

CRS Report for Congress

Heritage Areas: Background, Proposals, and Current Issues

Updated November 2, 2007

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Prepared for Members and
Committees of Congress

Heritage Areas: Background, Proposals, and Current Issues

Summary

Over the past two decades, Congress has established 37 National Heritage Areas (NHAs) to commemorate, conserve, and promote areas that include important natural, scenic, historic, cultural, and recreational resources. NHAs are partnerships among the National Park Service (NPS), states, and local communities, where the NPS supports state and local conservation through federal recognition, seed money, and technical assistance. NHAs are not part of the National Park System, where lands are federally owned and managed. Rather, lands within heritage areas typically remain in state, local, or private ownership or a combination thereof. Heritage areas have been supported as protecting lands and traditions and promoting tourism and community revitalization, but opposed as potentially costly and possibly leading to federal control over nonfederal lands. This report focuses on heritage areas designated by Congress, and related issues and legislation.

NHAs might receive funding from a wide variety of sources, and Congress and the NPS do not ordinarily expect to provide NHAs with permanent federal funding. Congress typically determines federal funding for NHAs in annual Interior appropriations laws. NHAs can use federal funds for many purposes, including staffing, planning, and projects. The FY2007 appropriation for the NPS for assistance to heritage areas was \$13.3 million. For FY2008, the Administration requested a decrease to \$10.0 million, while the House and the Senate Committee on Appropriations supported increases to \$20.0 million and \$15.0 million, respectively.

There is no comprehensive statute that establishes criteria for designating NHAs or provides standards for their funding and management. Rather, particulars for each area are provided in its enabling legislation. Congress designates a management entity, usually nonfederal, to coordinate the work of the partners. This entity typically develops and implements a plan for managing the NHA, in collaboration with other parties. Once approved by the Secretary of the Interior, the management plan becomes the blueprint for managing the area.

The 110th Congress is considering legislation to designate NHAs, study the suitability and feasibility of areas for heritage status, and amend existing heritage areas. Omnibus heritage area legislation is being considered by both chambers. On October 24, 2007, the House passed H.R. 1483, while on October 18, 2007, S. 2180 was placed on the Senate calendar. The bills would designate new NHAs, require area studies, increase the authorization of funding for several NHAs, and expand the boundaries or make other changes to several NHAs. Another bill on the Senate calendar, S. 817, would make changes to several NHAs and increase the authorization of funding for several areas. The sizeable number of existing NHAs and proposals to study and designate new ones has generated interest in enacting a law providing criteria for designating NHAs, standards for their management, and limits on federal funding support. Such legislation (S. 278 and S. 2180) is on the Senate calendar. Some opponents believe that NHAs present numerous problems and challenges and that Congress should oppose efforts to designate new areas and/or to create a system of NHAs.

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Heritage Areas: Background, Proposals, and Current Issues

Background

Over the last two decades, Congress has designated 37 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 associated with these areas and their residents. A principal distinction of these areas is an emphasis on the interaction of people and their environment. Heritage areas seek to tell the story of the people, over time, where the landscape helped shape the traditions of the residents. In a majority of cases, NHAs now have, or have had, a fundamental economic activity as their foundation, such as agriculture, water transportation, or industrial development. Congress also has enacted measures authorizing the study of areas to determine their suitability and feasibility for heritage designation.

Congress designated the first heritage area — the Illinois and Michigan Canal National Heritage Corridor — in 1984. This area was located in one of the nation's most industrialized regions and sought to combine a diversity of land uses, management programs, and historical themes. A goal was to facilitate grassroots preservation of natural resources and economic development in areas containing industries and historic structures. The federal government would assist the effort (e.g., through technical assistance) but not lead it. The idea of linking and maintaining a balance between nature and industry, and encouraging economic regeneration, resonated with many states and communities, especially in the eastern United States. Interest in establishing heritage areas was commensurate with growing public interest in cultural heritage tourism.

The attributes of each NHA are set out in its establishing law. Because they are based on distinctive cultural attributes, NHAs vary in appearance and expression. They are at different stages of developing and implementing plans to protect and promote their attributes. **Table 1**, below, identifies the current NHAs.

**Table 1. Existing National Heritage Areas,
by Date of Authorization**

National Heritage Area	State	Date of Authorization	Enabling Legislation
Illinois and Michigan Canal National Heritage Corridor	IL	Aug. 24, 1984	P.L. 98-398
John H. Chafee Blackstone River Valley National Heritage Corridor	MA/RI	Nov. 10, 1986	P.L. 99-647
Delaware and Lehigh National Heritage Corridor	PA	Nov. 18, 1988	P.L. 100-692
Southwestern Pennsylvania Heritage Preservation Commission (Path of Progress)	PA	Nov. 19, 1988	P.L. 100-698
Cane River NHA	LA	Nov. 2, 1994	P.L. 103-449
Quinebaug and Shetucket Rivers Valley National Heritage Corridor	CT/MA	Nov. 2, 1994	P.L. 103-449
Cache La Poudre River Corridor	CO	Oct. 19, 1996	P.L. 104-323
America's Agricultural Heritage Partnership (Silos and Smokestacks)	IA	Nov. 12, 1996	P.L. 104-333
Augusta Canal NHA	GA	Nov. 12, 1996	P.L. 104-333
Essex NHA	MA	Nov. 12, 1996	P.L. 104-333
Hudson River Valley NHA	NY	Nov. 12, 1996	P.L. 104-333
National Coal Heritage Area	WV	Nov. 12, 1996	P.L. 104-333
Ohio and Erie Canal National Heritage Corridor	OH	Nov. 12, 1996	P.L. 104-333
Rivers of Steel NHA	PA	Nov. 12, 1996	P.L. 104-333
Shenandoah Valley Battlefields National Historic District	VA	Nov. 12, 1996	P.L. 104-333
South Carolina National Heritage Corridor	SC	Nov. 12, 1996	P.L. 104-333
Tennessee Civil War Heritage Area	TN	Nov. 12, 1996	P.L. 104-333
(MotorCities-)Automobile NHA	MI	Nov. 6, 1998	P.L. 105-355
Lackawanna Valley NHA	PA	Oct. 6, 2000	P.L. 106-278
Schuylkill River Valley NHA	PA	Oct. 6, 2000	P.L. 106-278
Wheeling NHA	WV	Oct. 11, 2000	P.L. 106-291
Yuma Crossing NHA	AZ	Oct. 19, 2000	P.L. 106-319
Erie Canalway National Heritage Corridor	NY	Dec. 21, 2000	P.L. 106-554
Blue Ridge NHA	NC	Nov. 10, 2003	P.L. 108-108
Mississippi Gulf Coast NHA	MS	Dec. 8, 2004	P.L. 108-447
National Aviation Heritage Area	OH/IN	Dec. 8, 2004	P.L. 108-447
Oil Region NHA	PA	Dec. 8, 2004	P.L. 108-447
Arabia Mountain NHA	GA	Oct. 12, 2006	P.L. 109-338

National Heritage Area	State	Date of Authorization	Enabling Legislation
Atchafalaya NHA	LA	Oct. 12, 2006	P.L. 109-338
Champlain Valley National Heritage Partnership	NY/VT	Oct. 12, 2006	P.L. 109-338
Crossroads of the American Revolution NHA	NJ	Oct. 12, 2006	P.L. 109-338
Freedom's Frontier NHA	KS/MO	Oct. 12, 2006	P.L. 109-338
Great Basin National Heritage Route	NV/UT	Oct. 12, 2006	P.L. 109-338
Gullah/Geechee Heritage Corridor	FL/GA/ NC/SC	Oct. 12, 2006	P.L. 109-338
Mormon Pioneer NHA	UT	Oct. 12, 2006	P.L. 109-338
Northern Rio Grande NHA	NM	Oct. 12, 2006	P.L. 109-338
Upper Housatonic Valley NHA	CT/MA	Oct. 12, 2006	P.L. 109-338

Sources: U.S. Dept. of the Interior, National Park Service, *National Heritage Areas: Legislative History 98th-109th Congresses*, at [<http://www.cr.nps.gov/heritageareas/LEG/index.htm>], visited March 16, 2007.

Heritage areas are not federally owned, and a designation generally is not intended to lead to federal acquisition of lands. They consist mainly of private properties, although some include publicly owned lands. In most cases, the laws establishing NHAs do not provide for acquisition of land, and once designated, heritage areas generally remain in private, state, or local government ownership or a combination thereof. However, in a few cases Congress has authorized federal acquisition of land in heritage areas. For instance, Congress authorized creation of the Cane River Creole National Historical Park (LA) within the Cane River NHA. Such cases of federal acquisition/ownership have been challenged by property rights advocates, who generally oppose federal land ownership and possible resulting limitations on private land uses. (See “Support, Opposition, and Challenges,” below.)

Heritage areas are among the types of entities that use technical and financial aid from the National Park Service (NPS) but are not directly owned and managed by the agency. They also are *not* part of the National Park System, where lands are federally owned and managed. Congressional designation of heritage areas is commonly viewed as a less expensive alternative to creating and operating new units of the National Park System. That System now has 391 diverse units: national parks, national monuments, national historic sites, national battlefields, national preserves, and other designations. (For information on establishing units of the National Park System, see CRS Report RS20158, *National Park System: Establishing New Units*, by Carol Hardy Vincent.)

While the oldest heritage area is more than two decades old, NHAs are still viewed by some as an experimental form of protecting lands that reflect an evolution in roles and responsibilities. The traditional form of NPS land protection has been through government ownership, management, and funding of lands set aside for

protection and enjoyment. By contrast, NHAs typically are nonfederally owned, managed by local people with many partners and NPS advice, funded from many sources, and intended to promote local economic development as well as to protect natural and cultural heritage resources and values.

Since the creation of the first NHA, interest in additional NHA designations has grown considerably. There has been significant interest from communities seeking tourism and economic revitalization as well as conservation and preservation. The Bush Administration generally has supported NHAs because they embody partnerships between communities and the federal government, locally-driven resource preservation, and local (rather than federal) control of land. However, at July 2007 hearings, among others, the Administration recommended deferring action on certain bills seeking to establish additional heritage areas, despite favorable studies of the areas, until systemic NHA legislation is enacted.¹

In the past few Congresses, dozens of 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. The many bills introduced in the 110th 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 announced 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.² The first *Preserve America* grants, awarded on March 9, 2006, included grants for nine projects within NHAs. These grants were provided on a matching basis to assist communities with protection and use of community heritage. Also, the Alliance of National Heritage Areas (ANHA), a collaboration of the management entities for the federally designated NHAs, working through its Heritage Development Institute initiative, provides training to practitioners of heritage development. (See [<http://www.heritagedevelopmentinstitute.org/home>], visited on March 16, 2007.) The ANHA also operates a resource center for heritage areas, organizes educational workshops and programs, and promotes heritage tourism.

¹ See, for example, testimony of Janet Snyder Matthews of the National Park Service on July 12, 2007, before a Subcommittee of the House Committee on Natural Resources, at [http://resourcescommittee.house.gov/index.php?option=com_content&task=view&id=266&Itemid=1].

² For information on the *Preserve America* initiative, see [<http://www.preserveamerica.gov/>].

Overview of Operations

There is no comprehensive statute that establishes criteria for designating NHAs or provides standards for their funding and management. Rather, particulars for an area typically are provided in its enabling legislation. While there tended to be more variety in the creation and operation of earlier heritage areas, over the past several years the establishment and management of heritage areas have become somewhat more standardized. Common understandings and characteristics are discussed below.

NHAs usually involve partnerships among the NPS, states, and local interests. In establishing heritage areas, Congress typically designates a management entity to coordinate the work of the partners. Management entities could include state or local government agencies, nonprofit corporations, and independent federal commissions. 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. Congress and the NPS do not ordinarily expect to provide NHAs with full and permanent federal funding, but rather encourage NHAs to develop alternative sources of funding. A March 30, 2004 report of the Government Accountability Office (GAO) states that during the six-year period from FY1997 through FY2002, heritage areas received \$310 million in total funding. About half the funds (\$154 million) were derived from state and local governments and private sources, with the other half (\$156 million) provided by the federal government. Of the federal funding, about \$50 million came from the NPS heritage program and \$44 million came from other NPS programs, with the balance (about \$61 million) provided by 11 other federal sources.³ A report of the Alliance of National Heritage Areas with data over a longer period shows the federal contribution at about one-third (35%) of total funding from 1985 through 2006.⁴ State and local governments also contributed about one-third (36%) of NHA funds, with private funding sources providing 25% and the remaining 4% from other sources. For 2006, the report indicates that the combined state and local (49%)

³ 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/>].

⁴ See Alliance of National Heritage Areas, *2006 Annual Report*, p. 10, at [<http://nationalheritageareas.com/resources.php?recordID=36&code=54>].

shares of NHA funding were higher than federal (37%) and private contributions (12%).

In the past, Congress has determined the total level of federal funding for NHAs and typically specified in appropriations documents the allocation for each NHA. The management entity generally receives any federal appropriations for the area. Federal funds might be used to help rehabilitate an important site, develop tours, establish interpretive exhibits and programs, increase public awareness, and sponsor special events to showcase an area's natural and cultural heritage. In testimony presented in March 2003, a DOI official testified to the success of NHAs in using funds provided by the NPS to leverage additional funding from other sources.⁵

Support, Opposition, and Challenges⁶

Some believe that the benefits of heritage areas are considerable and thus Congress should expand its assistance for creating and sustaining heritage areas. Supporters view NHAs as important for protecting history, traditions, and cultural landscapes, especially where communities are losing their traditional economic base (e.g., industry or farming), facing a loss of population, or experiencing rapid growth from people unfamiliar with the region. Advocates see NHAs as unifying forces that increase the pride of people in their traditions, foster a spirit of cooperation and unity, and promote a stewardship ethic among the general public.

Advocates of NHAs assert that they foster cultural tourism, community revitalization, and regional economic development. Heritage areas are advertised as entertaining and educational places for tourists, and may involve activities such as stories, music, food areas, walking tours, boat rides, and celebrations. Through increased tourism, communities benefit locally when services and products are purchased. In some cases, increased heritage tourism, together with an emphasis on adaptive reuse of historic resources, has attracted broader business growth and development.

Some supporters see NHAs as generally more desirable than other types of land conservation. They often prefer the designation of NHAs, because the lands typically remain in nonfederal ownership, to be administered locally. Other NHA backers

⁵ Testimony of Paul Hoffman, U.S. Dept. of the Interior, before the Senate Energy and Natural Resources Subcommittee on National Parks, March 13, 2003, available at [<http://www.access.gpo.gov/congress/senate/senate08ch108.html>] on March 16, 2007.

⁶ For sources generally supportive of NHAs, see, for example, the websites of the National Park Service at [<http://www.cr.nps.gov/heritageareas/>], Alliance of National Heritage Areas at [<http://www.nationalheritageareas.com/>], and the National Trust for Historic Preservation at [<http://www.nationaltrust.org/>]. For information generally opposed to NHAs, see, for example, the websites of the Property Rights Foundation of America, Inc., at [<http://prfamerica.org/2007/NatlHeritageAreas-AppealInnocent.html>] and the American Policy Center at [<http://www.americanpolicy.org/prop/main.htm>], and congressional testimony by Daniel M. Clifton of Americans for Tax Reform before the House Resources Subcommittee on National Parks, Recreation, and Public Lands, September 16, 2003.

view establishing and managing federal areas, such as units of the National Park System, as too costly, and observe that small federal investments in heritage areas have been successful in attracting funds from other sources. Some proponents also see NHAs as flexible enough to encompass a diverse array of initiatives and areas, because the heritage concept lacks systemic laws or regulations, while others favor a standardized program and process.

Property rights advocates take the lead in opposing heritage areas. They contend that some national heritage areas lack significant local support. They charge that private property owners should be routinely notified when their lands fall within proposed heritage areas, because the NPS could exert a degree of federal control over nonfederal lands by influencing zoning and land-use planning. Some fear that any private property protections in legislation would not be routinely adhered to by the 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 purchase and direct management by the federal government.

The lack of a general statute providing a framework for heritage area establishment, management, and funding has prompted criticism that the process is inconsistent and fragmented. Some see a need to establish and define the criteria for creating NHAs, specify what NHAs are and do, and clarify the federal role in supporting these areas. They are concerned that the enactment of additional heritage bills could substantially increase the administrative and financial obligations of the NPS. Some detractors assert that federal funds would be more appropriately spent on NPS park units and other existing protected areas rather than on creating new heritage areas. Still others cite a need for a mechanism to hold the management entities accountable for the federal funds they receive and the decisions they make.

Some observers recommend caution in creating NHAs, because in practice NHAs may face an array of challenges to success. For instance, heritage areas may have difficulty providing the infrastructure that increased tourism requires, such as additional parking, lodging, and restaurants. Other areas may need additional protective measures to ensure that increased tourism and development do not degrade the resources and landscapes. Still other NHAs may require improvements in leadership and organization of the management entities, including explaining their message and accomplishments. Some NHAs may experience difficulty attracting funds because the concept is relatively recent and not universally accepted as a sustainable approach to resource preservation or economic development. Some conservationists think the protective measures are not strong enough and some economic development professionals think the heritage idea does not fit the traditional framework for development. Also, achieving and maintaining appropriate levels of public commitment to implementation may be challenging.⁷

⁷ 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* (continued...)

Role of the National Park Service

The NPS assists communities interested in attaining the federal NHA designation by helping them craft a regional vision for heritage preservation and development. The agency also provides a variety of types of assistance to areas once designated — administrative, financial, policy, technical, and public information. The NPS seeks to serve as a catalyst by offering assistance to designated heritage areas only for a limited number of years. Specifically, the NPS has sought to limit each heritage area to no more than \$1 million per year, not to exceed \$10 million per area over 15 years.

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 nongovernmental 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 the 108th, 109th, and 110th Congresses in support of developing systemic NHA legislation to list the qualities a prospective area must possess and the parameters under which designation could occur. For instance, at a March 30, 2004, hearing of a Senate Energy and Natural Resources Subcommittee, a DOI witness outlined the Administration's draft legislation to create a National Heritage Areas Program.⁸ At another subcommittee hearing, the same witness expressed "strong support" for legislation to establish a national heritage program, while suggesting modifications to S. 2543 (108th Congress) on behalf of DOI.⁹ Further, in hearings during the last few Congresses, the Administration has testified against establishing and expanding several NHAs under

⁷ (...continued)

Trust for Historic Preservation), vol. 17, no. 4 (summer 2003), pp. 5-12.

⁸ 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>].

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].

examination, until systemic NHA legislation is established.¹⁰ Other witnesses have supported extending or establishing the NHAs being addressed at the hearings.

The National Park System Advisory Board was created in 1935 to advise the Director of the NPS and the Secretary of the Interior on issues relating to the National Park Service. The Advisory Board conducted a review of NHAs, the Heritage Partnership Program, and future NPS involvement with NHAs. A 2006 report contains the Advisory Board's findings and recommendations.¹¹ A key recommendation is to establish a legislative foundation for a system of NHAs in the Park Service, based on specified concepts. Concepts include requiring a feasibility study to demonstrate that future proposed heritage areas meet certain criteria; setting standards for management planning that include a business plan; and protecting the rights of private property owners. Another recommendation is to develop performance measures for NHAs.

In July 2006, the Administration presented to Congress a draft National Heritage Areas Partnership Act based on the findings and recommendations of the Advisory Board. The draft proposed a National Heritage Areas System, composed of current and future NHAs. It would provide standards and processes for conducting feasibility studies, designating NHAs, and developing and approving management plans. It aims to protect the rights of property owners. The draft also would authorize the Secretary of the Interior to provide technical and financial assistance to local coordinating entities. A heritage area could receive up to \$1 million per year, but not more than \$10 million over a 15-year period, and a nonfederal match would be required. Legislation to create a process for designating, managing, and funding NHAs was introduced in both chambers in the 109th Congress, and one bill (S. 243) passed the Senate. Such legislation is pending on the Senate calendar in the 110th Congress (S. 278 and S. 2180). (See "Legislative Activity," below.)

Legislative Activity

The 110th Congress is considering measures to designate and study heritage areas, amend existing heritage areas, and establish uniform criteria and procedures for designating and managing heritage areas.

Area-Specific Legislation

110th Congress. The 110th Congress appears to be continuing a high level of interest in heritage area bills and issues. As shown in **Table 2**, about 30 bills to designate or study areas have been introduced (as of November 1, 2007). Some of

¹⁰ See, for instance, the testimony of Donald Murphy of the National Park Service before the Senate Energy and Natural Resources Subcommittee on National Parks, June 26, 2006, at [http://energy.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing_ID=1566].

¹¹ A copy of the report was available at the NPS website on March 16, 2007, at [<http://www.cr.nps.gov/heritageareas/>].

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. By comparison, in each of the 108th and 109th Congresses, some 50-60 bills to create or designate heritage areas were introduced.

Table 2. Bills in the 110th Congress to Establish Heritage Areas or Authorize Studies
(as of November 1, 2007)

Title	State	Type	Bill Number	Status
Abraham Lincoln NHA Act	IL	Desig.	H.R. 1483 H.R. 1625 S. 955 S. 2180	House Passed Hearing Held Senate Calendar Senate Calendar
(Abraham Lincoln) Study of Sites Relating to Abraham Lincoln in Kentucky	KY	Study	S. 2180	Senate Calendar
Chattahoochee Trace National Heritage Corridor Study Act	AL, GA	Study	H.R. 1408 S. 637 S. 2180	Introduced Senate Calendar Senate Calendar
Columbia-Pacific NHA Study Act	OR, WA	Study	H.R. 407 S. 257 S. 2179	Senate Calendar Hearing Held Senate Calendar
Freedom’s Way NHA Act	MA, NH	Desig.	H.R. 1297 H.R. 1483 S. 827	Hearing Held House Passed Introduced
Journey Through Hallowed Ground NHA Act/ Journey Through Hallowed Ground NHA Education and Tourism Act (H.R. 1270 only)	MD, PA, VA, WV	Desig.	H.R. 319 H.R. 1270 H.R. 1483 S. 289 S. 2180	House Calendar Introduced House Passed Senate Calendar Senate Calendar
Kentucky Artisan Heritage Trails NHA Act	KY	Desig.	H.R. 646	Introduced
Land Between the Rivers Southern Illinois NHA Act	IL	Desig.	H.R. 929 S. 956	Hearing Held Introduced
Mississippi Hills NHA Act	MS	Desig.	S. 2254	Introduced
Muscle Shoals NHA Act	AL	Desig.	H.R. 1145 H.R. 1483	Hearing Held House Passed
Niagara Falls NHA Act	NY	Desig.	H.R. 713 H.R. 1483 S. 800 S. 2180	House Calendar House Passed Senate Calendar Senate Calendar
Northern Neck NHA Study Act	VA	Study	H.R. 105 H.R. 1483	Hearing Held House Passed
Northern Plains Heritage Area Act	ND	Desig.	S. 2098	Introduced
Ocmulgee National Heritage Corridor Act	GA	Desig.	H.R. 2998	Introduced
Sangre de Cristo NHA Act	CO	Desig.	H.R. 859 S. 443 S. 2180	Introduced Senate Calendar Senate Calendar
Santa Cruz Valley NHA Act	AZ	Desig.	H.R. 1483 H.R. 1885	House Passed Hearing Held

Title	State	Type	Bill Number	Status
South Park NHA Act	CO	Desig.	H.R. 3335 S. 444 S. 2180	Introduced Senate Calendar Senate Calendar

Source: Compiled by CRS from the Legislative Information System (LIS) of the U.S. Congress, 110th Congress data file.

Omnibus heritage bills are being considered in the House and Senate. On October 24, 2007, the House passed H.R. 1483. For each of nine heritage areas, H.R. 1483 as passed would increase the total authorization of appropriations from \$10 million to \$15 million. As introduced, H.R. 1483 would have increased the total authorization of appropriations for each of these areas from \$10 million to \$20 million and extended their authorization from September 30, 2012, to September 30, 2027. Some Members opposed extending the funding for NHAs as premature since the original authorization would not expire for several years and because NHAs were intended to be largely self-sufficient after an initial period of NPS assistance. Rather than extending the authorization, H.R. 1483 as passed by the House would require the Secretary of the Interior to evaluate each heritage area not later than three years before its authority for federal funding would terminate. The evaluation is to assess the progress of the area's management entity in achieving goals and objectives, determine the impact of investments in the area, and identify the components for sustaining the area. The Secretary is to submit a report on the evaluation to the congressional authorizing committees, and the report is to include recommendations on the future role of the NPS. The bill further included Sense of Congress language that the government should not fund an NHA in perpetuity.

H.R. 1483 would establish six heritage areas: Journey Through Hallowed Ground (MD, PA, VA, WV); Niagara Falls (NY); Muscle Shoals (AL); Freedom's Way (MA, NH); Abraham Lincoln (IL); and Santa Cruz Valley (AZ). The measure also required the Secretary of the Interior to study the suitability and feasibility of designating a new NHA — the Northern Neck NHA (VA) — based on specified criteria. The Secretary is to report findings, conclusions, and recommendations to the congressional authorizing committees within three fiscal years after funds for the study are provided.

Some Members opposed the designation of additional heritage areas because of concerns about potential loss of, and restrictions on use of, private property. For each of the proposed new heritage areas, the measure states that it does not abridge the right of any property owner, require any property owner to permit public access to the property, or alter any land use regulation. The House also agreed to an amendment providing that lands within the heritage areas funded by the bill would be governed by state and local laws regarding hunting, fishing, and the possession or use of a weapon, trap, or net. The intent was to clarify the authority of states and localities in these areas.

The bill also would make technical corrections and/or expand the boundaries of several heritage areas. It would extend the boundary of the South Carolina National Heritage Corridor (SC) and the Rivers of Steel NHA (PA). It would rename the Ohio and Erie Canal National Heritage Corridor (OH) as the Ohio and Erie National

Heritage Canalway, add additional counties to the National Coal Heritage Area (WV), and make other changes to those areas. Further, the bill would make changes to the staffing and membership of the management entity of the Erie Canalway National Heritage Corridor.

Both S. 817 and S. 2180 would increase the total authorization of appropriations from \$10 million to \$15 million for each of four heritage areas — the Ohio and Erie Canal National Heritage Corridor (OH), Rivers of Steel NHA (PA), Essex NHA (MA), and South Carolina National Heritage Corridor (SC). They would require a report to Congress by the Secretary of the Interior on the accomplishments of each area, along the lines of the requirements of H.R. 1483. They also would make changes to existing heritage areas. They would amend the Delaware and Lehigh National Heritage Corridor (PA), primarily with regard to the local coordinating entity. (H.R. 3809 has similar provisions.) Like H.R. 1483, both Senate bills would add an additional county to the Rivers of Steel NHA (PA), rename the Ohio and Erie Canal National Heritage Corridor (OH) as the Ohio and Erie National Heritage Canalway, and make changes to the National Coal Heritage Area (WV). S. 817 was placed on the Senate calendar on September 17, 2007, while S. 2180 was placed on the calendar on October 18, 2007.

S. 2180 has additional provisions beyond those contained in S. 817. The bill would create five new heritage areas: Journey Through Hallowed Ground (MD, PA, VA, WV); Sangre de Cristo (CO); South Park (CO); Niagara Falls (NY); and Abraham Lincoln (IL). For each new area, the bill contains “private property and regulatory protections.” It requires the Secretary, within three years of the date on which federal funding terminates, to evaluate each new area and report thereon to the congressional authorizing committees. The bill includes provisions to study two areas for possible NHA designation: Abraham Lincoln NHA (KY) and Chattahoochee Trace National Heritage Corridor (AL, GA). The Secretary is to report findings, conclusions, and recommendations to the congressional authorizing committees within three fiscal years after funds for each study are provided. Further, S. 2180 would establish systemic NHA procedures, as discussed below under “Bills to Establish Systemic NHA Procedures.”

S. 2180, like H.R. 1949 and S. 1182, would amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act to increase the total authorization of appropriations and extend for six years the authority of the Secretary of the Interior to provide assistance. The two Senate bills would require the Secretary of the Interior to evaluate the heritage corridor not later than three years before the authority for federal funding would terminate. The evaluation is to assess the progress of the corridor’s management entity in achieving goals and objectives, determine the leverage and impact of investments in the corridor, and identify the components for sustaining the corridor. The report is to include recommendations on the future role of the NPS and is to be submitted to the congressional authorizing committees. Both Senate bills are on the Senate calendar.

The 110th Congress is considering other legislation to amend existing heritage areas. H.R. 1083 seeks to amend the boundary of the Rivers of Steel NHA (PA) to include an additional county. H.R. 591 and S. 128 would make changes to the Cache

La Poudre River Corridor NHA (CO), including designating a new management entity and enhancing private property protections.

109th Congress. The 109th Congress enacted one omnibus bill to designate and study numerous heritage areas (S. 203, P.L. 109-338). The law established 10 new heritage areas: Arabia Mountain NHA (GA), Atchafalaya NHA (LA), Champlain Valley National Heritage Partnership (NY/VT), Crossroads of the American Revolution NHA (NJ), Freedom’s Frontier NHA (KS/MO), Great Basin National Heritage Route (NV/UT), Gullah/Geechee Heritage Corridor (FL/GA/NC/SC), Mormon Pioneer NHA (UT), Northern Rio Grande NHA (NM), and Upper Housatonic Valley NHA (CT/MA). The language for all 10 areas seeks to protect private property rights. The law authorized studies of the suitability and feasibility of establishing three other areas: the Western Reserve NHA (OH), St. Croix NHA (VI), and Southern Campaign of the Revolution NHA (SC/NC).¹² Further, it amended the Illinois and Michigan Canal National Heritage Corridor (IL) regarding transition of the management entity from a federal commission to a nonprofit organization and protections for private property. For the John H. Chafee Blackstone River Valley National Heritage Corridor (MA/RI), the law provided for an update of the management plan, extended the authority of the commission, and authorized additional appropriations. The law also amended the National Coal Heritage Area (WV). The 109th Congress considered many other bills to designate or study areas.

The 109th Congress addressed legislation to amend existing heritage areas, and enacted one such measure (H.R. 326, P.L. 109-318), to amend the boundary of the Yuma Crossing NHA (AZ). Other legislation (H.R. 888 and S. 1721) would have extended the authorization for each of nine heritage areas from September 30, 2012, to September 30, 2027, and increased the total authorization of appropriations from \$10 million to \$20 million.

Bills to Establish Systemic NHA Procedures

Legislation governing the evaluation, designation, and management of new NHAs was considered but not enacted during the 108th and 109th Congresses. In both Congresses, legislation passed the Senate but not the House. S. 243, as passed by the Senate in the 109th Congress, was reintroduced in the 110th Congress as S. 278. S. 278 was placed on the Senate calendar on September 17, 2007. Further, another Senate bill with nearly identical provisions on this topic — S. 2180 — was placed on the Senate calendar on October 18, 2007. A companion bill has not been introduced in the House to date (as of November 1, 2007).

S. 278 and S. 2180 would require the Secretary of the Interior to conduct suitability-feasibility studies, or review and comment on such studies prepared by others, for areas under consideration for NHA designation. They set out criteria by which such areas would be evaluated, including identification of a local coordinating entity, demonstration of support by local governments and communities,

¹² Under P.L. 109-338, the study area is to include specified counties in South Carolina and “may include sites and locations in North Carolina as appropriate.”

development of a conceptual financial plan outlining the responsibilities of participants, and concurrence of managers of any federal lands within the proposed NHA. The criteria include evidence of resources and traditional uses that are of *national importance*, a term used to avoid confusion with the *national significance* needed for designating units of the National Park System.¹³

The measures would provide for the local coordinating entity for an NHA to develop a management plan for the area within three years of the availability of funds, and a process and time frame for action by the Secretary of the Interior to approve or disapprove the plan. The management plan is to include a business plan demonstrating that the local coordinating entity has sufficient partnerships and financial resources to carry out the plan, to encourage self-sufficiency of heritage areas. For each NHA, the bills would authorize funding of not more than \$1 million per year, with a total of not more than \$10 million over 15 years. They would cap funding for all NHAs at \$25 million per year, and include provisions on partnership support. S. 278 and S. 2180 would authorize the 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). They further set 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.

The bills require the Secretary of the Interior to evaluate and report to Congress on NHAs. They require the Secretary to evaluate an NHA not later than three years before its authority for federal funding would terminate. The evaluation is to assess the progress of the NHA’s management entity in achieving goals and objectives, determine the leverage and impact of investments in the area, and identify the components for sustaining the area. The report is to include recommendations on the future role of the NPS with regard to the heritage area, and is to be submitted to the congressional authorizing committees. Other heritage measures under consideration, including some bills to establish individual NHAs, include a similar reporting requirement.

¹³ NPS Management Policies establish criteria for determining national significance. Under the criteria, an area will be regarded as nationally significant if it is an outstanding example of a resource; exceptionally illustrates or interprets natural or cultural themes of our country’s heritage; provides extraordinary opportunities for public enjoyment or scientific study; and contains a true, accurate, and relatively unspoiled resource. S. 278 and S. 2180 define national importance as possession of “unique natural, historical, cultural, educational, scenic, or recreational resources of exceptional value or quality; and a high degree of integrity of location, setting, or association in illustrating or interpreting the heritage of the United States.”

Funding

As part of its annual budget justification, the Administration submits its desired funding level for the NPS Heritage Partnership Program. In the past, Congress generally determined 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.

Over the past five years, funding for the NPS for national heritage areas has been relatively stable. Specifically, for FY2002, Congress appropriated \$13.2 million for the NPS for heritage areas. The appropriation for each of FY2003 and FY2004 was \$14.3 million, and the FY2005 appropriation was \$14.6 million. For FY2006 and FY2007, the appropriation was \$13.3 million, nearly equal to the FY2002 appropriation.

For FY2008, the Administration requested \$10.0 million for the NPS for NHAs. In its FY2008 budget justification, the NPS stated that funding for the program is limited, and that the emphasis will be on encouraging NHAs to become self-sufficient. The proposed FY2008 funding would be used in part to initiate management plans for the ten NHAs created in 2006 (under P.L. 109-338). The Administration's FY2008 request would be a substantial decrease (25%) from the FY2007 appropriated level, although the number of NHAs increased — from 27 to 37 — in October 2006. Historically, the Bush Administration's requests for NHA funding have been significantly lower than the previous year's appropriation, but Congress has appropriated higher levels than requested.

For FY2008, both the House and the Senate Appropriations Committee supported increased funding for NHAs over the FY2007 level and the President's request for FY2008. Specifically, the House approved \$20.0 million for NHAs, while the Senate Appropriations Committee recommended \$15.0 million.

For FY2007, the President had 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. The Administration asserted that the change would allow local communities to determine the best approach, apply to the most appropriate programs, and improve coordination and efficiency in meeting the goals of enhancing and expanding cultural preservation. Congress did not support merging heritage area funding within the Historic Preservation Fund in FY2007, and the Administration did not propose such a merger in the FY2008 budget request.

Government Accountability Office (GAO) Report

A GAO report on NHAs, released March 30, 2004, concluded that, because there is no systematic process for designating NHAs or well-defined NPS criteria for assessing the qualifications of areas, it is not possible to ensure that future areas will have the resources and support to be viable or that federal funds are well spent. The agency also concluded that the NPS does not employ key management controls in overseeing heritage areas; for instance, the NPS does not consistently review areas'

financial audit reports or use results-oriented goals and measures. Further, the agency asserted that existing heritage areas do not appear to have affected property owners' rights. The GAO recommends that in the absence of congressional action to establish a formal heritage program, the NPS take the following actions: develop standards and processes for the agency's regional staff to use in approving heritage area management plans; require regular and consistent review of audit reports of NHAs; and develop results-oriented goals and measures for heritage area activities.

For Additional Reading

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CRS Report RL33525, *Recreation on Federal Lands*, coordinated by Kori Calvert and Carol Hardy Vincent.

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