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2^D SESSION

S. 1980

To establish the Cane River Creole National Historical Park and the Cane River National Heritage Area in the State of Louisiana, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 24 (legislative day, FEBRUARY 22), 1994

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

A BILL

To establish the Cane River Creole National Historical Park and the Cane River National Heritage Area in the State of Louisiana, 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 “Cane River Creole Na-
5 tional Historical Park and National Heritage Area Act”.

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

7 (a) FINDINGS.—The Congress finds that—

1 (1) the Natchitoches area along Cane River, es-
2 tablished in 1714, is the oldest permanent settle-
3 ment in the Louisiana Purchase territory;

4 (2) the Cane River area is the locale of the de-
5 velopment of Creole culture, from French-Spanish
6 interactions of the early 18th century to today's liv-
7 ing communities;

8 (3) the Cane River, historically a segment of
9 the Red River, provided the focal point for early set-
10 tlement, serving as a transportation route upon
11 which commerce and communication reached all
12 parts of the colony;

13 (4) although a number of Creole structures,
14 sites, and landscapes exist in Louisiana and else-
15 where, unlike the Cane River area, most are isolated
16 examples, and lack original outbuilding complexes or
17 integrity;

18 (5) the Cane River area includes a great variety
19 of historical features with original elements in both
20 rural and urban settings and a cultural landscape
21 that represents various aspects of Creole culture,
22 providing the base for a holistic approach to under-
23 standing the broad continuum of history within the
24 region;

1 (6) the Cane River region includes the
2 Natchitoches National Historic Landmark District,
3 composed of approximately 300 publicly and pri-
4 vately owned properties, four other national historic
5 landmarks, and other structures and sites that may
6 meet criteria for landmark significance following fur-
7 ther study;

8 (7) historic preservation within the Cane River
9 area has greatly benefitted from individuals and or-
10 ganizations that have strived to protect their herit-
11 age and educate others about their rich history; and

12 (8) because of the complexity and magnitude of
13 preservation needs in the Cane River area, and the
14 vital need for a culturally sensitive approach, a part-
15 nership approach is desirable for addressing the
16 many preservation and educational needs.

17 (b) PURPOSE.—The purposes of this Act are to—

18 (1) recognize the importance of the Cane River
19 Creole culture as a nationally significant element of
20 the cultural heritage of the United States;

21 (2) establish a Cane River Creole National His-
22 torical Park to serve as the focus of interpretive and
23 educational programs on the history of the Cane
24 River area and to assist in the preservation of cer-
25 tain historic sites along the river; and

1 (3) establish a Cane River National Heritage
2 Area and Commission to be undertaken in partner-
3 ship with the State of Louisiana, the City of
4 Natchitoches, local communities and settlements of
5 the Cane River area, preservation organizations, and
6 private landowners, with full recognition that pro-
7 grams must fully involve the local communities and
8 landowners.

9 **TITLE I—CANE RIVER NATIONAL**
10 **HISTORICAL PARK**

11 **SEC. 101. ESTABLISHMENT.**

12 (a) IN GENERAL.—In order to assist in the preserva-
13 tion and interpretation of, and education concerning, the
14 Creole culture and diverse history of the Natchitoches re-
15 gion, and to provide technical assistance to a broad range
16 of public and private landowners and preservation organi-
17 zations, there is hereby established the Cane River Creole
18 National Historical Park (hereinafter in this Act referred
19 to as the “historical park”).

20 (b) AREA INCLUDED.—The historical park shall con-
21 sist of lands and interests therein as follows:

22 (1) Lands and structures associated with the
23 Oakland Plantation as depicted on map CARI,
24 80,002, dated January 1994.

1 (2) Lands and structures owned or acquired by
2 Museum Contents, Inc. as depicted on map CARI,
3 80,001, dated January 1994.

4 (3) Sites that may be the subject of cooperative
5 agreements with the National Park Service for the
6 purposes of historic preservation and interpretation
7 including, but not limited to, the Melrose Plantation,
8 the Badin-Roque site, the Cherokee Plantation, the
9 Beau Fort Plantation, and sites within the
10 Natchitoches National Historical Landmark District:
11 *Provided*, That such sites may not be added to the
12 historical park unless the Secretary of the Interior
13 (hereinafter referred to as the “Secretary”) deter-
14 mines, based on further research and planning, that
15 such sites meet the applicable criteria for national
16 historical significance, suitability, and feasibility,
17 and notification of the proposed addition has been
18 transmitted to the Committee on Energy and Natu-
19 ral Resources of the United States Senate and the
20 appropriate committees of the House of Representa-
21 tives.

22 (4) Not to exceed 10 acres of land that the Sec-
23 retary may designate for an interpretive visitor cen-
24 ter complex to serve the needs of the historical park
25 and heritage area established in title II of this Act.

1 **SEC. 102. ADMINISTRATION.**

2 (a) IN GENERAL.—The Secretary shall administer
3 the historical park in accordance with this Act, and with
4 provisions of law generally applicable to units of the Na-
5 tional Park System, including the Act entitled “An Act
6 to establish a National Park Service, and for other pur-
7 poses”, approved August 25, 1916 (39 Stat. 535; 16
8 U.S.C. 1, 2–4); and the Act of August 21, 1935 (49 Stat.
9 666, 16 U.S.C. 461–467). The Secretary shall manage the
10 historical park in such a manner as will preserve resources
11 and cultural landscapes relating to the Creole culture of
12 the Cane River and enhance public understanding of the
13 important cultural heritage of the Cane River region.

14 (b) DONATIONS.—The Secretary may accept and re-
15 tain donations of funds, property, or services for individ-
16 uals, foundations, or other public or private entities for
17 the purposes of providing programs, services, facilities, or
18 technical assistance that further the purposes of this Act.

19 (c) INTERPRETIVE CENTER.—The Secretary is au-
20 thorized to construct, operate, and maintain an interpre-
21 tive center on lands identified by the Secretary pursuant
22 to section 101(b)(4) of this title. Such center shall provide
23 for the general information and orientation needs of the
24 historical park and the heritage area. The Secretary shall
25 consult with the State of Louisiana, the City of
26 Natchitoches, the Association for the Preservation of His-

1 toric Natchitoches, and the Cane River National Heritage
2 Area Commission pursuant to section 202 of this Act in
3 the planning and development of the interpretive center.

4 (d) COOPERATIVE AGREEMENTS AND TECHNICAL
5 ASSISTANCE.—(1) The Secretary, after consultation with
6 the Cane River National Heritage Area Commission estab-
7 lished pursuant to section 202 of this Act, is authorized
8 to enter into cooperative agreements with owners of prop-
9 erties within the heritage area and owners of properties
10 within the historical park that provide important edu-
11 cational and interpretive opportunities relating to the her-
12 itage of the Cane River region. The Secretary may also
13 enter into cooperative agreements for the purpose of facili-
14 tating the preservation of important historic sites and
15 structures identified in the historical park's general man-
16 agement plan or other heritage elements related to the
17 heritage of the Cane River region. Such cooperative agree-
18 ments shall specify that the National Park Service shall
19 have reasonable rights of access for operational and visitor
20 use needs and that preservation treatments will meet the
21 Secretary's standards for rehabilitation of historic build-
22 ings.

23 (2) The Secretary is authorized to enter into coopera-
24 tive agreements with the City of Natchitoches, the State
25 of Louisiana, and other public or private organizations for

1 the development of the interpretive center, educational
2 programs, and other materials that will facilitate public
3 use of the historical park and heritage area.

4 (e) RESEARCH.—The Secretary, acting through the
5 National Park Service, shall coordinate a comprehensive
6 research program on the complex history of the Cane
7 River region, including ethnography studies of the living
8 communities along the Cane River, and how past and
9 present generations have adapted to their environment, in-
10 cluding genealogical studies of families within the Cane
11 River area. Research shall include, but not be limited to,
12 the extensive primary historic documents within the
13 Natchitoches and Cane River areas, and curation methods
14 for their care and exhibition. The research program shall
15 be coordinated with Northwestern State University of
16 Louisiana, and the National Center for Preservation Tech-
17 nology and Training in Natchitoches.

18 **SEC. 103. ACQUISITION OF PROPERTY.**

19 (a) GENERAL AUTHORITY.—Except as otherwise pro-
20 vided in this section, the Secretary is authorized to acquire
21 lands and interests therein within the boundaries of the
22 historical park by donation, purchase with donated or ap-
23 propriated funds, or exchange.

24 (b) STATE AND LOCAL PROPERTIES.—Lands and in-
25 terests therein that are owned by the State of Louisiana,

1 or any political subdivision thereof, may be acquired only
2 by donation or exchange.

3 (c) MUSEUM CONTENTS, INC.—Lands and structures
4 identified in section 101(b)(2) may be acquired only by
5 donation.

6 (d) COOPERATIVE AGREEMENT SITES.—Lands and
7 interests therein that are the subject of cooperative agree-
8 ments pursuant to section 101(b)(3) shall not be acquired
9 except with the consent of the owner thereof.

10 **SEC. 104. GENERAL MANAGEMENT PLAN.**

11 Within 3 years after the date funds are made avail-
12 able therefor and in consultation with the Cane River Her-
13 itage Area Commission, the National Park Service shall
14 prepare a general management plan for the historical
15 park. The plan shall include, but need not be limited to—

16 (1) a visitor use plan indicating programs and
17 facilities that will be provided for public use, includ-
18 ing the location and cost of an interpretive center;

19 (2) programs and management actions that the
20 National Park Service will undertake cooperatively
21 with the heritage area commission, including preser-
22 vation treatments for important sites, structures, ob-
23 jects, and research materials. Planning shall address
24 educational media, roadway signing, and brochures

1 that could be prepared jointly with the Commission
2 pursuant to section 203 of this Act; and

3 (3) preservation and use plans for any sites and
4 structures that are identified for National Park
5 Service involvement through cooperative agreements.

6 **TITLE II—CANE RIVER NATIONAL**
7 **HERITAGE AREA.**

8 **SEC. 201. ESTABLISHMENT OF THE CANE RIVER NATIONAL**
9 **HERITAGE AREA.**

10 (a) ESTABLISHMENT.—There is hereby established
11 the Cane River National Heritage Area (hereinafter re-
12 ferred to as the “heritage area”).

13 (b) PURPOSE.—In furtherance of the need to recog-
14 nize the value and importance of the Cane River region
15 and in recognition of the findings of section 2(a) of this
16 Act, it is the purpose of this title to establish a heritage
17 area to complement the historical park and to provide for
18 a culturally sensitive approach to the preservation of the
19 heritage of the Cane River region, and for other needs in-
20 cluding—

21 (1) recognizing areas important to the Nation’s
22 heritage and identity;

23 (2) assisting in the preservation and enhance-
24 ment of the cultural landscape and traditions of the
25 Cane River region;

1 (3) providing a framework for those who live
2 within this important dynamic cultural landscape to
3 assist in preservation and educational actions; and

4 (4) minimizing the need for Federal land acqui-
5 sition and management.

6 (c) AREA INCLUDED.—The heritage area shall in-
7 clude—

8 (1) an area approximately 1 mile on both sides
9 of the Cane River as depicted on map CARI,
10 80,000, dated January 1994;

11 (2) the Natchitoches National Historical Land-
12 mark District;

13 (3) the Los Adaes State Commemorative Area;

14 (4) the Fort Jesup State Commemorative Area;

15 (5) the Fort St. Jean Baptiste State Com-
16 memorative Area; and

17 (6) the Kate Chopin House.

18 A final identification of all areas and sites to be included
19 in the heritage area shall be included in the heritage area
20 management plan as required in section 203 of this title.

21 **SEC. 202. CANE RIVER NATIONAL HERITAGE AREA COMMIS-**
22 **SION.**

23 (a) ESTABLISHMENT.—To assist in implementing the
24 purposes of this Act and to provide guidance for the man-
25 agement of the heritage area, there is established the Cane

1 River National Heritage Area Commission (hereinafter re-
2 ferred to as the “Commission”).

3 (b) MEMBERSHIP.—The Commission shall consist of
4 16 members to be appointed no later than 6 months after
5 the date of enactment of this Act. The Commission shall
6 be appointed by the Secretary as follows—

7 (1) one member from recommendations submit-
8 ted by the mayor of Natchitoches;

9 (2) one member from recommendations submit-
10 ted by the Association for the Preservation of His-
11 toric Natchitoches;

12 (3) one member from recommendations submit-
13 ted by the Natchitoches Historic Foundation, Inc.;

14 (4) one member with experience in and knowl-
15 edge of tourism in the greater Cane River region,
16 from recommendations submitted by local busi-
17 nesses;

18 (5) one member from recommendations submit-
19 ted by the Governor of the State of Louisiana;

20 (6) one member from recommendations submit-
21 ted by the Police Jury of Natchitoches Parish;

22 (7) one member from recommendations submit-
23 ted by the Concerned Citizens of Cloutierville;

24 (8) one member from recommendations submit-
25 ted by the St. Augustine Historical Society;

1 (9) one member from recommendations submit-
2 ted by the Black Heritage Committee;

3 (10) one member from recommendations sub-
4 mitted by the Los Adaes/Robeline Community;

5 (11) one member from recommendations sub-
6 mitted by the Natchitoches Historic District Com-
7 mission;

8 (12) one member from recommendations sub-
9 mitted by the Cane River Waterway Commission;

10 (13) one member who is a landowner along the
11 Cane River;

12 (14) one member with experience and knowl-
13 edge of historic preservation from recommendations
14 submitted by Museum Contents, Inc.;

15 (15) one member with experience and knowl-
16 edge of historic preservation from recommendations
17 submitted by the President of Northwestern State
18 University of Louisiana; and

19 (16) the director of the National Park Service,
20 or the Director's designee, ex officio.

21 (c) DUTIES OF THE COMMISSION.—The Commission
22 shall—

23 (1) prepare a management plan for the heritage
24 area in consultation with the National Park Service,
25 the State of Louisiana, the City of Natchitoches,

1 Natchitoches Parish, interested groups, property
2 owners, and the public;

3 (2) consult with the Secretary on the prepara-
4 tion of the general management plan for the histori-
5 cal park;

6 (3) develop partnerships with property owners,
7 preservation groups, educational groups, the State of
8 Louisiana, the City of Natchitoches, universities,
9 and tourism groups, and other groups to furtherance
10 of the purposes of this Act; and

11 (4) identify appropriate entities, such as a non-
12 profit corporation, that could be established to as-
13 sume the responsibilities of the Commission follow-
14 ing its termination.

15 (d) POWERS OF THE COMMISSION.—In furtherance
16 of the purposes of this Act, the Commission is authorized
17 to—

18 (1) procure temporary and intermittent services
19 to the same extent that is authorized by section
20 3109(b) of title 5, United States Code, but at rates
21 determined by the Commission to be reasonable;

22 (2) accept the services of personnel detailed
23 from the State of Louisiana or any political subdivi-
24 sion thereof, and may reimburse the State or politi-
25 cal subdivision for such services;

1 (3) upon the request of the Commission, the
2 head of any Federal agency may detail, on a reim-
3 bursable basis, any of the personnel of such agency
4 to the Commission to assist the Commission in car-
5 rying out its duties;

6 (4) appoint and fix the compensation of such
7 staff as may be necessary to carry out its duties.
8 Staff shall be appointed subject to the provisions of
9 title 5, United States Code, governing appointments
10 in the competitive service, and shall be paid in ac-
11 cordance with the provisions of chapter 51 and sub-
12 chapter III of chapter 53 of such title relating to
13 classification and General Schedule pay rates;

14 (5) enter into cooperative agreements and
15 leases with public or private individuals or entities
16 for research, historic preservation, and education
17 purposes;

18 (6) make grants to assist in the preparation of
19 studies that identify, preserve, and plan for the man-
20 agement of the heritage area;

21 (7) notwithstanding any other provision of law,
22 seek and accept donations of funds or services from
23 individuals, foundations, or other public or private
24 entities and expend the same for the purposes of

1 providing services and programs in furtherance of
2 the purposes of this Act;

3 (8) assist others in developing educational, in-
4 formational, and interpretive programs and facilities;

5 (9) hold such hearings, sit and act at such
6 times and places, take such testimony, and receive
7 such evidence, as the Commission may consider ap-
8 propriate; and

9 (10) use the United States mails in the same
10 manner and under the same conditions as other de-
11 partments or agencies of the United States.

12 (e) COMPENSATION.—Members of the Commission
13 shall receive no compensation for their service on the Com-
14 mission. While away from their homes or regular places
15 of business in the performance of services for the Commis-
16 sion, members shall be allowed travel expenses, including
17 per diem in lieu of subsistence, in the same manner as
18 persons employed intermittently in the Government service
19 are allowed expenses under section 5703 of title 5, United
20 States Code.

21 (f) CHAIRMAN.—The Commission shall elect a chair-
22 man from among its members. The term of the chairman
23 shall be for 3 years.

24 (g) TERMS.—The terms of Commission members
25 shall be for 3 years. Any member of the Commission ap-

1 pointed by the Secretary for a 3-year term may serve after
2 expiration of his or her term until a successor is ap-
3 pointed. Any vacancy shall be filled in the same manner
4 in which the original appointment was made. Any member
5 appointed to fill a vacancy shall serve for the remainder
6 of the term for which the predecessor was appointed.

7 (h) ANNUAL REPORTS.—The Commission shall sub-
8 mit an annual report to the Secretary identifying its ex-
9 penses and any income, the entities to which any grants
10 or technical assistance were made during the year for
11 which the report is made, and actions that are planned
12 for the following year.

13 **SEC. 203. DUTIES OF THE HERITAGE AREA COMMISSION**

14 (a) PREPARATION OF PLAN.—Within 3 years after
15 the Commission conducts its first meeting, it shall prepare
16 and submit a heritage area management plan to the Gov-
17 ernor of the State of Louisiana. The Governor shall, if
18 the Governor approves the plan, submit it to the Secretary
19 for review and approval. The Secretary shall provide tech-
20 nical assistance to the Commission in the preparation and
21 implementation of the plan, in concert with actions by the
22 National Park Service to prepare a general management
23 plan for the historical park. The plan shall consider local
24 government plans and shall present a unified heritage

1 preservation and education plan for the heritage area. The
2 plan shall include, but not be limited to—

3 (1) an inventory of important properties and
4 cultural landscapes that should be preserved, man-
5 aged, developed, and maintained because of their
6 cultural, natural, and public use significance;

7 (2) an analysis of current land uses within the
8 area and how they affect the goals of preservation
9 and public use of the heritage area;

10 (3) an interpretive plan to address the cultural
11 and natural history of the area, and actions to en-
12 hance visitor use. This element of the plan shall be
13 undertaken in consultation with the National Park
14 Service and visitor use plans for the national histori-
15 cal park;

16 (4) recommendations for coordinating actions
17 by local, State, and Federal governments within the
18 heritage area, to further the purposes of this Act;
19 and

20 (5) an implementation program for the plan in-
21 cluding desired actions by State and local govern-
22 ments and other involved groups and entities.

23 (b) APPROVAL OF THE PLAN.—The Secretary shall
24 approve or disapprove the plan within 90 days after re-
25 ceipt of the plan from the Commission. The Commission

1 shall notify the Secretary of the status of approval by the
2 Governor of Louisiana when the plan is submitted for re-
3 view and approval. In determining whether or not to ap-
4 prove the plan the Secretary shall consider—

5 (1) whether the Commission has afforded ade-
6 quate opportunity, including public meetings and
7 hearings, for public and governmental involvement in
8 the preparation of the plan; and

9 (2) whether reasonable assurances have been
10 received from the State and local governments that
11 the plan is supported and that the implementation
12 program is feasible.

13 (c) DISAPPROVAL OF THE PLAN.—If the Secretary
14 disapproves the plan, he shall advise the Commission in
15 writing of the reasons for disapproval, and shall provide
16 recommendations and assistance in the revision of the
17 plan. Following completion of any revisions to the plan,
18 the Commission shall resubmit the plan to the Governor
19 of Louisiana for approval, and to the Secretary, who shall
20 approve or disapprove the plan within 90 days after the
21 date that the plan is revised.

22 **SEC. 204. TERMINATION OF HERITAGE AREA COMMISSION.**

23 (a) TERMINATION.—The Commission shall terminate
24 on the day occurring 10 years after the first official meet-
25 ing of the Commission.

1 (b) EXTENSION.—The Commission may petition to
2 be extended for a period of not more than 5 years begin-
3 ning on the day referred to in subsection (a), provided the
4 Commission determines a critical need to fulfill the pur-
5 poses of this Act; and the Commission obtains approval
6 from the Secretary, in consultation with the Governor of
7 Louisiana.

8 (c) HERITAGE AREA MANAGEMENT FOLLOWING
9 TERMINATION OF THE COMMISSION.—The national herit-
10 age area status for the Cane River region shall continue
11 following the termination of the Commission. The manage-
12 ment plan, and partnerships and agreements subject to
13 the plan shall guide the future management of the herit-
14 age area. The Commission, prior to its termination, shall
15 recommend to the Governor of the State of Louisiana and
16 the Secretary, appropriate entities, including the potential
17 for a corporation, to assume the responsibilities of the
18 Commission.

19 **SEC. 205. DUTIES OF OTHER FEDERAL AGENCIES.**

20 In general, any Federal entity conducting or support-
21 ing activities directly affecting the heritage area, and any
22 entity of the State of Louisiana, or a political subdivision
23 thereof, acting pursuant to a grant of Federal funds or
24 a Federal permit or agreement directly affecting the herit-
25 age area shall—

1 (1) consult with the Secretary and the Commis-
2 sion with respect to implementation of their pro-
3 posed actions; and

4 (2) to the maximum extent practicable, coordi-
5 nate such activities with the Commission to mini-
6 mize potential impacts on the resources of the herit-
7 age area.

8 **SEC. 206. AUTHORIZATION OF APPROPRIATIONS.**

9 Except as provided in subsection (b) there are au-
10 thorized to be appropriated such sums as may be nec-
11 essary to carry out this Act.

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