

107TH CONGRESS
2^D SESSION

S. 1939

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2002

Mr. REID (for himself, Mr. BENNETT, Mr. HATCH, and Mr. ENSIGN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish the Great Basin National Heritage Area,
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 Area 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 Area (including the towns of Delta, Utah, Ely, Ne-
3 vada, and the surrounding communities) are located
4 in a classic western landscape that contains long
5 natural vistas, isolated high desert valleys, mountain
6 ranges, ranches, mines, historic railroads, archae-
7 ological sites, and tribal communities;

8 (3) the Native American, pioneer, ranching,
9 mining, timber, and railroad heritages in the Great
10 Basin Heritage Area include the social history and
11 living cultural traditions of a rich diversity of na-
12 tionalities;

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

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

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

23 (C) a Native American presence (Western
24 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 Area;

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

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

14 (A) archaeological sites;

15 (B) petroglyphs and pictographs;

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

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

20 (8) the Heritage Area contains multiple bio-
21 logically diverse ecological communities that are
22 home to exceptional species such as—

23 (A) bristlecone pines, the oldest living trees
24 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 Area is among the best in the United States, and
8 the clear air permits outstanding viewing of the
9 night skies;

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

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

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

1 cooperation with the Great Basin Heritage Area
2 Partnership and other local and governmental enti-
3 ties, of programs and projects to—

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

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

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

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

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

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

21 (3) to conserve, interpret, and develop the ar-
22 chaeological, historical, cultural, natural, scenic, and
23 recreational resources related to the unique ranch-
24 ing, industrial, and cultural heritage of the Great
25 Basin, in a manner that promotes multiple uses per-

1 mitted as of the date of enactment of this Act, with-
2 out managing or regulating land use.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

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

7 (2) HERITAGE AREA.—The term “Heritage
8 Area” means the Great Basin National Heritage
9 Area established by section 4(a).

10 (3) MANAGEMENT ENTITY.—The term “man-
11 agement entity” means the Great Basin Heritage
12 Area Partnership established by section 4(c).

13 (4) MANAGEMENT PLAN.—The term “manage-
14 ment plan” means the plan developed by the man-
15 agement entity under section 6(a).

16 (5) SECRETARY.—The term “Secretary” means
17 the Secretary of the Interior, acting through the Di-
18 rector of the National Park Service.

19 **SEC. 4. GREAT BASIN NATIONAL HERITAGE AREA.**

20 (a) ESTABLISHMENT.—There is established the
21 Great Basin National Heritage Area.

22 (b) COMPOSITION.—The Heritage Area shall include
23 historical, cultural, natural, scenic, and recreational re-
24 sources within White Pine County, Nevada, Millard Coun-
25 ty, Utah, and the Duckwater Shoshone Reservation.

1 (c) MANAGEMENT ENTITY.—

2 (1) IN GENERAL.—As a condition for the re-
3 ceipt of Federal funds under this Act, the Great
4 Basin Heritage Area Partnership shall serve as the
5 management entity for the Heritage Area.

6 (2) BOARD OF DIRECTORS.—The Great Basin
7 Heritage Area Partnership shall be governed by a
8 board of directors that consists of—

9 (A) 4 members who are appointed by the
10 Board of County Commissioners for Millard
11 County, Utah;

12 (B) 4 members who are appointed by the
13 Board of County Commissioners for White Pine
14 County, Nevada; and

15 (C) a representative appointed by each Na-
16 tive American Tribe participating in the Herit-
17 age Area.

18 **SEC. 5. MEMORANDUM OF UNDERSTANDING.**

19 (a) IN GENERAL.—In carrying out this Act, the Sec-
20 retary, in consultation with the Governors of the States
21 of Nevada and Utah, shall enter into a memorandum of
22 understanding with the management entity.

23 (b) INCLUSIONS.—The memorandum of under-
24 standing shall include information relating to the objec-
25 tives and management of the Heritage Area, including—

1 (1) a description of the resources within the
2 Heritage Area;

3 (2) a discussion of the goals and objectives of
4 the Heritage Area, including—

5 (A) an explanation of the proposed ap-
6 proach to conservation, development, and inter-
7 pretation; and

8 (B) a general outline of the anticipated
9 protection and development measures;

10 (3) a description of the management entity;

11 (4) a list and statement of the financial com-
12 mitment of the initial partners to be involved in de-
13 veloping and implementing the management plan;
14 and

15 (5) a description of the role of the States of Ne-
16 vada and Utah in the management of the Heritage
17 Area.

18 (c) ADDITIONAL REQUIREMENTS.—In developing the
19 terms of the memorandum of understanding, the Sec-
20 retary and the management entity shall—

21 (1) provide opportunities for local participation;
22 and

23 (2) include terms that ensure, to the maximum
24 extent practicable, timely implementation of all as-
25 pects of the memorandum of understanding.

1 (d) AMENDMENTS.—

2 (1) IN GENERAL.—The Secretary shall review
3 any amendments of the memorandum of under-
4 standing proposed by the management entity or the
5 Governor of the State of Nevada or Utah.

6 (2) USE OF FUNDS.—Funds made available
7 under this Act shall not be expended to implement
8 a change made by a proposed amendment described
9 in paragraph (1) until the Secretary approves the
10 amendment.

11 **SEC. 6. MANAGEMENT PLAN.**

12 (a) IN GENERAL.—Not later than 5 years after the
13 date of enactment of this Act, the management entity may
14 develop and submit to the Secretary for approval a man-
15 agement plan for the Heritage Area that presents clear
16 and comprehensive recommendations for the conservation,
17 funding, management, and development of the Heritage
18 Area.

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

21 (1) provide for the participation of local resi-
22 dents, public agencies, and private organizations lo-
23 cated within the counties of Millard County, Utah,
24 White Pine County, Nevada, and the Duckwater
25 Shoshone Reservation in the protection and develop-

1 ment of resources of the Heritage Area, taking into
2 consideration State, tribal, county, and local land
3 use plans in existence on the date of enactment of
4 this Act;

5 (2) identify sources of funding; and

6 (3) include—

7 (A) an inventory of the archaeological, his-
8 torical, cultural, natural, scenic, and rec-
9 reational resources contained in the Heritage
10 Area, including a list of public and tribal prop-
11 erty that—

12 (i) is related to the themes of the
13 Heritage Area; and

14 (ii) should be preserved, restored,
15 managed, developed, or maintained because
16 of the archaeological, historical, cultural,
17 natural, scenic, and recreational signifi-
18 cance of the property;

19 (B) a program for implementation of the
20 management plan by the management entity,
21 including—

22 (i) plans for restoration, stabilization,
23 rehabilitation, and construction of public
24 or tribal property; and

1 (ii) specific commitments by the iden-
 2 tified partners referred to in section
 3 5(b)(4) for the first 5 years of operation;
 4 and

5 (C) an interpretation plan for the Heritage
 6 Area; and

7 (4) develop a management plan that will not in-
 8 fringe on private property rights without the consent
 9 of the owner of the private property.

10 (c) FAILURE TO SUBMIT.—If the management entity
 11 fails to submit a management plan to the Secretary in ac-
 12 cordance with subsection (a), the Heritage Area shall no
 13 longer qualify for Federal funding.

14 (d) APPROVAL AND DISAPPROVAL OF MANAGEMENT
 15 PLAN.—

16 (1) IN GENERAL.—Not later than 90 days after
 17 receipt of a management plan under subsection (a),
 18 the Secretary, in consultation with the Governors of
 19 the States of Nevada and Utah, shall approve or dis-
 20 approve the management plan.

21 (2) CRITERIA.—In determining whether to ap-
 22 prove a management plan, the Secretary shall con-
 23 sider whether the management plan—

24 (A) has strong local support from a diver-
 25 sity of landowners, business interests, nonprofit

1 organizations, and governments within the Her-
2 itage Area;

3 (B) is consistent with and complements
4 continued economic activity in the Heritage
5 Area;

6 (C) has a high potential for effective part-
7 nership mechanisms;

8 (D) infringes on private property rights;
9 and

10 (E) provides methods to take appropriate
11 action to ensure that private property rights are
12 observed.

13 (3) ACTION FOLLOWING DISAPPROVAL.—If the
14 Secretary disapproves a management plan under
15 subsection (d)(1), the Secretary shall—

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

18 (B) make recommendations for revisions to
19 the management plan; and

20 (C) not later than 90 days after the receipt
21 of any proposed revision of the management
22 plan from the management entity, approve or
23 disapprove the proposed revision.

24 (e) IMPLEMENTATION.—On approval of the manage-
25 ment plan as provided in section 6(d)(1), the management

1 entity, in conjunction with the Secretary, shall take appro-
2 priate steps to implement the management plan.

3 (f) AMENDMENTS.—

4 (1) IN GENERAL.—The Secretary shall review
5 each amendment to the management plan that the
6 Secretary determines may make a substantial
7 change to the management plan.

8 (2) USE OF FUNDS.—Funds made available
9 under this Act shall not be expended to implement
10 an amendment described in paragraph (1) until the
11 Secretary approves the amendment.

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

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

16 (1) make loans and grants to, and enter into
17 cooperative agreements with, a State (including a
18 political subdivision), a tribe, a private organization,
19 or any person; and

20 (2) hire and compensate staff.

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

23 (1) give priority to implementing the memo-
24 randum of understanding and the management plan,
25 including taking steps to—

1 (A) assist units of government, regional
2 planning organizations, and nonprofit organiza-
3 tions in—

4 (i) establishing and maintaining inter-
5 pretive exhibits in the Heritage Area;

6 (ii) developing recreational resources
7 in the Heritage Area;

8 (iii) increasing public awareness of
9 and appreciation for the archaeological,
10 historical, cultural, natural, scenic, and
11 recreational resources and sites in the Her-
12 itage Area; and

13 (iv) if requested by the owner, restor-
14 ing, stabilizing, or rehabilitating any pri-
15 vate, public, or tribal historical building re-
16 lating to the themes of the Heritage Area;

17 (B) encourage economic viability and diver-
18 sity in the Heritage Area in accordance with
19 the objectives of the management plan; and

20 (C) encourage the installation of clear,
21 consistent, and environmentally appropriate
22 signage identifying access points and sites of in-
23 terest throughout the Heritage Area;

1 (2) consider the interests of diverse govern-
2 mental, business, and nonprofit groups within the
3 Heritage Area;

4 (3) conduct public meetings within the Heritage
5 Area at least semiannually regarding the implemen-
6 tation of the management plan;

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

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

13 (A) submit to the Secretary a report that
14 describes, for the year—

15 (i) the accomplishments of the man-
16 agement entity;

17 (ii) the expenses and income of the
18 management entity; and

19 (iii) each entity to which any loan or
20 grant was made;

21 (B) make available for audit all records
22 pertaining to the expenditure of the funds and
23 any matching funds; and

24 (C) require, for all agreements authorizing
25 the expenditure of Federal funds by any entity,

1 that the receiving entity make available for
2 audit all records pertaining to the expenditure
3 of the funds.

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

8 (d) PROHIBITION ON THE REGULATION OF LAND
9 USE.—The management entity shall not regulate land use
10 within the Heritage Area.

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

12 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—

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

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

22 (A) conserving the significant archae-
23 ological, historical, cultural, natural, scenic, and
24 recreational resources of the Heritage Area; and

1 (B) providing education, interpretive, and
2 recreational opportunities, consistent with those
3 resources.

4 (b) SPENDING FOR NON-FEDERAL PROPERTY.—

5 (1) IN GENERAL.—The Secretary may spend
6 Federal funds to carry out this Act, especially in as-
7 sisting units of government in appropriate treatment
8 of districts, sites, buildings, structures, and objects
9 on non-Federal property that are listed or eligible
10 for listing on the National Register of Historic
11 Places.

12 (2) STUDIES.—On request of the management
13 entity and after obtaining the consent of any non-
14 Federal property owners, the Historic American
15 Building Survey or Historic American Engineering
16 Record shall conduct any study necessary to docu-
17 ment the industrial, engineering, building, and archi-
18 tectural history of the Heritage Area.

19 (c) FEDERAL SHARE.—The Federal share of the
20 costs for any project provided assistance under this Act
21 shall not exceed 50 percent.

22 (d) NON-FEDERAL SHARE.—The non-Federal share
23 of the cost for a project may be in the form of contribu-
24 tions, grants, loans, and in-kind services from private par-
25 ties, Federal, State, or local governments or agencies.

1 (e) APPLICATION OF FEDERAL LAW.—The establish-
2 ment of the Heritage Area shall have no effect on the ap-
3 plication of any Federal law to any property within the
4 Heritage Area.

5 **SEC. 9. LAND USE REGULATION; APPLICABILITY OF FED-**
6 **ERAL LAW.**

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

8 (1) modifies, enlarges, or diminishes any au-
9 thority of the Federal, State, tribal, or local govern-
10 ment to regulate by law (including by regulation)
11 any use of land; or

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

14 (b) APPLICABILITY OF FEDERAL LAW.—Nothing in
15 this Act—

16 (1) imposes on the Heritage Area, as a result
17 of the designation of the Heritage Area, any regula-
18 tion that is not applicable to the area within the
19 Heritage area as of the date of enactment of this
20 Act; or

21 (2) authorizes any agency to promulgate a reg-
22 ulation that applies to the Heritage Area solely as
23 a result of the designation under this Act.

1 **SEC. 10. TERMINATION OF AUTHORITY.**

2 The Secretary shall not provide any assistance under
3 this Act after September 20, 2020.

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

5 There is authorized to be appropriated to carry out
6 this Act \$10,000,000.

○