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Heritage Areas: Background, Proposals, and Current Issues

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Summary

Over the past 20 years, Congress has

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Heritage Areas: Background, Proposals, and Current Issues

Most Recent Developments

For FY2007, the President requested \$7.4 million for the NPS for Heritage Partnership Programs, a 44% decrease from the \$13.3 million appropriated for FY2006. The President also proposed combining the Heritage Partnership Program with the Preserve America and Save America's Treasures programs to form the American Heritage and Preservation Partnership Program, under the Historic Preservation Fund. In the FY2007 Interior appropriations bill (H.R. 5386), the House approved \$13.9 million for the NPS for national heritage areas. The House did not support combining funding for heritage areas within the Historic Preservation Fund.

Background

Over the last two decades, Congress has designated 27 National Heritage Areas (NHAs) to recognize and assist efforts to protect, commemorate, and promote natural, cultural, historic, and recreational resources that form distinctive landscapes. Congress has established heritage areas for lands that are regarded as distinctive because of their resources, their built environment, and the culture and history

National Heritage Area	State	Date of Authorization	Enabling Legislation
National Aviation Heritage Area	OH/IN	Dec. 8, 2004	P.L. 108-447
Oil Region NHA	PA	Dec. 8, 2004	P.L. 108-447
Mississippi Gulf Coast NHA	MS	Dec. 8, 2004	P.L. 108-447

Sources: P.L. 108-447, and U.S. Dept. of the Interior, National Park Service, *Heritage Areas: Legislative Citations*, at [<http://www.cr.nps.gov/heritageareas/INFO/legisindex.HTM>], visited March 8, 2006; and U.S. Dept. of the Interior, National Park Service, *Budget Justifications and Performance Information, Fiscal Year 2004* (Washington, DC: 2003), page NR&P 83.

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resource preservation, and local (rather than federal) control of land. At hearings early in the 109th Congress, however, the Administration recommended deferring action on certain bills seeking to establish heritage areas, despite favorable studies of the areas, until systemic NHA legislation was enacted. (See “Legislative Activity,” below.) In the past few Congresses, many proposals to designate heritage areas or study lands for heritage status have been introduced, and Congress has held many hearings on heritage bills and issues. More than 40 bills introduced in the 109th Congress, and the approximately 60 proposals introduced in the 108th Congress, to designate heritage areas or study lands for heritage status indicate a continued high level of congressional interest in NHAs. The sizeable number of existing NHAs, together with the substantial number of proposals to study and designate new ones, has fostered interest by some Members and the Administration in establishing a standardized process and criteria for designating NHAs. (See “Legislative Activity,” below.) However, some opponents believe NHAs present such numerous problems and challenges that Congress should oppose any efforts to designate new areas and/or to create a “system” of NHAs. (See “Support, Opposition, and Challenges,” below.)

In addition to the federal heritage areas, other heritage areas have been designated by local governments or announcements by local preservation groups, and a number of states have developed their own heritage area programs. Further, a White House initiative, *Preserve America* (Executive Order 13287, March 3, 2003), directs federal agencies to improve management of historic properties through adaptive reuse initiatives and to promote heritage tourism through partnerships with communities. The first Preserve America grants, awarded on March 9, 2006, included grants for nine projects within NHAs.¹ These grants were provided on a

¹ For information on the Preserve America initiative, see [<http://www.preserveamerica.gov/>].

The management entity usually develops and implements a plan for managing the NHA, in collaboration with partners and other interested parties. While the components of the plans vary, in accordance with the authorizing legislation and local needs, they often identify resources and themes; lay out policies and implementation strategies for protection, use, and public education; describe needed restoration of physical sites; discuss recreational opportunities; outline funding goals and possibilities; and define the roles and responsibilities of partners. Once the Secretary of the Interior approves a plan, it essentially becomes the blueprint for managing the heritage area and is implemented as funding and resources are available. Implementation of management plans is accomplished primarily through voluntary actions.

NHAs might receive funding to prepare and implement their plans from a wide array of sources, including philanthropic organizations, endowments, individuals, businesses, and governments.

² The data reflect funding for 22 of the then existing 24 heritage areas. See GAO, *National Park Service: A More Systematic Process for Establishing National Heritage Areas and Actions to Improve Their Accountability Are Needed*, GAO-04-593T, Summary (Washington, DC, March 30, 2004), at [<http://www.gao.gov/>] on June 5, 2006.

³ See Alliance of National Heritage Areas, *Telling America's Story: Annual Report 2005*, p. 10, at [<http://www.nationalheritageareas.org/reports.htm>] on June 5, 2006.

⁴ Testimony of Paul Hoffman, U.S. Dept. of the Interior, before the Senate Energy and (continued...)

federal government. They are concerned that localities have to obtain the approval of the Secretary of the Interior for heritage area management plans and believe that some plans are overly prescriptive in regulating details of private property use (e.g., the species of trees that landowners can plant). Another concern of opponents is that NHA lands may one day be targeted for pur

⁶ Information on challenges to NHA success is found in Jane Daly, "Heritage Areas: Connecting People to their Place and History," *Forum Journal (Journal of the National Trust for Historic Preservation)*, vol. 17, no. 4 (summer 2003), pp. 5-12.

each heritage area management plan to include a business plan demonstrating financial capability to carry out the plan. This business plan was intended to foster self-sufficiency of NHAs.⁷ Similar provisions are included in one bill which passed the Senate in the 109th Congress and another which has been introduced in the House. (See “Legislative Activity,” below.)

Once a heritage area is designated by Congress, the NPS typically enters into a cooperative agreement, or *compact*, with the designated management entity, often comprised of local activists, to help plan and organize the area. The compact outlines the goals for the heritage area and defines the roles and contributions of the NPS and other partners, typically setting out the parameters of the NPS’s technical assistance. It also serves as the legal vehicle for channeling federal funds to non-governmental management entities.

At congressional direction, the NPS also prepares studies as to whether areas are suitable for designating as NHAs. The NPS often testifies before Congress on the results of these studies. The studies typically address a variety of topics, including whether an area has resources reflecting aspects of American heritage that are worthy of recognition, conservation, and continued use. They usually discuss whether an area would benefit from being managed through a public-private partnership, and if there is a community of residents, businesses, nonprofit organizations, and state and local agencies that would work to support a heritage area.

Administration representatives have testified in support of developing systemic NHA legislation to list the qualities a prospective area must possess and the parameters under which designation could occur. At a March 30, 2004 hearing of a

⁷ Testimony of A. Durand Jones, National Park Service, U.S. Dept. of the Interior, before the Senate Energy and Natural Resources Subcommittee on National Parks, March 30, 2004, at [<http://energy.senate.gov/hearings/witnesslist.cfm?id=1128>] on June 5, 2006.

⁸ Ibid.

⁹ Testimony of A. Durand Jones, National Park Service, U.S. Dept. of the Interior, before the Senate Energy and Natural Resources Subcommittee on National Parks, June 24, 2004, at [http://energy.senate.gov/hearings/testimony.cfm?id=1243&wit_id=169] on June 5, 2006.

Atchafalaya NHA, Arabia Mountain NHA, Mormon Pioneer NHA, Bleeding Kansas NHA, Upper Housatonic Valley NHA, Champlain Valley National Heritage Partnership, Great Basin National Heritage Route, Gullah/Geechee Heritage Corridor, and Crossroads of the American Revolution NHA. The bill also would authorize studies of the suitability and feasibility of establishing three other areas: the Western Reserve NHA, St. Croix NHA, and Southern Campaign of the Revolution NHA. Further, it would amend the Illinois and Michigan Canal National Heritage Corridor regarding transition of the management entity from a federal commission to a nonprofit organization; such provisions were incorporated into H.R. 938 and H.R. 2099 as passed by the House.

Five bills to designate heritage areas and/or study areas for possible heritage designation have passed the House. H.R. 412 would authorize a study of whether to establish the Western Reserve NHA. H.R. 2099 would designate the Arabia Mountain NHA. H.R. 694 would designate the Gullah/Geechee Cultural Heritage Area. H.R. 5311 would designate the Upper Housatonic Valley NHA. H.R. 938 would authorize a study of whether to establish the St. Croix NHA and designate the Northern Rio Grande and Upper Housatonic Valley NHAs. Other bills to designate heritage areas or study specific areas for possible heritage status have been introduced. Some of them would create heritage “corridors,” “routes,” or “partnerships.” A number of existing heritage areas have similar titles, and the NPS considers all of them to be NHAs.

Other pending legislation would amend existing heritage areas. H.R. 3843 would amend the boundary of the South Carolina National Heritage Corridor to include three counties, with related changes to the area’s management plan. As introduced, H.R. 326 and S. 505 would amend the boundary of the Yuma Crossing NHA, and the House bill also would extend the authority of the Secretary of the Interior to provide assistance from 2015 until 2020. H.R. 326 passed the House with an amendment to strike the extension for the Secretary to provide assistance. The bill was reported without amendment by the Senate Energy and Natural Resources Committee on April 20, 2006. In earlier action, a Senate subcommittee held a hearing on S. 505. H.R. 1205 and S. 574 seek to amend the Quinebaug and

Title	State	Type	Bill Number	Status
Journey Through Hallowed Ground NHA Act	MD, PA, VA, WV	Desig.	H.R. 5195/S. 2645	Introduced
Land Between the Rivers Southern Illinois NHA Act	IL	Desig.	S. 2985	Introduced
Mississippi River NHA Act	MS	Desig.	S. 1721	Introduced
Mormon Pioneer NHA Act	UT	Desig.	S. 163 S. 203	Comm. Reported (S.Rept. 109-2); Passed Senate
Northeastern North Carolina Heritage Area Study Act	NC	Study	H.R. 1087	Introduced
Northern Neck NHA Study Act	VA	Study	H.R. 73	Introduced
Northern Plains NHA Act	ND	Desig.	S. 1544	Hearing Held
Northern Rio Grande NHA Act	NM	Desig.	H.R. 732 H.R. 938 S. 63 S. 203	Introduced; Passed House; Comm. Reported (S.Rept. 109-1); Passed Senate
Sangre de Cristo NHA Act	CO	Desig.	H.R. 4383/S. 2037	Introduced
South Park NHA Act	CO	Desig.	H.R. 4818/S. 2336	Introduced
Southern Campaign of the Revolution Heritage Area Study Act	SC	Study	H.R. 1289/S. 1121 S. 203	Introduced; Passed Senate
St. Croix NHA Study Act	VI	Study	H.R. 61 H.R. 938 S. 203	Introduced; Passed House; Passed Senate
Trail of the Ancients NHA Study Act	AZ, CO, NM, UT	Study	S. 1414	Introduced
Upper Housatonic Valley NHA Act	CT, MA	Desig.	H.R. 938 H.R. 5311 S. 429 S. 203	Passed House; Senate Calendar; Hearing Held; Passed Senate
Western Reserve Heritage Area Study Act	OH	Study	H.R. 412 S. 203	Passed House; Passed Senate

Source: Compiled by CRS from the Legislative Information System (LIS) of the U.S. Congress, 109th Congress data file.

Bills to Establish Systemic NHA Procedures

Legislation governing the evaluation, designation, and management of new NHAs was considered but not enacted during the 108th Congress. S. 2543, which passed the Senate on September 15, 2004, sought to establish a unified process for creating, operating, and funding NHAs. It was similar to draft legislation prepared by the Administration. This legislation was reintroduced in the 109th Congress; see discussion of H.R. 760 below.

Secretary of the Interior to award competitive grants to local coordinating entities whose financial assistance has ended. The grants could be used for individual projects at NHAs that further the purposes of the management plan.

The bills seek to protect private property owners, for instance, by not requiring their participation in NHA plans and activities. They also seek to protect existing regulatory authorities — for example, by not altering “any duly adopted land use regulation, approved land use plan, or other regulatory authority.” They set out the responsibilities of local coordinating entities and the authorities of the Secretary of the Interior (through the NPS). The Senate-passed bill also sets out the relationship between the NHA system and the National Park System, stating explicitly that NHAs are not to be considered units of the Park System.

Funding

As part of its annual budget justification, the Administration submits its desired funding level for the NPS Heritage Partnership Program. Congress generally determines a total funding level and the distribution of the funds for specified NHAs. NHAs can use such funds for varied purposes including staffing, planning, and implementing projects.

As in previous Congresses, the 108th Congress enacted appropriations for the NPS to partially fund heritage areas. The FY2005 request for NHA funding was \$2.5 million, an \$11.8 million decrease from the FY2004 enacted level. P.L. 108-447 provided \$14.6 million for 25 of the 27 existing heritage areas for FY2005, including \$500,000 for three NHAs established in the law. For FY2004, Congress enacted \$14.3 million for the NPS for heritage areas (P.L. 108-108).

For FY2007, the Administration requested \$7.4 million for NHAs, \$2.4 million more than requested for FY2006, but a significant decrease (44%) from the FY2006

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U.S. Department of the Interior, National Park Service, *Heritage Areas*, at [<http://www.cr.nps.gov/heritageareas/>], visited on March 8, 2006. Includes a monthly heritage areas bulletin.

U.S. Government Accountability Office. *National Park Service: A More Systematic Process for Establishing National Heritage Areas and Actions to Improve Their Accountability Are Needed*. Statement of Barry T. Hill, Senate Committee on Energy and Natural Resources, Subcommittee on National Parks, March 30, 2004, Washington, DC (GAO-04-593T), at [<http://www.gao.gov/>], visited on March 8, 2006.