

103^D CONGRESS
2^D SESSION

H. R. 4607

To establish the Vancouver National Heritage Area, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 1994

Mrs. UNSOELD introduced the following bill; which was referred to the
Committee on Natural Resources

A BILL

To establish the Vancouver National Heritage Area, 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 “Vancouver National
5 Heritage Area Partnership Act of 1994”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—The Congress finds the following:

8 (1) The lower Columbia River basin and Van-
9 couver have been the focal point of a number of im-
10 portant periods, themes, and events in American his-
11 tory and pre-history, including native settlements,

1 westward expansion of the British colonies and the
2 United States from 1763–1898, political and mili-
3 tary affairs from 1865 to 1939, and military affairs
4 from 1914–1941.

5 (2) The Columbia River is the central feature
6 around which the history of the Vancouver National
7 Heritage Area and the entire Pacific Northwest re-
8 volves. The heritage area is located on the shores of
9 the Columbia River 78 miles from the Pacific Ocean.
10 The Columbia River has been an artery for commu-
11 nication and trade since prehistoric times.

12 (3) Fort Vancouver National Historic Site, a
13 unit of the National Park System, was founded in
14 1825 by the Hudson Bay Company and its develop-
15 ment from 1825 to 1860 was seminal to Euro-Amer-
16 ican settlement of the Northwest.

17 (4) The Vancouver Barracks served as the prin-
18 cipal administrative outpost of the United States
19 Army in the Pacific Northwest from 1849 until
20 World War I, served as a command post during the
21 Native American Wars of the mid to late 19th cen-
22 tury, and provided major facilities for support of
23 United States military ventures throughout the Pa-
24 cific during the Spanish American War and the two
25 World Wars.

1 (5) Pearson Airfield was the site of significant
2 events in the history of aviation in the Pacific
3 Northwest and was particularly prominent during
4 the interwar period between 1923–1941. Today,
5 Pearson Airfield continues to be an important home
6 to historic aircraft and historic aviation.

7 (6) The heritage area contains a number of dis-
8 covered and unrecovered archaeological sites signifi-
9 cant to the history of North America and the growth
10 of the United States.

11 (7) The heritage area is located close to major
12 metropolitan areas, including Portland, Tacoma, and
13 Seattle and immediately adjacent to Interstate 5, the
14 major north-south interstate of the Pacific North-
15 west.

16 (8) Many Federal, State, and local government
17 entities, as well as numerous private organizations
18 and individuals (A) have expressed a desire to join
19 forces and work together in a cooperative spirit in
20 order to preserve, interpret, and enhance the cul-
21 tural, recreational, and educational potential of the
22 heritage area, and (B) have already demonstrated
23 their ability to effectively cooperate in the course of
24 preparing the “Vancouver National Historical Re-

1 serve Feasibility Study and Environmental Assess-
2 ment”, as required by Public Law 101–523.

3 (b) PURPOSE.—It is the purpose of this Act—

4 (1) to preserve, enhance, and interpret the sig-
5 nificant aspects of the lands, water, structures and
6 history of the heritage area, and

7 (2) to provide a partnership that will develop
8 and implement an integrated cultural, historical, rec-
9 reational, and educational land resource manage-
10 ment program in order to achieve these purposes.

11 **SEC. 3. DEFINITIONS.**

12 For the purposes of this Act—

13 (1) the term “member agencies” means the en-
14 tities specified in paragraphs (1) through (4) of sec-
15 tion 5(b);

16 (2) the term “Partnership” means the Van-
17 couver National Heritage Area Partnership estab-
18 lished by section 5;

19 (3) the term “Pearson economic plan” means
20 the Pearson Airpark economic viability and mitiga-
21 tion plan required under section 10(8);

22 (4) the term “heritage area” means the Van-
23 couver National Heritage Area established by section
24 4;

1 (5) the term “management plan” means the
2 plan developed and submitted under section 9;

3 (6) the term “Secretary” means the Secretary
4 of the Interior; and

5 (7) the term “Chairperson” means the Chair-
6 person of the Partnership as specified in section
7 5(e).

8 **SEC. 4. VANCOUVER NATIONAL HERITAGE AREA.**

9 (a) ESTABLISHMENT.—There is hereby established
10 the Vancouver National Heritage Area.

11 (b) AREAS TO BE INCLUDED IN THE HERITAGE
12 AREA.—The heritage area shall be comprised of approxi-
13 mately 366 acres of publicly owned land, as generally de-
14 picted on the map entitled “Vancouver National Historic
15 Reserve—Proposed Reserve Area”, contained in the report
16 entitled “Vancouver National Historical Reserve Feasibil-
17 ity Study and Environmental Assessment” at page 97,
18 published by the Vancouver Historical Study Commission,
19 and dated April 1993. The map shall be on file and avail-
20 able for public inspection in the offices of the Director of
21 the National Park Service. The heritage area shall include
22 the following lands and facilities:

23 (1) Fort Vancouver National Historic Site.

24 (2) Vancouver Barracks.

25 (3) Pearson Airfield and Museum.

1 (4) Officers Row.

2 (5) Old Apple Tree Park.

3 (6) Marine Park.

4 (7) The area of the Columbia River waterfront
5 identified in such map.

6 (8) The land and easements dedicated to the
7 city of Vancouver for a waterfront trail within the
8 Columbia Shores property.

9 (9) A pedestrian-only path between the Marine
10 Park and the southeastern corner of the heritage
11 area at Columbia Way.

12 **SEC. 5. VANCOUVER NATIONAL HERITAGE AREA PARTNER-**
13 **SHIP.**

14 (a) ESTABLISHMENT.—There is established the Van-
15 couver National Heritage Area Partnership. The purpose
16 of the Partnership shall be to oversee the protection, en-
17 hancement, and development of the heritage area. The
18 Partnership shall—

19 (1) be a forum for cooperation and coordination
20 between the public agencies represented in the herit-
21 age area;

22 (2) make reasonable efforts to minimize staff-
23 ing, development, and operational costs to each
24 member agency;

1 (3) promote the coordinated protection, use and
2 interpretation of the cultural, recreational, and edu-
3 cational resources of the heritage area;

4 (4) identify additional opportunities for public
5 use and enjoyment of the heritage area;

6 (5) develop and implement a management plan
7 as required in section 9 for the areas specified in
8 section 4(b); and

9 (6) be formalized by the compact described in
10 section 8.

11 (b) MEMBERSHIP.—The Partnership shall be com-
12 prised of five members appointed by the Secretary, in con-
13 sultation with member agencies, no later than six months
14 after the date of the enactment of this Act who represent
15 the interests of the following:

16 (1) The Department of the Interior, National
17 Park Service.

18 (2) The State of Washington.

19 (3) Department of the Army.

20 (4) City of Vancouver.

21 (5) The general public, selected from the citi-
22 zenry of the State of Washington, appointed after
23 consultation with the Governor of the State of
24 Washington and the Mayor of Vancouver.

1 (c) TERMS OF SERVICE FOR MEMBERS OF THE
2 PARTNERSHIP.—(1) Members of the Partnership shall be
3 appointed for terms of three years and may be
4 reappointed.

5 (2) Any member appointed to fill a vacancy occurring
6 before the expiration of the term for which the member's
7 predecessor was appointed shall be appointed only for the
8 remainder of such term. Any member of the Partnership
9 appointed for a definite term may serve after the expira-
10 tion of their term until the member's successor has taken
11 office.

12 (d) COMPENSATION FOR MEMBERS OF THE PART-
13 NERSHIP.—Members of the Partnership shall receive no
14 pay on account of their service on the Partnership, but
15 while away from their homes or regular places of business
16 in the performance of services for the Partnership, mem-
17 bers of the Partnership shall be allowed travel expenses,
18 including per diem in lieu of subsistence, in the same man-
19 ner as persons employed intermittently in the Government
20 service are allowed expenses under section 5703 of title
21 5, United States Code.

22 (e) CHAIRPERSON.—The Chairperson of the Partner-
23 ship shall be elected by the members of the Partnership
24 for a term of two years.

1 (f) QUORUM.—Three members of the Partnership
2 shall constitute a quorum. The affirmative vote of not less
3 than three members shall be required to approve the budg-
4 et of the Partnership.

5 (g) MEETINGS.—The Partnership shall hold its first
6 meeting not later than 90 days after the date on which
7 its members are appointed and shall meet at least quar-
8 terly at the call of the Chairperson or a majority of its
9 members. Meetings shall be subject to section 552(b) of
10 title 5, United States Code.

11 (h) PROXY.—Any member of the Partnership may
12 vote by means of a signed proxy exercised by another
13 member of the Partnership, but any member so voting
14 shall not be considered present for purposes of establish-
15 ing a quorum.

16 **SEC. 6. STAFF OF THE PARTNERSHIP.**

17 (a) IN GENERAL.—The Partnership shall have the
18 power to appoint and fix compensation of such staff as
19 may be necessary to carry out its duties.

20 (b) EXPERTS AND CONSULTANTS.—Subject to such
21 rules as may be adopted by the Partnership, the Partner-
22 ship may procure temporary and intermittent services to
23 the same extent as is authorized by section 3109(b) of title
24 5, United States Code, but at rates determined by the
25 Partnership to be reasonable.

1 (c) STAFF OF OTHER AGENCIES.—(1) Upon request
2 of the Partnership, the head of any Federal agency may
3 detail, on a reimbursable basis, any of the personnel of
4 such agency to the Partnership to assist the Partnership
5 in carrying out the Partnership's duties.

6 (2) The Partnership may accept the service of person-
7 nel detailed from the State, or any political subdivision
8 or regional planning organization, and may reimburse the
9 State, political subdivision, or regional planning organiza-
10 tion for those services.

11 **SEC. 7. POWERS OF THE PARTNERSHIP.**

12 (a) HEARINGS.—(1) The Partnership may, for the
13 purposes of carrying out this Act, hold hearings, sit and
14 act at such times and places, take such testimony, and
15 receive such evidence, as the Partnership considers appro-
16 priate.

17 (2) The Partnership may not issue subpoenas or exer-
18 cise any subpoena authority.

19 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-
20 ber or agent of the Partnership, if so authorized by the
21 Partnership, may take any action which the Partnership
22 is authorized to take by this Act. Members of the Partner-
23 ship shall continue to exercise primary management re-
24 sponsibility for the facilities and lands over which they
25 currently have jurisdiction.

1 (c) ADMINISTRATIVE SUPPORT SERVICES.—The Ad-
2 ministrator of the General Services Administration shall
3 provide to the Partnership on a reimbursable basis such
4 administrative support services as the Partnership may re-
5 quest.

6 (d) MAILS.—The Partnership may use the United
7 States mails in the same manner and under the same con-
8 ditions as other departments and other agencies of the
9 United States.

10 (e) USE OF FUNDS TO OBTAIN MONEY.—The Part-
11 nership may use its funds to obtain money from any
12 source under any program or law requiring the recipient
13 of such money to make a contribution in order to receive
14 such money.

15 (f) GIFTS.—(1) The Partnership may, for purposes
16 of carrying out its duties, seek, accept, and dispose of
17 gifts, bequests, or donations of money, personal property,
18 or services, received from any source.

19 (2) For purposes of section 170(c) of the Internal
20 Revenue Code of 1986, any gift to the Partnership shall
21 be deemed to be a gift to the United States.

22 (g) ACQUISITION OF REAL PROPERTY.—(1) Except
23 as provided in paragraph (2) and except with respect to
24 any leasing of facilities under subsection (c), the Partner-

1 ship may not acquire any real property or interest in real
2 property.

3 (2) Subject to paragraph (3), the Partnership may
4 acquire real property or interest in real property in the
5 heritage area—

6 (A) by gift or devise; or

7 (B) by purchase from a willing seller with
8 money that was given, appropriated, or bequeathed
9 to the Partnership on the condition that such money
10 would be used to purchase real property, or interest
11 in real property, in the heritage area.

12 (3) Any real property or interest in real property ac-
13 quired by the Partnership under paragraph (2) shall be
14 conveyed by the Partnership to an appropriate public or
15 private land management agency, as determined by the
16 Partnership. Any such conveyance shall be made—

17 (A) as soon as practicable after such acqui-
18 sition;

19 (B) with or without consideration; and

20 (C) on the condition that the real property or
21 interest in real property so conveyed is used for pub-
22 lic purposes.

23 (h) TRANSFER OF REAL PROPERTY.—A Member
24 agency may transfer title of parcels of land and improve-
25 ments thereon to other member agencies upon rec-

1 ommendation of the Partnership and the approval of the
2 affected member agency.

3 (i) COOPERATIVE AGREEMENTS.—For purposes of
4 carrying out the management plan referred to in section
5 9, the Partnership may enter into cooperative agreements
6 with any State, or any political subdivision thereof, or with
7 any person or organization. Any such cooperative agree-
8 ment shall, at a minimum, establish procedures for provid-
9 ing notice to the Partnership of any action proposed by
10 the State, such political subdivision, or such person which
11 may affect implementation of the management plan re-
12 ferred to in section 9.

13 (j) ADVISORY GROUPS.—The Partnership may estab-
14 lish such advisory groups as it deems necessary to ensure
15 open communication with, and assistance from, the State,
16 political subdivisions of the State, regional planning orga-
17 nizations and interested persons.

18 **SEC. 8. COMPACT BETWEEN MEMBERS OF THE PARTNER-**
19 **SHIP.**

20 Within 12 months after it conducts its first meeting,
21 the Partnership shall prepare, sign, and submit to the Sec-
22 retary a compact. The compact shall be prepared with
23 public participation. The compact shall function as a
24 memorandum of agreement between the members of the

1 Partnership. The compact shall include but is not limited
2 to—

3 (1) identification of the partners in the heritage
4 area;

5 (2) identification of the goals and objectives of
6 the heritage area and identification of the basic re-
7 sponsibilities of the members of the Partnership with
8 respect to the purpose of the heritage area; and

9 (3) a brief outline of the objectives that are
10 likely to be included in the management plan in
11 order to achieve the purpose of the heritage area.

12 **SEC. 9. HERITAGE AREA MANAGEMENT PLAN.**

13 (a) IN GENERAL.—(1) Within 36 months after it con-
14 ducts its first meeting, the Partnership shall develop and
15 submit the heritage area management plan to the Sec-
16 retary for review and approval. The management plan
17 shall define a timetable for various actions of the Partner-
18 ship and for development of the specific programs and fa-
19 cilities of the heritage area.

20 (2) The management plan shall require the Partner-
21 ship to produce an interpretive plan for the heritage area
22 that provides a framework for all the institutions within
23 the heritage area to incorporate information on the over-
24 lapping continuum of history represented in the heritage
25 area and shall address all joint facilities programs.

1 (b) ITEMS INCLUDED.—The management plan shall
2 include, but is not limited to—

3 (1) the requirements for the interpretive plan;

4 (2) the requirements pertaining to Pearson Air-
5 park, subject to section 10; and

6 (3) the Pearson Airpark economic viability and
7 mitigation plan as specified in section 10.

8 (c) AMENDMENT AND REVIEW OF THE MANAGE-
9 MENT PLAN.—Every five years the Partnership shall
10 evaluate the progress made in implementing the manage-
11 ment plan and shall submit to the Secretary a revised
12 management plan for the Secretary’s review and approval.

13 **SEC. 10. PEARSON AIRPARK.**

14 The management plan shall permit general aviation
15 at Pearson Airpark to continue, subject to the following
16 conditions:

17 (1) Pearson Field and Air Museum shall be op-
18 erated by the city of Vancouver or its designated en-
19 tity.

20 (2) The city of Vancouver pays the National
21 Park Service a fee of \$1 per year for the continued
22 use and occupancy of the Airpark and Air Museum
23 on National Park Service property.

24 (3) All nonhistoric, aviation-related buildings
25 and devices, including T-hangers and associated

1 taxiways, shall be removed by the city of Vancouver
2 from National Park Service property by the year
3 2003, except those necessary for navigation and
4 safety.

5 (4) The city of Vancouver shall not be com-
6 pensated for historic buildings remaining on Na-
7 tional Park Service property, but shall be liable and
8 responsible for continued use and maintenance of
9 these structures.

10 (5) Approval of the National Park Service is re-
11 quired for all structural improvements and struc-
12 tural additions to the Air Museum for those struc-
13 tures and facilities of the Air Museum located on
14 property of the National Park Service.

15 (6) Helicopters shall not be based at Pearson
16 Airpark except as necessary to accommodate emer-
17 gency, disaster, or national security needs.

18 (7) The total number of airworthy aircraft
19 based at the Pearson Airpark shall be determined by
20 the Pearson economic plan in agreement with the
21 Partnership.

22 (8) Within 36 months after the first meeting of
23 the Partnership, as part of the management plan,
24 the Partnership shall prepare the Pearson Airpark

1 economic viability and mitigation plan. The Pearson
2 economic plan shall require the following:

3 (A) The Partnership shall report to Con-
4 gress by 2022 regarding the advisability of con-
5 tinuing to base some general aviation aircraft at
6 Pearson Airpark, taking into account their im-
7 pact on National Park Service operations, the
8 needs of the community, and whether or not
9 general aviation aircraft are necessary to sup-
10 port the economic viability of the historic air-
11 craft mission within the heritage area. The re-
12 port may be submitted separately from the
13 management plan, but must be submitted prior
14 to 2022.

15 (B) Incentives and regulations to encour-
16 age a transition from basing predominantly
17 general aviation aircraft to basing historic air-
18 craft. The transition shall be completed by
19 April 3, 2022. After April 3, 2022, no general
20 aviation aircraft shall be based at Pearson Air-
21 park unless a continuation of general aviation is
22 expressly authorized by an Act of Congress en-
23 acted after this Act and before April 3, 2022.
24 For the purposes of this subparagraph, the
25 term “historic aircraft” means any aircraft

1 which is based on a design (i) from the World
2 War II era or earlier, (ii) which is 50 years or
3 older, or (iii) which, as determined by a quali-
4 fied Aviation Advisory Group selected by the
5 Partnership, is of historical significance.

6 (C) A program to mitigate any conflicts re-
7 lated to the operation of the Airpark and other
8 activities within the heritage area. The mitiga-
9 tion program shall, in coordination with the
10 Federal Aviation Administration and other
11 agencies, address (but not be limited to) noise,
12 safety, visual intrusion, and the location of new
13 facilities.

14 (D) A Pearson Airpark Museum Plan, in-
15 cluding budgetary strategies by which proceeds
16 from general aviation and other sources fund
17 the museum and other aviation curation activi-
18 ties.

19 **SEC. 11. DUTIES AND POWERS OF THE SECRETARY OF THE**
20 **INTERIOR.**

21 (a) IN GENERAL.—The National Park Service shall
22 have the lead Federal agency role for—

23 (1) developing and implementing the manage-
24 ment plan; and

1 (2) for planning, designing, constructing, and
2 supervising all common heritage area facilities.

3 (b) ASSISTANCE IN PREPARING THE COMPACT AND
4 MANAGEMENT PLAN.—Upon request of the Partnership,
5 the Secretary may—

6 (1) provide matching grants to assist in studies
7 to prepare the compact and management plan;

8 (2) provide technical assistance in preparing
9 and developing the compact and management plan;
10 and

11 (3) elect to provide all or part of the technical
12 assistance in the conduct of studies, compacts,
13 plans, and early action plans through cooperative
14 agreements with units of government and private
15 nonprofit organizations.

16 (c) APPROVAL AND DISAPPROVAL OF COMPACTS AND
17 MANAGEMENT PLANS.—(1) The Secretary, in consulta-
18 tion with the Partnership, shall approve or disapprove a
19 compact or management plan submitted under this Act
20 not later than 90 days after receiving such compact or
21 management plan.

22 (2) If the Secretary disapproves a submitted compact
23 or management plan, the Secretary shall advise the Part-
24 nership in writing of the reasons therefor and shall make
25 recommendations for revisions in the compact or plan. The

1 Secretary shall approve or disapprove a proposed revision
2 within 90 days after the date it is submitted.

3 (d) APPROVING AMENDMENTS.—The Secretary shall
4 review substantial amendments to the management plan.
5 Funds appropriated pursuant to this Act may not be ex-
6 pended to implement the amendments until the Secretary
7 approves the amendments.

8 (e) ASSISTANCE IN IMPLEMENTING THE HERITAGE
9 AREA MANAGEMENT PLAN.—(1) The Secretary may,
10 upon request of the Partnership, provide technical and fi-
11 nancial assistance to develop and implement the heritage
12 area management plan.

13 (2) The Secretary is authorized to spend Federal
14 funds directly on nonfederally owned property to further
15 the purposes of this Act.

16 (3) In cooperation with other Federal agencies, the
17 Secretary shall provide the general public with information
18 as to the location and character of components of the her-
19 itage area.

20 **SEC. 12. DUTIES OF OTHER FEDERAL ENTITIES.**

21 (a) DUTIES OF FEDERAL ENTITIES.—Any Federal
22 entity conducting or supporting activities directly affecting
23 the heritage area, and any unit of government acting pur-
24 suant to a grant of Federal funds or a Federal permit

1 or agreement conducting or supporting such activities
2 shall, to the maximum extent practicable—

3 (1) consult with the Secretary and the Partner-
4 ship with respect to such activities;

5 (2) cooperate with the Secretary and the Part-
6 nership in carrying out their duties under this Act
7 and coordinate such activities with the carrying out
8 of such duties; and

9 (3) conduct or support such activities in a man-
10 ner consistent with the management plan unless the
11 Federal entity, after consultation with the Partner-
12 ship, determines there is no practicable alternative.

13 (b) ASSISTANCE UNDER OTHER LAWS.—Nothing in
14 this Act shall be deemed to prohibit the Secretary or other
15 units of government from providing technical or financial
16 assistance permissible under any other provisions of law.

17 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) IN GENERAL.—There is authorized to be appro-
19 priated such funds as may be necessary to carry out this
20 Act. Such amounts are in addition to amounts authorized
21 to be appropriated for the Fort Vancouver National His-
22 toric Site.

23 (b) COST SHARE.—The Federal share of the costs for
24 the heritage area in any fiscal year may not exceed 50
25 percent of the total costs of the heritage area for that fis-

1 cal year and shall be provided on a matching basis. The
2 non-Federal share of such support may be in the form of
3 cash, services, or in-kind contributions, fairly valued.

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