

MOUNTAINS TO SOUND GREENWAY NATIONAL HERITAGE
AREA ACT

DECEMBER 22, 2014.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural
Resources, submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 1785]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1785) to establish the Mountains to Sound Greenway National Heritage Area in the State of Washington, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Mountains to Sound Greenway National Heritage Area Act”.

SEC. 2. DEFINITIONS.

In this Act:

- (1) **HERITAGE AREA.**—The term “Heritage Area” means the Mountains to Sound Greenway National Heritage Area established in this Act.
- (2) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the entity selected by the Secretary under section 3(d).
- (3) **MAP.**—The term “map” means the map titled “Mountains to Sound Greenway National Heritage Area Proposed Boundary”, numbered 584/125,484 and dated January 31, 2011.
- (4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.
- (5) **STATE.**—The term “State” means the State of Washington.

SEC. 3. DESIGNATION OF THE MOUNTAINS TO SOUND GREENWAY NATIONAL HERITAGE AREA.

(a) **ESTABLISHMENT.**—There is hereby established the Mountains to Sound Greenway National Heritage Area in the State, to consist of land in King and Kittitas counties in the State, as generally depicted on the map, unless the county commission of King or Kittitas county elects at any time to be excluded from the Heritage Area, in which case that county shall not be part of the Heritage Area.

(b) **MAP.**—The map shall be on file and available to the public in the appropriate offices of the National Park Service, United States Forest Service, and the local coordinating entity.

(c) **LOCAL COORDINATING ENTITY.**—The Secretary shall select a local coordinating entity for the Heritage Area.

SEC. 4. MANAGEMENT PLAN.

(a) **IN GENERAL.**—Not later than 3 years after the date of the enactment of this Act and subject to subsection (b)(4), 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, management, and interpretation of the natural, cultural, historic, scenic, and recreational resources of the Heritage Area;

(2) take into consideration State government plans;

(3) include—

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

(B) an inventory of any other property in the Heritage Area that is related to the themes of the Heritage Area, and should be preserved, restored, managed or maintained because of the significance of the property;

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

(D) a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, historical and cultural resources of the Heritage Area;

(E) 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 five years of operation;

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

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

(4) be submitted to the county commissions of King and Kittitas counties in the State for approval by the commissions before the management plan is submitted to the Secretary, unless the county has elected not to be part of the Heritage Area.

(c) **APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.**—

(1) **REVIEW.**—Not later than 180 days after receiving the management plan for the Heritage Area, the Secretary shall review and, in consultation with the Secretary of Agriculture and State, approve or disapprove the management plan on the basis of the criteria established under paragraph (2).

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

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

(B) the local coordinating entity has afforded adequate opportunity, including public hearings, for the public and Federal, State, tribal, and local 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, historical, and cultural resources of the Heritage Area.

(d) **DISAPPROVAL.**—

(1) **IN GENERAL.**—If the Secretary disapproves the management plan, the Secretary shall—

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

(B) make recommendations to the local coordinating entity for revisions to the management plan.

(2) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(e) AMENDMENTS.—

(1) IN GENERAL.—An amendment to the management plan that substantially changes the management plan shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(2) COUNTY REVIEW AND APPROVAL.—No amendment may be submitted to the Secretary under paragraph (1) until and unless the amendment is first reviewed and approved by the county commissions for King and Kittitas counties in the State (unless that county has elected not to be part of the Heritage Area).

(3) IMPLEMENTATION.—The local coordinating entity shall not implement an amendment to the management plan until the Secretary approves the amendment.

(f) AUTHORITIES.—The Secretary may provide technical assistance to the State, political subdivisions of the State, nonprofit organizations, and other interested parties.

SEC. 5. EVALUATION; REPORTING.

(a) IN GENERAL.—Not later than 10 years after the enactment of this Act, the Secretary, in consultation with the Secretary of Agriculture, shall—

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

(2) prepare and submit a report pursuant to subsection (c).

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

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

(A) accomplishing the purposes of the authorizing legislation 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, tribal, local, and private investments in the Heritage Area to determine the impact of the investments; and

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

(c) REPORT.—Based on the evaluation conducted under subsection (b), the Secretary shall submit a report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The report shall include recommendations for the future role of the National Park Service with respect to the Heritage Area.

SEC. 6. LOCAL COORDINATING ENTITY.

(a) DUTIES.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(1) prepare and submit a management plan for the Heritage Area to the Secretary in accordance with section 4;

(2) submit a report to the Secretary every five years after the Secretary has approved the management plan, specifying—

(A) the expenses and income of the local coordinating entity; and

(B) significant grants or contracts made by the local coordinating entity to any other entities during the five-year period.

(b) AUTHORITIES.—To further the purposes of the Heritage Area, the local coordinating entity may—

(1) make grants to the State, or a political subdivision of the State, nonprofit organizations, and other parties within the National Heritage Area;

(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, heritage programming, and economic and community development;

(4) obtain funds or services that are provided under any Federal law or program not specifically applicable to national heritage areas;

(5) contract for goods or services;

(6) support activities that further the Heritage Area and are consistent with the approved management plan;

(7) 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 in the Heritage Area;

(B) establishing and maintaining interpretative 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, 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 the 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;

(8) 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;

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

(10) for any year that Federal funds have been received by the local coordinating entity—

(A) submit to the Secretary an annual report 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

(11) encourage by appropriate means economic vitality that is consistent with the Heritage Area.

(c) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not acquire real property or interests in real property with Federal funds or through condemnation.

SEC. 7. 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.

(b) CONSULTATION AND COORDINATION.—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 to the maximum extent practicable.

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

(1) modifies, alters, or amends any law or 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. 8. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this Act—

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

(2) requires any property owner to permit public access (including access by Federal, State, tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, tribal, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority (such as the authority to make safety improvements or increase the capacity of existing roads or to construct new roads or associated developments) of any Federal, State, tribal, local unit of government or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy, water or water-related infrastructure;

(4) alters, modifies, diminishes, or extinguishes the treaty rights of any Indian tribe within the Heritage Area;

(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;

(7) creates any liability, or affects any liability under any other law, of any private property owner;

(8) affects current or future grazing permits, leases or allotments on Federal lands; or

(9) affects the construction, operation, maintenance, improvement or expansion of current or future water projects, including water storage, hydroelectric facilities, or delivery systems.

SEC. 9. CLARIFICATION.

Nothing in this Act authorizes the Secretary—

(1) to allocate or distribute Federal funds to the local coordinating entity; or

(2) to expend Federal funds for any purpose under this Act except for those purposes specifically enumerated to the Secretary under section 3, subsections (c), (d), (e) and (f) of section 4, and section 5.

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.

PURPOSE OF THE BILL

The purpose of H.R. 1785 is to establish the Mountains to Sound Greenway National Heritage Area in the State of Washington.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 1785 would establish the Mountains to Sound Greenway National Heritage Area across portions of King and Kittitas Counties in the State of Washington. Congress has created National Heritage Areas (NHAs) in places with nationally significant natural, cultural, recreational or historical resources. Although these areas are not units of the National Park System, they do partner with the National Park Service for technical assistance and may also qualify for certain federal funds. In general, the intent is for such designations to encourage private funding support and eventual self-sufficiency for the local non-federal coordinating entity.

The landscape identified for designation under this bill includes areas of King and Kittitas Counties known for their environmental and recreation value, many working farms, ranches and woodlands, critically important water storage resources, and an economically vital transportation corridor across the Cascade Mountains. This area has been the focus of a grassroots conservation effort by the Mountains to Sound Greenway Coalition for more than 20 years.

No new NHAs have been created during the past four years and this is the only bill to designate a new area that has had a hearing. This is due to current House of Representatives rules, as it is no longer possible to designate heritage areas in the same manner they've been created in the past. Furthermore, while NHAs are often presented as a means of simply promoting the specialness of a location or region of country, there remain concerns about the possible direct or indirect effects of such designations on local communities and private property, including regulatory or bureaucratic pressure.

During markup of the bill, the Natural Resources Committee adopted an amendment that makes several modifications to the underlying bill to clarify that the designation of this heritage area is intended as a label for promotion and not a potential or unintended tool for influencing or interfering with local communities and prop-

erty owners, or for altering existing federal management of lands and activities included in the heritage area.

The amendment adds a clause that ensures there will be no impact to water activities, including current and future Bureau of Reclamation irrigation project activities. There is also a clause clarifying that there will be no impact to livestock grazing due to this designation. These are very important because the area includes a number of working farms and ranches, as well as serves as a source of reservoir water for the entire Yakima River Basin.

The amendment also ensures that the two affected counties will have a strong role in how the designation affects their communities, including in the review and approval of the heritage area management plan.

Lastly, the amendment allows the National Park Service to offer technical assistance to the local coordinating entity; however, the coordinating entity would not be eligible for additional federal funds as a result of this designation. This has been the subject of conversation with the local advocates for this heritage area and there has been recognition about the necessity for its inclusion for the bill to advance. Language is also included that provides that this will be accomplished without affecting the local coordinating entity's existing ability to qualify for other grants or programs.

COMMITTEE ACTION

H.R. 1785 was introduced on April 26, 2013, by Congressman David Reichert (R-WA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Public Lands and Environmental Regulation. On July 29, 2014, the Subcommittee held a hearing on the bill. On November 19, 2014, the Full Natural Resources Committee met to consider the bill. The Subcommittee on Public Lands and Environmental Regulation was discharged by unanimous consent. Congressman Doc Hastings (R-WA) offered an amendment designated .046 to the bill; the amendment was adopted by voice vote. No further amendments were offered, and the bill, as amended, was adopted and ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Com-

mittee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 1785—Mountains to Sound Greenway National Heritage Area Act

H.R. 1785 would establish approximately 1.5 million acres of land in the state of Washington as the Mountains to Sound Greenway National Heritage Area. The bill would direct the Secretary of the Interior to select a local entity to develop a plan to manage lands within the proposed heritage area, subject to the Secretary's approval. The bill would prohibit the Secretary from providing Federal funds to the selected local entity for purposes of managing the proposed area.

CBO estimates that implementing H.R. 1785 would have a negligible effect on the Federal budget. Based on information from the National Park Service and assuming the availability of appropriated funds, CBO estimates that the agency would spend less than \$500,000 to review the proposed management plan and carry out other routine activities related to overseeing heritage areas. Enacting H.R. 1785 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 1785 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. Any costs to state, local, or tribal entities resulting from designation of the region as a National Heritage Area would be incurred voluntarily.

The CBO staff contact for this estimate is Megan Carroll. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. CBO estimates that implementing H.R. 1785 would have a negligible effect on the federal budget.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to establish the Mountains to Sound Greenway National Heritage Area in the State of Washington.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

DISSENTING VIEWS

H.R. 1785: MOUNTAINS TO SOUND GREENWAY NATIONAL HERITAGE
AREA ACT

H.R. 1785 designates the Mountains to Sound Greenway in Washington State as a National Heritage Area. The bill names the Mountains to Sound Greenway Trust as the local coordinating entity for the National Heritage Area, and requires the Trust to prepare a management plan for the 1.5 million acre area between Seattle and Ellensburg, Washington. This area has played a crucial role in economic development and conservation of the Pacific Northwest and deserves recognition as a special place. As a National Heritage Area, the Mountains to Sound Greenway would be eligible for Federal grants for preservation and the promotion of the area for tourism.

While we support the establishment of this National Heritage Area, we cannot support the bill as amended. The effort to establish the Greenway as a National Heritage Area has involved the work of many stakeholders for several years. The designation would be the first of its kind in the Pacific Northwest and could serve as an example to the region of the benefits of the National Heritage Area programs. However, at markup, the majority amended the bill to add needless language that only gives credibility to misconceptions about National Heritage Areas. The amendment added language purporting to protect private property rights and historic land uses. National Heritage Areas do not encumber private property rights, nor infringe upon historic land uses such as grazing. National Heritage Areas exist to help communities leverage public-private partnerships and access federal grants, creating jobs, increasing tourism, and promoting historic preservation. The language added by the amendment serves no real purpose, except to proliferate misconceptions about National Heritage Areas and further encumber the difficult process of accessing federal funds that promote job creation and increase tourism.

We support the establishment of the Mountains to Sound Greenway National Heritage Area but disagree with the amended bill which undermines the purpose and promotes misconceptions of the program.

PETER DEFAZIO,
*Ranking Member, Committee
on Natural Resources.*

RAÚL GRIJALVA,
*Ranking Member, Sub-
committee on Public Lands
and Environmental Regu-
lations.*