

Calendar No. 613

108TH CONGRESS
2D SESSION

S. 323

[Report No. 108-294]

To establish the Atchafalaya National Heritage Area, Louisiana.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 5, 2003

Ms. LANDRIEU (for herself and Mr. BREAUX) introduced the following bill; which was read twice and referred to the Committee on Energy and National Resources

JULY 7, 2004

Reported by Mr. DOMENICI, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To establish the Atchafalaya National Heritage Area,
Louisiana.

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 “Atchafalaya National
5 Heritage Area Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the Atchafalaya Basin area of Louisiana,
4 designated by the Louisiana Legislature as the
5 “Atchafalaya Trace State Heritage Area” and con-
6 sisting of the area described in section 5(b), is an
7 area in which natural, scenic, cultural, and historic
8 resources form a cohesive and nationally distinctive
9 landscape arising from patterns of human activity
10 shaped by geography;

11 (2) the significance of the area is enhanced by
12 the continued use of the area by people whose tradi-
13 tions have helped shape the landscape;

14 (3) there is a national interest in protecting,
15 conserving, restoring, promoting, and interpreting
16 the benefits of the area for the residents of, and visi-
17 tors to, the area;

18 (4) the area represents an assemblage of rich
19 and varied resources forming a unique aspect of the
20 heritage of the United States;

21 (5) the area reflects a complex mixture of peo-
22 ple and their origins, traditions, customs, beliefs,
23 and folkways of interest to the public;

24 (6) the land and water of the area offer out-
25 standing recreational opportunities, educational ex-

1 periences, and potential for interpretation and sci-
2 entific research; and

3 (7) local governments of the area support the
4 establishment of a national heritage area.

5 **SEC. 3. PURPOSES.**

6 The purposes of this Act are—

7 (1) to protect, preserve, conserve, restore, pro-
8 mote, and interpret the significant resource values
9 and functions of the Atchafalaya Basin area and ad-
10 vance sustainable economic development of the area;

11 (2) to foster a close working relationship with
12 all levels of government, the private sector, and the
13 local communities in the area so as to enable those
14 communities to conserve their heritage while con-
15 tinuing to pursue economic opportunities; and

16 (3) to establish, in partnership with the State,
17 local communities, preservation organizations, pri-
18 vate corporations, and landowners in the Heritage
19 Area, the Atchafalaya Trace State Heritage Area, as
20 designated by the Louisiana Legislature, as the
21 Atchafalaya National Heritage Area.

22 **SEC. 4. DEFINITIONS.**

23 In this Act:

1 (1) HERITAGE AREA.—The term “Heritage
2 Area” means the Atchafalaya National Heritage
3 Area established by section 5(a).

4 (2) LOCAL COORDINATING ENTITY.—The term
5 “local coordinating entity” means the local coordi-
6 nating entity for the Heritage Area designated by
7 section 5(c).

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

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

13 (5) STATE.—The term “State” means the State
14 of Louisiana.

15 **SEC. 5. ATCHAFALAYA NATIONAL HERITAGE AREA.**

16 (a) ESTABLISHMENT.—There is established in the
17 State the Atchafalaya National Heritage Area.

18 (b) BOUNDARIES.—The Heritage Area shall consist
19 of the whole of the following parishes in the State: St.
20 Mary, Iberia, St. Martin, St. Landry, Avoyelles, Pointe
21 Coupee, Iberville, Assumption, Terrebonne, Lafayette,
22 West Baton Rouge, Concordia, and East Baton Rouge.

23 (c) LOCAL COORDINATING ENTITY.—

1 (1) ~~IN GENERAL.~~—The Atchafalaya Trace
2 Commission shall be the local coordinating entity for
3 the Heritage Area.

4 (2) ~~COMPOSITION.~~—The local coordinating enti-
5 ty shall be composed of ~~13~~ members appointed by
6 the governing authority of each parish within the
7 Heritage Area.

8 **SEC. 6. AUTHORITIES AND DUTIES OF THE LOCAL COORDI-**
9 **NATING ENTITY.**

10 (a) ~~AUTHORITIES.~~—For the purposes of developing
11 and implementing the management plan and otherwise
12 carrying out this Act, the local coordinating entity may—

13 (1) make grants to, and enter into cooperative
14 agreements with, the State, units of local govern-
15 ment, and private organizations;

16 (2) hire and compensate staff; and

17 (3) enter into contracts for goods and services.

18 (b) ~~DUTIES.~~—The local coordinating entity shall—

19 (1) submit to the Secretary for approval a man-
20 agement plan;

21 (2) implement the management plan, including
22 providing assistance to units of government and oth-
23 ers in—

1 (A) carrying out programs that recognize
2 important resource values within the Heritage
3 Area;

4 (B) encouraging sustainable economic de-
5 velopment within the Heritage Area;

6 (C) establishing and maintaining interpre-
7 tive sites within the Heritage Area; and

8 (D) increasing public awareness of, and
9 appreciation for the natural, historic, and cul-
10 tural resources of, the Heritage Area;

11 (3) adopt bylaws governing the conduct of the
12 local coordinating entity; and

13 (4) for any year for which Federal funds are re-
14 ceived under this Act, submit to the Secretary a re-
15 port that describes, for the year—

16 (A) the accomplishments of the local co-
17 ordinating entity; and

18 (B) the expenses and income of the local
19 coordinating entity.

20 (e) ACQUISITION OF REAL PROPERTY.—The local co-
21 ordinating entity shall not use Federal funds received
22 under this Act to acquire real property or an interest in
23 real property.

24 (d) PUBLIC MEETINGS.—The local coordinating enti-
25 ty shall conduct public meetings at least quarterly.

1 **SEC. 7. MANAGEMENT PLAN.**

2 (a) **IN GENERAL.**—The local coordinating entity shall
 3 develop a management plan for the Heritage Area that
 4 incorporates an integrated and cooperative approach to
 5 protect, interpret, and enhance the natural, scenic, cul-
 6 tural, historic, and recreational resources of the Heritage
 7 Area.

8 (b) **CONSIDERATION OF OTHER PLANS AND AC-**
 9 **TIONS.**—In developing the management plan, the local co-
 10 ordinating entity shall—

11 (1) take into consideration State and local
 12 plans; and

13 (2) invite the participation of residents, public
 14 agencies, and private organizations in the Heritage
 15 Area.

16 (c) **CONTENTS.**—The management plan shall in-
 17 clude—

18 (1) an inventory of the resources in the Herit-
 19 age Area, including—

20 (A) a list of property in the Heritage Area
 21 that—

22 (i) relates to the purposes of the Her-
 23 itage Area; and

24 (ii) should be preserved, restored,
 25 managed, or maintained because of the sig-
 26 nificance of the property; and

1 ~~(B)~~ an assessment of cultural landscapes
2 within the Heritage Area;

3 ~~(2)~~ provisions for the protection, interpretation,
4 and enjoyment of the resources of the Heritage Area
5 consistent with this Act;

6 ~~(3)~~ an interpretation plan for the Heritage
7 Area; and

8 ~~(4)~~ a program for implementation of the man-
9 agement plan that includes—

10 ~~(A)~~ actions to be carried out by units of
11 government, private organizations, and public-
12 private partnerships to protect the resources of
13 the Heritage Area; and

14 ~~(B)~~ the identification of existing and po-
15 tential sources of funding for implementing the
16 plan.

17 ~~(d) SUBMISSION TO SECRETARY FOR APPROVAL.—~~

18 ~~(1) IN GENERAL.—~~Not later than 3 years after
19 the date of enactment of this Act, the local coordi-
20 nating entity shall submit the management plan to
21 the Secretary for approval.

22 ~~(2) EFFECT OF FAILURE TO SUBMIT.—~~If a
23 management plan is not submitted to the Secretary
24 by the date specified in paragraph ~~(1)~~, the Secretary
25 shall not provide any additional funding under this

1 Act until a management plan for the Heritage Area
2 is submitted to the Secretary.

3 ~~(c) APPROVAL.—~~

4 ~~(1) IN GENERAL.—~~Not later than 90 days after
5 receiving the management plan submitted under
6 subsection ~~(d)(1)~~, the Secretary, in consultation with
7 the State, shall approve or disapprove the manage-
8 ment plan.

9 ~~(2) ACTION FOLLOWING DISAPPROVAL.—~~

10 ~~(A) IN GENERAL.—~~If the Secretary dis-
11 approves a management plan under paragraph
12 ~~(1)~~, the Secretary shall—

13 (i) advise the local coordinating entity
14 in writing of the reasons for the dis-
15 approval;

16 (ii) make recommendations for revi-
17 sions to the management plan; and

18 (iii) allow the local coordinating entity
19 to submit to the Secretary revisions to the
20 management plan.

21 ~~(B) DEADLINE FOR APPROVAL OF REVI-~~
22 ~~SION.—~~Not later than 90 days after the date on
23 which a revision is submitted under subpara-
24 graph ~~(A)(iii)~~, the Secretary shall approve or
25 disapprove the revision.

1 (f) REVISION.—

2 (1) IN GENERAL.—After approval by the Sec-
3 retary of a management plan, the local coordinating
4 entity shall periodically—

5 (A) review the management plan; and

6 (B) submit to the Secretary, for review
7 and approval by the Secretary, the rec-
8 ommendations of the local coordinating entity
9 for any revisions to the management plan that
10 the local coordinating entity considers to be ap-
11 propriate.

12 (2) EXPENDITURE OF FUNDS.—No funds made
13 available under this Act shall be used to implement
14 any revision proposed by the local coordinating enti-
15 ty under paragraph (1)(B) until the Secretary ap-
16 proves the revision.

17 **SEC. 8. EFFECT OF ACT.**

18 Nothing in this Act or in establishment of the Herit-
19 age Area—

20 (1) grants any Federal agency regulatory au-
21 thority over any interest in the Heritage Area, un-
22 less cooperatively agreed on by all involved parties;

23 (2) modifies, enlarges, or diminishes any au-
24 thority of the Federal Government or a State or
25 local government to regulate any use of land as pro-

1 vided for by law (including regulations) in existence
2 on the date of enactment of this Act;

3 ~~(3)~~ grants any power of zoning or land use to
4 the local coordinating entity;

5 ~~(4)~~ imposes any environmental, occupational,
6 safety, or other rule, standard, or permitting process
7 that is different from those in effect on the date of
8 enactment of this Act that would be applicable had
9 the Heritage Area not been established;

10 ~~(5)(A)~~ imposes any change in Federal environ-
11 mental quality standards; or

12 ~~(B)~~ authorizes designation of any portion of the
13 Heritage Area that is subject to part C of title I of
14 the Clean Air Act (42 U.S.C. 7470 et seq.) as class
15 1 for the purposes of that part solely by reason of
16 the establishment of the Heritage Area;

17 ~~(6)~~ authorizes any Federal or State agency to
18 impose more restrictive water use designations, or
19 water quality standards on uses of or discharges to,
20 waters of the United States or waters of the State
21 within or adjacent to the Heritage Area solely by
22 reason of the establishment of the Heritage Area;

23 ~~(7)~~ abridges, restricts, or alters any applicable
24 rule, standard, or review procedure for permitting of
25 facilities within or adjacent to the Heritage Area; or

1 (8) affects the continuing use and operation,
2 where located on the date of enactment of this Act,
3 of any public utility or common carrier.

4 **SEC. 9. REPORTS.**

5 For any year in which Federal funds have been made
6 available under this Act, the local coordinating entity shall
7 submit to the Secretary a report that describes—

8 (1) the accomplishments of the local coordi-
9 nating entity; and

10 (2) the expenses and income of the local coordi-
11 nating entity.

12 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

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

16 **SEC. 11. TERMINATION OF AUTHORITY.**

17 The Secretary shall not provide any assistance under
18 this Act after September 30, 2017.

19 **SECTION 1. SHORT TITLE.**

20 *This Act may be cited as the “Atchafalaya National*
21 *Heritage Area Act”.*

22 **SEC. 2. DEFINITIONS.**

23 *In this Act:*

1 (1) *HERITAGE AREA.*—*The term “Heritage*
 2 *Area” means the Atchafalaya National Heritage Area*
 3 *established by section 3(a).*

4 (2) *LOCAL COORDINATING ENTITY.*—*The term*
 5 *“local coordinating entity” means the local coordi-*
 6 *nating entity for the Heritage Area designated by sec-*
 7 *tion 3(c).*

8 (3) *MANAGEMENT PLAN.*—*The term “manage-*
 9 *ment plan” means the management plan for the Her-*
 10 *itage Area developed under section 5.*

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

13 (5) *STATE.*—*The term “State” means the State*
 14 *of Louisiana.*

15 **SEC. 3. ATCHAFALAYA NATIONAL HERITAGE AREA.**

16 (a) *ESTABLISHMENT.*—*There is established in the*
 17 *State the Atchafalaya National Heritage Area.*

18 (b) *BOUNDARIES.*—*The Heritage Area shall consist of*
 19 *the whole of the following parishes in the State: St. Mary,*
 20 *Iberia, St. Martin, St. Landry, Avoyelles, Pointe Coupee,*
 21 *Iberville, Assumption, Terrebonne, Lafayette, West Baton*
 22 *Rouge, Concordia, and East Baton Rouge.*

23 (c) *LOCAL COORDINATING ENTITY.*—

1 (1) *IN GENERAL.*—*The Atchafalaya Trace Com-*
 2 *mission shall be the local coordinating entity for the*
 3 *Heritage Area.*

4 (2) *COMPOSITION.*—*The local coordinating entity*
 5 *shall be composed of 13 members appointed by the*
 6 *governing authority of each parish within the Herit-*
 7 *age Area.*

8 **SEC. 4. AUTHORITIES AND DUTIES OF THE LOCAL COORDI-**
 9 **NATING ENTITY.**

10 (a) *AUTHORITIES.*—*For the purposes of developing*
 11 *and implementing the management plan and otherwise car-*
 12 *rying out this Act, the local coordinating entity may—*

13 (1) *make grants to, and enter into cooperative*
 14 *agreements with, the State, units of local government,*
 15 *and private organizations;*

16 (2) *hire and compensate staff; and*

17 (3) *enter into contracts for goods and services.*

18 (b) *DUTIES.*—*The local coordinating entity shall—*

19 (1) *submit to the Secretary for approval a man-*
 20 *agement plan;*

21 (2) *implement the management plan, including*
 22 *providing assistance to units of government and oth-*
 23 *ers in—*

1 (A) carrying out programs that recognize
2 important resource values within the Heritage
3 Area;

4 (B) encouraging sustainable economic devel-
5 opment within the Heritage Area;

6 (C) establishing and maintaining interpre-
7 tive sites within the Heritage Area; and

8 (D) increasing public awareness of, and ap-
9 preciation for the natural, historic, and cultural
10 resources of, the Heritage Area;

11 (3) adopt bylaws governing the conduct of the
12 local coordinating entity; and

13 (4) for any year for which Federal funds are re-
14 ceived under this Act, submit to the Secretary a re-
15 port that describes, for the year—

16 (A) the accomplishments of the local coordi-
17 nating entity; and

18 (B) the expenses and income of the local co-
19 ordinating entity.

20 (c) ACQUISITION OF REAL PROPERTY.—The local co-
21 ordinating entity shall not use Federal funds received under
22 this Act to acquire real property or an interest in real prop-
23 erty.

24 (d) PUBLIC MEETINGS.—The local coordinating entity
25 shall conduct public meetings at least quarterly.

1 **SEC. 5. MANAGEMENT PLAN.**

2 (a) *IN GENERAL.*—*The local coordinating entity shall*
3 *develop a management plan for the Heritage Area that in-*
4 *corporates an integrated and cooperative approach to pro-*
5 *tect, interpret, and enhance the natural, scenic, cultural,*
6 *historic, and recreational resources of the Heritage Area.*

7 (b) *CONSIDERATION OF OTHER PLANS AND AC-*
8 *TIONS.*—*In developing the management plan, the local co-*
9 *ordinating entity shall—*

10 (1) *take into consideration State and local plans;*

11 *and*

12 (2) *invite the participation of residents, public*
13 *agencies, and private organizations in the Heritage*
14 *Area.*

15 (c) *CONTENTS.*—*The management plan shall in-*
16 *clude—*

17 (1) *an inventory of the resources in the Heritage*
18 *Area, including—*

19 (A) *a list of property in the Heritage Area*
20 *that—*

21 (i) *relates to the purposes of the Herit-*
22 *age Area; and*

23 (ii) *should be preserved, restored, man-*
24 *aged, or maintained because of the signifi-*
25 *cance of the property; and*

1 (B) an assessment of cultural landscapes
2 within the Heritage Area;

3 (2) provisions for the protection, interpretation,
4 and enjoyment of the resources of the Heritage Area
5 consistent with this Act;

6 (3) an interpretation plan for the Heritage Area;
7 and

8 (4) a program for implementation of the man-
9 agement plan that includes—

10 (A) actions to be carried out by units of
11 government, private organizations, and public-
12 private partnerships to protect the resources of
13 the Heritage Area; and

14 (B) the identification of existing and poten-
15 tial sources of funding for implementing the
16 plan.

17 (d) SUBMISSION TO SECRETARY FOR APPROVAL.—

18 (1) IN GENERAL.—Not later than 3 years after
19 the date of enactment of this Act, the local coordi-
20 nating entity shall submit the management plan to
21 the Secretary for approval.

22 (2) EFFECT OF FAILURE TO SUBMIT.—If a man-
23 agement plan is not submitted to the Secretary by the
24 date specified in paragraph (1), the Secretary shall
25 not provide any additional funding under this Act

1 *until a management plan for the Heritage Area is*
2 *submitted to the Secretary.*

3 *(e) APPROVAL.—*

4 *(1) IN GENERAL.—Not later than 90 days after*
5 *receiving the management plan submitted under sub-*
6 *section (d)(1), the Secretary, in consultation with the*
7 *State, shall approve or disapprove the management*
8 *plan.*

9 *(2) ACTION FOLLOWING DISAPPROVAL.—*

10 *(A) IN GENERAL.—If the Secretary dis-*
11 *approves a management plan under paragraph*
12 *(1), the Secretary shall—*

13 *(i) advise the local coordinating entity*
14 *in writing of the reasons for the dis-*
15 *approval;*

16 *(ii) make recommendations for revi-*
17 *sions to the management plan; and*

18 *(iii) allow the local coordinating entity*
19 *to submit to the Secretary revisions to the*
20 *management plan.*

21 *(B) DEADLINE FOR APPROVAL OF REVI-*
22 *SION.—Not later than 90 days after the date on*
23 *which a revision is submitted under subpara-*
24 *graph (A)(iii), the Secretary shall approve or*
25 *disapprove the revision.*

1 (f) *REVISION.*—

2 (1) *IN GENERAL.*—*After approval by the Sec-*
3 *retary of a management plan, the local coordinating*
4 *entity shall periodically—*

5 (A) *review the management plan; and*

6 (B) *submit to the Secretary, for review and*
7 *approval by the Secretary, the recommendations*
8 *of the local coordinating entity for any revisions*
9 *to the management plan that the local coordi-*
10 *nating entity considers to be appropriate.*

11 (2) *EXPENDITURE OF FUNDS.*—*No funds made*
12 *available under this Act shall be used to implement*
13 *any revision proposed by the local coordinating entity*
14 *under paragraph (1)(B) until the Secretary approves*
15 *the revision.*

16 **SEC. 6. EFFECT OF ACT.**

17 *Nothing in this Act or in establishment of the Heritage*
18 *Area—*

19 (1) *grants any Federal agency regulatory au-*
20 *thority over any interest in the Heritage Area, unless*
21 *cooperatively agreed on by all involved parties;*

22 (2) *modifies, enlarges, or diminishes any author-*
23 *ity of the Federal Government or a State or local gov-*
24 *ernment to regulate any use of land as provided for*

1 *by law (including regulations) in existence on the*
2 *date of enactment of this Act;*

3 (3) *grants any power of zoning or land use to*
4 *the local coordinating entity;*

5 (4) *imposes any environmental, occupational,*
6 *safety, or other rule, standard, or permitting process*
7 *that is different from those in effect on the date of en-*
8 *actment of this Act that would be applicable had the*
9 *Heritage Area not been established;*

10 (5)(A) *imposes any change in Federal environ-*
11 *mental quality standards; or*

12 (B) *authorizes designation of any portion of the*
13 *Heritage Area that is subject to part C of title I of*
14 *the Clean Air Act (42 U.S.C. 7470 et seq.) as class*
15 *1 for the purposes of that part solely by reason of the*
16 *establishment of the Heritage Area;*

17 (6) *authorizes any Federal or State agency to*
18 *impose more restrictive water use designations, or*
19 *water quality standards on uses of or discharges to,*
20 *waters of the United States or waters of the State*
21 *within or adjacent to the Heritage Area solely by rea-*
22 *son of the establishment of the Heritage Area;*

23 (7) *abridges, restricts, or alters any applicable*
24 *rule, standard, or review procedure for permitting of*
25 *facilities within or adjacent to the Heritage Area; or*

1 (8) *affects the continuing use and operation,*
2 *where located on the date of enactment of this Act, of*
3 *any public utility or common carrier.*

4 **SEC. 7. REPORTS.**

5 *For any year in which Federal funds have been made*
6 *available under this Act, the local coordinating entity shall*
7 *submit to the Secretary a report that describes—*

8 (1) *the accomplishments of the local coordinating*
9 *entity; and*

10 (2) *the expenses and income of the local coordi-*
11 *nating entity.*

12 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

13 (a) *IN GENERAL.—There is authorized to be appro-*
14 *priated to carry out this Act \$10,000,000, of which not more*
15 *than \$1,000,000 shall be made available for any fiscal year.*

16 (b) *COST-SHARING REQUIREMENT.—The Federal*
17 *share of the total cost of any activity assisted under this*
18 *Act shall be not more than 50 percent.*

19 **SEC. 9. TERMINATION OF AUTHORITY.**

20 *The authority of the Secretary to provide assistance*
21 *to the local coordinating entity under this Act terminates*
22 *on the date that is 15 years after the date of enactment*
23 *of this Act.*

Calendar No. 613

108TH CONGRESS
2^D SESSION

S. 323

[Report No. 108-294]

A BILL

To establish the Atchafalaya National Heritage
Area, Louisiana.

JULY 7, 2004

Reported with an amendment