

Calendar No. 667106TH CONGRESS
2^D SESSION**S. 2511****[Report No. 106-333]**

To establish the Kenai Mountains-Turnagain Arm National Heritage Area
in the State of Alaska, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 4, 2000

Mr. MURKOWSKI (for himself and Mr. STEVENS) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

JULY 10, 2000

Reported by Mr. MURKOWSKI, with amendments

[Omit the part struck through and insert the part printed in *italie*]**A BILL**

To establish the Kenai Mountains-Turnagain Arm National
Heritage Area in the State of Alaska, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Kenai Mountains-
3 Turnagain Arm National Heritage ~~Corridor~~ Area Act of
4 2000”.

5 **SEC. 2. FINDINGS AND PURPOSES.**

6 (a) FINDINGS.—Congress finds that—

7 (1) the Kenai Mountains-Turnagain Arm trans-
8 portation corridor is a major gateway to Alaska and
9 includes a range of transportation routes used first
10 by indigenous people who were followed by pioneers
11 who settled the Nation’s last frontier;

12 (2) the natural history and scenic splendor of
13 the region are equally outstanding; vistas of nature’s
14 power include evidence of earthquake subsidence, re-
15 cent avalanches, retreating glaciers, and tidal action
16 along Turnagain Arm, which has the world’s second
17 greatest tidal range;

18 (3) the cultural landscape formed by indigenous
19 people and then by settlement, transportation, and
20 modern resource development in this rugged and
21 often treacherous natural setting stands as powerful
22 testimony to the human fortitude, perseverance, and
23 resourcefulness that is America’s proudest heritage
24 from the people who settled the frontier;

1 (4) there is a national interest in recognizing,
2 preserving, promoting, and interpreting these re-
3 sources;

4 (5) the Kenai Mountains-Turnagain Arm region
5 is geographically and culturally cohesive because it is
6 defined by a corridor of historical routes-trail, water,
7 railroad, and roadways through a distinct landscape
8 of mountains, lakes, and fjords;

9 (6) national significance of separate elements of
10 the region include, but are not limited to, the
11 Iditarod National Historic Trail, the Seward High-
12 way National Scenic Byway, and the Alaska Rail-
13 road National Scenic Railroad;

14 (7) national heritage area designation provides
15 for the interpretation of these routes, as well as the
16 national historic districts and numerous historic
17 routes in the region as part of the whole picture of
18 human history in the wider transportation corridor
19 including early Native trade routes, connections by
20 waterway, mining trail, and other routes;

21 (8) national heritage area designation also pro-
22 vides communities within the region with the motiva-
23 tion and means for “grassroots” regional coordina-
24 tion and partnerships with each other and with bor-
25 ough, State, and Federal agencies; and

1 (9) ~~resolution and letters of support have been~~
2 ~~received from~~ *national heritage area designation is*
3 *supported by* the Kenai Peninsula Historical Associa-
4 tion, the Seward Historical Commission, the Seward
5 City Council, the Hope and Sunrise Historical Soci-
6 ety, the Hope Chamber of Commerce, the Alaska
7 Association for Historic Preservation, the Cooper
8 Landing Community Club, the Alaska Wilderness
9 Recreation and Tourism Association, Anchorage
10 Historic Properties, the Anchorage Convention and
11 Visitors Bureau, the Cook Inlet Historical Society,
12 the Moose Pass Sportsman’s Club, the Alaska His-
13 torical Commission, the Gridwood Board of Super-
14 visors, the Kenai River Special Management Area
15 Advisory Board, the Bird/Indian Community Coun-
16 cil, the Kenai Peninsula Borough Trails Commis-
17 sion, the Alaska Division of Parks and Recreation,
18 the Kenai Peninsula Borough, the Kenai Peninsula
19 Tourism Marketing Council, and the Anchorage Mu-
20 nicipal Assembly.

21 (b) PURPOSES.—The purposes of this Act are—

22 (1) to recognize, preserve, and interpret the his-
23 toric and modern resource development and cultural
24 landscapes of the Kenai Mountains-Turnagain Arm
25 historic transportation corridor, and to promote and

1 facilitate the public enjoyment of these resources;
2 and

3 (2) to foster, through financial and technical
4 assistance, the development of cooperative planning
5 and partnerships among the communities and bor-
6 ough, State, and Federal Government entities.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) HERITAGE AREA.—The term “Heritage
10 Area” means the Kenai Mountains-Turnagain Arm
11 National Heritage Area ~~establish~~ *established* by sec-
12 tion 4(a) of this Act.

13 (2) MANAGEMENT ENTITY.—The term “man-
14 agement entity” means ~~the 11 member Board of Di-~~
15 ~~rectors of the Kenai Mountains-Turnagain Arm Na-~~
16 ~~tional Heritage Area Commission;~~ *the management*
17 *entity established by section 5.*

18 (3) MANAGEMENT PLAN.—The term “manage-
19 ment plan” means the management plan for the
20 Heritage Area.

21 (4) SECRETARY.—The term “Secretary” means
22 the Secretary of the Interior.

1 **SEC. 4. KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL**
 2 **HERITAGE AREA.**

3 (a) ESTABLISHMENT.—There is established the
 4 Kenai Mountains-Turnagain Arm National Heritage Area.

5 (b) BOUNDARIES.—The Heritage Area shall comprise
 6 the lands in the Kenai Mountains and upper Turnagain
 7 Arm region generally depicted on the map entitled “Kenai
 8 Peninsula/Turnagain Arm National Heritage Corridor”,
 9 numbered “Map #KMTA–1”, and dated “August 1999”.
 10 The map shall be on file and available for public inspection
 11 in the offices of the Alaska Regional Office of the National
 12 Park Service and in the offices of the Alaska State Herit-
 13 age Preservation Officer.

14 **SEC. 5. MANAGEMENT ENTITY.**

15 (a) The management entity shall consist of 7 rep-
 16 resentatives, appointed by the Secretary from a list of rec-
 17 ommendations submitted by the Governor of Alaska, from
 18 the communities of Seward, Lawing, Moose Pass, Cooper
 19 Landing, Hope, Gridwood, Bird-Indian and 4 at large rep-
 20 resentatives, from such organizations as Native Associa-
 21 tions, the Iditarod Trail Committee, historical societies,
 22 visitor associations, and private or business entities. Upon
 23 appointment, the Commission shall establish itself as a
 24 non-profit corporation under laws of the State of Alaska.

25 (1) TERMS.—Members of the management enti-
 26 ty appointed under section 5(a) shall each serve for

1 a term of 5 years, except that of the members first
2 appointed 3 shall serve for a term of 4 years and 2
3 shall serve for a term of 3 years; however, upon the
4 expiration of his or her term, an appointed member
5 may continue to serve until his or her successor has
6 been appointed.

7 (2) VACANCIES.—Any vacancy in the Commis-
8 sion shall be filled in the same manner in which the
9 original appointment was made, and any member
10 appointed to fill a vacancy shall serve for the re-
11 mainder of that term for which his or her prede-
12 cessor was appointed.

13 ~~(b) Non-voting ex-officio representatives, invited by~~
14 ~~the nonprofit corporation from such organizations as the~~
15 ~~State Division of Parks and Outdoor Recreation, State Di-~~
16 ~~vision Mining, Land and Water, Forest Service, State His-~~
17 ~~toric Preservation Office, Kenai Peninsula Borough, Mu-~~
18 ~~nicipality of Anchorage, Alaska Railroad, Alaska Depart-~~
19 ~~ment of Transportation, and the National Park Service.~~

20 *(b) Representatives of other organizations shall be in-*
21 *vited and encouraged to participate with the management*
22 *entity and in the development and implementation of the*
23 *management plan, including but not limited to: the State*
24 *Division of Parks and Outdoor Recreation; the State Divi-*
25 *sion of Mining, Land and Water; the Forest Service; the*

1 *State Historic Preservation Office; the Kenai Peninsula*
 2 *Borough; the Municipality of Anchorage; the Alaska Rail-*
 3 *road; the Alaska Department of Transportation, and the*
 4 *National Park Service.*

5 (c) Representation of ex-officio members in the non-
 6 profit corporation shall be established under the by-laws
 7 of the management entity.

8 **SEC. 6. AUTHORITIES AND DUTIES OF MANAGEMENT**
 9 **ENTITY.**

10 (a) MANAGEMENT PLAN.—

11 (1) IN GENERAL.—Not later than 3 years after
 12 the Secretary enters into a cooperative agreement
 13 with the management entity, the management entity
 14 shall develop a management plan for the Heritage
 15 Area, taking into consideration existing Federal,
 16 State, borough, and local plans.

17 (2) CONTENTS.—The management plan shall
 18 include, but not be limited to—

19 (A) comprehensive recommendations for
 20 conservation, funding, management, and devel-
 21 opment of the Heritage Area;

22 (B) a description of agreements on actions
 23 to be carried out by Government and private or-
 24 ganizations to protect the resources of the Her-
 25 itage Area;

1 (C) a list of specific and potential sources
2 of funding to protect, manage, and develop the
3 Heritage Area;

4 (D) an inventory of resources contained in
5 the Heritage Area; and

6 (E) a description of the role and participa-
7 tion of other Federal, State and local agencies
8 that have jurisdiction on lands within the Herit-
9 age Area.

10 (b) PRIORITIES.—The management entity shall give
11 priority to the implementation of actions, goals, and poli-
12 cies set forth in the cooperative agreement with the Sec-
13 retary and the heritage plan, including assisting commu-
14 nities within the region in—

15 (1) carrying out programs which recognize im-
16 portant resource values in the heritage ~~corridor~~ area;

17 (2) encouraging economic viability in the af-
18 fected communities;

19 (3) establishing and maintaining interpretive
20 exhibits in the Heritage Area;

21 (4) improving and interpreting heritage trails;

22 (5) increasing public awareness and apprecia-
23 tion for the natural, historical, and cultural re-
24 sources and modern resource development of the
25 Heritage Area;

1 (6) restoring historic buildings and structures
 2 that are located within the boundaries of the herit-
 3 age corridor; and

4 (7) ensuring that clear, consistent, and appro-
 5 priate signs identifying public access points and sites
 6 of interest are placed throughout the Heritage Area.

7 ~~(e) CONSIDERATION OF INTEREST OF LOCAL~~
 8 ~~GROUPS.—Projects incorporated in the heritage plan by~~
 9 ~~the management entity shall be initiated by local groups~~
 10 ~~and developed with the participation and support of the~~
 11 ~~affected local communities. Other organizations may sub-~~
 12 ~~mit projects or proposals to the local groups for consider-~~
 13 ~~ation.~~

14 ~~(d)~~ (c) PUBLIC MEETINGS.—The management entity
 15 shall conduct 2 or more public meetings each year regard-
 16 ing the initiation and implementation of the management
 17 plan for the Heritage Area. The management entity shall
 18 place a notice of each such meeting in a newspaper of gen-
 19 eral circulation in the Heritage Area and shall make the
 20 minutes of the meeting available to the public.

21 **SEC. 7. DUTIES OF THE SECRETARY.**

22 (a) The Secretary, in consultation with the Governor
 23 of Alaska, or his designee, is authorized to enter into a
 24 cooperative agreement with the management entity. The

1 cooperative agreement shall be prepared with public par-
2 ticipation.

3 (b) In accordance with the terms and conditions of
4 the cooperative agreement and upon the request of the
5 management entity, ~~subject~~ *and subject* to the availability
6 of funds, the Secretary ~~shall~~ *may* provide administrative,
7 technical, financial, design, development, and operations
8 assistance to carry out the purposes of this Act.

9 **SEC. 8. SAVINGS PROVISIONS.**

10 (a) REGULATORY AUTHORITY.—Nothing in this Act
11 shall be construed to grant powers of zoning or manage-
12 ment of land use to the management entity of the Herit-
13 age Area.

14 (b) EFFECT ON AUTHORITY OF GOVERNMENTS.—
15 Nothing in this Act shall be construed to modify, enlarge,
16 or diminish any authority of the Federal, State, or local
17 governments ~~to~~ *to manage or* regulate any use of land as
18 provided for by law or regulation.

19 (c) EFFECT ON BUSINESS.—Nothing in this Act shall
20 be construed to obstruct or limit business activity on pri-
21 vate development or resource development activities.

1 **SEC. 9. PROHIBITION ON THE ACQUISITION OF REAL**
2 **PROPERTY.**

3 The management entity may not use funds appro-
4 priated to carry out the purposes of this Act to acquire
5 real property or interest in real property.

6 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) **FIRST YEAR.**—For the first year \$350,000 is au-
8 thorized to be appropriated to carry out the purposes of
9 this Act, and is made available upon the Secretary and
10 the management entity completing a cooperative agree-
11 ment.

12 (b) **IN GENERAL.**—There is authorized to be appro-
13 priated not more than \$1,000,000 to carry out the pur-
14 poses of this Act for any fiscal year after the first year.
15 Not more than \$10,000,000, in the aggregate, may be ap-
16 propriated for the Heritage Area.

17 (c) **MATCHING FUNDS.**—Federal funding provided
18 under this Act shall be matched at least 25 percent by
19 other funds or in-kind services.

20 (d) **SUNSET PROVISION.**—The Secretary may not
21 make any grant or provide any assistance under this Act
22 beyond 15 years from the date that the Secretary and
23 management entity complete a cooperative agreement.

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