

111TH CONGRESS
1ST SESSION

S. 185

To establish the Sangre de Cristo National Heritage Area in the State of Colorado, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 8, 2009

Mr. SALAZAR (for himself and Mr. UDALL of Colorado) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish the Sangre de Cristo National Heritage Area in the State of Colorado, 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 “Sangre de Cristo Na-
5 tional Heritage Area Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) HERITAGE AREA.—The term “Heritage
9 Area” means the Sangre de Cristo National Herit-
10 age Area established by section 3(a).

1 (2) MANAGEMENT ENTITY.—The term “man-
2 agement entity” means the management entity for
3 the Heritage Area designated by section 3(d).

4 (3) MANAGEMENT PLAN.—The term “manage-
5 ment plan” means the management plan for the
6 Heritage Area required under section 5.

7 (4) MAP.—The term “map” means the map en-
8 titled “Proposed Sangre De Cristo National Herit-
9 age Area” and dated November 2005.

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

12 (6) STATE.—The term “State” means the State
13 of Colorado.

14 **SEC. 3. SANGRE DE CRISTO NATIONAL HERITAGE AREA.**

15 (a) ESTABLISHMENT.—There is established in the
16 State the Sangre de Cristo National Heritage Area.

17 (b) BOUNDARIES.—The Heritage Area shall consist
18 of—

19 (1) the counties of Alamosa, Conejos, and
20 Costilla; and

21 (2) the Monte Vista National Wildlife Refuge,
22 the Baca National Wildlife Refuge, the Great Sand
23 Dunes National Park and Preserve, and other areas
24 included in the map.

25 (c) MAP.—A map of the Heritage Area shall be—

1 (1) included in the management plan; and

2 (2) on file and available for public inspection in
3 the appropriate offices of the National Park Service.

4 (d) MANAGEMENT ENTITY.—

5 (1) IN GENERAL.—The management entity for
6 the Heritage Area shall be the Sangre de Cristo Na-
7 tional Heritage Area Board of Directors.

8 (2) MEMBERSHIP REQUIREMENTS.—Members
9 of the Board shall include representatives from a
10 broad cross-section of the individuals, agencies, orga-
11 nizations, and governments that were involved in the
12 planning and development of the Heritage Area be-
13 fore the date of enactment of this Act.

14 **SEC. 4. ADMINISTRATION.**

15 (a) AUTHORITIES.—For purposes of carrying out the
16 management plan, the Secretary, acting through the man-
17 agement entity, may use amounts made available under
18 this Act to—

19 (1) make grants to the State or a political sub-
20 division of the State, nonprofit organizations, and
21 other persons;

22 (2) enter into cooperative agreements with, or
23 provide technical assistance to, the State or a polit-
24 ical subdivision of the State, nonprofit organizations,
25 and other interested parties;

1 (3) hire and compensate staff, which shall in-
2 clude individuals with expertise in natural, cultural,
3 and historical resources protection, and heritage pro-
4 gramming;

5 (4) obtain money or services from any source
6 including any that are provided under any other
7 Federal law or program;

8 (5) contract for goods or services; and

9 (6) undertake to be a catalyst for any other ac-
10 tivity that furthers the Heritage Area and is con-
11 sistent with the approved management plan.

12 (b) DUTIES.—The management entity shall—

13 (1) in accordance with section 5, prepare and
14 submit a management plan for the Heritage Area to
15 the Secretary;

16 (2) assist units of local government, regional
17 planning organizations, and nonprofit organizations
18 in carrying out the approved management plan by—

19 (A) carrying out programs and projects
20 that recognize, protect, and enhance important
21 resource values in the Heritage Area;

22 (B) establishing and maintaining interpre-
23 tive exhibits and programs in the Heritage
24 Area;

1 (C) developing recreational and educational
2 opportunities in the Heritage Area;

3 (D) increasing public awareness of, and
4 appreciation for, natural, historical, scenic, and
5 cultural resources of the Heritage Area;

6 (E) protecting and restoring historic sites
7 and buildings in the Heritage Area that are
8 consistent with Heritage Area themes;

9 (F) ensuring that clear, consistent, and ap-
10 propriate signs identifying points of public ac-
11 cess, and sites of interest are posted throughout
12 the Heritage Area; and

13 (G) promoting a wide range of partner-
14 ships among governments, organizations, and
15 individuals to further the Heritage Area;

16 (3) consider the interests of diverse units of
17 government, businesses, organizations, and individ-
18 uals in the Heritage Area in the preparation and im-
19 plementation of the management plan;

20 (4) conduct meetings open to the public at least
21 semiannually regarding the development and imple-
22 mentation of the management plan;

23 (5) for any year that Federal funds have been
24 received under this Act—

1 (A) submit an annual report to the Sec-
2 retary that describes the activities, expenses,
3 and income of the management entity (includ-
4 ing grants to any other entities during the year
5 that the report is made);

6 (B) make available to the Secretary for
7 audit all records relating to the expenditure of
8 the funds and any matching funds;

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

15 (6) encourage by appropriate means economic
16 viability that is consistent with the Heritage Area.

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

21 (d) COST-SHARING REQUIREMENT.—The Federal
22 share of the cost of any activity carried out using any as-
23 sistance made available under this Act shall be 50 percent.

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

2 (a) IN GENERAL.—Not later than 3 years after the
3 date of enactment of this Act, the management entity shall
4 submit to the Secretary for approval a proposed manage-
5 ment plan for the Heritage Area.

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

7 (1) incorporate an integrated and cooperative
8 approach for the protection, enhancement, and inter-
9 pretation of the natural, cultural, historic, scenic,
10 and recreational resources of the Heritage Area;

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

13 (3) include—

14 (A) an inventory of—

15 (i) the resources located in the core
16 area described in section 3(b); and

17 (ii) any other property in the core
18 area that—

19 (I) is related to the themes of the
20 Heritage Area; and

21 (II) should be preserved, re-
22 stored, managed, or maintained be-
23 cause of the significance of the prop-
24 erty;

25 (B) comprehensive policies, strategies and
26 recommendations for conservation, funding,

1 management, and development of the Heritage
2 Area;

3 (C) a description of actions that govern-
4 ments, private organizations, and individuals
5 have agreed to take to protect the natural, his-
6 torical and cultural resources of the Heritage
7 Area;

8 (D) a program of implementation for the
9 management plan by the management entity
10 that includes a description of—

11 (i) actions to facilitate ongoing col-
12 laboration among partners to promote
13 plans for resource protection, restoration,
14 and construction; and

15 (ii) specific commitments for imple-
16 mentation that have been made by the
17 management entity or any government, or-
18 ganization, or individual for the first 5
19 years of operation;

20 (E) the identification of sources of funding
21 for carrying out the management plan;

22 (F) analysis and recommendations for
23 means by which local, State, and Federal pro-
24 grams, including the role of the National Park

1 Service in the Heritage Area, may best be co-
2 ordinated to carry out this Act; and

3 (G) an interpretive plan for the Heritage
4 Area; and

5 (4) recommend policies and strategies for re-
6 source management that consider and detail the ap-
7 plication of appropriate land and water management
8 techniques, including the development of intergov-
9 ernmental and interagency cooperative agreements
10 to protect the natural, historical, cultural, edu-
11 cational, scenic, and recreational resources of the
12 Heritage Area.

13 (c) DEADLINE.—If a proposed management plan is
14 not submitted to the Secretary by the date that is 3 years
15 after the date of enactment of this Act, the management
16 entity shall be ineligible to receive additional funding
17 under this Act until the date that the Secretary receives
18 and approves the management plan.

19 (d) APPROVAL OR DISAPPROVAL OF MANAGEMENT
20 PLAN.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date of receipt of the management plan
23 under subsection (a), the Secretary, in consultation
24 with the State, shall approve or disapprove the man-
25 agement plan.

1 (2) CRITERIA FOR APPROVAL.—In determining
2 whether to approve the management plan, the Sec-
3 retary shall consider whether—

4 (A) the management entity is representa-
5 tive of the diverse interests of the Heritage
6 Area, including governments, natural and his-
7 toric resource protection organizations, edu-
8 cational institutions, businesses, and rec-
9 reational organizations;

10 (B) the management entity has afforded
11 adequate opportunity, including public hearings,
12 for public and governmental involvement in the
13 preparation of the management plan; and

14 (C) the resource protection and interpreta-
15 tion strategies contained in the management
16 plan, if implemented, would adequately protect
17 the natural, historical, and cultural resources of
18 the Heritage Area.

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

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

24 (B) make recommendations for revisions to
25 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 from the management entity, ap-
4 prove or disapprove the proposed revision.

5 (4) AMENDMENTS.—

6 (A) IN GENERAL.—The Secretary shall ap-
7 prove or disapprove each amendment to the
8 management plan that the Secretary determines
9 make a substantial change to the management
10 plan.

11 (B) USE OF FUNDS.—The management
12 entity shall not use Federal funds authorized by
13 this Act to carry out any amendments to the
14 management plan until the Secretary has ap-
15 proved the amendments.

16 **SEC. 6. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

17 (a) IN GENERAL.—Nothing in this Act affects the au-
18 thority of a Federal agency to provide technical or finan-
19 cial assistance under any other law.

20 (b) CONSULTATION AND COORDINATION.—The head
21 of any Federal agency planning to conduct activities that
22 may have an impact on the Heritage Area is encouraged
23 to consult and coordinate the activities with the Secretary
24 and the management entity to the maximum extent prac-
25 ticable.

1 (c) OTHER FEDERAL AGENCIES.—Nothing in this
2 Act—

3 (1) modifies, alters, or amends any law or regu-
4 lation authorizing a Federal agency to manage Fed-
5 eral land under the jurisdiction of the Federal agen-
6 cy;

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

10 (3) modifies, alters, or amends any authorized
11 use of Federal land under the jurisdiction of a Fed-
12 eral agency.

13 **SEC. 7. PRIVATE PROPERTY AND REGULATORY PROTEC-**
14 **TIONS.**

15 Nothing in this Act—

16 (1) abridges the rights of any property owner
17 (whether public or private), including the right to re-
18 frain from participating in any plan, project, pro-
19 gram, or activity conducted within the Heritage
20 Area;

21 (2) requires any property owner to permit pub-
22 lic access (including access by Federal, State, or
23 local agencies) to the property of the property
24 owner, or to modify public access or use of property

1 of the property owner under any other Federal,
2 State, or local law;

3 (3) alters any duly adopted land use regulation,
4 approved land use plan, or other regulatory author-
5 ity of any Federal, State or local agency, or conveys
6 any land use or other regulatory authority to the
7 management entity;

8 (4) authorizes or implies the reservation or ap-
9 propriation of water or water rights;

10 (5) diminishes the authority of the State to
11 manage fish and wildlife, including the regulation of
12 fishing and hunting within the Heritage Area; or

13 (6) creates any liability, or affects any liability
14 under any other law, of any private property owner
15 with respect to any person injured on the private
16 property.

17 **SEC. 8. EVALUATION; REPORT.**

18 (a) IN GENERAL.—Not later than 3 years before the
19 date on which authority for Federal funding terminates
20 for the Heritage Area, the Secretary shall—

21 (1) conduct an evaluation of the accomplish-
22 ments of the Heritage Area; and

23 (2) prepare a report in accordance with sub-
24 section (c).

1 (b) EVALUATION.—An evaluation conducted under
2 subsection (a)(1) shall—

3 (1) assess the progress of the management enti-
4 ty with respect to—

5 (A) accomplishing the purposes of this Act
6 for the Heritage Area; and

7 (B) achieving the goals and objectives of
8 the approved management plan for the Heritage
9 Area;

10 (2) analyze the Federal, State, local, and pri-
11 vate investments in the Heritage Area to determine
12 the leverage and impact of the investments; and

13 (3) review the management structure, partner-
14 ship relationships, and funding of the Heritage Area
15 for purposes of identifying the critical components
16 for sustainability of the Heritage Area.

17 (c) REPORT.—

18 (1) IN GENERAL.—Based on the evaluation con-
19 ducted under subsection (a)(1), the Secretary shall
20 prepare a report that includes recommendations for
21 the future role of the National Park Service, if any,
22 with respect to the Heritage Area.

23 (2) REQUIRED ANALYSIS.—If the report pre-
24 pared under paragraph (1) recommends that Fed-

1 eral funding for the Heritage Area be reauthorized,
2 the report shall include an analysis of—

3 (A) ways in which Federal funding for the
4 Heritage Area may be reduced or eliminated;
5 and

6 (B) the appropriate time period necessary
7 to achieve the recommended reduction or elimi-
8 nation.

9 (3) SUBMISSION TO CONGRESS.—On completion
10 of the report, the Secretary shall submit the report
11 to—

12 (A) the Committee on Energy and Natural
13 Resources of the Senate; and

14 (B) the Committee on Natural Resources
15 of the House of Representatives.

16 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

17 There is authorized to be appropriated to carry out
18 this Act \$10,000,000, of which not more than \$1,000,000
19 may be made available for any fiscal year.

20 **SEC. 10. TERMINATION OF AUTHORITY.**

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

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