

110TH CONGRESS  
1ST SESSION

# S. 800

To establish the Niagara Falls National Heritage Area in the State of New York, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MARCH 7, 2007

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

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## A BILL

To establish the Niagara Falls National Heritage Area in the State of New York, 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 “Niagara Falls National  
5 Heritage Area Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) Niagara Falls and the Niagara River Gorge  
9 are natural phenomena that are—

1 (A) overwhelming in physical magnitude;  
2 and

3 (B) deeply embedded in the popular con-  
4 sciousness;

5 (2) the Niagara River Gorge is an exceptionally  
6 scenic corridor carved by the movement of Niagara  
7 Falls due to erosion from the original location of Ni-  
8 agara Falls near Lewiston, New York, a process  
9 that began more than 10,000 years ago;

10 (3) Niagara Falls has been a leading inter-  
11 national tourist attraction for 200 years, influencing  
12 the development of tourism and nature conservation  
13 in North America;

14 (4) in approximately 1895, Niagara Falls be-  
15 came the foremost source of hydroelectric power in  
16 North America, stimulating the development of inno-  
17 vative heavy industries in Niagara Falls and Buf-  
18 falo, New York;

19 (5) the 3 National Historic Landmarks along or  
20 near the Niagara River are—

21 (A) the Adams Power Transformer House,  
22 in Niagara Falls, which is the birthplace of the  
23 modern hydroelectric power station;

24 (B) the Niagara Reservation, designed by  
25 landscape architect Frederick Law Olmsted,

1           which is considered to be the oldest State park  
2           in the United States; and

3                   (C) the Colonial Niagara Historic District,  
4           in Lewiston and Youngstown, New York, which  
5           includes Old Fort Niagara;

6           (6) the Niagara River area, a boundary between  
7           the United States and Canada—

8                   (A) has played an important role in Indian  
9           culture, the French and English colonial strug-  
10          gle to control North America, the American  
11          Revolution, the War of 1812, and the Under-  
12          ground Railroad; and

13                   (B) reflects national differences and simi-  
14          larities between the United States and Canada;  
15          and

16          (7) although concentrated primarily along the  
17          Niagara River in Niagara County, New York, there  
18          are also important thematically related sites located  
19          throughout Niagara and Erie Counties, New York,  
20          that support and reinforce the important stories and  
21          heritage of the Niagara region.

22 **SEC. 3. DEFINITIONS.**

23          In this Act:

1           (1) COMMISSION.—The term “Commission”  
2 means the Niagara Falls National Heritage Area  
3 Commission established by section 5(a).

4           (2) GOVERNOR.—The term “Governor” means  
5 the Governor of the State.

6           (3) HERITAGE AREA.—The term “Heritage  
7 Area” means the Niagara Falls National Heritage  
8 Area established by section 4(a).

9           (4) LOCAL COORDINATING ENTITY.—The term  
10 “local coordinating entity” means the local coordi-  
11 nating entity for the Heritage Area designated by  
12 section 4(d)(1).

13           (5) MANAGEMENT PLAN.—The term “manage-  
14 ment plan” means the management plan for the  
15 Heritage Area developed under section 6.

16           (6) MAP.—The term “map” means the map en-  
17 titled “Niagara Falls National Heritage Area”,  
18 numbered P76/80,000, and dated July 2006.

19           (7) SECRETARY.—The term “Secretary” means  
20 the Secretary of the Interior.

21           (8) STATE.—The term “State” means the State  
22 of New York.

23 **SEC. 4. NIAGARA FALLS NATIONAL HERITAGE AREA.**

24           (a) ESTABLISHMENT.—There is established in the  
25 State the Niagara Falls National Heritage Area.

1 (b) BOUNDARIES.—The National Heritage Area shall  
2 consist of—

3 (1) the area from the western boundary of the  
4 town of Wheatfield, New York, extending to the  
5 mouth of the Niagara River on Lake Ontario, as de-  
6 picted on the map, including—

7 (A) the city of Niagara Falls, New York;

8 (B) the villages of Youngstown and Lewis-  
9 ton, New York; and

10 (C) land and water within the boundaries  
11 of the Heritage Area in Niagara County, New  
12 York; and

13 (2) any additional thematically related sites  
14 within Erie and Niagara Counties, New York, that  
15 are identified in the management plan under section  
16 6(b)(6).

17 (c) AVAILABILITY OF MAP.—The map shall be on file  
18 and available for public inspection in the appropriate of-  
19 fices of the National Park Service.

20 (d) LOCAL COORDINATING ENTITY.—

21 (1) DESIGNATION.—The local coordinating enti-  
22 ty for the Heritage Area shall be—

23 (A) for the 5-year period beginning on the  
24 date of enactment of this Act, the Commission;  
25 and

1           (B) on expiration of the 5-year period de-  
2           scribed in subparagraph (A), a private non-  
3           profit or governmental organization designated  
4           by the Commission.

5           (2) AUTHORITIES.—For purposes of imple-  
6           menting the management plan, the local coordi-  
7           nating entity designated under paragraph (1)(B)  
8           may use funds made available under this Act to—

9                   (A) make grants to, and enter into cooper-  
10                  ative agreements with, the State (including a  
11                  political subdivision of the State), nonprofit or-  
12                  ganizations, or any person;

13                   (B) hire and compensate staff; and

14                   (C) enter into contracts for goods and  
15                  services.

16           (3) DUTIES.—Beginning on the date described  
17           in paragraph (1)(B), the local coordinating entity  
18           designated by the Commission under paragraph  
19           (1)(B) shall assume the duties of the Commission  
20           described in section 5(h), other than the duties de-  
21           scribed in paragraphs (1) and (8) of section 5(h).

1 **SEC. 5. NIAGARA FALLS NATIONAL HERITAGE AREA COM-**  
2 **MISSION.**

3 (a) ESTABLISHMENT.—There is established within  
4 the Department of the Interior the Niagara Falls National  
5 Heritage Area Commission.

6 (b) MEMBERSHIP.—The Commission shall be com-  
7 posed of 17 members, of whom—

8 (1) 1 member shall be the Director of the Na-  
9 tional Park Service (or a designee);

10 (2) 5 members shall be appointed by the Sec-  
11 retary, on the recommendation of the Governor,  
12 from among individuals with knowledge and experi-  
13 ence of—

14 (A) the New York State Office of Parks,  
15 Recreation and Historic Preservation, the Niag-  
16 ara River Greenway Commission, the New York  
17 Power Authority, the USA Niagara Develop-  
18 ment Corporation, and the Niagara Tourism  
19 and Convention Corporation; or

20 (B) any successors of the agencies de-  
21 scribed in subparagraph (A);

22 (3) 1 member shall be appointed by the Sec-  
23 retary, on the recommendation of the mayor of Ni-  
24 agara Falls, New York;

1           (4) 1 member shall be appointed by the Sec-  
2           retary, on the recommendation of the mayor of the  
3           village of Youngstown, New York;

4           (5) 1 member shall be appointed by the Sec-  
5           retary, on the recommendation of the mayor of the  
6           village of Lewiston, New York;

7           (6) 1 member shall be appointed by the Sec-  
8           retary, on the recommendation of the Tuscarora Na-  
9           tion;

10          (7) 1 member shall be appointed by the Sec-  
11          retary, on the recommendation of the Seneca Nation  
12          of Indians; and

13          (8) 6 members shall be individuals that have an  
14          interest in, support for, and expertise appropriate to  
15          tourism, regional planning, history and historic pres-  
16          ervation, cultural or natural resource management,  
17          conservation, recreation, and education, or museum  
18          services, of whom—

19                (A) 4 members shall be appointed by the  
20                Secretary, on the recommendation of the 2  
21                members of the Senate from the State; and

22                (B) 2 members shall be appointed by the  
23                Secretary, on the recommendation of the mem-  
24                ber of the House of Representatives whose dis-  
25                trict encompasses the Heritage Area.

1 (c) TERMS; VACANCIES.—

2 (1) TERM.—A member of the Commission shall  
3 be appointed for a term not to exceed 5 years.

4 (2) VACANCIES.—

5 (A) PARTIAL TERM.—A member appointed  
6 to fill a vacancy on the Commission shall serve  
7 for the remainder of the term for which the  
8 predecessor of the member was appointed.

9 (B) IN GENERAL.—A vacancy on the Com-  
10 mission shall be filled in the same manner as  
11 the original appointment was made.

12 (d) CHAIRPERSON AND VICE CHAIRPERSON.—

13 (1) SELECTION.—The Commission shall select  
14 a Chairperson and Vice Chairperson from among the  
15 members of the Commission.

16 (2) VICE CHAIRPERSON.—The Vice Chairperson  
17 shall serve as the Chairperson in the absence of the  
18 Chairperson.

19 (e) QUORUM.—

20 (1) IN GENERAL.—A majority of the members  
21 of the Commission shall constitute a quorum.

22 (2) TRANSACTION.—For the transaction of any  
23 business or the exercise of any power of the Com-  
24 mission, the Commission shall have the power to act

1 by a majority vote of the members present at any  
2 meeting at which a quorum is in attendance.

3 (f) MEETINGS.—

4 (1) IN GENERAL.—The Commission shall meet  
5 at least quarterly at the call of—

6 (A) the Chairperson; or

7 (B) a majority of the members of the Com-  
8 mission.

9 (2) NOTICE.—Notice of Commission meetings  
10 and agendas for the meetings shall be published in  
11 local newspapers that are distributed throughout the  
12 Heritage Area.

13 (3) APPLICABLE LAW.—Meetings of the Com-  
14 mission shall be subject to section 552b of title 5,  
15 United States Code.

16 (g) POWERS OF THE COMMISSION.—To the extent  
17 that Federal funds are appropriated, the Commission  
18 may—

19 (1) enter into contracts and execute any instru-  
20 ments necessary or appropriate to carry out the pur-  
21 poses for which the Commission is established, in-  
22 cluding the authority to procure temporary and  
23 intermittent services and administrative facilities at  
24 rates determined to be reasonable by the Commis-  
25 sion to carry out the duties of the Commission;

1           (2) appoint and fix the compensation of any  
2 staff that may be necessary to carry out the duties  
3 of the Commission;

4           (3) request and accept from the head of any  
5 Federal agency, on a reimbursable or nonreimburs-  
6 able basis, any personnel of the Federal agency to  
7 the Commission to assist in carrying out the duties  
8 of the Commission;

9           (4) request and accept from the head of any  
10 State agency or any agency of a political subdivision  
11 of the State, on a reimbursable or nonreimbursable  
12 basis, any personnel of the agency to the Commis-  
13 sion to assist in carrying out the duties of the Com-  
14 mission;

15           (5) make grants to assist in the development  
16 and implementation of the management plan;

17           (6) negotiate and enter into any cooperative  
18 agreement, lease, contract, or other arrangement  
19 with any person, firm, association, organization, cor-  
20 poration, or governmental entity, including Federal,  
21 State, tribal, and local government entities, that is  
22 necessary to carry out the activities of the Commis-  
23 sion;

1           (7) seek, accept, and dispose of gifts, bequests,  
2           grants, or donations of money, personal property, or  
3           services;

4           (8) assist in—

5                 (A) developing educational, informational,  
6                 and interpretive programs and facilities; and

7                 (B) any other activities that may promote  
8                 the implementation of the management plan;

9           (9) use the United States mails in the same  
10          manner as other agencies of the Federal Govern-  
11          ment;

12          (10) establish any advisory groups that the  
13          Commission determines to be necessary; and

14          (11) adopt, amend, and enforce bylaws and  
15          rules governing the manner in which—

16                 (A) the business of the Commission may be  
17                 conducted; and

18                 (B) the powers vested in the Commission  
19                 may be exercised.

20          (h) DUTIES OF THE COMMISSION.—To further the  
21          purposes of the Heritage Area, the Commission shall—

22                 (1) in accordance with section 6, develop and  
23                 submit to the Secretary for approval a management  
24                 plan;

1           (2) assist units of local government, regional  
2           planning organizations, and nonprofit organizations  
3           in implementing the management plan by—

4                   (A) carrying out programs and projects  
5                   that recognize, protect, and enhance important  
6                   resource values within the Heritage Area;

7                   (B) establishing and maintaining interpre-  
8                   tive exhibits and programs within the Heritage  
9                   Area;

10                  (C) developing recreational and educational  
11                  opportunities in the Heritage Area;

12                  (D) increasing public awareness of, and  
13                  appreciation for, natural, historic, scenic, and  
14                  cultural resources of the Heritage Area;

15                  (E) protecting and restoring historic sites  
16                  and buildings in the Heritage Area that are  
17                  consistent with the themes of the Heritage  
18                  Area;

19                  (F) ensuring that clear, consistent, and ap-  
20                  propriate signs identifying points of public ac-  
21                  cess and sites of interest are posted throughout  
22                  the Heritage Area; and

23                  (G) promoting a wide range of partner-  
24                  ships among governments, organizations, and

1 individuals to further the purposes of the Herit-  
2 age Area;

3 (3) consider the interests of diverse units of  
4 government, businesses, organizations, and individ-  
5 uals in the Heritage Area in the development and  
6 implementation of the management plan;

7 (4) conduct meetings open to the public regard-  
8 ing the development and implementation of the man-  
9 agement plan;

10 (5) coordinate projects, activities, and programs  
11 with the Erie Canalway National Heritage Corridor;

12 (6) for any fiscal year for which Federal funds  
13 have been received by the Commission under this  
14 Act—

15 (A) submit an annual report to the Sec-  
16 retary that describes—

17 (i) the specific performance goals and  
18 accomplishments of the local coordinating  
19 entity;

20 (ii) the expenses and income of the  
21 local coordinating entity;

22 (iii) the amounts and sources of  
23 matching funds;

1 (iv) the amounts leveraged with Fed-  
2 eral funds and the sources of the  
3 leveraging; and

4 (v) any grants made to any other enti-  
5 ties during the fiscal year;

6 (B) make available to the Secretary for  
7 audit any records containing information relat-  
8 ing to the expenditure of Federal funds and any  
9 matching funds; and

10 (C) require, with respect to all agreements  
11 authorizing the expenditure of Federal funds by  
12 other organizations, that the organization re-  
13 ceiving the funds make available to the Sec-  
14 retary for audit all records and other informa-  
15 tion concerning the expenditure of the funds;

16 (7) encourage, by appropriate means and con-  
17 sistent with the purposes of the Heritage Area, the  
18 economic viability of the Heritage Area; and

19 (8) assist in the transition of the management  
20 of the Heritage Area from the Commission to the  
21 local coordinating entity designated under section  
22 4(d)(1)(B).

23 (i) COMPENSATION OF MEMBERS.—

24 (1) IN GENERAL.—A member of the Commis-  
25 sion shall serve without compensation.

1           (2) TRAVEL EXPENSES.—A member of the  
2           Commission shall be allowed travel expenses, includ-  
3           ing per diem in lieu of subsistence, at rates author-  
4           ized for an employee of an agency under subchapter  
5           I of chapter 57 of title 5, United States Code, while  
6           away from the home or regular place of business of  
7           the member in the performance of the duties of the  
8           Commission.

9           (j) GIFTS.—For purposes of section 170(c) of the In-  
10          ternal Revenue Code of 1986, any gift or charitable con-  
11          tribution to the Commission shall be considered to be a  
12          charitable contribution or gift to the United States.

13          (k) USE OF FEDERAL FUNDS.—Except as provided  
14          for the leasing of administrative facilities under subsection  
15          (g)(1), the Commission may not use Federal funds made  
16          available to the Commission under this Act to acquire any  
17          real property or interest in real property.

18          **SEC. 6. MANAGEMENT PLAN.**

19          (a) IN GENERAL.—Not later than 3 years after the  
20          date on which funds are first made available to carry out  
21          this Act, the Commission shall submit to the Secretary  
22          for approval a management plan for the Heritage Area.

23          (b) REQUIREMENTS.—The management plan shall—

1           (1) include comprehensive policies, strategies,  
2           and recommendations for conservation, funding,  
3           managing, and developing the Heritage Area;

4           (2) take into consideration existing State, coun-  
5           ty, and local plans;

6           (3) include a description of actions that govern-  
7           ments, private organizations, and individuals have  
8           agreed to take to protect the natural, historic, and  
9           cultural resources of the Heritage Area;

10          (4) identify any existing and potential sources  
11          of funding or economic development strategies to  
12          protect, manage, and develop the Heritage Area;

13          (5) include an inventory of the natural, historic,  
14          scenic, cultural, educational, and recreational re-  
15          sources of the Heritage Area relating to the themes  
16          of the Heritage Area that should be preserved, re-  
17          stored, managed, developed, or maintained;

18          (6) establish criteria and identify thematically  
19          related sites in Niagara and Erie Counties, New  
20          York, that—

21                 (A) may participate in the Heritage Area;

22                 and

23                 (B) shall be included in the boundary of  
24                 the Heritage Area;

1           (7) include recommended policies and strategies  
2           for resource management that consider the applica-  
3           tion of appropriate land and water management  
4           techniques, including the development of intergov-  
5           ernmental and interagency cooperative agreements  
6           to protect the natural, historic, scenic, cultural, edu-  
7           cational, and recreational resources of the Heritage  
8           Area;

9           (8) describe a program of implementation for  
10          the management plan, including a description of—

11                   (A) performance goals;

12                   (B) plans for resource protection, restora-  
13                   tion, interpretation, enhancement, management,  
14                   and development; and

15                   (C) any specific commitments for imple-  
16                   mentation that have been made by the local co-  
17                   ordinating entity or any government, organiza-  
18                   tion, or individual;

19          (9) include an analysis of, and recommenda-  
20          tions for ways in which, Federal, State, tribal, and  
21          local programs would best be coordinated to further  
22          the purposes of this Act, including an analysis of the  
23          role of the National Park Service in the Heritage  
24          Area;

1           (10) include an interpretive plan for the Herit-  
2           age Area;

3           (11) include a business plan that—

4                 (A) describes the role, operation, financing,  
5                 and functions of—

6                         (i) the local coordinating entity; and

7                         (ii) each of the major activities ad-  
8                         dressed in the management plan; and

9                 (B) provides adequate assurances that the  
10                 local coordinating entity has the partnerships  
11                 and financial and other resources necessary to  
12                 implement the management plan; and

13           (12) includes provisions for—

14                 (A) the designation under section  
15                 4(d)(1)(B) of a nonprofit or governmental orga-  
16                 nization as the local coordinating entity to ad-  
17                 minister the Heritage Area consistent with the  
18                 management plan; and

19                 (B) the transition of the management of  
20                 the Heritage Area from the Commission to the  
21                 organization designated as the local coordi-  
22                 nating entity at the end of the 5-year period  
23                 specified in section 4(d)(1)(A).

24           (c) TERMINATION OF FUNDING.—If the Commission  
25           does not submit the management plan to the Secretary

1 by the date that is 3 years after the date on which funds  
2 are first made available to carry out this Act, the local  
3 coordinating entity shall be ineligible to receive additional  
4 funding under this Act until the date on which the man-  
5 agement plan is submitted to and approved by the Sec-  
6 retary.

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

9 (1) IN GENERAL.—Not later than 180 days  
10 after the date of receipt of the management plan  
11 under subsection (a), the Secretary shall approve or  
12 disapprove the management plan.

13 (2) CONSIDERATIONS.—In determining whether  
14 to approve or disapprove the management plan  
15 under paragraph (1), the Secretary shall consider  
16 whether—

17 (A) the organization proposed to succeed  
18 the Commission as the local coordinating entity  
19 would be representative of the diverse interests  
20 of the Heritage Area, including governments,  
21 natural and historic resource protection organi-  
22 zations, educational institutions, businesses,  
23 and recreational organizations;

24 (B) the local coordinating entity has af-  
25 forded adequate opportunity for public and gov-

1           ernmental involvement, including public meet-  
2           ings, in the preparation of the management  
3           plan;

4           (C) the resource protection and interpreta-  
5           tion strategies contained in the management  
6           plan, if implemented, would adequately protect  
7           the natural, historic, and cultural resources of  
8           the Heritage Area;

9           (D) the Secretary has received adequate  
10          assurances from the appropriate State, tribal,  
11          and local officials whose support is needed to  
12          ensure the effective implementation of the  
13          State, tribal, and local aspects of the manage-  
14          ment plan; and

15          (E) the local coordinating entity has dem-  
16          onstrated the financial capability, in partner-  
17          ship with others, to carry out the plan.

18          (3) ACTION FOLLOWING DISAPPROVAL.—If the  
19          Secretary disapproves the management plan under  
20          paragraph (1), the Secretary shall—

21                 (A) advise the local coordinating entity in  
22                 writing of the reasons for the disapproval;

23                 (B) make recommendations for revisions to  
24                 the management plan; and

1 (C) not later than 180 days after the re-  
2 ceipt of any proposed revision of the manage-  
3 ment plan, approve or disapprove the proposed  
4 revision.

5 (e) AMENDMENTS.—

6 (1) IN GENERAL.—The Secretary shall review  
7 and approve any substantial amendments to the  
8 management plan in accordance with subsection (d).

9 (2) USE OF FUNDS.—Funds made available  
10 under this Act shall not be expended by the local co-  
11 ordinating entity to implement any changes made by  
12 an amendment described in paragraph (1) until the  
13 Secretary approves the amendment.

14 **SEC. 7. DUTIES AND AUTHORITIES OF THE SECRETARY.**

15 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—

16 (1) IN GENERAL.—On request of the local co-  
17 ordinating entity, the Secretary may provide tech-  
18 nical and financial assistance, on a reimbursable or  
19 nonreimbursable basis, to the Heritage Area for the  
20 development and implementation of the management  
21 plan.

22 (2) COOPERATIVE AGREEMENTS.—The Sec-  
23 retary may enter into cooperative agreements with  
24 the local coordinating entity and other public or pri-

1 vate entities to provide assistance under paragraph  
2 (1).

3 (3) PRIORITY FOR ASSISTANCE.—In providing  
4 assistance under paragraph (1), the Secretary shall  
5 give priority to actions that assist in—

6 (A) conserving the significant natural, his-  
7 toric, scenic, and cultural resources of the Her-  
8 itage Area; and

9 (B) providing educational, interpretive, and  
10 recreational opportunities, consistent with the  
11 purposes of the Heritage Area.

12 (b) DETAIL OF DEPARTMENT OF THE INTERIOR EM-  
13 PLOYEES.—

14 (1) IN GENERAL.—On request of the Commis-  
15 sion, the Secretary may detail to the Commission for  
16 each fiscal year in which the Commission is in exist-  
17 ence, on a nonreimbursable basis, 2 employees of the  
18 Department of the Interior to enable the Commis-  
19 sion to carry out the duties of the Commission.

20 (2) CIVIL SERVICE STATUS.—The detail of an  
21 employee under paragraph (1) shall be without inter-  
22 ruption or loss of civil service status or privilege.

23 (c) REPORT.—Not later than the date that is 3 years  
24 before the date on which the authority of the Secretary  
25 terminates under section 11, the Secretary shall submit

1 to the Committee on Resources of the House of Represent-  
2 atives and the Committee on Energy and Natural Re-  
3 sources of the Senate a report that includes—

4 (1) an evaluation of the accomplishments and  
5 sustainability of the Heritage Area; and

6 (2) any recommendations of the Secretary with  
7 respect to the future management of the Heritage  
8 Area.

9 **SEC. 8. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

10 (a) **IN GENERAL.**—This Act shall not affect the au-  
11 thority of any Federal official to provide technical or fi-  
12 nancial assistance under any other law.

13 (b) **CONSULTATION AND COORDINATION.**—The head  
14 of any Federal agency planning to conduct an activity that  
15 may have an impact on the Heritage Area shall, to the  
16 maximum extent practicable—

17 (1) consult with the Secretary and the local co-  
18 ordinating entity regarding the activity; and

19 (2) coordinate the activity with the Secretary  
20 and the local coordinating entity.

21 (c) **EFFECT ON OTHER FEDERAL AGENCIES.**—Noth-  
22 ing in this Act—

23 (1) modifies, alters, or amends any law (includ-  
24 ing a regulation) authorizing a Federal agency to

1 manage Federal land under the jurisdiction of the  
2 Federal agency;

3 (2) limits the discretion of a Federal land man-  
4 ager to implement an approved land use plan within  
5 the boundaries of the Heritage Area; or

6 (3) modifies, alters, or amends any authorized  
7 use of Federal land under the jurisdiction of a Fed-  
8 eral agency.

9 **SEC. 9. PROTECTIONS FOR PROPERTY OWNERS.**

10 Nothing in this Act—

11 (1) abridges the rights of any owner of public  
12 or private property, including the right to refrain  
13 from participating in any plan, project, program, or  
14 activity conducted within the Heritage Area;

15 (2) requires any property owner to permit pub-  
16 lic access (including access by Federal, tribal, State,  
17 or local government agencies) to the property;

18 (3) modifies any provision of Federal, tribal,  
19 State, or local law with regard to public access to,  
20 or use of, private land;

21 (4) alters any land use regulation, approved  
22 land use plan, or other regulatory authority of any  
23 Federal, tribal, State, or local agency;

24 (5) provides any land use or other regulatory  
25 authority to any local coordinating entity;

1           (6) authorizes the reservation or appropriation  
2 of water or water rights;

3           (7) diminishes the authority of the State to  
4 manage fish and wildlife, including the regulation of  
5 fishing and hunting within the Heritage Area; or

6           (8) creates any liability, or affects any liability  
7 under any other law, of any private property owner  
8 with respect to any persons injured on the private  
9 property.

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

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

15       (b) COST-SHARING REQUIREMENT.—The Federal  
16 share of the cost of any activity carried out using any as-  
17 sistance made available under this Act shall be not more  
18 than 50 percent.

19 **SEC. 11. TERMINATION OF AUTHORITY.**

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

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