhance the natural, scenic, cul-
6 tural, historic, and recreational resources of the Heritage
7 Area.

8 (b) CONSIDERATION OF OTHER PLANS AND AC-
9 TIONS.—In developing the management plan, the local co-
10 ordinating entity shall—

11 (1) take into consideration State and local
12 plans; and

13 (2) invite the participation of residents, public
14 agencies, and private organizations in the Heritage
15 Area.

16 (c) CONTENTS.—The management plan shall in-
17 clude—

18 (1) an inventory of the resources in the Herit-
19 age Area, including—

20 (A) a list of property in the Heritage Area
21 that—

22 (i) relates to the purposes of the Her-
23 itage Area; and

24 (ii) should be preserved, restored,
25 managed, or maintained because of the sig-
26 nificance of the property; and

1 (B) an assessment of cultural landscapes
2 within the Heritage Area;

3 (2) provisions for the protection, interpretation,
4 and enjoyment of the resources of the Heritage Area
5 consistent with this Act;

6 (3) an interpretation plan for the Heritage
7 Area; and

8 (4) a program for implementation of the man-
9 agement plan that includes—

10 (A) actions to be carried out by units of
11 government, private organizations, and public-
12 private partnerships to protect the resources of
13 the Heritage Area; and

14 (B) the identification of existing and po-
15 tential sources of funding for implementing the
16 plan.

17 (d) SUBMISSION TO SECRETARY FOR APPROVAL.—

18 (1) IN GENERAL.—Not later than 3 years after
19 the date of enactment of this Act, the local coordi-
20 nating entity shall submit the management plan to
21 the Secretary for approval.

22 (2) EFFECT OF FAILURE TO SUBMIT.—If a
23 management plan is not submitted to the Secretary
24 by the date specified in paragraph (1), the Secretary
25 shall not provide any additional funding under this

1 Act until a management plan for the Heritage Area
2 is submitted to the Secretary.

3 (e) APPROVAL.—

4 (1) IN GENERAL.—Not later than 90 days after
5 receiving the management plan submitted under
6 subsection (d)(1), the Secretary, in consultation with
7 the State, shall approve or disapprove the manage-
8 ment plan.

9 (2) ACTION FOLLOWING DISAPPROVAL.—

10 (A) IN GENERAL.—If the Secretary dis-
11 approves a management plan under paragraph
12 (1), the Secretary shall—

13 (i) advise the local coordinating entity
14 in writing of the reasons for the dis-
15 approval;

16 (ii) make recommendations for revi-
17 sions to the management plan; and

18 (iii) allow the local coordinating entity
19 to submit to the Secretary revisions to the
20 management plan.

21 (B) DEADLINE FOR APPROVAL OF REVI-
22 SION.—Not later than 90 days after the date on
23 which a revision is submitted under subpara-
24 graph (A)(iii), the Secretary shall approve or
25 disapprove the revision.

1 (f) REVISION.—

2 (1) IN GENERAL.—After approval by the Sec-
3 retary of a management plan, the local coordinating
4 entity shall periodically—

5 (A) review the management plan; and

6 (B) submit to the Secretary, for review
7 and approval by the Secretary, the rec-
8 ommendations of the local coordinating entity
9 for any revisions to the management plan that
10 the local coordinating entity considers to be ap-
11 propriate.

12 (2) EXPENDITURE OF FUNDS.—No funds made
13 available under this title shall be used to implement
14 any revision proposed by the local coordinating enti-
15 ty under paragraph (1)(B) until the Secretary ap-
16 proves the revision.

17 **SEC. 6. REQUIREMENTS FOR INCLUSION OF PRIVATE**
18 **PROPERTY.**

19 (a) NOTIFICATION AND CONSENT OF PROPERTY
20 OWNERS REQUIRED.—No privately owned property shall
21 be preserved, conserved, or promoted by the management
22 plan for the Heritage Area until the owner of that private
23 property has been notified in writing by the management
24 entity and has given written consent to the management
25 entity for such preservation, conservation, or promotion.

1 (b) LANDOWNER WITHDRAW.—Any owner of private
2 property included within the boundary of the Heritage
3 Area shall have that private property immediately removed
4 from the boundary by submitting a written request to the
5 management entity.

6 **SEC. 7. PRIVATE PROPERTY PROTECTION.**

7 (a) ACCESS TO PRIVATE PROPERTY.—Nothing in
8 this Act shall be construed to—

9 (1) require any private property owner to allow
10 public access (including Federal, State, or local gov-
11 ernment access) to such private property; or

12 (2) modify any provision of Federal, State, or
13 local law with regard to public access to or use of
14 private property.

15 (b) LIABILITY.—Designation of the Heritage Area
16 shall not be considered to create any liability, or to have
17 any effect on any liability under any other law, of any pri-
18 vate property owner with respect to any persons injured
19 on that private property.

20 (c) PARTICIPATION OF PRIVATE PROPERTY OWNERS
21 IN HERITAGE AREA.—Nothing in this Act shall be con-
22 strued to require the owner of any private property located
23 within the boundaries of the Heritage Area to participate
24 in or be associated with the Heritage Area.

1 **SEC. 8. EFFECT OF ACT.**

2 Nothing in this Act or in establishment of the Herit-
3 age Area—

4 (1) grants any Federal agency regulatory au-
5 thority over any interest in the Heritage Area, un-
6 less cooperatively agreed on by all involved parties;

7 (2) modifies, enlarges, or diminishes any au-
8 thority of the Federal Government or a State or
9 local government to regulate any use of land as pro-
10 vided for by law (including regulations) in existence
11 on the date of enactment of this Act;

12 (3) grants any power of zoning or land use to
13 the local coordinating entity;

14 (4) imposes any environmental, occupational,
15 safety, or other rule, standard, or permitting process
16 that is different from those in effect on the date of
17 enactment of this Act that would be applicable had
18 the Heritage Area not been established;

19 (5)(A) imposes any change in Federal environ-
20 mental quality standards; or

21 (B) authorizes designation of any portion of the
22 Heritage Area that is subject to part C of title I of
23 the Clean Air Act (42 U.S.C. 7470 et seq.) as class
24 1 for the purposes of that part solely by reason of
25 the establishment of the Heritage Area;

1 (6) authorizes any Federal or State agency to
2 impose more restrictive water use designations, or
3 water quality standards on uses of or discharges to,
4 waters of the United States or waters of the State
5 within or adjacent to the Heritage Area solely by
6 reason of the establishment of the Heritage Area;

7 (7) abridges, restricts, or alters any applicable
8 rule, standard, or review procedure for permitting of
9 facilities within or adjacent to the Heritage Area; or

10 (8) affects the continuing use and operation,
11 where located on the date of enactment of this Act,
12 of any public utility or common carrier.

13 **SEC. 9. REPORTS.**

14 For any year in which Federal funds have been made
15 available under this Act, the local coordinating entity shall
16 submit to the Secretary a report that describes—

17 (1) the accomplishments of the local coordi-
18 nating entity; and

19 (2) the expenses and income of the local coordi-
20 nating entity.

21 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

22 (a) IN GENERAL.—There is authorized to be appro-
23 priated to carry out this Act \$10,000,000, of which not
24 more than \$1,000,000 shall be made available for any fis-
25 cal year.

1 (b) **COST-SHARING REQUIREMENT.**—The Federal
2 share of the total cost of any activity assisted under this
3 Act shall be not more than 50 percent.

4 **SEC. 11. TERMINATION OF AUTHORITY.**

5 The authority of the Secretary to provide assistance
6 to the local coordinating entity under this Act terminates
7 on the date that is 15 years after the date of enactment
8 of this Act.

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