

104TH CONGRESS
2D SESSION

S. 1539

To establish the Los Caminos del Rio National Heritage Area along the Lower Rio Grande Texas-Mexico border, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 26, 1996

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

A BILL

To establish the Los Caminos del Rio National Heritage Area along the Lower Rio Grande Texas-Mexico border, 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 “Los Caminos del Rio
5 National Heritage Area Act of 1996”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) along the Lower Rio Grande on the border
9 between Texas and Mexico, from Laredo, Texas, to
10 the Gulf of Mexico, a distinctive heritage is exhibited

1 through resources of immense economic, natural,
2 scenic, historical, cultural, and recreational value to
3 the citizens of the United States and the United
4 Mexican States;

5 (2) significant historical themes and resources
6 of local, State, national, and international impor-
7 tance characterize the river communities and coun-
8 ties along the Lower Rio Grande, representing—

9 (A) early 16th- and 17th-century Spanish
10 and French explorations;

11 (B) 18th-century river settlements founded
12 by José de Escandón under the Spanish Crown;

13 (C) 18th-century ranches that gave birth
14 to the American cowboy;

15 (D) Texas independence and establishment
16 of the Republic of the Rio Grande in 1840;

17 (E) the first battle of the Mexican-Amer-
18 ican War at Palo Alto in 1846;

19 (F) the last land battle of the American
20 Civil War, fought near the mouth of the Rio
21 Grande in 1865;

22 (G) a thriving steamboat trade in the late
23 19th century; and

24 (H) the development of the Rio Grande
25 Valley as an agricultural empire;

1 (3) the Lower Rio Grande is 1 of the most com-
2 plex ecological systems in the United States, with 10
3 habitat types that host a remarkable variety of spe-
4 cies, including 600 species of vertebrates and 11,000
5 species of plants;

6 (4) many local and regional governments, Fed-
7 eral and State agencies, businesses, private organi-
8 zations, and citizens in the United States and Mex-
9 ico have expressed a desire to work cooperatively to
10 preserve and enhance the most significant compo-
11 nents of the natural and cultural heritage through-
12 out the region, while providing for sustainable
13 growth and development; and

14 (5) it is in the best interest of the citizens of
15 the United States that the Federal Government lend
16 aid and assistance to the State of Texas and its po-
17 litical subdivisions, Los Caminos del Rio of Texas,
18 Incorporated, and other agencies and organizations
19 in developing a management plan to ensure the de-
20 velopment, preservation, and restoration of the his-
21 torical, cultural, natural, scenic, and recreational re-
22 sources of the Lower Rio Grande region of Texas.

23 **SEC. 3. PURPOSES.**

24 The purposes of this Act are—

1 (1) to recognize the special importance of the
2 Lower Rio Grande region as a living historical leg-
3 acy of the United States and Mexico containing a
4 wealth of cultural, historical, and heritage resources
5 important to the development of both countries; and

6 (2) to provide a new conceptual framework and
7 administrative structure for assisting the State of
8 Texas and its political subdivisions, Federal agen-
9 cies, and other organizations within the United
10 States and Mexico, in the development and imple-
11 mentation of integrated heritage and economic re-
12 source policies and programs that will—

13 (A) establish stronger, clearer connections
14 between Federal, State, and local agencies with
15 programs for cultural conservation, inter-
16 national relations, transportation, economic de-
17 velopment, and natural systems;

18 (B) provide technical assistance to heritage
19 area communities and organizations for historic
20 preservation, heritage education, interpretation,
21 tourism development, environmental restoration
22 and community development;

23 (C) cultivate a consensus vision for the
24 heritage area, based on public dialogue, that
25 advocates intergenerational responsibility and

1 sustainable growth in a manner that is consist-
2 ent with the other purposes of the heritage
3 area;

4 (D) promote international understanding
5 and cooperation between Mexico and the United
6 States;

7 (E) enhance the economic base of heritage
8 area communities through heritage tourism,
9 conservation, and development actions as a
10 means of creating an entrepreneurial climate by
11 expanding job opportunities, supporting busi-
12 nesses, creating capital, and increasing local tax
13 bases;

14 (F) elevate cultural pride and local under-
15 standing for heritage resources through the de-
16 velopment and management of regional inter-
17 pretation and educational programs that con-
18 nect people with resources, activities, and orga-
19 nizations; and

20 (G) create partnerships between public and
21 private entities to finance projects and initia-
22 tives throughout the Lower Rio Grande through
23 which limited Federal, State, and local capital
24 contributions for planning and infrastructure

1 investments will stimulate private sector con-
2 tributions.

3 **SEC. 4. DEFINITIONS.**

4 In this Act:

5 (1) HERITAGE AREA.—The term “heritage
6 area” means the Los Caminos del Rio National Her-
7 itage Area, as determined eligible for designation
8 under section 5 and established by section 6.

9 (2) HERITAGE PARTNERSHIP.—The term “her-
10 itage partnership” means the public-private adminis-
11 trative entity established for the heritage area under
12 section 7.

13 (3) HERITAGE STUDY.—The term “heritage
14 study” means the report entitled “Los Caminos del
15 Rio Heritage Area Study”, prepared by the task
16 force, which contains—

17 (A) an inventory of natural, historical, cul-
18 tural, and recreational resources along the her-
19 itage area and their relative value and signifi-
20 cance;

21 (B) recommendations for the creation of a
22 partnership that will coordinate activities within
23 the heritage area; and

24 (C) strategies and proposed actions to pro-
25 tect and enhance the most significant and

1 meaningful components of the natural and cul-
2 tural heritage of the heritage area while provid-
3 ing for sustainable growth and development.

4 (4) MANAGEMENT PLAN.—The term “manage-
5 ment plan” means the management plan for the her-
6 itage area developed under section 8.

7 (5) SECRETARY.—The term “Secretary” means
8 the Secretary of the Interior.

9 (6) TASK FORCE.—The term “task force”
10 means the State task force for the Los Caminos del
11 Rio Heritage Project appointed by the Governor of
12 the State of Texas, which is—

13 (A) composed of representatives of the
14 Texas Department of Commerce, the Texas De-
15 partment of Transportation, the Texas Histori-
16 cal Commission, and the Texas Parks and Wild-
17 life Department; and

18 (B) charged with working in coordination
19 with public- and private-sector efforts to deter-
20 mine efficient methods to accomplish the devel-
21 opment of the Los Caminos del Rio Heritage
22 Project.

1 **SEC. 5. CRITERIA FOR DESIGNATION.**

2 An area shall be eligible for designation as a heritage
3 area under this Act only if the area meets each of the
4 following criteria:

5 (1) **ASSEMBLAGE OF RESOURCES.**—The area is
6 a cohesive assemblage of natural, historic, cultural,
7 or recreational resources that—

8 (A) together represent distinctive aspects
9 of American heritage worthy of recognition,
10 conservation, interpretation, and continuing
11 use; and

12 (B) are best managed through partner-
13 ships between public and private entities.

14 (2) **TRADITIONS, CUSTOMS, BELIEFS, OR**
15 **FOLKLIFE.**—The area reflects traditions, customs,
16 beliefs, or folklife, or any combination thereof, that
17 are a valuable part of the story of the United States.

18 (3) **CONSERVATION OF NATURAL, CULTURAL,**
19 **OR HISTORIC FEATURES.**—The area provides out-
20 standing opportunities to conserve natural, cultural,
21 or historic features, or any combination thereof.

22 (4) **RECREATIONAL AND EDUCATIONAL OPPOR-**
23 **TUNITIES.**—The area provides outstanding rec-
24 reational and educational opportunities.

25 (5) **THEMES AND INTEGRITY OF RESOURCES.**—
26 The area has an identifiable theme, and resources

1 important to the theme retain integrity capable of
 2 supporting interpretation.

3 (6) SUPPORT.—Residents, nonprofit organiza-
 4 tions, other private entities, and governments
 5 throughout the proposed area—

6 (A) demonstrate support for designation of
 7 the area and for management of the area ap-
 8 propriate to the designation; and

9 (B) are willing to commit to the implemen-
 10 tation of the compact for the area as described
 11 in section 7(e).

12 **SEC. 6. ESTABLISHMENT OF LOS CAMINOS DEL RIO NA-**
 13 **TIONAL HERITAGE AREA.**

14 (a) ESTABLISHMENT.—Subject to section 5, the Sec-
 15 retary shall establish in the State of Texas the Los Cami-
 16 nos del Rio National Heritage Area.

17 (b) BOUNDARY.—The heritage area shall be com-
 18 prised of Cameron County, Hildalgo County, Starr Coun-
 19 ty, Webb County, and Zapata County, Texas, as depicted
 20 on the map entitled “Los Caminos del Rio National Herit-
 21 age Area” numbered ____ and dated ____, which shall
 22 be on file and available for public inspection in the offices
 23 of the Department of the Interior in Washington, District
 24 of Columbia, and the Texas Historical Commission in Aus-
 25 tin, Texas.

1 (c) PUBLICATION OF LEGAL DESCRIPTION AND
2 MAP.—As soon as practicable after the date of enactment
3 of this Act, the Secretary shall publish in the Federal Reg-
4 ister a legal description and map of the boundaries of the
5 heritage area.

6 **SEC. 7. HERITAGE PARTNERSHIP.**

7 (a) PARTICIPATION BY THE SECRETARY.—The Sec-
8 retary shall participate in an administrative entity to be
9 known as the “heritage partnership” (which shall not con-
10 stitute a partnership in a legal sense) that includes rep-
11 resentatives of—

12 (1) Los Caminos del Rio of Texas, Incor-
13 porated;

14 (2) the Texas Department of Commerce, the
15 Texas Department of Transportation, the Texas
16 Historical Commission, and the Texas Parks and
17 Wildlife Department;

18 (3) residents of the heritage area;

19 (4) public and private organizations dedicated
20 to cultural conservation, community development,
21 tourism, education, business, interpretation, or the
22 environment;

23 (5) the National Park Service and United
24 States Fish and Wildlife Service; and

1 (6) pertinent entities in Mexico as ex officio
2 members.

3 (b) PURPOSE.—The heritage partnership shall unite
4 the task force, participating Federal agencies, Los Cami-
5 nos del Rio of Texas, Incorporated, and other heritage
6 partners in a single organization to effectively blend gov-
7 ernment technical expertise with private sector resource-
8 fulness and understanding of local issues and values and
9 provide essential coordination and leadership for the herit-
10 age area.

11 (c) ESTABLISHMENT.—The executive committee of
12 the board of directors for Los Caminos del Rio of Texas,
13 Incorporated, and the executive directors representing the
14 task force, including the Texas Department of Commerce,
15 the Texas Department of Transportation, the Texas His-
16 torical Commission, and the Texas Parks and Wildlife De-
17 partment, or their designees, shall facilitate the establish-
18 ment of the heritage partnership.

19 (d) ACTIVITIES.—

20 (1) COORDINATION.—The heritage partnership
21 shall provide overall coordination of the various enti-
22 ties and funding sources relevant to the purposes of
23 the heritage area.

24 (2) MISSION.—The primary mission of the her-
25 itage partnership shall be to—

1 (A) facilitate development and implementa-
2 tion of a management plan;

3 (B) provide technical assistance and lever-
4 age financial assistance for heritage area com-
5 munities and resource areas;

6 (C) coordinate existing and potential ac-
7 tivities and programs that encourage positive
8 development of the region; and

9 (D) become a self-sustaining entity.

10 (e) COMPACT.—

11 (1) DEVELOPMENT.—The members of the her-
12 itage partnership shall develop a compact that iden-
13 tifies the initial partners to be involved in developing
14 and implementing the management plan and a state-
15 ment of the financial commitment of the partners.

16 (2) PROHIBITION ON LAND USE RESTRIC-
17 TIONS.—The compact may not require the enact-
18 ment or modification of land use restrictions.

19 (f) PUBLIC MEETINGS.—The heritage partnership
20 shall conduct public meetings at least quarterly regarding
21 the implementation of the management plan for the herit-
22 age area.

23 (g) PROHIBITION OF ACQUISITION OF REAL PROP-
24 erty.—The heritage partnership may not use Federal

1 funds received under this Act to acquire real property or
2 an interest in real property.

3 (h) DURATION OF ELIGIBILITY FOR ASSISTANCE.—

4 The heritage partnership shall be eligible to receive assist-
5 ance from funds appropriated under this Act for a 13-
6 year period beginning on the date on which the Secretary
7 approves a compact under this section.

8 **SEC. 8. HERITAGE AREA MANAGEMENT PLAN.**

9 (a) PREPARATION.—Subject to sections 12 and 14,
10 the heritage partnership, in conjunction with private land-
11 owners within the heritage area, local governments, Fed-
12 eral and State agencies, and the public, shall develop a
13 management plan to ensure proper management of signifi-
14 cant cultural and heritage resources within the heritage
15 area in a manner that is compatible with, and supportive
16 of, natural, cultural, scenic, educational, recreational, and
17 economic values of the resources and takes into account
18 the existing uses of land within the area and any develop-
19 ment already in progress.

20 (b) COMPONENTS.—Subject to sections 12 and 14,
21 the management plan shall include—

22 (1) recommended policies and techniques for re-
23 source management, including development of inter-
24 governmental cooperative agreements to protect his-
25 torical, cultural, recreational, scenic, and heritage re-

1 sources of the heritage area in a manner that is con-
2 sistent with, and supportive of, compatible economic
3 revitalization efforts;

4 (2) goals, criteria, and standards applicable to
5 the preservation and use of important cultural and
6 heritage resources of the heritage area;

7 (3) a regional heritage education and interpre-
8 tive plan to address the cultural and natural history
9 of the heritage area, including actions to enhance
10 visitor use and understanding and promote protec-
11 tion and awareness of the heritage area resources in
12 schools located in the heritage area;

13 (4) an inventory that identifies properties in the
14 heritage area that should be preserved, restored,
15 managed, developed, or maintained, because of their
16 natural, cultural, historical, or scenic significance,
17 with recognition of the rights of private landowners
18 and traditional land users;

19 (5) an implementation program for the plan
20 that includes actions and responsibilities of the her-
21 itage partnership, local governments, and Federal
22 and State agencies, as agreed on by the parties and
23 private landowners within the heritage area; and

24 (6) a coordination and consistency component
25 that describes the ways in which private, local,

1 State, and Federal programs will be coordinated to
2 promote the purposes of this Act and protect the in-
3 terests of private landowners within the heritage
4 area.

5 **SEC. 9. WITHDRAWAL OF DESIGNATION.**

6 (a) IN GENERAL.—The heritage area designation of
7 an area under this Act shall continue unless—

8 (1) the Secretary determines that—

9 (A) the heritage area no longer meets the
10 criteria referred to in section 5;

11 (B) the use, condition, or development of
12 the area is inconsistent with the criteria re-
13 ferred to in section 5, the compact for the area,
14 or the management plan for the area; or

15 (C) as demonstrated by a request from the
16 Governor of the State of Texas is located or a
17 petition reflecting the interest of residents of
18 the area, the heritage area is no longer sup-
19 ported by the residents of the area; and

20 (2) after making a determination referred to in
21 paragraph (1), the Secretary submits to Congress
22 notification that the heritage area designation of the
23 area should be withdrawn.

24 (b) PUBLIC HEARING.—Before the Secretary makes
25 a determination referred to in subsection (a)(1) regarding

1 a heritage area, the Secretary or a designee shall hold a
2 public hearing within the area.

3 (c) TIME OF WITHDRAWAL OF DESIGNATION.—The
4 withdrawal of the heritage area designation of an area
5 shall become final 90 legislative days after the Secretary
6 submits to Congress the notification referred to in sub-
7 section (a)(2) regarding the area.

8 (d) RESTRICTIONS ON REDESIGNATION.—If the her-
9 itage area designation of any area under this Act is with-
10 drawn, the area may not be redesignated as a heritage
11 area before the expiration of the 10-year period beginning
12 on the date of the withdrawal. In the case of any heritage
13 area that is redesignated, the length of time the area shall
14 be eligible for Federal funds under this Act shall be the
15 excess (if any) of 15 years over the amount of time for
16 which the area was previously eligible for Federal funds
17 under this Act.

18 **SEC. 10. DUTIES OF THE SECRETARY OF THE INTERIOR.**

19 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—

20 (1) IN GENERAL.—At the request of the herit-
21 age partnership, the Secretary shall provide tech-
22 nical and financial assistance to the heritage part-
23 nership in the preparation and implementation of
24 any plan or research recommended in the heritage
25 study or management plan.

1 (2) LAND USE RESTRICTIONS.—The Secretary
2 shall not, as a condition to the award of technical
3 and financial assistance under paragraph (1), re-
4 quire any recipient of assistance to enact or modify
5 any land use restriction.

6 (b) COORDINATION WITH MEXICO.—The Secretary
7 may work in cooperation with the government of Mexico
8 (including providing technical assistance) to coordinate
9 planning, interpretation, and implementation activities as
10 recommended in the heritage study or management plan.

11 **SEC. 11. DUTIES OF OTHER FEDERAL ENTITIES.**

12 To avoid any decision or action by any department,
13 agency, or instrumentality of the United States that could
14 unfavorably affect or alter any significant resource of the
15 heritage area having substantial natural, scenic, historical,
16 cultural, or recreational value, the head of the department,
17 agency, or instrumentality shall—

18 (1) notify the Secretary, and before taking final
19 action with respect to implementing any such deci-
20 sion or action, allow the Secretary 30 days in which
21 to present the Secretary's views on the matter;

22 (2) cooperate with the Secretary and the herit-
23 age partnership in carrying out their duties under
24 this Act and, to the maximum extent practicable, co-
25 ordinate activities of the department, agency, or in-

1 strumentality that affect the heritage area with the
2 carrying out of those duties; and

3 (3) cooperate with the heritage partnership, to
4 the greatest extent practicable, in supporting the
5 purposes of the heritage area.

6 **SEC. 12. NO EFFECT ON LAND USE REGULATION.**

7 (a) NO EFFECT ON AUTHORITY OF GOVERN-
8 MENTS.—Nothing in this Act modifies, enlarges, or dimin-
9 ishes any authority of Federal, State, or local government
10 to regulate any use of land as provided for by law.

11 (b) NO ZONING OR LAND USE POWERS IN THE HER-
12 ITAGE PARTNERSHIP.—Nothing in this Act grants powers
13 of zoning or land use to the heritage partnership.

14 **SEC. 13. FISHING AND HUNTING SAVINGS CLAUSE.**

15 (a) NO DIMINISHMENT OF STATE AUTHORITY.—Es-
16 tablishment of the heritage area does not diminish the au-
17 thority of the State of Texas to manage fish and wildlife
18 inside or outside the heritage area.

19 (b) NO CONDITIONING OF APPROVAL AND ASSIST-
20 ANCE.—Neither the Secretary nor any other Federal agen-
21 cy may—

22 (1) make any limitation on hunting, fishing, or
23 trapping a condition for the approval of a compact
24 or the determination of eligibility for assistance
25 under this Act; or

1 (2) make any such limitation a condition for the
 2 receipt, in connection with the heritage area, of any
 3 other form of assistance.

4 **SEC. 14. PRIVATE PROPERTY PROTECTION.**

5 (a) LIMITATION ON INCLUSION OF PRIVATE PROP-
 6 ERTY IN HERITAGE AREAS.—

7 (1) IN GENERAL.—No privately owned property
 8 shall be included in the heritage area unless the gov-
 9 ernment of the county, city, or town in which the
 10 property is located agrees that the property may be
 11 included and notifies the Secretary of the agreement.

12 (2) REMOVAL.—If at any time after inclusion of
 13 privately owned property in the heritage area, the
 14 government of a county, city, or town that submitted
 15 a notification under paragraph (1) requests to be re-
 16 moved from the heritage area, the members of the
 17 heritage partnership shall revise the compact to ex-
 18 clude the county, city, or town from the heritage
 19 area.

20 (b) PROHIBITION OF ASSISTANCE IF MANAGEMENT
 21 ENTITY EXERCISES ZONING OR LAND USE POWERS.—

22 The Secretary may not provide grants or technical assist-
 23 ance under this Act with respect to any heritage area if
 24 the management entity for such area possesses or exer-
 25 cises any zoning or land use regulation powers.

1 (c) PRIVATE PROPERTY.—

2 (1) IN GENERAL.—Nothing in this Act—

3 (A) requires an owner of private property
4 to participate in or be associated with the herit-
5 age area or to permit public access to the pri-
6 vate property; or

7 (B) modifies any provision of State law
8 with regard to public access to or use of private
9 land.

10 (2) LIMITATION ON INCLUSION IN HERITAGE
11 AREAS.—No privately owned property shall be in-
12 cluded in the heritage area if the owner of the prop-
13 erty notifies the Secretary that the owner does not
14 wish to include the property in the area.

15 (3) CONSENT OF OWNERS.—A Federal em-
16 ployee may not enter or otherwise take an action on
17 private property to carry out this Act without the
18 consent of the owner of the property.

19 (4) ACQUISITION OF PROPERTY.—A manage-
20 ment entity for the heritage area may not acquire
21 real or personal property, or any interest in the
22 property, without the consent of the owner of the
23 property.

1 (5) PROPERTY VALUES.—A Federal agency or
2 employee may not take an action under this Act that
3 would diminish the value of private property.

4 (d) RECOGNITION OF AUTHORITY TO CONTROL
5 LAND USE.—No provision of this Act shall be construed
6 to modify any authority of Federal, State, or local govern-
7 ment to regulate land use.

8 (e) NOTIFICATION ON MAPS.—All maps and bro-
9 chures prepared under this Act shall include language
10 stating that certain lands within the heritage areas are
11 private lands.

12 **SEC. 15. EFFECT ON ENVIRONMENTAL AND OTHER STAND-**
13 **ARDS.**

14 This Act does not—

15 (1) require the imposition of any environmental,
16 occupational, safety, or other regulation, standard,
17 or permit process that is different from those that
18 would be applicable had the heritage area not been
19 established;

20 (2) require the imposition of any Federal or
21 State water use designation or water quality stand-
22 ard on uses of, or discharges to, waters of a State
23 or waters of the United States, within or adjacent
24 to a heritage area, that is different from those that

1 would be applicable had the heritage area not been
2 established;

3 (3) affect the continuing use and operation, re-
4 pair, rehabilitation, expansion, or new construction
5 of water supply facilities, water and wastewater
6 treatment facilities, stormwater facilities, public util-
7 ities, and common carriers;

8 (4) authorize or imply the reservation or appro-
9 priation of water or water rights; or

10 (5) abridge, restrict, or alter any applicable
11 rule, regulation, standard, or review procedure for
12 the permitting of facilities within or adjacent to the
13 heritage area.

14 **SEC. 16. MULTIPLE USE SAVINGS CLAUSE.**

15 (a) NO DIMINISHMENT OF STATE AUTHORITY.—
16 This Act does not diminish the authority of the State of
17 Texas to manage fish and wildlife, including the regulation
18 of fishing and hunting within the heritage area.

19 (b) NO CONDITIONING OF COMPACT AND ASSIST-
20 ANCE.—The Secretary may not require limitations on any
21 multiple use on Federal land (including oil and gas, explo-
22 ration and production, timbering, grazing, mining, irriga-
23 tion, recreation, fishing, hunting, or trapping) as a condi-
24 tion for approval of a compact under section 7 or the pro-
25 vision of technical or financial assistance under section 10.

1 **SEC. 17. REPORT.**

2 On or before the last day of the 5th fiscal year begin-
3 ning after the date of enactment of this Act and of each
4 5th year thereafter, the Secretary shall submit to Con-
5 gress a report on the status and accomplishments of the
6 heritage area.

7 **SEC. 18. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) HERITAGE PARTNERSHIP.—There are authorized
9 to be appropriated to the heritage partnership to carry out
10 its duties under this Act such sums as are necessary for
11 each fiscal year.

12 (b) LIMITATION.—Assistance under this Act for a
13 management plan may not exceed 75 percent of the cost
14 for such plan.

15 (c) SECRETARY.—There are authorized to be appro-
16 priated to the Secretary such sums as are necessary to
17 carry out this Act.

18 **SEC. 19. EXPIRATION OF AUTHORITIES.**

19 The authorities contained in this Act shall expire on
20 September 30 of the 15th fiscal year beginning after the
21 date of enactment of this Act.

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