

108TH CONGRESS
1ST SESSION

S. 840

To establish the Great Basin National Heritage Route in the States of
Nevada and Utah.

IN THE SENATE OF THE UNITED STATES

APRIL 9, 2003

Mr. REID (for himself, Mr. BENNETT, Mr. ENSIGN, and Mr. HATCH) 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 Route in
the States of 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”.

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 along the Great Basin Herit-
2 age Route (including the towns of Delta, Utah, Ely,
3 Nevada, and the surrounding communities) are lo-
4 cated in a classic western landscape that contains
5 long natural vistas, isolated high desert valleys,
6 mountain ranges, ranches, mines, historic railroads,
7 archaeological sites, and tribal communities;

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

13 (4) the pioneer, Mormon, and other religious
14 settlements, and ranching, timber, and mining ac-
15 tivities of the region played and continue to play a
16 significant role in the development of the United
17 States, 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 scend; 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 along the Herit-
6 age Route;

7 (6) the pioneer heritage of the Heritage Route
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 Route dates back thousands of years and in-
13 cludes—

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 Route 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 Route 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 Route 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 Route includes an unusual
17 variety of open space and recreational and edu-
18 cational opportunities because of the great quantity
19 of ranching activity and public land (including city,
20 county, and State parks, national forests, Bureau of
21 Land 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 Route
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 Route Partner-
10 ship shall serve as the management entity for a Her-
11 itage Route 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 ROUTE.—The term “Heritage
8 Route” means the Great Basin National Heritage
9 Route established by section 4(a).

10 (3) MANAGEMENT ENTITY.—The term “man-
11 agement entity” means the Great Basin Heritage
12 Route 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 ROUTE.**

20 (a) ESTABLISHMENT.—There is established the
21 Great Basin National Heritage Route to provide the public
22 with access to certain historical, cultural, natural, scenic,
23 and recreational resources in White Pine County, Nevada,
24 Millard County, Utah, and the Duckwater Shoshone Res-

1 ervation in the State of Nevada, as designated by the man-
2 agement entity.

3 (b) BOUNDARIES.—The management entity shall de-
4 termine the specific boundaries of the Heritage Route.

5 (c) MANAGEMENT ENTITY.—

6 (1) IN GENERAL.—The Great Basin Heritage
7 Route Partnership shall serve as the management
8 entity for the Heritage Route.

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

12 (A) 4 members who are appointed by the
13 Board of County Commissioners for Millard
14 County, Utah;

15 (B) 4 members who are appointed by the
16 Board of County Commissioners for White Pine
17 County, Nevada; and

18 (C) a representative appointed by each Na-
19 tive American Tribe participating in the Herit-
20 age Route.

21 **SEC. 5. MEMORANDUM OF UNDERSTANDING.**

22 (a) IN GENERAL.—In carrying out this Act, the Sec-
23 retary, in consultation with the Governors of the States
24 of Nevada and Utah and the tribal government of each
25 Indian tribe participating in the Heritage Route, shall

1 enter into a memorandum of understanding with the man-
2 agement entity.

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

6 (1) a description of the resources of the Herit-
7 age Route;

8 (2) a discussion of the goals and objectives of
9 the Heritage Route, including—

10 (A) an explanation of the proposed ap-
11 proach to conservation, development, and inter-
12 pretation; and

13 (B) a general outline of the anticipated
14 protection and development measures;

15 (3) a description of the management entity;

16 (4) a list and statement of the financial com-
17 mitment of the initial partners to be involved in de-
18 veloping and implementing the management plan;
19 and

20 (5) a description of the role of the States of Ne-
21 vada and Utah in the management of the Heritage
22 Route.

23 (c) ADDITIONAL REQUIREMENTS.—In developing the
24 terms of the memorandum of understanding, the Sec-
25 retary and the management entity shall—

1 (1) provide opportunities for local participation;
2 and

3 (2) include terms that ensure, to the maximum
4 extent practicable, timely implementation of all as-
5 pects of the memorandum of understanding.

6 (d) AMENDMENTS.—

7 (1) IN GENERAL.—The Secretary shall review
8 any amendments of the memorandum of under-
9 standing proposed by the management entity or the
10 Governor of the State of Nevada or Utah.

11 (2) USE OF FUNDS.—Funds made available
12 under this Act shall not be expended to implement
13 a change made by a proposed amendment described
14 in paragraph (1) until the Secretary approves the
15 amendment.

16 **SEC. 6. MANAGEMENT PLAN.**

17 (a) IN GENERAL.—Not later than 3 years after the
18 date of enactment of this Act, the management entity shall
19 develop and submit to the Secretary for approval a man-
20 agement plan for the Heritage Route that—

21 (1) specifies—

22 (A) any resources designated by the man-
23 agement entity under section 4(a); and

24 (B) the specific boundaries of the Heritage
25 Route, as determined under section 4(b); and

1 (2) presents clear and comprehensive rec-
2 ommendations for the conservation, funding, man-
3 agement, and development of the Heritage Route.

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

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

15 (2) identify sources of funding;

16 (3) include—

17 (A) a program for implementation of the
18 management plan by the management entity,
19 including—

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

23 (ii) specific commitments by the iden-
24 tified partners referred to in section

1 5(b)(4) for the first 5 years of operation;

2 and

3 (B) an interpretation plan for the Heritage

4 Route; and

5 (4) develop a management plan that will not in-

6 fringe on private property rights without the consent

7 of the owner of the private property.

8 (c) FAILURE TO SUBMIT.—If the management entity

9 fails to submit a management plan to the Secretary in ac-

10 cordance with subsection (a), the Heritage Route shall no

11 longer qualify for Federal funding.

12 (d) APPROVAL AND DISAPPROVAL OF MANAGEMENT

13 PLAN.—

14 (1) IN GENERAL.—Not later than 90 days after

15 receipt of a management plan under subsection (a),

16 the Secretary, in consultation with the Governors of

17 the States of Nevada and Utah, shall approve or dis-

18 approve the management plan.

19 (2) CRITERIA.—In determining whether to ap-

20 prove a management plan, the Secretary shall con-

21 sider whether the management plan—

22 (A) has strong local support from a diver-

23 sity of landowners, business interests, nonprofit

24 organizations, and governments associated with

25 the Heritage Route;

1 (B) is consistent with and complements
2 continued economic activity along the Heritage
3 Route;

4 (C) has a high potential for effective part-
5 nership mechanisms;

6 (D) avoids infringing on private property
7 rights; and

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

11 (3) ACTION FOLLOWING DISAPPROVAL.—If the
12 Secretary disapproves a management plan under
13 paragraph (1), the Secretary shall—

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

16 (B) make recommendations for revisions to
17 the management plan; and

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

22 (e) IMPLEMENTATION.—On approval of the manage-
23 ment plan as provided in subsection (d)(1), the manage-
24 ment entity, in conjunction with the Secretary, shall take
25 appropriate steps to implement the management plan.

1 (f) AMENDMENTS.—

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

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

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

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

14 (1) make grants to, and enter into cooperative
15 agreements with, a State (including a political sub-
16 division), an Indian tribe, a private organization, or
17 any person; and

18 (2) hire and compensate staff.

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

21 (1) give priority to implementing the memo-
22 randum of understanding and the management plan,
23 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 along the Heritage Route;

6 (ii) developing recreational resources
7 along the Heritage Route;

8 (iii) increasing public awareness of
9 and appreciation for the archaeological,
10 historical, cultural, natural, scenic, and
11 recreational resources and sites along the
12 Heritage Route; 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 Route;

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

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

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

4 (3) conduct public meetings in the region of the
5 Heritage Route at least semiannually regarding the
6 implementation 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 Route.

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 Route;
25 and

1 (B) providing education, interpretive, and
 2 recreational opportunities, and other uses con-
 3 sistent with those resources.

4 (b) APPLICATION OF FEDERAL LAW.—The establish-
 5 ment of the Heritage Route shall have no effect on the
 6 application of any Federal law to any property within the
 7 Heritage Route.

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

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

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

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

17 (b) APPLICABILITY OF FEDERAL LAW.—Nothing in
 18 this Act—

19 (1) imposes on the Heritage Route, as a result
 20 of the designation of the Heritage Route, any regu-
 21 lation that is not applicable to the area within the
 22 Heritage Route as of the date of enactment of this
 23 Act; or

24 (2) authorizes any agency to promulgate a reg-
 25 ulation that applies to the Heritage Route solely as

1 a result of the designation of the Heritage Route
2 under this Act.

3 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) IN GENERAL.—There is authorized to be appro-
5 priated to carry out this Act \$10,000,000, of which not
6 more than \$1,000,000 may be made available for any fis-
7 cal year.

8 (b) COST SHARING.—

9 (1) FEDERAL SHARE.—The Federal share of
10 the cost of any activity assisted under this Act shall
11 not exceed 50 percent.

12 (2) FORM OF NON-FEDERAL SHARE.—The non-
13 Federal share may be in the form of in-kind con-
14 tributions, donations, grants, and loans from individ-
15 uals and State or local governments or agencies.

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

17 The authority of the Secretary to provide assistance
18 under this Act terminates on the date that is 15 years
19 after the date of enactment of this Act.

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