

# appendix a

## an act

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To establish the Little Colorado River Valley National Heritage Area.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SEC. 1. SHORT TITLE.

This Act may be cited as the 'Little Colorado River Valley National Heritage Area Act.'

### SEC. 2. DEFINITIONS.

In this Act:

- (1) HERITAGE AREA - The term 'heritage area' means the Little Colorado River Valley National Heritage Area established by section 4.
- (2) LOCAL COORDINATING ENTITY - The term 'local coordinating entity' means the Little Colorado Heritage Partnership or a successor of the Little Colorado Heritage Partnership.
- (3) MANAGEMENT PLAN - The term 'management plan' means the management plan for the Little Colorado River Valley National Heritage Area.
- (4) SECRETARY - The term 'Secretary' means the Secretary of the Interior.
- (5) STATES - The term "states" means the States of Arizona and New Mexico.

### SEC. 3. FINDINGS AND PURPOSE.

- (a) FINDINGS - Congress finds that -
  - (1) the natural, cultural, and historic heritage of the Little Colorado River Valley in Northeast Arizona and Western New Mexico is nationally significant;
  - (2) within the entire Little Colorado River watershed are places that witnessed and continue to demonstrate -

- (A) the unique and varied landscape of the American Southwest which is viewed as sacred by many Native American tribes and awe-inspiring to most residents and visitors;
  - (B) the pattern and lasting legacy of ancient Native American trading trails and networks followed by American exploration and expansion during the 19<sup>th</sup> century which included overland trails, roads, and the development of the railroad;
  - (C) the ancient and modern homeland of three distinct Native American tribes (Navajo, Hopi, and Zuni);
  - (D) the sophisticated forms of agriculture developed by Native Americans for the unique and challenging climate of the region as well as the impact of Anglo-American logging, ranching, and mining in the earlier settlement and modern-day economy of the region;
  - (E) past human cultures and lifestyles through a rich and varied archaeological record, including sites that are still important in the religious practices of modern-day Native American tribes;
  - (F) the practice of fine arts and crafts in a style that is recognized both nationally and internationally as distinct to the American Southwest; and
  - (G) opportunities for diverse outdoor recreation experiences in an environmental setting that cannot be found in other parts of the country
- (3) the natural, cultural, and historic resources within the Little Colorado River watershed are significant in number and retain a degree of integrity high enough to afford them a position of high value in local communities as well as the possibility of being places, events, or activities that can enable visitors to understand and appreciate the character of the Little Colorado River region; and
  - (4) the Little Colorado River watershed demonstrates a unique and lasting contribution to the development of the United States as a whole.
- (b) PURPOSE - The purpose of this subtitle is to establish the Heritage Area to -
    - (1) foster a close working relationship among the private sector, residents, non-profit organizations, tribal and local governments, and state and federal agencies; and
    - (2) encourage the support, promotion, interpretation, and enhancement of the heritage of communities in the Little Colorado River watershed through voluntary means while strengthening local economic opportunities.

#### SEC. 4. LITTLE COLORADO RIVER VALLEY NATIONAL HERITAGE AREA.

- (a) ESTABLISHMENT - There is hereby established the Little Colorado River Valley National Heritage Area.
- (b) BOUNDARIES - The Heritage Area shall be composed of the natural, geophysical watershed of the Little Colorado River, with minor adjustments, as identified on the map entitled "Little Colorado River Valley National Heritage Area," numbered \_\_\_\_\_ and dated \_\_\_\_\_.

- (c) LOCAL COORDINATING ENTITY - The Little Colorado Heritage Partnership, a non-profit corporation chartered in the State of Arizona, shall serve as the management entity for the heritage area.
- (d) NATIONAL PARK SERVICE - The heritage area shall not be deemed to be a unit of the National Park System.

#### SEC. 5. MANAGEMENT PLAN.

A management plan submitted under this Act for the national heritage area shall present recommendations for the funding, conservation, interpretation, enhancement, and promotion of heritage resources within the area.

- (a) The management plan shall -
  - (1) be based on existing federal, tribal, state, and local plans and provide for a cooperative and coordinated approach to the enhancement, conservation, interpretation, and promotion of natural, cultural, historic, and recreational resources in the heritage area;
  - (2) ensure private property rights are observed;
  - (3) involve residents, non-profit organizations, the private sector, tribal and local governments, and state and federal agencies during the development of the plan;
  - (4) support the continued development of local economies;
  - (5) identify existing and potential sources of funding; and
  - (6) be submitted to the Secretary for approval no later than three (3) years after the date of enactment of this Act.
- (b) The Secretary shall -
  - (1) Approve or disapprove the plan no later than 120 days after receipt of the plan.
  - (2) Notify the local coordinating entity upon disapproval of the plan and shall provide -
    - (A) reasons for disapproval; and
    - (B) recommendations for revision.
- (c) The local coordinating entity may revise and submit the management plan until the plan is approved by the Secretary.

#### SEC. 6. AUTHORITY AND DUTIES OF THE LOCAL COORDINATING ENTITY.

- (a) AUTHORITIES - The local coordinating entity may, for the purposes of preparing and implementing the management plan, use funds made available through this Act to -
  - (1) make grants to, and enter into cooperative agreements with, States or their political subdivisions, federal agencies, tribal governments or their political subdivisions, private organizations, or any person;
  - (2) hire and compensate staff; and
  - (3) enter into contracts for goods and services.
- (b) DUTIES - The local coordinating entity shall -
  - (1) develop and submit to the Secretary for approval a proposed management plan as described in section 5 no later than three (3) years after the date of enactment of this Act

- (2) hold public meetings regarding the implementation of the management plan at least annually
  - (3) conduct all activities of the heritage area within the confines of private property rights and the land use plans of federal, state, tribal, and local governments
  - (4) coordinate the individualized efforts of residents, non-profit organizations, the private sector, tribal and local governments, and state and federal agencies in—
    - (A) establishing and maintaining interpretive exhibits in the heritage area
    - (B) developing and maintaining outdoor recreational opportunities in the heritage area
    - (C) increasing public awareness and appreciation for the natural and cultural resources in the heritage area
    - (D) promoting events and attractions based on traditions and cultural lifestyles, when appropriate, and natural resources of the heritage area
    - (E) rehabilitation or protection of archaeological sites, historic structures, and natural places within the heritage area if requested by the owner
    - (F) carrying out other activities that the local coordinating entity agrees are appropriate to fulfill the purposes of this Act and that are consistent with the management plan.
- (c) ANNUAL REPORTS AND AUDITS
- (1) For any year in which the local coordinating entity receives Federal funds under this Act, the local coordinating entity shall submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each entity to which any grant was made by the management entity.
  - (2) The local coordinating entity shall make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds. The management entity shall also require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organization make available to the Secretary for audit all records concerning the expenditure of those funds.

## SEC. 7. DUTIES OF THE SECRETARY.

- (a) IN GENERAL – The Secretary and the heads of other Federal agencies shall, upon request of the local coordinating entity, assist the local coordinating entity in the preparation and implementation of the management plan described in section 5. The Secretary and heads of other Federal agencies may –
- (1) award grants
  - (2) provide technical assistance and planning and design services
  - (3) offer office space and equipment

- (4) enter into cooperative agreements with the local coordinating entity or others for the purposes of conserving, interpreting, or enhancing natural and cultural resources in the heritage area.
- (b) PROHIBITION OF CERTAIN REQUIREMENTS – The Secretary or heads of other Federal agencies may not, as a condition of the award of the assistance in section 7(a), require any recipient of the assistance to enact or modify any land use restriction.

#### SEC. 8. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY

- (a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED – No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the local coordinating entity and has given written consent for such preservation, conservation, or promotion to the coordinating entity.
- (b) LACK OF EFFECT – No privately owned property shall be considered to be affected or required to comply with any project or plan of the local coordinating entity unless such owners directly and explicitly request, in writing, to be included in the specific project or plan.

#### SEC. 9 PRIVATE PROPERTY PROTECTIONS; SAVINGS PROVISIONS

- (a) ACCESS TO PRIVATE PROPERTY – Nothing in this Act shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this subtitle shall be construed to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.
- (b) LIABILITY- Designation of the heritage area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.
- (c) RECOGNITION OF LACK OF AUTHORITY TO CONTROL LAND USE – Nothing in this Act shall be construed to modify, enlarge, or diminish any authority of Federal, State, or local governments to regulate land use nor shall it be construed to grant the powers of zoning, land use, or condemnation to the local coordinating entity.
- (d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA – Nothing in this Act shall be construed to require the owner of any private property located within the boundaries of the heritage area to participate in or be associated with the heritage area.
- (e) COOPERATION AND AWARDS OF ASSISTANCE – The local coordinating entity may not, as a condition of cooperation or awarding of technical or financial assistance, require any partner in cooperation or recipient of assistance to enact or modify any land use restriction.

- (f) ACQUISITION OF REAL PROPERTY – The local coordinating entity may not use Federal funds received under this Act to acquire real property or an interest in real property.
- (g) REGULATIONS AND STANDARDS – Nothing in this Act shall –
  - (1) be considered to impose or form the basis for imposition of any environmental, occupational, safety, or other rule, regulation, standard, license, or permit process that is different from those that would be applicable had the heritage area not been established; and
  - (2) authorize or imply the reservation or appropriation of water or water rights for any purpose as a result of the establishment of this heritage area.
- (h) EFFECT OF ESTABLISHMENT – The boundaries designated for the heritage area represent the area within which Federal funds appropriated for the purpose of this subtitle shall be expended. The establishment of the heritage area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the heritage area or its viewshed by the Secretary, the National Park Service, or the local coordinating entity.
- (i) TRIBAL LANDS – Nothing in this Act shall restrict or limit a tribe from protecting cultural or religious sites on tribal lands.
- (j) TRUST RESPONSIBILITIES – Nothing in this Act shall diminish the Federal Government’s trust responsibilities or government-to-government obligations to any federally recognized Indian tribe.
- (k) FISH AND WILDLIFE – Nothing in this Act shall diminish the authority of the State or tribal governments to manage fish and wildlife, including the regulation of fishing and hunting within the heritage area.

#### SEC. 10. SUNSET

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

#### SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

- (a) IN GENERAL - There is authorized to be appropriated to carry out this Act \$10,000,000 of which not more than \$1,000,000 may be authorized to be appropriated for any fiscal year.
- (b) 50 PERCENT MATCH - Federal funding provided under this Act may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this Act.