

107TH CONGRESS
2D SESSION

H. R. 4934

To establish the Great Basin National Heritage Route, Nevada and Utah.

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2002

Mr. GIBBONS (for himself and Mr. HANSEN) introduced the following bill;
which was referred to the Committee on Resources

A BILL

To establish the Great Basin National Heritage Route,
Nevada and Utah.

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 “Great Basin National
5 Heritage Route Act of 2002”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the natural, cultural, and historic heritage
9 of the North American Great Basin is nationally sig-
10 nificant;

1 (2) communities in the Great Basin Heritage
2 Route Planning Area (including the towns of Delta,
3 Utah, Ely, Nevada, and the surrounding commu-
4 nities) are located in a classic western landscape
5 that contains long natural vistas, isolated high
6 desert valleys, mountain ranges, ranches, mines, his-
7 toric railroads, archaeological sites, and tribal com-
8 munities;

9 (3) the Native American, pioneer, ranching,
10 mining, timber, and railroad heritages in the Great
11 Basin Heritage Route Planning Area include the so-
12 cial history and living cultural traditions of a rich di-
13 versity of nationalities;

14 (4) the pioneer, Mormon and other religious
15 settlements, ranching, timber, and mining activities
16 of the region played and continue to play a signifi-
17 cant role in the development of the United States,
18 shaped by—

19 (A) the unique geography of the Great
20 Basin;

21 (B) an influx of people of Greek, Chinese,
22 Basque, Serb, Croat, Italian, and Hispanic de-
23 scend; and

24 (C) a Native American presence (Western
25 Shoshone, Northern and Southern Paiute, and

1 Goshute) that continues in the Great Basin
2 today;

3 (5) the Great Basin housed internment camps
4 for Japanese-American citizens during World War
5 II, 1 of which, Topaz, was located within the Herit-
6 age Route Planning Area;

7 (6) the pioneer heritage of the Heritage Route
8 Planning Area includes the Pony Express route and
9 stations, the Overland Stage, and many examples of
10 19th century exploration of the western United
11 States;

12 (7) the Native American heritage of the Herit-
13 age Route Planning Area dates back thousands of
14 years and includes—

15 (A) archaeological sites;

16 (B) petroglyphs and pictographs;

17 (C) the westernmost village of the Fremont
18 culture; and

19 (D) communities of Western Shoshone,
20 Paiute, and Goshute tribes;

21 (8) the Heritage Route Planning Area contains
22 multiple biologically diverse ecological communities
23 that are home to exceptional species such as—

24 (A) bristlecone pines, the oldest living trees
25 in the world;

1 (B) wildlife adapted to harsh desert condi-
2 tions;

3 (C) unique plant communities, lakes, and
4 streams; and

5 (D) native Bonneville cutthroat trout;

6 (9) the air and water quality of the Heritage
7 Route Planning Area is among the best in the
8 United States, and the clear air permits outstanding
9 viewing of the night skies;

10 (10) the Heritage Route Planning Area includes
11 unique and outstanding geologic features such as
12 numerous limestone caves, classic basin and range
13 topography with playa lakes, alluvial fans, volcanics,
14 cold and hot springs, and recognizable features of
15 ancient Lake Bonneville;

16 (11) the Heritage Route Planning Area includes
17 an unusual variety of open space and recreational
18 and educational opportunities because of the great
19 quantity of ranching activity and public land (includ-
20 ing city, county, and State parks, national forests,
21 Bureau of Land Management land, and a national
22 park);

23 (12) there are significant archaeological, histor-
24 ical, cultural, natural, scenic, and recreational re-
25 sources in the Great Basin to merit the involvement

1 of the Federal Government in the development, in
2 cooperation with the Great Basin Heritage Route
3 Partnership and other local and governmental enti-
4 ties, of programs and projects to—

5 (A) adequately conserve, protect, and in-
6 terpret the heritage of the Great Basin for
7 present and future generations; and

8 (B) provide opportunities in the Great
9 Basin for education; and

10 (13) the Great Basin Heritage Route Partner-
11 ship shall serve as the management entity for a Her-
12 itage Route established in the Great Basin.

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

14 (1) to foster a close working relationship with
15 all levels of government, the private sector, and the
16 local communities within White Pine County, Ne-
17 vada, Millard County, Utah, and the Duckwater
18 Shoshone Reservation;

19 (2) to enable communities referred to in para-
20 graph (1) to conserve their heritage while continuing
21 to develop economic opportunities; and

22 (3) to conserve, interpret, and develop the ar-
23 chaeological, historical, cultural, natural, scenic, and
24 recreational resources related to the unique ranch-
25 ing, industrial, and cultural heritage of the Great

1 Basin, in a manner that promotes multiple uses per-
2 mitted as of the date of enactment of this Act, with-
3 out managing or regulating land use.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) GREAT BASIN.—The term “Great Basin”
7 means the North American Great Basin.

8 (2) HERITAGE ROUTE PLANNING AREA.—The
9 term “Heritage Route Planning Area” means White
10 Pine County, Nevada; Millard County, Utah; and
11 Duckwater Shoshone Reservation, Nevada.

12 (3) HERITAGE ROUTE.—The term “Heritage
13 Route” means the Great Basin National Heritage
14 Route established by section 4(a).

15 (4) MANAGEMENT ENTITY.—The term “man-
16 agement entity” means the Great Basin Heritage
17 Route Partnership established by section 4(c).

18 (5) MANAGEMENT PLAN.—The term “manage-
19 ment plan” means the plan developed by the man-
20 agement entity under section 6(a).

21 (6) SECRETARY.—The term “Secretary” means
22 the Secretary of the Interior, acting through the Di-
23 rector of the National Park Service.

1 **SEC. 4. GREAT BASIN NATIONAL HERITAGE ROUTE.**

2 (a) ESTABLISHMENT.—There is established the
3 Great Basin National Heritage Route.

4 (b) COMPOSITION.—The Heritage Route—

5 (1) shall be determined by the management en-
6 tity;

7 (2) shall provide access to specific historical,
8 cultural, natural, scenic, and recreational resources
9 designated by the management entity within White
10 Pine County, Nevada, Millard County, Utah, and
11 the Duckwater Shoshone Reservation; and

12 (3) shall be specified in detail in the manage-
13 ment plan developed in section 6, along with such
14 designated resources.

15 (c) MANAGEMENT ENTITY.—

16 (1) IN GENERAL.—The Great Basin Heritage
17 Route Partnership shall serve as the management
18 entity for the Heritage Route.

19 (2) BOARD OF DIRECTORS.—The Great Basin
20 Heritage Route Partnership shall be governed by a
21 board of directors that consists of—

22 (A) 4 members who are appointed by the
23 Board of County Commissioners for Millard
24 County, Utah;

1 (B) 4 members who are appointed by the
2 Board of County Commissioners for White Pine
3 County, Nevada; and

4 (C) a representative appointed by each Na-
5 tive American Tribe participating in the Herit-
6 age Route.

7 **SEC. 5. MEMORANDUM OF UNDERSTANDING.**

8 (a) IN GENERAL.—In carrying out this Act, the Sec-
9 retary, in consultation with the Governors of the States
10 of Nevada and Utah and the tribal governing body of each
11 Native American Tribe participating in the Heritage
12 Route, shall enter into a memorandum of understanding
13 with the management entity.

14 (b) INCLUSIONS.—The memorandum of under-
15 standing shall include information relating to the objec-
16 tives and management of the Heritage Route, including—

17 (1) a description of the resources within the
18 Heritage Route;

19 (2) a discussion of the goals and objectives of
20 the Heritage Route, including—

21 (A) an explanation of the proposed ap-
22 proach to conservation, development, and inter-
23 pretation; and

24 (B) a general outline of the anticipated
25 protection and development measures;

1 (3) a description of the management entity;

2 (4) a list and statement of the financial com-
3 mitment of the initial partners to be involved in de-
4 veloping and implementing the management plan;
5 and

6 (5) a description of the role of the States of Ne-
7 vada and Utah in the management of the Heritage
8 Route.

9 (c) ADDITIONAL REQUIREMENTS.—In developing the
10 terms of the memorandum of understanding, the Sec-
11 retary and the management entity shall—

12 (1) provide opportunities for local participation;
13 and

14 (2) include terms that ensure, to the maximum
15 extent practicable, timely implementation of all as-
16 pects of the memorandum of understanding.

17 (d) AMENDMENTS.—

18 (1) IN GENERAL.—The Secretary shall review
19 any amendments of the memorandum of under-
20 standing proposed by the management entity or the
21 Governor of the State of Nevada or Utah.

22 (2) USE OF FUNDS.—Funds made available
23 under this Act shall not be expended to implement
24 a change made by a proposed amendment described

1 in paragraph (1) until the Secretary approves the
2 amendment.

3 **SEC. 6. MANAGEMENT PLAN.**

4 (a) IN GENERAL.—Not later than 3 years after the
5 date of enactment of this Act, the management entity shall
6 develop and submit to the Secretary for approval a man-
7 agement plan for the Heritage Route that presents clear
8 and comprehensive recommendations for the conservation,
9 funding, management, and development of the Heritage
10 Route.

11 (b) CONSIDERATIONS.—In developing the manage-
12 ment plan, the management entity shall—

13 (1) provide for the participation of local resi-
14 dents, public agencies, and private organizations lo-
15 cated within the counties of Millard County, Utah,
16 White Pine County, Nevada, and the Duckwater
17 Shoshone Reservation in the protection and develop-
18 ment of resources of the Heritage Route, taking into
19 consideration State, tribal, county, and local land
20 use plans in existence on the date of enactment of
21 this Act;

22 (2) identify sources of funding;

23 (3) include—

24 (A) a designation of the significant archae-
25 ological, historical, cultural, natural, scenic, and

1 recreational resources located in the Heritage
2 Route Planning Area, including a list of public
3 and tribal property that—

4 (i) is related to the themes of the
5 Heritage Route; and

6 (ii) should be preserved, restored,
7 managed, developed, or maintained because
8 of the archaeological, historical, cultural,
9 natural, scenic, and recreational signifi-
10 cance of the property;

11 (B) a designation of a route running
12 among the resources designated under subpara-
13 graph (A);

14 (C) a program for implementation of the
15 management plan by the management entity,
16 including—

17 (i) plans for restoration, stabilization,
18 rehabilitation, and construction of public
19 or tribal property; and

20 (ii) specific commitments by the iden-
21 tified partners referred to in section
22 5(b)(4) for the first 5 years of operation;
23 and

24 (D) an interpretation plan for the Heritage
25 Route; and

1 (4) develop a management plan that will not in-
2 fringe on private property rights without the consent
3 of the owner of the private property.

4 (c) FAILURE TO SUBMIT.—If the management entity
5 fails to submit a management plan to the Secretary in ac-
6 cordance with subsection (a), the Heritage Route shall no
7 longer qualify for Federal funding.

8 (d) APPROVAL AND DISAPPROVAL OF MANAGEMENT
9 PLAN.—

10 (1) IN GENERAL.—Not later than 90 days after
11 receipt of a management plan under subsection (a),
12 the Secretary, in consultation with the Governors of
13 the States of Nevada and Utah, shall approve or dis-
14 approve the management plan.

15 (2) CRITERIA.—In determining whether to ap-
16 prove a management plan, the Secretary shall con-
17 sider whether the management plan—

18 (A) has strong local support from a diver-
19 sity of landowners, business interests, nonprofit
20 organizations, and governments within the Her-
21 itage Route Planning Area;

22 (B) is consistent with and complements
23 continued economic activity in the Heritage
24 Route Planning Area;

1 (C) has a high potential for effective part-
2 nership mechanisms;

3 (D) avoids infringement of private property
4 rights; and

5 (E) provides methods to take appropriate
6 action to ensure that private property rights are
7 observed.

8 (3) ACTION FOLLOWING DISAPPROVAL.—If the
9 Secretary disapproves a management plan under
10 subsection (d)(1), the Secretary shall—

11 (A) advise the management entity in writ-
12 ing of the reasons for the disapproval;

13 (B) make recommendations for revisions to
14 the management plan; and

15 (C) not later than 90 days after the receipt
16 of any proposed revision of the management
17 plan from the management entity, approve or
18 disapprove the proposed revision.

19 (e) IMPLEMENTATION.—On approval of the manage-
20 ment plan as provided in section 6(d)(1), the management
21 entity, in conjunction with the Secretary, shall take appro-
22 priate steps to implement the management plan.

23 (f) AMENDMENTS.—

24 (1) IN GENERAL.—The Secretary shall review
25 each amendment to the management plan that the

1 Secretary determines may make a substantial
2 change to the management plan.

3 (2) USE OF FUNDS.—Funds made available
4 under this Act shall not be expended to implement
5 an amendment described in paragraph (1) until the
6 Secretary approves the amendment.

7 **SEC. 7. AUTHORITY AND DUTIES OF MANAGEMENT ENTITY.**

8 (a) AUTHORITIES.—The management entity may, for
9 purposes of preparing and implementing the management
10 plan, use funds made available under this Act to—

11 (1) make grants to, and enter into cooperative
12 agreements with, a State (including a political sub-
13 division), a tribe, a private organization, or any per-
14 son; and

15 (2) hire and compensate staff.

16 (b) DUTIES.—In addition to developing the manage-
17 ment plan, the management entity shall—

18 (1) give priority to implementing the memo-
19 randum of understanding and the management plan,
20 including taking steps to—

21 (A) assist units of government, regional
22 planning organizations, and nonprofit organiza-
23 tions in—

24 (i) establishing and maintaining inter-
25 pretive exhibits along the Heritage Route;

1 (ii) developing recreational resources
2 along the Heritage Route Planning Area;

3 (iii) increasing public awareness of
4 and appreciation for the archaeological,
5 historical, cultural, natural, scenic, and
6 recreational resources and sites along the
7 Heritage Route Planning Area; and

8 (iv) if requested by the owner, restor-
9 ing, stabilizing, or rehabilitating any pri-
10 vate, public, or tribal historical building re-
11 lating to the themes of the Heritage Route
12 Planning Area;

13 (B) encourage economic viability and diver-
14 sity along the Heritage Route Planning Area in
15 accordance with the objectives of the manage-
16 ment plan; and

17 (C) encourage the installation of clear,
18 consistent, and environmentally appropriate
19 signage identifying access points and sites of in-
20 terest along the Heritage Route;

21 (2) consider the interests of diverse govern-
22 mental, business, and nonprofit groups within the
23 Heritage Route Planning Area;

1 (3) conduct public meetings within the Heritage
2 Route Planning Area at least semiannually regard-
3 ing the implementation of the management plan;

4 (4) submit substantial amendments (including
5 any increase of more than 20 percent in the cost es-
6 timates for implementation) to the management plan
7 to the Secretary for approval by the Secretary; and

8 (5) for any year for which Federal funds are re-
9 ceived under this Act—

10 (A) submit to the Secretary a report that
11 describes, for the year—

12 (i) the accomplishments of the man-
13 agement entity;

14 (ii) the expenses and income of the
15 management entity; and

16 (iii) each entity to which any loan or
17 grant was made;

18 (B) make available for audit all records
19 pertaining to the expenditure of the funds and
20 any matching funds; and

21 (C) require, for all agreements authorizing
22 the expenditure of Federal funds by any entity,
23 that the receiving entity make available for
24 audit all records pertaining to the expenditure
25 of the funds.

1 (c) PROHIBITION ON THE ACQUISITION OF REAL
2 PROPERTY.—The management entity shall not use Fed-
3 eral funds made available under this Act to acquire real
4 property or any interest in real property.

5 (d) PROHIBITION ON THE REGULATION OF LAND
6 USE.—The management entity shall not regulate land use
7 within the Heritage Route Planning Area.

8 **SEC. 8. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.**

9 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—

10 (1) IN GENERAL.—The Secretary may, on re-
11 quest of the management entity, provide technical
12 and financial assistance to develop and implement
13 the management plan and memorandum of under-
14 standing.

15 (2) PRIORITY FOR ASSISTANCE.—In providing
16 assistance under paragraph (1), the Secretary shall,
17 on request of the management entity, give priority
18 to actions that assist in—

19 (A) conserving the significant archae-
20 ological, historical, cultural, natural, scenic, and
21 recreational resources of the Heritage Route
22 Planning Area; and

23 (B) providing education, interpretive, and
24 recreational opportunities, and other uses con-
25 sistent with those resources.

1 (b) FEDERAL SHARE.—The Federal share of the
2 costs for any project provided assistance under this Act
3 shall not exceed 50 percent.

4 (c) NON-FEDERAL SHARE.—The non-Federal share
5 of the cost for a project may be in the form of contribu-
6 tions, grants, loans, and in-kind services from private par-
7 ties, State, or local governments or agencies.

8 (d) APPLICATION OF FEDERAL LAW.—The establish-
9 ment of the Heritage Route shall have no effect on the
10 application of any Federal law to any property within the
11 Heritage Route Planning Area.

12 **SEC. 9. LAND USE REGULATION; APPLICABILITY OF FED-**
13 **ERAL LAW.**

14 (a) LAND USE REGULATION.—Nothing in this Act—

15 (1) modifies, enlarges, or diminishes any au-
16 thority of the Federal, State, tribal, or local govern-
17 ment to regulate by law (including by regulation)
18 any use of land; or

19 (2) grants any power of zoning or land use to
20 the management entity.

21 (b) APPLICABILITY OF FEDERAL LAW.—Nothing in
22 this Act—

23 (1) imposes on the Heritage Route Planning
24 Area, as a result of the designation of the Heritage
25 Route, any regulation that is not applicable to the

1 area within the Heritage Route Planning Area as of
2 the date of enactment of this Act; or

3 (2) authorizes any agency to promulgate a reg-
4 ulation that applies to the Heritage Route Planning
5 Area solely as a result of the designation of the Her-
6 itage Route under this Act.

7 **SEC. 10. TERMINATION OF AUTHORITY.**

8 The Secretary's authority to provide assistance under
9 this Act shall terminate 15 years after the date on which
10 this Act becomes effective.

11 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

12 There is authorized to be appropriated to carry out
13 this Act \$10,000,000, of which not more than \$1,000,000
14 is authorized to be appropriated for any 1 fiscal year.

○