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SENATE

{ REPORT
{ 110-171

SOUTH PARK NATIONAL HERITAGE AREA ACT

SEPTEMBER 17, 2007.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 444]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 444) to establish the South Park National Heritage Area in the State of Colorado, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “South Park National Heritage Area Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **BOARD.**—The term “Board” means the Board of Directors of the South Park National Heritage Area, comprised initially of the individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(2) **HERITAGE AREA.**—The term “Heritage Area” means the South Park National Heritage Area established by section 3(a).

(3) **MANAGEMENT ENTITY.**—The term “management entity” means the management entity for the Heritage Area designated by section 3(d)(1).

(4) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Heritage Area required by section 5.

(5) **MAP.**—The term “map” means the map entitled “South Park National Heritage Area Map (Proposed)”, dated January 30, 2006.

(6) **PARTNER.**—The term “partner” means a Federal, State, or local governmental entity, organization, private industry, educational institution, or individual involved in the conservation, preservation, interpretation, development or promotion of heritage sites or resources of the Heritage Area.

(7) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(8) **STATE.**—The term “State” means the State of Colorado.

(9) **TECHNICAL ASSISTANCE.**—The term “technical assistance” means any guidance, advice, help, or aid, other than financial assistance, provided by the Secretary.

SEC. 3. SOUTH PARK NATIONAL HERITAGE AREA.

(a) **ESTABLISHMENT.**—There is established in the State the South Park National Heritage Area.

(b) **BOUNDARIES.**—The Heritage Area shall consist of the areas included in the map.

(c) **MAP.**—A map of the Heritage Area shall be—

(1) included in the management plan; and

(2) on file and available for public inspection in the appropriate offices of the National Park Service.

(d) **MANAGEMENT ENTITY.**—

(1) **IN GENERAL.**—The management entity for the Heritage Area shall be the Park County Tourism & Community Development Office, in conjunction with the South Park National Heritage Area Board of Directors.

(2) **MEMBERSHIP REQUIREMENTS.**—Members of the Board shall include representatives from a broad cross-section of individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

SEC. 4. ADMINISTRATION.

(a) **PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.**—The management entity shall not use Federal funds made available under this Act to acquire real property or any interest in real property.

(b) **AUTHORITIES.**—For purposes of carrying out the management plan, the Secretary, acting through the management entity, may use amounts made available under this Act to—

(1) make grants to the State or a political subdivision of the State, nonprofit organizations, and other persons;

(2) enter into cooperative agreements with, or provide technical assistance to, the State or a political subdivision of the State, nonprofit organizations, and other interested parties;

(3) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, fundraising, heritage facility planning and development, and heritage tourism programming;

(4) obtain funds or services from any source, including funds or services that are provided under any other Federal law or program;

(5) enter into contracts for goods or services; and

(6) to facilitate the conduct of other projects and activities that further the Heritage Area and are consistent with the approved management plan.

(c) **DUTIES.**—The management entity shall—

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

(2) assist units of local government, local property owners and businesses, and nonprofit organizations in carrying out the approved management plan by—

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

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

(C) developing economic, recreational and educational opportunities in the Heritage Area;

(D) increasing public awareness of, and appreciation for, historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(E) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(F) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest are posted throughout the Heritage Area;

(G) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area; and

(H) planning and developing new heritage attractions, products and services.

(3) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(4) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

- (5) for any year for which Federal funds have been received under this Act—
 - (A) submit to the Secretary an annual report that describes the activities, expenses, and income of the management entity (including grants to any other entities during the year that the report is made);
 - (B) make available to the Secretary for audit all records relating to the expenditure of the Federal funds and any matching funds; and
 - (C) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and
- (6) encourage by appropriate means economic viability that is consistent with the Heritage Area.
- (d) **COST-SHARING REQUIREMENT.**—The Federal share of the cost of any activity carried out using any assistance made available under this Act shall be 50 percent.

SEC. 5. MANAGEMENT PLAN.

(a) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the management entity, with public participation, shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(b) **REQUIREMENTS.**—The management plan shall—

- (1) incorporate an integrated and cooperative approach for the protection, enhancement, interpretation, development, and promotion of the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;
- (2) take into consideration State and local plans;
- (3) include—
 - (A) an inventory of—
 - (i) the resources located within the areas included in the map; and
 - (ii) any other eligible and participating property within the areas included in the map that—
 - (I) is related to the themes of the Heritage Area; and
 - (II) should be preserved, restored, managed, maintained, developed, or promoted because of the significance of the property;
 - (B) comprehensive policies, strategies, and recommendations for conservation, funding, management, development, and promotion of the Heritage Area;
 - (C) a description of actions that governments, private organizations, and individuals have agreed to take to manage protect the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;
 - (D) a program of implementation for the management plan by the management entity that includes a description of—
 - (i) actions to facilitate ongoing and effective collaboration among partners to promote plans for resource protection, enhancement, interpretation, restoration, and construction; and
 - (ii) specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of operation;
 - (E) the identification of sources of funding for carrying out the management plan;
 - (F) an analysis of and recommendations for means by which Federal, State, and local programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this Act; and
 - (G) an interpretive plan for the Heritage Area; and
- (4) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area.
- (c) **DEADLINE.**—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the management entity shall be ineligible to receive additional funding under this Act until the date on which the Secretary receives and approves the management plan.
- (d) **APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.**—
 - (1) **IN GENERAL.**—Not later than 180 days after the date of receipt of the management plan under subsection (a), the Secretary, in consultation with the State, shall approve or disapprove the management plan.
 - (2) **CRITERIA FOR APPROVAL.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(A) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and historical resource protection organizations, educational institutions, local businesses and industries, community organizations, recreational organizations, and tourism organizations;

(B) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(C) strategies contained in the management plan, if implemented, would adequately balance the voluntary protection, development, and interpretation of the natural, historical, cultural, scenic, recreational, and agricultural resources of the Heritage Area.

(3) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves the management plan under paragraph (1), the Secretary shall—

(A) advise the management entity in writing of the reasons for the disapproval;

(B) make recommendations for revisions to the management plan; and

(C) not later than 180 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

(4) **AMENDMENTS.**—

(A) **IN GENERAL.**—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines makes a substantial change to the management plan.

(B) **USE OF FUNDS.**—The management entity shall not use Federal funds authorized by this Act to carry out any amendments to the management plan until the Secretary has approved the amendments.

SEC. 6. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) **IN GENERAL.**—Nothing in this Act affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) **CONSULTATION AND COORDINATION.**—The head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the management entity to the maximum extent practicable.

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

(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

SEC. 7. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this Act—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to the management entity;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

SEC. 8. EVALUATION; REPORT.

(a) **IN GENERAL.**—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(1) conduct an evaluation of the accomplishments of the Heritage Area; and

(2) prepare a report in accordance with subsection (c).

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

(1) assess the progress of the management entity with respect to—

- (A) accomplishing the purposes of this Act for the Heritage Area; and
 - (B) achieving the goals and objectives of the approved management plan for the Heritage Area;
 - (2) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and
 - (3) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.
- (c) REPORT.—
- (1) IN GENERAL.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.
 - (2) REQUIRED ANALYSIS.—If the report prepared under paragraph (1) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—
 - (A) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and
 - (B) the appropriate time period necessary to achieve the recommended reduction or elimination.
 - (3) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—
 - (A) the Committee on Energy and Natural Resources of the Senate; and
 - (B) the Committee on Natural Resources of the House of Representatives.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

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.

SEC. 10. TERMINATION OF AUTHORITY.

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

PURPOSE

The purpose of S. 444 is to designate the South Park National Heritage Area in Park County, Colorado.

BACKGROUND AND NEED

Park County, Colorado, with an average elevation of 9,000 feet, has been described as a microcosm of Western history and natural history. Located in the Rocky Mountains, the area is home to the nation's highest incorporated town, a Pleistocene fossil site, gold mines, cattle ranches, and rare plant communities. The proposed heritage area presents an opportunity to interpret life at high altitude during the early settlement and development of the American West.

Located in the geographic center of Colorado, South Park was a historical lifeline for Ute Indians, trappers, miners and ranchers. Native Americans and prospectors traveled through mountain passes to enter South Park in search of natural resource riches. Later roads and railroads followed these high routes and provided a connection to downstream communities. The proposed heritage area's collection of historic and cultural resources provides excellent opportunities to interpret life, industry and agriculture during the Nineteenth Century on the western frontier.

LEGISLATIVE HISTORY

S. 444 was introduced by Senator Salazar on January 31, 2007. The Subcommittee on National Parks held a hearing on the bill on March 20, 2007 (S. Hrg. 110–73). At its business meeting on July 25, 2007, the Committee on Energy and Natural Resources ordered

S. 444 favorably reported with an amendment in the nature of a substitute.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on July 25, 2007, by a voice vote of a quorum present, recommends that the Senate pass S. 444, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 444, the Committee adopted an amendment in the nature of a substitute. The amendment deletes the Congressional findings, and modifies the management language for the heritage area to make it consistent with the authorities provided for other national heritage areas. The amendment also adds a requirement that the Secretary of the Interior conduct an evaluation of the heritage area not later than three years before the date authority for Federal funding terminates, to assess the progress of the management entity in accomplishing the purposes for which the heritage area was established and whether the goals and objectives of the management plan for the heritage area were achieved. The Secretary is required to submit a report of the findings of the evaluation to the Congressional authorizing Committees.

The amendment is explained in detail in the section-by-section analysis, below.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title, the “South Park National Heritage Area Act.”

Section 2 defines the key terms used in the bill.

Section 3(a) establishes the South Park National Heritage Area (“heritage area”).

Subsection (b) describes the boundaries of the heritage area.

Subsection (c) requires that a map of the heritage area boundaries be included in the management plan for the heritage area and available for public inspection in the appropriate offices of the National Park Service.

Subsection (d) designates the Park County Tourism & Community Development Office, in conjunction with the South Park National Heritage Area Board of Directors, as the management entity for the heritage area. Members of the Board shall include representatives from a broad cross-section of the individuals, agencies, organizations, and governments that were involved in the planning and development of the heritage area.

Section 4(a) prohibits the management entity from using Federal funds made available under this Act to acquire real property or an interest in real property.

Subsection (b) authorizes the Secretary of the Interior (“Secretary”), acting through the management entity, to make grants in furtherance of the purposes of the heritage area, enter into cooperative agreements or provide technical assistance, hire staff, contract for goods and services, and undertake to be a catalyst for any other activity that furthers the heritage area and is consistent with the approved management plan.

Subsection (c) lists the duties of the management entity.

Subsection (d) requires any Federal funding for the heritage area to be matched on a 50:50 basis with non-Federal funds.

Section 5(a) requires the management entity to submit a management plan for the heritage area to the Secretary not later than 3 years after the day of enactment of the Act.

Subsection (b) lists the requirements for the management plan.

Subsection (c) provides that if the management plan is not submitted to the Secretary within three years after the date of enactment, the management entity is ineligible to receive further Federal funding until the plan is submitted.

Subsection (d) requires the Secretary to approve or disapprove the management plan within six months after it is submitted. The subsection also lists the criteria the Secretary is to use in approving the plan, and describes the procedure to be followed if the plan is not approved.

Section 6 describes the relationship of other Federal agencies to the heritage area.

Subsection (a) clarifies that nothing in this Act affects the authority of a Federal agency to provide technical or financial assistance under any other law.

Subsection (b) encourages the head of a Federal agency planning to conduct activities that may have an impact on the heritage area to consult and coordinate the activities with the Secretary and the management entity to the maximum extent practicable.

Subsection (c) clarifies that nothing in this Act modifies authorities of Federal agencies to manage Federal land, limits the discretion of a Federal agency to implement an approved land use plan, or modifies or alters any authorized use of Federal land.

Section 7 contains several savings provisions to clarify that the designation of the national heritage area will not affect private property rights, affect governmental land use regulation, reserve or appropriate water rights, diminish the authority of the State to manage fish and wildlife, or create any liability for property owners within the heritage area.

Section 8(a) requires the Secretary to conduct an evaluation of the accomplishments of the national heritage area not later than three years before the date Federal funding authority terminates.

Subsection (b) provides that the evaluation shall assess the progress of the management entity with respect to accomplishing the purposes of this Act for the heritage area and whether the management entity achieved the goals and objectives of the approved management plan for the heritage area. The evaluation is also required to analyze governmental investments in the heritage area to determine the leverage and impact of the investments.

Subsection (c) requires the Secretary to prepare a report, based on the evaluation, that includes recommendations for the future role of the National Park Service, if any, for the heritage area. If the report recommends that Federal funding for the area be reauthorized, it is required to include an analysis of ways Federal funding may be reduced or eliminated. The report is to be submitted to the House and Senate authorizing committees.

Section 9 authorizes total appropriations of \$10 million, with not more than \$1 million appropriated for any fiscal year, and subject to the non-Federal match requirement.

Section 10 provides that the authority of the Secretary to provide assistance under this Act terminates 15 years after the date of enactment.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

JULY 31, 2007.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 444, the South Park National Heritage Area Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

PETER R. ORSZAG.

Enclosure.

S. 444—South Park National Heritage Area Act

Summary: S. 444 would establish the South Park National Heritage Area (NHA) in Colorado. The bill would create a board of directors to serve as the local coordinating entity for the proposed NHA in partnership with the Park County Tourism and Community Development Office. The board of directors would be responsible for developing a management plan for the NHA and assisting local governments and nonprofit agencies in implementing the plan.

The legislation would authorize the appropriation of \$10 million, not to exceed \$1 million annually, for financial assistance to the commission or other eligible entities over the next 15 years. CBO estimates that implementing S. 444 would cost \$5 million over the 2008–2012 period, with additional amounts spent after 2012.

Enacting S. 444 would have no effect on direct spending or revenues. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated Cost to the Federal Government: The estimated budgetary impact of S. 444 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	1	1	1	1	1
Estimated Outlays	1	1	1	1	1

Basis of estimate: Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 444 would cost \$5 million over the 2008–2012 period and \$5 million over the following five to 10 years. Such amounts would be used to cover a portion of the costs of planning, establishing, operating, and interpreting the heritage area.

Intergovernmental and private-sector impact: S. 444 contains no intergovernmental or private-sector mandates as defined in UMRA; state and local governments could benefit from grants and technical assistance authorized by the bill for the heritage area.

Estimate prepared by: Federal costs: Deborah Reis and David Reynolds; Impact on state, local, and tribal governments: Leo Lex; Impact on the private sector: Amy Petz.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 444. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 444, as ordered reported.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Department of the Interior at the March 20, 2007, Subcommittee hearing on S. 444 follows:

STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 444, a bill to establish the South Park National Heritage Area in the State of Colorado.

Park County, Colorado prepared a feasibility study for the South Park National Heritage Area that determined that the South Park region is appropriate for designation. The Park Service is reviewing this feasibility study. Nevertheless, we recommend that the committee defer action on S. 444 and all other proposed heritage area designations until program legislation is enacted that establishes guidelines and a process for the designation of national heritage areas. Last year, the Administration sent to Congress a legislative proposal to establish guidelines and a process for designation. Bills were introduced in the 109th Congress (S. 243, H.R. 760 and H.R. 6287) that incorporated the majority of the provisions of the Administration's proposal, and S. 243 passed the Senate. During the 110th Congress, a similar heritage area program bill, S. 278, has been introduced, and we look forward to continuing to work with Congress on this very important issue.

With 37 national heritage areas designated across 27 states, and more heritage area legislative proposals in the pipeline, the Administration believes it is critical at this

juncture for Congress to enact national heritage area program legislation. This legislation would provide a much-needed framework for evaluating proposed national heritage areas, offering guidelines for successful planning and management, clarifying the roles and responsibilities of all parties, and standardizing timeframes and funding for designated areas. Program legislation also would clarify the expectation that heritage areas would work toward self-sufficiency by outlining the necessary steps, including appropriate planning, to achieve that shared goal.

S. 444 would establish the South Park National Heritage Area to recognize the outstanding and nationally significant assemblage of natural, scenic, recreational and cultural resources found within South Park, which encompasses the largest mountain shortgrass grassland ever documented.

S. 444 contains safeguards to protect private property owners, including a prohibition on the use of federal funding to acquire real property or any interest in real property. The bill imposes no new provisions to provide for public use and access to private property or any new liabilities to property owners. The bill also does not modify or enlarge the authority of the federal, State, or local governments to regulate land use.

S. 444 would designate the Park County Tourism and Community Development Office, in conjunction with the South Park National Heritage Area Board of Directors as the management entity and outlines their duties. The Park County Tourism and Development Office has played a key leadership role in the conservation and interpretation of South Park's resources since the area was designated a Colorado State Heritage Area in 1997. The Board of Directors represents a broad spectrum of individuals, agencies, organizations and governments who have been actively engaged in the planning for the NHA. The bill authorizes the development of a management plan for the NHA within three years of the enactment of this Act, or risk becoming ineligible for federal funding until a plan is submitted to the Secretary.

A feasibility study for the South Park National Heritage Area has been prepared by Park County, Colorado, which addresses the ten interim criteria used to assess National Heritage Area designations. That study determined that the area is appropriate for designation.

South Park, a high mountain valley, or park, averages 9,000 feet in elevation and rises to more than 14,000 feet in the surrounding Mosquito and Tarryall Mountain ranges. These mountain ranges contain some of the most extensive bristlecone pine forests in North America and 41 rare plant species, three of which are found nowhere else in the world. The Tarryall Mountains also contain the Lost Creek Scenic Area National Natural Landmark, where geological forces have sculpted natural spires, pinnacles, narrow gorges, and subterranean channels that cause Lost

Creek to disappear and reappear at least nine times on its cascading journey through the park.

The mountainous region in the southwest corner of South Park also includes Porcupine Cave, one of the richest and most diverse paleontological sites in North America. At an elevation of 9,400 feet, Porcupine Cave contains a vertebrate faunal collection from the Middle Pleistocene Era in North America.

Entering South Park from 10,000 foot Kenosha Pass, visitors experience one of the most dramatic and scenic views within the Rocky Mountains. Encompassing nearly 1 million acres, this unique high elevation steppe constitutes the most extensive montane shortgrass grassland ever recorded. South Park also contains a unique wetland ecosystem containing 15 rare plants, nine rare insects, and two globally rare plant communities

Evidence of Native American habitation can be traced back nearly 11,000 years to the end of the last ice age. South Park's high mountains, clear streams, expansive grasslands, and abundant wildlife also attracted pioneering settlers westward.

South Park represented one of the last frontiers in the settlement of the continental United States, with hopeful prospectors arriving in the mid-19th century. Between 1859 and 1949, more than \$250 million in gold and silver were produced within the Fairplay-Alma Mining District. At 14,157 feet, the Present Help is the highest mine ever to operate in the United States. Numerous other historic sites, mining towns, mills, and cultural landscapes exist within South Park including the Snowstorm Dredge, the last intact gold dredge in Colorado, currently on the list of Colorado's Most Endangered Places.

Ranchers soon followed the miners into South Park, hoping to graze their cattle on the rich grasslands and capitalize on the hearty appetites of the miners. Many followed the famous Goodnight-Loving Trail up from Young County, Texas and eastern Colorado. The highest concentration of historic ranches can be found along the Tarryall River Corridor where a recent survey identified more than 32 historic sites associated with frontier ranching.

An hour's drive from the Denver Metro area, South Park also offers abundant recreational opportunities. The South Park basin contains portions of two wilderness areas—Lost Creek and Buffalo Peaks—located on the Pike and San Isabel National Forests. The towering Mosquito Mountain range offers the only place in the United States where climbers can ascend four peaks above 14,000 feet in a single day. In addition, South Park contains over 45 miles of Gold Medal Trout streams available to anglers. At least six different driving tours have been developed to help travelers learn more about the cultural and natural heritage of South Park. Park County has identified four interpretive themes to assist communities and other partners with their education programs.

Support for the South Park National Heritage Area comes from a broad spectrum of local, State and national governmental and non-profit organizations. In addition, all State and federal land management agencies with operations within South Park have endorsed the NHA and stated their willingness to work collaboratively with the management entity. In addition, a National Heritage Area Partnership has been established, including 21 distinct entities such as the Central Cattleman's Association and all local governments in Park County, to help achieve the Congressionally authorized conservation and education responsibilities.

If the committee chooses to move forward with this bill, the Department would recommend that the bill be amended to include an additional requirement for an evaluation to be conducted by the Secretary, three years prior to the cessation of federal funding under this act. The evaluation would examine the accomplishments of the heritage area in meeting the goals of the management plan; analyze the leveraging and impact of investments to the heritage area; identify the critical components of the management structure and sustainability of the heritage area; and recommend what future role, if any, the National Park Service should have with respect to the heritage area.

We also recommend that the bill be amended to remove paragraph 6(a)(2) which would authorize the management entity to use federal funds to acquire conservation easements, paragraph 6(d)(2) which would require 100 percent federal funding prior to completion of the management plan, and to change the termination authority in Section 11 to expire 15 years after enactment. In addition, we would like to work with the Subcommittee to ensure that the management planning process is coordinated with the affected federal land management entities. These amendments would make S. 444 consistent with other, similar, national heritage area establishment bills and would allow the management entity to use the limited funds available for purposes other than acquiring potentially costly land interests.

Mr. Chairman, this concludes my prepared remarks. I would be pleased to answer any questions you or other members of the Subcommittee may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 444, as ordered reported.

