

Union Calendar No. 549

115TH CONGRESS
2D SESSION

H. R. 1791

[Report No. 115-709]

To establish the Mountains to Sound Greenway National Heritage Area
in the State of Washington, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2017

Mr. REICHERT (for himself and Mr. SMITH of Washington) introduced the
following bill; which was referred to the Committee on Natural Resources

JUNE 1, 2018

Additional sponsors: Ms. DELBENE and Ms. JAYAPAL

JUNE 1, 2018

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on March 29, 2017]

A BILL

To establish the Mountains to Sound Greenway National Heritage Area in the State of Washington, 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 “Mountains to Sound*
5 *Greenway National Heritage Act”.*

6 **SEC. 2. PURPOSES; CONSTRUCTION.**

7 *The purposes of this Act include—*

8 *(1) to recognize the national importance of the*
9 *natural and cultural legacies of the area, as dem-*
10 *onstrated in the study entitled “Mountains to Sound*
11 *Greenway National Heritage Area Feasibility Study”*
12 *dated April 2012 and its addendum dated May 2014;*

13 *(2) to recognize the heritage of natural resource*
14 *conservation in the Pacific Northwest and in the*
15 *Mountains to Sound Greenway;*

16 *(3) to preserve, support, conserve, and interpret*
17 *the legacies of natural resource conservation, commu-*
18 *nity stewardship, and Indian tribes and nations from*
19 *time immemorial, within the Mountains to Sound*
20 *National Heritage Area;*

21 *(4) to promote heritage, cultural, and rec-*
22 *reational tourism and to develop educational and cul-*
23 *tural programs for visitors and the general public;*

24 *(5) to recognize and interpret important events*
25 *and geographic locations representing key develop-*

1 *ments in the creation of America, particularly the set-*
2 *tlement of the American West and the stories of di-*
3 *verse ethnic groups, Indian tribes, and others;*

4 *(6) to enhance a cooperative management frame-*
5 *work to assist Federal, State, local, and Tribal gov-*
6 *ernments, the private sector, and citizens residing in*
7 *the Heritage Area in conserving, supporting, man-*
8 *aging, and enhancing natural and recreational sites*
9 *in the Heritage Area;*

10 *(7) to recognize and interpret the relationship*
11 *between land and people, representing broad Amer-*
12 *ican ideals demonstrated through the integrity of ex-*
13 *isting resources within the Heritage Area; and*

14 *(8) to support working relationships between*
15 *public land managers and the community by creating*
16 *relevant links between the National Park Service, the*
17 *Forest Service, other relevant Federal agencies, Tribal*
18 *governments, State and local governments and agen-*
19 *cies, and community stakeholders within and sur-*
20 *rounding the Heritage Area in order to protect, en-*
21 *hance, and interpret cultural and natural resources*
22 *within the Heritage Area.*

23 **SEC. 3. DEFINITIONS.**

24 *In this Act:*

1 (1) *HERITAGE AREA.*—The term “Heritage
2 Area” means the Mountains to Sound Greenway Na-
3 tional Heritage Area established in this Act.

4 (2) *LOCAL COORDINATING ENTITY.*—The term
5 “local coordinating entity” means the entity selected
6 by the Secretary under section 4(d).

7 (3) *MANAGEMENT PLAN.*—The term “manage-
8 ment plan” means the management plan for the Her-
9 itage Area required under section 5.

10 (4) *MAP.*—The term “Map” means the map enti-
11 tled “Mountains to Sound Greenway National Herit-
12 age Area Proposed Boundary”, numbered 584/
13 125,484, and dated August 2014.

14 (5) *SECRETARY.*—The term “Secretary” means
15 the Secretary of the Interior.

16 (6) *STATE.*—The term “State” means the State
17 of Washington.

18 (7) *TRIBE OR TRIBAL.*—The terms “Tribe” or
19 “Tribal” mean any federally recognized Indian tribe
20 with cultural heritage and historic interests within
21 the proposed Mountains to Sound Greenway National
22 Heritage Area, including the Snoqualmie, Yakama,
23 Tulalip, Muckleshoot and Colville Indian tribes.

1 **SEC. 4. DESIGNATION OF THE MOUNTAINS TO SOUND**
2 **GREENWAY NATIONAL HERITAGE AREA.**

3 (a) *ESTABLISHMENT.*—*There is established in the*
4 *State the Mountains to Sound Greenway National Heritage*
5 *Area.*

6 (b) *BOUNDARIES.*—*The Heritage Area shall consist of*
7 *land located in King and Kittitas Counties in the State,*
8 *as generally depicted on the map.*

9 (c) *MAP.*—*The map shall be on file and available for*
10 *public inspection in the appropriate offices of the National*
11 *Park Service, the United States Forest Service, and the*
12 *local coordinating entity.*

13 (d) *LOCAL COORDINATING ENTITY.*—*The Secretary*
14 *shall designate a willing local unit of government, a consor-*
15 *tium of affected counties, Indian tribe, or a nonprofit orga-*
16 *nization to serve as the coordinating entity for the Heritage*
17 *Area within 120 days of the date of the enactment of this*
18 *Act.*

19 **SEC. 5. MANAGEMENT PLAN.**

20 (a) *IN GENERAL.*—*Not later than 3 years after the*
21 *date of the enactment of this Act, the local coordinating en-*
22 *tity shall submit to the Secretary for approval a proposed*
23 *management plan for the Heritage Area.*

24 (b) *REQUIREMENTS.*—*The management plan shall—*
25 (1) *incorporate an integrated and cooperative*
26 *approach for the protection, enhancement, and inter-*

pretation of the natural, cultural, historic, scenic, and recreational resources of the Heritage Area;

(2) take into consideration Federal, State, Tribal, and local plans; and

(3) include—

(A) an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area, including an acknowledgment of the exercise of Tribal treaty rights, that relate to the national importance and themes of the Heritage Area that should be conserved and enhanced;

(B) a description of strategies and recommendations for conservation, funding, management, and development of the Heritage Area;

(C) a description of the actions that Federal, State, local, and Tribal governments, private organizations, and individuals have agreed to take to protect and interpret the natural, cultural, historical, scenic, and recreational resources of the Heritage Area;

(D) a program of implementation for the management plan by the local coordinating entity, including—

1 (i) performance goals and ongoing per-
2 formance evaluation; and

3 (ii) commitments for implementation
4 made by partners;

5 (E) the identification of sources of funding
6 for carrying out the management plan;

7 (F) analysis and recommendations for
8 means by which Federal, State, local, and Tribal
9 programs may best be coordinated to carry out
10 this section;

11 (G) an interpretive plan for the Heritage
12 Area, including Tribal heritage;

13 (H) recommended policies and strategies for
14 resource management, including the development
15 of intergovernmental and interagency cooperative
16 agreements to protect the natural, cultural, his-
17 torical, scenic, and recreational resources of the
18 Heritage Area; and

19 (I) a definition of the roles of the National
20 Park Service, the Forest Service, other Federal
21 agencies, and Tribes in the coordination of the
22 Heritage Area and in otherwise furthering the
23 purposes of this Act.

24 (c) *DEADLINE.*—If a proposed management plan is
25 not submitted to the Secretary by the date that is 3 years

1 *after the date of the enactment of this Act, the local coordi-*
 2 *nating entity shall be ineligible to receive additional fund-*
 3 *ing under this Act until the date on which the Secretary*
 4 *receives and approves the management plan.*

5 *(d) APPROVAL OR DISAPPROVAL OF MANAGEMENT*
 6 *PLAN.—*

7 *(1) IN GENERAL.—Not later than 180 days after*
 8 *the date of receipt of the proposed management plan,*
 9 *the Secretary, in consultation with the State, affected*
 10 *counties, and Tribal governments, shall approve or*
 11 *disapprove the management plan.*

12 *(2) CRITERIA FOR APPROVAL.—In determining*
 13 *whether to approve the management plan, the Sec-*
 14 *retary shall consider whether—*

15 *(A) the local coordinating entity has af-*
 16 *forded adequate opportunity, including public*
 17 *hearings, for public and governmental involve-*
 18 *ment in the preparation of the management*
 19 *plan;*

20 *(B) the resource protection and interpreta-*
 21 *tion strategies contained in the management*
 22 *plan, if implemented, would adequately protect*
 23 *the natural, cultural, historical, scenic, and rec-*
 24 *reational resources of the Heritage Area;*

1 (C) the management plan is consistent with
2 the Secretary's trust responsibilities to Indian
3 tribes and Tribal treaty rights within the Na-
4 tional Heritage Area; and

5 (D) the management plan is supported by
6 the appropriate State, Kittitas County, King
7 County, and local officials, the cooperation of
8 which is needed to ensure the effective implemen-
9 tation of State and local aspects of the manage-
10 ment plan.

11 (3) ACTION FOLLOWING DISAPPROVAL.—If the
12 Secretary disapproves the management plan, the Sec-
13 retary shall—

14 (A) advise the local coordinating entity in
15 writing of the reasons for the disapproval;

16 (B) make recommendations to the local co-
17 ordinating entity for revisions to the manage-
18 ment plan; and

19 (C) not later than 180 days after the receipt
20 of any revised management plan from the local
21 coordinating entity, approve or disapprove the
22 revised management plan.

23 (e) AMENDMENTS.—The Secretary shall review and
24 approve or disapprove in the same manner as the original
25 management plan, each amendment to the management

1 *plan that makes a substantial change to the management*
2 *plan, as determined by the Secretary. The local coordi-*
3 *nating entity shall not carry out any amendment to the*
4 *management plan until the date on which the Secretary has*
5 *approved the amendment.*

6 **SEC. 6. ADMINISTRATION.**

7 (a) *AUTHORITIES.—*

8 (1) *IN GENERAL.—For purposes of implementing*
9 *the management plan, the Secretary and Forest Serv-*
10 *ice may—*

11 (A) *provide technical assistance for the im-*
12 *plementation of the management plan; and*

13 (B) *enter into cooperative agreements with*
14 *the local coordinating entity, State and local*
15 *agencies, Tribes, and other interested parties to*
16 *carry out this Act, including cooperation and*
17 *cost sharing as appropriate to provide more cost-*
18 *effective and coordinated public land manage-*
19 *ment.*

20 (2) *TERMINATION OF AUTHORITY.—The author-*
21 *ity of the Secretary to provide technical assistance*
22 *under this Act terminates on the date that is 15 years*
23 *after the date of the enactment of this Act.*

1 (b) *LOCAL COORDINATING ENTITY AUTHORITIES.*—

2 *For purposes of implementing the management plan, the*
3 *local coordinating entity may—*

4 (1) *make grants to the State or a political sub-*
5 *division of the State, Tribes, nonprofit organizations,*
6 *and other persons;*

7 (2) *enter into cooperative agreements with, or*
8 *provide technical assistance to, Federal agencies, the*
9 *State or political subdivisions of the State, Tribes,*
10 *nonprofit organizations, and other interested parties;*

11 (3) *hire and compensate staff, including individ-*
12 *uals with expertise in natural, cultural, historical,*
13 *scenic, and recreational resource protection and herit-*
14 *age programming;*

15 (4) *obtain money or services from any source,*
16 *including any money or services that are provided*
17 *under any other Federal law or program, in which*
18 *case the Federal share of the cost of any activity as-*
19 *sisted using Federal funds provided for National Her-*
20 *itage Areas shall not be more than 50 percent;*

21 (5) *contract for goods or services; and*

22 (6) *undertake to be a catalyst for other activities*
23 *that—*

24 (A) *further the purposes of the Heritage*
25 *Area; and*

1 (B) are consistent with the management
2 plan.

3 (c) *LOCAL COORDINATING ENTITY DUTIES.*—The local
4 coordinating entity shall—

5 (1) in accordance with section 5, prepare and
6 submit a management plan to the Secretary;

7 (2) assist units of Federal, State, and local gov-
8 ernment, Tribes, regional planning organizations,
9 nonprofit organizations, and other interested parties
10 in carrying out the approved management plan by—

11 (A) carrying out programs and projects
12 that recognize, protect, and enhance important
13 resource values in the Heritage Area;

14 (B) establishing and maintaining interpre-
15 tive exhibits and programs in the Heritage Area;

16 (C) developing recreational and educational
17 opportunities in the Heritage Area; and

18 (D) increasing public awareness of, and ap-
19 preciation for, the natural, cultural, historical,
20 Tribal, scenic, and recreational resources of the
21 Heritage Area;

22 (3) consider the interests of diverse units of gov-
23 ernment, Tribes, business, organizations, and individ-
24 uals in the Heritage Area in the preparation and im-
25 plementation of the management plan;

1 (4) *conduct meetings open to the public at least*
2 *semiannually regarding the development and imple-*
3 *mentation of the management plan;*

4 (5) *encourage, by appropriate means, economic*
5 *viability that is consistent with the Heritage Area;*
6 *and*

7 (6) *submit a report to the Secretary every five*
8 *years after the Secretary has approved the manage-*
9 *ment plan, specifying—*

10 (A) *the expenses and income of the local co-*
11 *ordinating entity; and*

12 (B) *significant grants or contracts made by*
13 *the local coordinating entity to any other entity*
14 *over the 5-year period that describes the activi-*
15 *ties, expenses, and income of the local coordi-*
16 *nating entity (including grants from the local*
17 *coordinating entity to any other entity during*
18 *the year that the report is made).*

19 (d) *PROHIBITION ON ACQUISITION OF REAL PROP-*
20 *ERTY.—The local coordinating entity may not acquire real*
21 *property or interest in real property through condemnation.*

22 (e) *USE OF FEDERAL FUNDS.—Nothing in this Act*
23 *shall preclude the local coordinating entity from using Fed-*
24 *eral funds available under other laws for the purposes for*
25 *which those funds were authorized.*

1 **SEC. 7. RELATIONSHIP TO TRIBAL GOVERNMENTS.**

2 *Nothing in this Act shall construe, define, waive, limit,*
3 *affect any rights of any federally recognized Indian tribe*
4 *and the Federal trust responsibility.*

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

6 (a) *IN GENERAL.*—*Nothing in this Act affects the au-*
7 *thority of a Federal agency to provide technical or financial*
8 *assistance under any other law.*

9 (b) *CONSULTATION AND COORDINATION.*—*Any Federal*
10 *agency planning to conduct activities that may have an im-*
11 *pact on the Heritage Area is encouraged to consult and co-*
12 *ordinate the activities with the local coordinating entity to*
13 *the maximum extent practicable.*

14 (c) *OTHER FEDERAL AGENCIES.*—*Nothing in this*
15 *Act—*

16 (1) *modifies, alters, or amends any law or regu-*
17 *lation authorizing a Federal agency to manage Fed-*
18 *eral land under the jurisdiction of the Federal agency;*

19 (2) *limits the discretion of a Federal land man-*
20 *ager to implement an approved land use plan within*
21 *the boundaries of the Heritage Area; or*

22 (3) *modifies, alters, or amends any authorized*
23 *use of Federal land under the jurisdiction of a Fed-*
24 *eral agency.*

1 **SEC. 9. PRIVATE PROPERTY AND REGULATORY PROTEC-**
2 **TIONS.**

3 *Nothing in this Act, the proposed Mountains to Sound*
4 *Greenway National Heritage Area, or resulting manage-*
5 *ment plan (or any revisions to that plan) shall—*

6 *(1) abridge the rights of any owner of public or*
7 *private property, including the right to refrain from*
8 *participating in any plan, project, program, or activ-*
9 *ity conducted within the Heritage Area;*

10 *(2) require any property owner—*

11 *(A) to allow public access (including access*
12 *by Federal, State, or local agencies) to the prop-*
13 *erty of the property owner; or*

14 *(B) to modify public access or use of prop-*
15 *erty of the property owner under any other Fed-*
16 *eral, State, or local law;*

17 *(3) alter any duly adopted land use regulation,*
18 *approved land use plan, or other regulatory authority*
19 *of any Federal, State, Tribal, or local agency;*

20 *(4) convey any land use or other regulatory au-*
21 *thority to the local coordinating entity or any sub-*
22 *sidary organization, including but not necessarily*
23 *limited to development and management of energy or*
24 *water or water-related infrastructure;*

25 *(5) authorize or imply the reservation or appro-*
26 *priation of water or water rights;*

1 (6) *diminish the authority of the State to man-*
 2 *age fish and wildlife, including the regulation of fish-*
 3 *ing and hunting within the Heritage Area or the au-*
 4 *thority of Tribes to regulate their members with re-*
 5 *spect to such matters in the exercise of Tribal treaty*
 6 *rights;*

7 (7) *create any liability, or affects any liability*
 8 *under any other law, of any private property owner*
 9 *with respect to any person injured on the private*
 10 *property;*

11 (8) *affect current or future grazing permits,*
 12 *leases, or allotment on Federal lands;*

13 (9) *affect the construction, operation, mainte-*
 14 *nance or expansion of current or future water*
 15 *projects, including water storage, hydroelectric facili-*
 16 *ties, or delivery systems; or*

17 (10) *alter the authority of State, county, or local*
 18 *governments in land use planning or obligate those*
 19 *governments to comply with any recommendations in*
 20 *the management plan.*

21 **SEC. 10. EVALUATION AND REPORT.**

22 (a) *IN GENERAL.*—*Not later than 15 years after the*
 23 *date of the enactment of this Act, the Secretary shall—*

24 (1) *conduct an evaluation of the accomplish-*
 25 *ments of the Heritage Area; and*

1 (2) *prepare a report in accordance with sub-*
2 *section (c).*

3 (b) *EVALUATION.—An evaluation conducted under*
4 *subsection (a)(1) shall—*

5 (1) *assess the progress of the local coordinating*
6 *entity with respect to—*

7 (A) *accomplishing the purposes of the Her-*
8 *itage Area; and*

9 (B) *achieving the goals and objectives of the*
10 *management plan;*

11 (2) *analyze the investments of Federal, State,*
12 *Tribal, and local governments and private entities in*
13 *the Heritage Area to determine the impact of the in-*
14 *vestments; and*

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

19 (c) *REPORT.—Based on the evaluation conducted*
20 *under subsection (a)(1), the Secretary shall submit to the*
21 *Committee on Natural Resources of the House of Represent-*
22 *atives and the Committee on Energy and Natural Resources*
23 *of the Senate a report that includes recommendations for*
24 *the future role of the National Park Service with respect*
25 *to the Heritage Area.*

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