

107TH CONGRESS
1ST SESSION

S. 509

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

MARCH 9, 2001

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

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Kenai Mountains-
5 Turnagain Arm National Heritage Area Act of 2001.”

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

7 (a) FINDINGS.—Congress finds that—

8 (1) The Kenai Mountains-Turnagain Arm
9 transportation corridor is a major gateway to Alaska
10 and includes a range of transportation routes used

1 first by indigenous people who were followed by pio-
2 neers who settled the Nation's last frontier;

3 (2) the natural history and scenic splendor of
4 the region are equally outstanding; vistas of nature's
5 power include evidence of earthquake subsidence, re-
6 cent avalanches, retreating glaciers and tidal action
7 along Turnagain Arm, which has the world's second
8 greatest tidal range;

9 (3) the cultural landscape formed by indigenous
10 people and then by settlement, transportation and
11 modern resource development in this rugged and
12 often treacherous natural setting stands as powerful
13 testimony to the human fortitude, perseverance, and
14 resourcefulness that is America's proudest heritage
15 from the people who settled the frontier;

16 (4) there is a national interest in recognizing,
17 preserving, promoting, and interpreting these re-
18 sources;

19 (5) the Kenai Mountains-Turnagain Arm region
20 is geographically and culturally cohesive because it is
21 defined by a corridor of historic routes—trail, water,
22 railroad, and roadways through a distinct landscape
23 of mountains, lakes, and fjords;

24 (6) national significance of separate elements of
25 the region include, but are not limited to, the

1 Iditarod National Historic Trail, the Seward High-
2 way National Scenic Byway, and the Alaska Rail-
3 road National Scenic Railroad;

4 (7) national heritage area designation provides
5 for the interpretation of these routes, as well as the
6 national historic districts and numerous historic
7 routes in the region as part of the whole picture of
8 human history in the wider transportation corridor
9 including early Native trade routes, connections by
10 waterway, mining trail, and other routes;

11 (8) national heritage area designation also pro-
12 vides communities within the region with the motiva-
13 tion and means for “grass roots” regional coordina-
14 tion and partnerships with each other and with bor-
15 ough, State, and Federal agencies; and

16 (9) national heritage area designation is sup-
17 ported by the Kenai Peninsula Historical Associa-
18 tion, the Seward Historical Commission, the Seward
19 City Council, the Hope and Sunrise Historical Soci-
20 ety, the Hope Chamber of Commerce, the Alaska
21 Association for Historic Preservation, the Cooper
22 Landing Community Club, the Alaska Wilderness
23 Recreation and Tourism Association, Anchorage
24 Historic Properties, the Anchorage Convention and
25 Visitors Bureau, the Cook Inlet Historical Society,

1 the Moose Pass Sportsman’s Club, the Alaska His-
2 torical Commission, the Girdwood Board of Super-
3 visors, the Kenai River Special Management Area
4 Advisory Board, the Bird/Indian Community Coun-
5 cil, the Kenai Peninsula Borough Trails Commis-
6 sion, the Alaska Division of Parks and Recreation,
7 the Kenai Peninsula Borough, the Kenai Peninsula
8 Tourism Marketing Council, and the Anchorage Mu-
9 nicipal Assembly.

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

11 (1) to recognize, preserve, and interpret the his-
12 toric and modern resource development and cultural
13 landscapes of the Kenai Mountains-Turnagain Arm
14 historic transportation corridor, and to promote and
15 facilitate the public enjoyment of these resources;
16 and

17 (2) to foster, through financial and technical
18 assistance, the development of cooperative planning
19 and partnership among the communities and bor-
20 ough, State, and Federal Government entities.

21 **SEC. 3. DEFINITIONS.**

22 In this Act:

23 (1) HERITAGE AREA.—The term “Heritage
24 Area” means the Kenai Mountains-Turnagain Arm

1 National Heritage Area established by section 4(a)
2 of this Act.

3 (2) MANAGEMENT ENTITY.—The term “man-
4 agement entity” means the 11 member Board of Di-
5 rectors of the Kenai Mountains-Turnagain Arm Na-
6 tional Heritage Corridor Communities Association.

7 (3) MANAGEMENT PLAN.—The term “manage-
8 ment plan” means the management plan for the
9 Heritage Area.

10 (4) SECRETARY.—The term “Secretary” means
11 the Secretary of the Interior.

12 **SEC. 4. KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL**
13 **HERITAGE AREA.**

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

16 (b) BOUNDARIES.—The Heritage Area shall comprise
17 the lands in the Kenai Mountains and upper Turnagain
18 Arm region generally depicted on the map entitled “Kenai
19 Peninsula/Turnagain Arm National Heritage Corridor”,
20 numbered “Map #KMTA–1, and dated “August 1999”.
21 The map shall be on file and available for public inspection
22 in the offices of the Alaska Regional Office of the National
23 Park Service and in the offices of the Alaska State Herit-
24 age Preservation Officer.

1 **SEC. 5. MANAGEMENT ENTITY.**

2 (a) The Secretary shall enter into a cooperative
3 agreement with the management entity, to carry out the
4 purposes of this Act. The cooperative agreement shall in-
5 clude information relating to the objectives and manage-
6 ment of the Heritage Area, including the following:

7 (1) A discussion of the goals and objectives of
8 the Heritage Area;

9 (2) An explanation of the proposed approach to
10 conservation and interpretation of the Heritage
11 Area;

12 (3) A general outline of the protection meas-
13 ures, to which the management entity commits.

14 (b) Nothing in this Act authorizes the management
15 entity to assume any management authorities or respon-
16 sibilities on Federal lands.

17 (c) Representatives of other organizations shall be in-
18 vited and encouraged to participate with the management
19 entity and in the development and implementation of the
20 management plan, including but not limited to: The State
21 Division of Parks and Outdoor Recreation; the State Divi-
22 sion of Mining, Land and Water; the Forest Service; the
23 State Historic Preservation Office; the Kenai Peninsula
24 Borough; the Municipality of Anchorage; the Alaska Rail-
25 road; the Alaska Department of Transportation; and the
26 National Park Service.

1 (d) Representation of ex-officio members in the non-
2 profit corporation shall be established under the bylaws
3 of the management entity.

4 **SEC. 6. AUTHORITIES AND DUTIES OF MANAGEMENT**
5 **ENTITY.**

6 (a) MANAGEMENT PLAN.—

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

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

15 (A) comprehensive recommendations for
16 conservation, funding, management, and devel-
17 opment of the Heritage Area;

18 (B) a description of agreements on actions
19 to be carried out by Government and private or-
20 ganizations to protect the resources of the Her-
21 itage Area;

22 (C) a list of specific and potential sources
23 of funding to protect, manage, and develop the
24 Heritage Area;

1 (D) an inventory of the resources con-
2 tained in the Heritage Area; and

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

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

12 (1) carrying out programs which recognize im-
13 portant resource values in the Heritage Area;

14 (2) encouraging economic viability in the af-
15 fected communities;

16 (3) establishing and maintaining interpretive
17 exhibits in the Heritage Area;

18 (4) improving and interpreting heritage trails;

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

23 (6) restoring historic buildings and structures
24 that are located within the boundaries of the Herit-
25 age Area; and

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

4 (c) PUBLIC MEETINGS.—The management entity
5 shall conduct 2 or more public meetings each year regard-
6 ing the initiation and implementation of the management
7 plan for the Heritage Area. The management entity shall
8 place a notice of each such meeting in a newspaper of gen-
9 eral circulation in the Heritage Area and shall make the
10 minutes of the meeting available to the public.

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

12 (a) The Secretary, in consultation with the Governor
13 of Alaska, or his designee, is authorized to enter into a
14 cooperative agreement with the management entity. The
15 cooperative agreement shall be prepared with public par-
16 ticipation.

17 (b) In accordance with the terms and conditions of
18 the cooperative agreement and upon the request of the
19 management entity, and subject to the availability of
20 funds, the Secretary may provide administrative, tech-
21 nical, financial, design, development, and operations as-
22 sistance to carry out the purposes of this Act.

23 **SEC. 8. SAVINGS PROVISIONS.**

24 (a) REGULATORY AUTHORITY.—Nothing in this Act
25 shall be construed to grant powers of zoning or manage-

1 ment of land use to the management entity of the Herit-
2 age Area.

3 (b) EFFECT ON AUTHORITY OF GOVERNMENTS.—
4 Nothing in this Act shall be construed to modify, enlarge,
5 or diminish any authority of the Federal, State, or local
6 governments to manage or regulate any use of land as pro-
7 vided for by law or regulation.

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

11 **SEC. 9. PROHIBITION ON THE ACQUISITION OR REAL PROP-**
12 **ERTY.**

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

16 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) FIRST YEAR.—For the first year \$350,000 is au-
18 thorized to be appropriated to carry out the purposes of
19 this Act, and is made available upon the Secretary and
20 the management entity completing a cooperative agree-
21 ment.

22 (b) IN GENERAL.—There is authorized to be appro-
23 priated not more than \$1,000,000 to carry out the pur-
24 poses of this Act for any fiscal year after the first year.

1 Not more than \$10,000,000, in the aggregate, may be ap-
2 propriated for the Heritage Area.

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

6 (d) SUNSET PROVISION.—The Secretary may not
7 make any grant or provide any assistance under this Act
8 beyond 15 years from the date that the Secretary and
9 management entity complete a cooperative agreement.

○