

111TH CONGRESS  
1ST SESSION

# S. 186

To establish the South Park National Heritage Area in the State of Colorado,  
and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 8, 2009

Mr. SALAZAR (for himself and Mr. UDALL of Colorado) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To establish the South Park National 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 “South Park National  
5       Heritage Area Act”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

8               (1) **BOARD.**—The term “Board” means the  
9       Board of Directors of the South Park National Her-  
10      itage Area, comprised initially of the individuals,

1 agencies, organizations, and governments that were  
2 involved in the planning and development of the  
3 Heritage Area before the date of enactment of this  
4 Act.

5 (2) HERITAGE AREA.—The term “Heritage  
6 Area” means the South Park National Heritage  
7 Area established by section 3(a).

8 (3) MANAGEMENT ENTITY.—The term “man-  
9 agement entity” means the management entity for  
10 the Heritage Area designated by section 3(d)(1).

11 (4) MANAGEMENT PLAN.—The term “manage-  
12 ment plan” means the management plan for the  
13 Heritage Area required by section 5.

14 (5) MAP.—The term “map” means the map en-  
15 titled “South Park National Heritage Area Map  
16 (Proposed)”, dated January 30, 2006.

17 (6) PARTNER.—The term “partner” means a  
18 Federal, State, or local governmental entity, organi-  
19 zation, private industry, educational institution, or  
20 individual involved in the conservation, preservation,  
21 interpretation, development or promotion of heritage  
22 sites or resources of the Heritage Area.

23 (7) SECRETARY.—The term “Secretary” means  
24 the Secretary of the Interior.

1           (8) STATE.—The term “State” means the State  
2 of Colorado.

3           (9) TECHNICAL ASSISTANCE.—The term “tech-  
4 nical assistance” means any guidance, advice, help,  
5 or aid, other than financial assistance, provided by  
6 the Secretary.

7 **SEC. 3. SOUTH PARK NATIONAL HERITAGE AREA.**

8           (a) ESTABLISHMENT.—There is established in the  
9 State the South Park National Heritage Area.

10          (b) BOUNDARIES.—The Heritage Area shall consist  
11 of the areas included in the map.

12          (c) MAP.—A map of the Heritage Area shall be—

13               (1) included in the management plan; and

14               (2) on file and available for public inspection in  
15 the appropriate offices of the National Park Service.

16          (d) MANAGEMENT ENTITY.—

17               (1) IN GENERAL.—The management entity for  
18 the Heritage Area shall be the Park County Tourism  
19 & Community Development Office, in conjunction  
20 with the South Park National Heritage Area Board  
21 of Directors.

22               (2) MEMBERSHIP REQUIREMENTS.—Members  
23 of the Board shall include representatives from a  
24 broad cross-section of individuals, agencies, organi-  
25 zations, and governments that were involved in the

1 planning and development of the Heritage Area be-  
2 fore the date of enactment of this Act.

3 **SEC. 4. ADMINISTRATION.**

4 (a) PROHIBITION ON THE ACQUISITION OF REAL  
5 PROPERTY.—The management entity shall not use Fed-  
6 eral funds made available under this Act to acquire real  
7 property or any interest in real property.

8 (b) AUTHORITIES.—For purposes of carrying out the  
9 management plan, the Secretary, acting through the man-  
10 agement entity, may use amounts made available under  
11 this Act to—

12 (1) make grants to the State or a political sub-  
13 division of the State, nonprofit organizations, and  
14 other persons;

15 (2) enter into cooperative agreements with, or  
16 provide technical assistance to, the State or a polit-  
17 ical subdivision of the State, nonprofit organizations,  
18 and other interested parties;

19 (3) hire and compensate staff, which shall in-  
20 clude individuals with expertise in natural, cultural,  
21 and historical resources protection, fundraising, her-  
22 itage facility planning and development, and heritage  
23 tourism programming;

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

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

6           (6) to facilitate the conduct of other projects  
7 and activities that further the Heritage Area and are  
8 consistent with the approved management plan.

9 (c) DUTIES.—The management entity shall—

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

13           (2) assist units of local government, local prop-  
14 erty owners and businesses, and nonprofit organiza-  
15 tions in carrying out the approved management plan  
16 by—

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

20           (B) establishing and maintaining interpre-  
21 tive exhibits and programs in the Heritage  
22 Area;

23           (C) developing economic, recreational and  
24 educational opportunities in the Heritage Area;

1 (D) increasing public awareness of, and  
2 appreciation for, historical, cultural, scenic, rec-  
3 reational, agricultural, and natural resources of  
4 the Heritage Area;

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

8 (F) ensuring that clear, consistent, and ap-  
9 propriate signs identifying points of public ac-  
10 cess, and sites of interest are posted throughout  
11 the Heritage Area;

12 (G) promoting a wide range of partner-  
13 ships among governments, organizations, and  
14 individuals to further the Heritage Area; and

15 (H) planning and developing new heritage  
16 attractions, products and services;

17 (3) consider the interests of diverse units of  
18 government, businesses, organizations, and individ-  
19 uals in the Heritage Area in the preparation and im-  
20 plementation of the management plan;

21 (4) conduct meetings open to the public at least  
22 semiannually regarding the development and imple-  
23 mentation of the management plan;

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

1 (A) submit to the Secretary an annual re-  
2 port that describes the activities, expenses, and  
3 income of the management entity (including  
4 grants to any other entities during the year  
5 that the report is made);

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

9 (C) require, with respect to all agreements  
10 authorizing expenditure of Federal funds by  
11 other organizations, that the organizations re-  
12 ceiving the funds make available to the Sec-  
13 retary for audit all records concerning the ex-  
14 penditure of the funds; and

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

17 (d) COST-SHARING REQUIREMENT.—The Federal  
18 share of the cost of any activity carried out using any as-  
19 sistance made available under this Act shall be 50 percent.

20 **SEC. 5. MANAGEMENT PLAN.**

21 (a) IN GENERAL.—Not later than 3 years after the  
22 date of enactment of this Act, the management entity,  
23 with public participation, shall submit to the Secretary for  
24 approval a proposed management plan for the Heritage  
25 Area.

1 (b) REQUIREMENTS.—The management plan shall—

2 (1) incorporate an integrated and cooperative  
3 approach for the protection, enhancement, interpre-  
4 tation, development, and promotion of the historical,  
5 cultural, scenic, recreational, agricultural, and nat-  
6 ural resources of the Heritage Area;

7 (2) take into consideration State and local  
8 plans;

9 (3) include—

10 (A) an inventory of—

11 (i) the resources located within the  
12 areas included in the map; and

13 (ii) any other eligible and partici-  
14 pating property within the areas included  
15 in the map that—

16 (I) is related to the themes of the  
17 Heritage Area; and

18 (II) should be preserved, re-  
19 stored, managed, maintained, devel-  
20 oped, or promoted because of the sig-  
21 nificance of the property;

22 (B) comprehensive policies, strategies, and  
23 recommendations for conservation, funding,  
24 management, development, and promotion of  
25 the Heritage Area;

1 (C) a description of actions that govern-  
2 ments, private organizations, and individuals  
3 have agreed to take to manage protect the his-  
4 torical, cultural, scenic, recreational, agricul-  
5 tural, and natural resources of the Heritage  
6 Area;

7 (D) a program of implementation for the  
8 management plan by the management entity  
9 that includes a description of—

10 (i) actions to facilitate ongoing and ef-  
11 fective collaboration among partners to  
12 promote plans for resource protection, en-  
13 hancement, interpretation, restoration, and  
14 construction; and

15 (ii) specific commitments for imple-  
16 mentation that have been made by the  
17 management entity or any government, or-  
18 ganization, or individual for the first 5  
19 years of operation;

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

22 (F) an analysis of and recommendations  
23 for means by which Federal, State, and local  
24 programs, including the role of the National

1 Park Service in the Heritage Area, may best be  
2 coordinated to carry out this Act; and

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

5 (4) recommend policies and strategies for re-  
6 source management that consider and detail the ap-  
7 plication of appropriate land and water management  
8 techniques, including the development of intergov-  
9 ernmental and interagency cooperative agreements  
10 to protect the historical, cultural, scenic, rec-  
11 reational, agricultural, and natural resources of the  
12 Heritage Area.

13 (c) DEADLINE.—If a proposed management plan is  
14 not submitted to the Secretary by the date that is 3 years  
15 after the date of enactment of this Act, the management  
16 entity shall be ineligible to receive additional funding  
17 under this Act until the date on which the Secretary re-  
18 ceives and approves the management plan.

19 (d) APPROVAL OR DISAPPROVAL OF MANAGEMENT  
20 PLAN.—

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

1           (2) CRITERIA FOR APPROVAL.—In determining  
2 whether to approve the management plan, the Sec-  
3 retary shall consider whether—

4           (A) the management entity is representa-  
5 tive of the diverse interests of the Heritage  
6 Area, including governments, natural and his-  
7 torical resource protection organizations, edu-  
8 cational institutions, local businesses and indus-  
9 tries, community organizations, recreational or-  
10 ganizations, and tourism organizations;

11           (B) the management entity has afforded  
12 adequate opportunity, including public hearings,  
13 for public and governmental involvement in the  
14 preparation of the management plan; and

15           (C) strategies contained in the manage-  
16 ment plan, if implemented, would adequately  
17 balance the voluntary protection, development,  
18 and interpretation of the natural, historical,  
19 cultural, scenic, recreational, and agricultural  
20 resources of the Heritage Area.

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

24           (A) advise the management entity in writ-  
25 ing of the reasons for the disapproval;

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

3 (C) not later than 180 days after the re-  
4 ceipt of any proposed revision of the manage-  
5 ment plan from the management entity, ap-  
6 prove or disapprove the proposed revision.

7 (4) AMENDMENTS.—

8 (A) IN GENERAL.—The Secretary shall ap-  
9 prove or disapprove each amendment to the  
10 management plan that the Secretary determines  
11 makes a substantial change to the management  
12 plan.

13 (B) USE OF FUNDS.—The management  
14 entity shall not use Federal funds authorized by  
15 this Act to carry out any amendments to the  
16 management plan until the Secretary has ap-  
17 proved the amendments.

18 **SEC. 6. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

19 (a) IN GENERAL.—Nothing in this Act affects the au-  
20 thority of a Federal agency to provide technical or finan-  
21 cial assistance under any other law.

22 (b) CONSULTATION AND COORDINATION.—The head  
23 of any Federal agency planning to conduct activities that  
24 may have an impact on the Heritage Area is encouraged  
25 to consult and coordinate the activities with the Secretary

1 and the management entity to the maximum extent prac-  
2 ticable.

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

5 (1) modifies, alters, or amends any law or regu-  
6 lation authorizing a Federal agency to manage Fed-  
7 eral land under the jurisdiction of the Federal agen-  
8 cy;

9 (2) limits the discretion of a Federal land man-  
10 ager to implement an approved land use plan within  
11 the boundaries of the Heritage Area; or

12 (3) modifies, alters, or amends any authorized  
13 use of Federal land under the jurisdiction of a Fed-  
14 eral agency.

15 **SEC. 7. PRIVATE PROPERTY AND REGULATORY PROTEC-**  
16 **TIONS.**

17 Nothing in this Act—

18 (1) abridges the rights of any property owner  
19 (whether public or private), including the right to re-  
20 frain from participating in any plan, project, pro-  
21 gram, or activity conducted within the Heritage  
22 Area;

23 (2) requires any property owner to permit pub-  
24 lic access (including access by Federal, State, or  
25 local agencies) to the property of the property

1 owner, or to modify public access or use of property  
2 of the property owner under any other Federal,  
3 State, or local law;

4 (3) alters any duly adopted land use regulation,  
5 approved land use plan, or other regulatory author-  
6 ity of any Federal, State or local agency, or conveys  
7 any land use or other regulatory authority to the  
8 management entity;

9 (4) authorizes or implies the reservation or ap-  
10 propriation of water or water rights;

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

14 (6) creates any liability, or affects any liability  
15 under any other law, of any private property owner  
16 with respect to any person injured on the private  
17 property.

18 **SEC. 8. EVALUATION; REPORT.**

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

22 (1) conduct an evaluation of the accomplish-  
23 ments of the Heritage Area; and

24 (2) prepare a report in accordance with sub-  
25 section (c).

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

3 (1) assess the progress of the management enti-  
4 ty with respect to—

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

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

10 (2) analyze the Federal, State, local, and pri-  
11 vate investments in the Heritage Area to determine  
12 the leverage and impact of the investments; and

13 (3) review the management structure, partner-  
14 ship relationships, and funding of the Heritage Area  
15 for purposes of identifying the critical components  
16 for sustainability of the Heritage Area.

17 (c) REPORT.—

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

23 (2) REQUIRED ANALYSIS.—If the report pre-  
24 pared under paragraph (1) recommends that Fed-

1 eral funding for the Heritage Area be reauthorized,  
2 the report shall include an analysis of—

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

6 (B) the appropriate time period necessary  
7 to achieve the recommended reduction or elimi-  
8 nation.

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

12 (A) the Committee on Energy and Natural  
13 Resources of the Senate; and

14 (B) the Committee on Natural Resources  
15 of the House of Representatives.

16 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

17 There is authorized to be appropriated to carry out  
18 this Act \$10,000,000, of which not more than \$1,000,000  
19 may be made available for any fiscal year.

20 **SEC. 10. TERMINATION OF AUTHORITY.**

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

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