

National Bear River Heritage Area Act

111th CONGRESS

A BILL

To establish the National Bear River Heritage Area in the States of Idaho and Utah, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the 'National Bear River Heritage Area Act'.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS. Congress finds that

(1) the historical, cultural, and natural legacies of Shoshone heritage, the trapping and fur trade industry, Mormon settlement, and nineteenth-century westward migration are nationally significant;

(2) in the area comprised of Bear Lake, Caribou, Franklin, and Oneida Counties in the State of Idaho and Box Elder, Cache, and Rich Counties in the State of Utah, there are a variety of heritage resources that demonstrate

(A) Native American history, including but not limited to

(i) the site of the Bear River Massacre of 1863, near Preston, Idaho, where as many as 380 Northwestern Shoshone Indians were killed by the U.S. Army

(ii) Washakie, Utah, an early twentieth-century Northwestern Shoshone settlement and cemetery

(B) the activities of the fur trade, including two historic rendezvous sites in Bear Lake Valley and Cache Valley

(C) the western emigrant and colonization experience of the western United States and the development of transportation routes and technology that helped expand the United States geographically and politically, from the travels of early explorers to the development of modern space travel technology, including but not limited to

(i) the exploration trails of Jedediah S. Smith (1826-1827), John C. Frémont (1845), and Howard Stansbury (1849-1850);

(ii) the National Oregon-California Trail, including Hudspeth Cutoff, the Bidwell-Bartleson Trail (1841), Hensley's Salt Lake Cutoff (1848), the Lander Cutoff, and the Montana Gold Road (a.k.a. Montana Trail) (1862-1882);

(iii) the Golden Spike National Historic Site in Box Elder County, Utah, where the first Transcontinental Railroad was completed;

(iv) ATK Thiokol Propulsion in Box Elder County, Utah, where modern rocket engines are developed and manufactured;

(v) the National Oregon-California Trail Center in Montpelier, Idaho;

(D) natural resources such as wilderness, wildlife, grazing, timber, and minerals, including but not limited to

(i) the Caribou-Targhee, Sawtooth, and Wasatch-Cache National Forests;

(ii) the Bear River Migratory Bird Refuge, Bear Lake National Wildlife Refuge, and Grays Lake National Wildlife Refuge;

(iii) the Curlew National Grassland;

(iv) Bureau of Land Management lands, which include part of the transcontinental railroad;

(E) the growth of a viable arid-lands agricultural economy, including but not limited to

(i) an extensive nineteenth-century canal system that distributes river water throughout the region;

(ii) century farms and ranches that have been operated by the same families for at least one hundred years;

(iii) a distinctive agricultural landscape that includes historic barns, silos, sheds, fences, hay derricks, etc.;

(iv) the American West Heritage Center in Wellsville, Utah, including the Ronald V. Jensen Historical Farm;

(3) the Heritage Area includes significant historic landscapes, national sites, and architecture, including but not limited to

(i) In Idaho, National Historic Districts such as the Montpelier Historic District, the Wives of Charles C. Rich Historic District in Paris, the Samaria Historic District, the Chesterfield Historic District in Caribou County, the Franklin Historic District, and

(ii) in Idaho, National Historic Places such as the Bear Lake County Courthouse, Bear Lake Stake Tabernacle, Paris Dance Pavilion, Georgetown Relief Society Hall, Caribou County Courthouse, Enders Hotel (Soda Springs), Grace Pegram Truss Railroad Bridge, Lander Cutoff of the Oregon Trail, Bear River Battleground (near Preston), Franklin City Hall, Franklin Cooperative Mercantile Institution, L.H. Hatch House (Franklin), Oneida Stake Academy (Preston), Franklin Relic Hall, Weston Canyon Rock Shelter, Malad Co-op Block and J.N. Ireland Bank Building, Malad Second Ward Tabernacle, Oneida County Courthouse (Malad), Malad United Presbyterian Church, and many more; and

(iii) in Utah, National Historic Districts such as the Central Pacific Railroad Grade Historic District in Box Elder County, the Cutler Hydroelectric Power Plant Historic District in Box Elder County, Hampton's Ford Stage Stop and Barn, the Lower Bear River Archaeological Discontiguous District in Box Elder County, the Willard Historic District, the Logan Center Street Historic District, and the Tony Grove Ranger Station Historic District; and

(iv) in Utah, National Historic Places such as the Box Elder County Courthouse, Box Elder Flouring Mill, Box Elder Stake Tabernacle, Brigham City Carnegie Library, Brigham City Mercantile and Manufacturing Association Mercantile Store and Woolen Factory and Planing Mill, Corinne Methodist Episcopal Church, Elberta Theatre (Brigham), Fryer Hotel (Deweyville), Garland Carnegie Library, Garland Tithing Office, Granary of the Relief Society (Brigham), Grouse Creek Tithing Office, Hogup Cave (Park Valley), Holmgren Farmstead (Tremonton), Oregon Short Line Depot (Brigham), Plymouth School, A.N. Tanner House (Grouse Creek), Washakie LDS Ward Chapel, Benson Elementary School, Clarkston Tithing Granary, Douglas General Mercantile (Smithfield), David Eccles House (Logan), James Gardner House (Mendon), Martin Harris Gravesite (Clarkston), Holley-Globe Grain and Milling Company Elevator (Hyrum), Lewiston Tithing Office and Granary, Logan Tabernacle, Logan Temple, Newton

Reservoir, Old Main at Utah State University, Paradise Tithing Office, Providence LDS Chapel and Meetinghouse, Richmond Carnegie Library, Richmond Community Building, Wellsville Tabernacle, Randolph Tabernacle, Woodruff Stake House and many more.

(4) the artisans, craftspeople, innkeepers, outfitters, farmers, ranchers, historic landscape, national sites, and ways of life in the Heritage Area make the Heritage Area unique.

(b) **PURPOSE.** The purpose of this Act is to establish the Heritage Area to

(1) foster a close working relationship with all levels of government, the private sector, residents, business interests, and local communities in the States of Idaho and Utah;

(2) empower communities in the States of Idaho and Utah to exercise stewardship of their heritage while strengthening future economic opportunities;

(3) interpret, develop, and encourage stewardship of the historical, cultural, and recreational resources within the Heritage Area and the natural and scenic features of which they are a part; and

(4) expand, foster, and develop heritage businesses and products relating to the cultural heritage of the Heritage Area.

SEC. 3. DEFINITIONS.

In this Act:

(1) **COUNCIL.** The term `Council' means the Bear River Heritage Area Council, which is representatives of all signers of the Interlocal Cooperation Agreement for the Bear River Heritage Area, administered by the Bear River Association of Governments.

(2) **EXECUTIVE COMMITTEE.** The term `Executive Committee' means the Executive Committee of the Council.

(3) **HERITAGE AREA.** The term `Heritage Area' means the National Bear River Heritage Area established by section 4(a).

(4) **MANAGEMENT PLAN.** The term `management plan' means the plan developed by the Executive Committee under section 6(a).

(5) **SECRETARY.** The term `Secretary' means the Secretary of the Interior.

(6) **STATES.** The term `States' means the States of Idaho and Utah.

SEC. 4. NATIONAL BEAR RIVER HERITAGE AREA.

(a) ESTABLISHMENT. There is established the National Bear River Heritage Area .

(b) BOUNDARIES.

(1) IN GENERAL. The boundaries of the Heritage Area shall include areas in the States that are

(A) within the main drainage area of the Bear River; and

(B) all of Bear Lake, Caribou, Franklin, and Oneida Counties in the State of Idaho, and Box Elder, Cache, and Rich Counties in the State of Utah; and

(B) in the following communities in Idaho: Malad, Clifton, Dayton, Franklin, Preston, Oxford, Weston, Bancroft, Soda Springs, Grace, Bloomington, Paris, Georgetown, Montpelier, and St. Charles;

and the following communities in Utah: Bear River, Brigham City, Corinne, Deweyville, Elwood, Fielding, Garland, Honeyville, Howell, Mantua, Perry, Plymouth, Portage, Snowville, Tremonton, Willard, Amalga, Clarkston, Cornish, Hyde Park, Hyrum, Lewiston, Logan, Mendon, Millville, Newton, Nibley, North Logan, Paradise, Providence, Richmond, River Heights, Smithfield, Trenton, Wellsville, Garden City, Laketown, Randolph, and Woodruff.

(2) MAP. The Secretary shall prepare a map of the Heritage Area , which shall be on file and available for public inspection in the office of the Director of the National Park Service.

(3) NOTICE TO LOCAL GOVERNMENTS. The Council shall provide to the government of each City, Town, and County that has jurisdiction over property proposed to be included in the Heritage Area written notice of the proposed inclusion.

(c) ADMINISTRATION. The Heritage Area shall be administered in accordance with this Act.

SEC. 5. DESIGNATION OF COUNCIL AS MANAGEMENT ENTITY.

(a) IN GENERAL. The Council shall be the management entity for the Heritage Area .

(b) FEDERAL FUNDING.

(1) AUTHORIZATION TO RECEIVE FUNDS. The Bear River Association of Governments may receive amounts on behalf of the Council made available to carry out this Act.

(2) DISQUALIFICATION. If a management plan is not submitted to the Secretary as required under section 6 within the time period specified in that section, the

Council may not receive Federal funding under this Act until a management plan is submitted to the Secretary.

(c) **USE OF FEDERAL FUNDS.** The Council may, for the purposes of developing and implementing the management plan, use Federal funds made available under this Act

(1) to make grants and loans to the States, political subdivisions of the States, nonprofit organizations, and other persons;

(2) to enter into cooperative agreements with or provide technical assistance to the States, political subdivisions of the States, nonprofit organizations, and other organizations;

(3) to hire and compensate staff;

(4) to obtain funds from any source under any program or law requiring the recipient of funds to make a contribution in order to receive the funds; and

(5) to contract for goods and services.

(d) **PROHIBITION OF ACQUISITION OF REAL PROPERTY.** The Council may not use Federal funds received under this Act to acquire real property or any interest in real property.

SEC. 6. MANAGEMENT OF THE HERITAGE AREA.

(a) **HERITAGE AREA MANAGEMENT PLAN.**

(1) **DEVELOPMENT AND SUBMISSION FOR REVIEW.** Not later than 3 years after the date of enactment of this Act, the Executive Committee, with public participation, shall develop and submit for review to the Secretary a management plan for the Heritage Area.

(2) **CONTENTS.** The management plan shall

(A) present comprehensive recommendations for the promotion, funding, and cultural, heritage, and historic development of the Heritage Area;

(B) take into consideration local, County, State, and Federal plans in effect on the date of enactment of this Act;

(C) provide for the involvement of residents, public agencies, and private organizations in the development of the Heritage Area;

(D) describe how the BRHA will coordinate and recommend actions to units of government and private organizations to promote and improve the cultural and historic resources of the Heritage Area;

(E) specify existing and potential sources of non-Federal and Federal funding for the stewardship and development of the cultural, heritage, and historic resources of the Heritage Area; and

(F) include

(i) an inventory of resources in the Heritage Area that

(I) includes an identification of cultural, heritage, and historic resources in the Heritage Area that could be conserved, restored, managed, developed, or maintained because of the historical or cultural significance of the property as the property relates to the themes of the Heritage Area; and

(II) does not include any property that is privately owned unless the owner of the property consents in writing to the inclusion; or if publicly owned is consistent with a management plan developed by the responsible public agency;

(ii) a recommendation of strategies for cultural, heritage, and historic resource management that consider the application of appropriate management techniques, including policies for the development of intergovernmental cooperative agreements to manage the historical, cultural, and heritage resources and recreational opportunities of the Heritage Area in a manner that is consistent with the support of appropriate and compatible economic viability of the communities in the Heritage Area;

(iii) a program for implementation of the management plan, including plans for restoration and construction;

(iv) a description of any commitments that have been made by persons interested in management of the Heritage Area;

(v) an analysis of means by which local, County, State, and Federal programs may best be coordinated to promote the purposes of this Act; and

(vi) an interpretive plan for the Heritage Area.

(3) APPROVAL OR DISAPPROVAL OF THE MANAGEMENT PLAN.

(A) IN GENERAL. Not later than 180 days after submission of the management plan by the Executive Committee, the Secretary shall approve or disapprove the management plan.

(B) FAILURE TO ACT. If the Secretary fails to approve or disapprove the management plan within 180 days after the date of submission under subparagraph (A), the management plan shall be considered to be approved.

(C) DISAPPROVAL AND REVISIONS.

(i) IN GENERAL. If the Secretary disapproves the management plan, the Secretary shall

(I) advise the Executive Committee, in writing, of the reasons for the disapproval; and

(II) make recommendations for revision of the management plan.

(ii) APPROVAL OR DISAPPROVAL. The Secretary shall approve or disapprove proposed revisions to the management plan not later than 60 days after receipt of the revisions from the Executive Committee.

(iii) FAILURE TO ACT. If the Secretary fails to approve or disapprove the proposed revisions within 60 days after the date of receipt under clause (i), the management plan and revisions shall be considered to be approved.

(b) PRIORITIES. The Council shall give priority to the implementation of actions, goals, and policies set forth in the management plan, including

(1) assisting private entities, units of government, regional planning organizations, and nonprofit organizations in

(A) promoting the stewardship of the historical, cultural, and heritage resources of the Heritage Area;

(B) establishing and maintaining interpretive exhibits in the Heritage Area;

(C) developing recreational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for the historical, cultural, and heritage resources of the Heritage Area;

(E) restoring historic buildings upon request and with the willing cooperation and support of private entities having ownership of the building, and public entities with direct management of the building, that are

(i) located within the boundaries of the Heritage Area; and

(ii) related to the theme of the Heritage Area; and

(F) ensuring that clear, consistent, and esthetically appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(2) consistent with the goals of the management plan, encouraging economic viability in the affected communities by appropriate means, including encouraging and soliciting the development of heritage products.

(c) **CONSIDERATION OF INTERESTS OF LOCAL GROUPS.** In developing and implementing the management plan, the Executive Committee shall consider the interests of diverse units of government, businesses, private property owners, and nonprofit organizations in the Heritage Area.

(d) **PUBLIC MEETINGS.** The Executive Committee shall conduct public meetings at least annually regarding the implementation of the management plan.

(e) **ANNUAL REPORTS.** For any fiscal year in which the Council receives Federal funds under this Act or in which a loan made by the Council with Federal funds under section 5(c)(1) is outstanding, the Council shall submit to the Secretary an annual report that describes

(1) the accomplishments of the Council;

(2) the expenses and income of the Council; and

(3) the entities to which the Council made any loans or grants during the year for which the report is made.

(f) **COOPERATION WITH AUDITS.** For any fiscal year in which the Council receives Federal funds under this Act or in which a loan made by the Council with Federal funds under section 5(c)(1) is outstanding, the Council shall

(1) make available for audit by Congress, the Secretary, and appropriate units of government all records and other information relating to the expenditure of the Federal funds and any matching funds; and

(2) require, with respect to all agreements authorizing expenditure of the Federal funds by other organizations, that the receiving organizations make available for audit all records and other information relating to the expenditure of the Federal funds.

(g) **DELEGATION.**

(1) **IN GENERAL.** The Council may delegate the responsibilities and actions under this section for each area identified in section 4(b)(1).

(2) **REVIEW.** All delegated responsibilities and actions are subject to review and approval by the Council.

SEC. 7. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) **TECHNICAL ASSISTANCE AND GRANTS.**

(1) IN GENERAL. The Secretary may provide technical assistance and, subject to the availability of appropriations, grants to

(A) units of government, nonprofit organizations, and other persons, at the request of the Council; and

(B) the Council, for use in developing and implementing the management plan.

(2) PROHIBITION OF CERTAIN REQUIREMENTS. The Secretary may not, as a condition of the award of technical assistance or grants under this section, require any recipient of the technical assistance or a grant to enact or modify any land use restriction.

(3) DETERMINATIONS REGARDING ASSISTANCE. The Secretary shall determine whether a unit of government, nonprofit organization, or other person shall be awarded technical assistance or grants and the amount of technical assistance

(A) based on the extent to which the assistance

(i) fulfills the objectives of the management plan; and

(ii) achieves the purposes of this Act; and

(B) after giving special consideration to projects that provide a greater leverage of Federal funds.

(b) PROVISION OF INFORMATION. In cooperation with other Federal agencies, the Secretary shall provide the public with information concerning the location and character of the Heritage Area.

(c) OTHER ASSISTANCE. The Secretary may enter into cooperative agreements with public and private organizations for the purposes of implementing this section.

(d) DUTIES OF OTHER FEDERAL AGENCIES. A Federal entity conducting any activity directly affecting the Heritage Area shall

(1) consider the potential effect of the activity on the management plan; and

(2) consult with the Council with respect to the activity to minimize the adverse effects of the activity on the Heritage Area .

SEC. 8. NO EFFECT ON LAND USE AUTHORITY AND PRIVATE PROPERTY.

(a) NO EFFECT ON LAND USE AUTHORITY. Nothing in this Act modifies, enlarges, or diminishes any authority of local, County, State, or Federal government to regulate any use of land under any other law (including regulations).

(b) **NO ZONING OR LAND USE POWERS.** Nothing in this Act grants powers of zoning or land use control to the Council.

(c) **LOCAL AUTHORITY AND PRIVATE PROPERTY NOT AFFECTED.** Nothing in this Act affects or authorizes the Council to interfere with

(1) the right of any person with respect to private property; or

(2) any local zoning ordinance or land use plan of the States or a political subdivision of the States.

SEC. 9. 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 made available for any fiscal year.

(b) **FEDERAL SHARE.** The Federal share of the cost of any activity carried out using funds made available under this Act shall not exceed 50 percent.

SEC. 10. TERMINATION OF AUTHORITY.

The Secretary may not make any grant or provide any assistance under this Act after September 30, 2025.