

# Calendar No. 668

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2937

To establish the Blue Ridge National Heritage Area in the State of North Carolina, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 13, 2002

Mr. EDWARDS introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

OCTOBER 8, 2002

Reported by Mr. BINGAMAN, with an amendment

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## A BILL

To establish the Blue Ridge National Heritage Area in the State of North Carolina, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Blue Ridge National  
5        Heritage Area Act of 2002”.

6        **SEC. 2. FINDINGS AND PURPOSES.**

7        (a) FINDINGS.—Congress finds that—

1           (1) the Blue Ridge Mountains and the extensive  
2 cultural and natural resources of the Blue Ridge  
3 Mountains have played a significant role in the his-  
4 tory of the United States and the State of North  
5 Carolina;

6           (2) archaeological evidence indicates that the  
7 Blue Ridge Mountains have been inhabited by hu-  
8 mans since the last retreat of the glaciers, with the  
9 Native Americans living in the area at the time of  
10 European discovery being primarily of Cherokee de-  
11 scent;

12           (3) the Blue Ridge Mountains of western North  
13 Carolina, including the Great Smoky Mountains,  
14 played a unique and significant role in the establish-  
15 ment and development of the culture of the United  
16 States through several distinct legacies, including—

17                   (A) the craft heritage that—

18                           (i) was first influenced by the Cher-  
19 okee Indians;

20                           (ii) was the origin of—

21                                   (I) the traditional craft move-  
22 ment starting in 1900; and

23                                   (II) the contemporary craft  
24 movement starting in the 1940's; and

1 (iii) is carried out by over 4,000  
2 craftspeople in the Blue Ridge Mountains  
3 of western North Carolina, the third larg-  
4 est concentration of such people in the  
5 United States;

6 (B) a musical heritage comprised of dis-  
7 tinctive instrumental and vocal traditions  
8 that—

9 (i) includes stringband music, blue-  
10 grass, ballad singing, blues, and sacred  
11 music;

12 (ii) has received national recognition;  
13 and

14 (iii) has made the region 1 of the  
15 richest repositories of traditional music  
16 and folklife in the United States;

17 (C) the Cherokee heritage—

18 (i) dating back thousands of years;

19 and

20 (ii) offering—

21 (I) nationally significant cultural  
22 traditions practiced by the Eastern  
23 Band of Cherokee Indians;

24 (II) authentic tradition bearers;

25 (III) historic sites; and

1 (IV) historically important collec-  
2 tions of Cherokee artifacts; and

3 (D) the agricultural heritage established by  
4 the Cherokee Indians, including medicinal and  
5 ceremonial food crops, combined with the his-  
6 toric European patterns of raising livestock,  
7 culminating in the largest number of specialty  
8 crop farms in North Carolina;

9 (4) the artifacts and structures associated with  
10 those legacies are unusually well-preserved;

11 (5) the Blue Ridge Mountains are recognized as  
12 having 1 of the richest collections of historical re-  
13 sources in North America;

14 (6) the history and cultural heritage of the Blue  
15 Ridge Mountains are shared with the States of Vir-  
16 ginia, Tennessee, and Georgia;

17 (7) there are significant cultural, economic, and  
18 educational benefits in celebrating and promoting  
19 this mutual heritage;

20 (8) according to the 2002 reports entitled “The  
21 Blue Ridge Heritage and Cultural Partnership” and  
22 “Western North Carolina National Heritage Area  
23 Feasibility Study and Plan”, the Blue Ridge Moun-  
24 tains contain numerous resources that are of out-

1 standing importance to the history of the United  
2 States; and

3 (9) it is in the interest of the United States to  
4 preserve and interpret the cultural and historical re-  
5 sources of the Blue Ridge Mountains for the edu-  
6 cation and benefit of present and future generations.

7 (b) PURPOSE.—The purpose of this Act is to foster  
8 a close working relationship with, and to assist, all levels  
9 of government, the private sector, and local communities  
10 in the State in managing, preserving, protecting, and in-  
11 terpreting the cultural, historical, and natural resources  
12 of the Heritage Area while continuing to develop economic  
13 opportunities.

14 **SEC. 3. DEFINITIONS.**

15 In this Act:

16 (1) HERITAGE AREA.—The term “Heritage  
17 Area” means the Blue Ridge National Heritage  
18 Area established by section 4(a).

19 (2) MANAGEMENT ENTITY.—The term “man-  
20 agement entity” means the management entity for  
21 the Heritage Area designated by section 4(c).

22 (3) MANAGEMENT PLAN.—The term “manage-  
23 ment plan” means the management plan for the  
24 Heritage Area approved under section 5.

1           (4) SECRETARY.—The term “Secretary” means  
2           the Secretary of the Interior.

3           (5) STATE.—The term “State” means the State  
4           of North Carolina.

5 **SEC. 4. BLUE RIDGE NATIONAL HERITAGE AREA.**

6           (a) ESTABLISHMENT.—There is established the Blue  
7           Ridge National Heritage Area in the State.

8           (b) BOUNDARIES.—The Heritage Area shall consist  
9           of the counties of Alleghany, Ashe, Avery, Buncombe,  
10          Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Hen-  
11          derson, Jackson, McDowell, Macon, Madison, Mitchell,  
12          Polk, Rutherford, Surry, Swain, Transylvania, Watauga,  
13          Wilkes, Yadkin, and Yancey in the State.

14          (c) MANAGEMENT ENTITY.—

15                (1) IN GENERAL.—As a condition of the receipt  
16                of funds made available under section 9(a), the Blue  
17                Ridge National Heritage Area Partnership shall be  
18                the management entity for the Heritage Area.

19                (2) BOARD OF DIRECTORS.—

20                    (A) COMPOSITION.—The management en-  
21                    tity shall be governed by a board of directors  
22                    composed of 13 members, of whom—

23                            (i) 2 members shall be appointed by  
24                            AdvantageWest;

1 (ii) 2 members shall be appointed by  
2 HandMade In America, Inc.;

3 (iii) 2 members shall be appointed by  
4 the North Carolina Arts Council of the  
5 North Carolina Department of Cultural  
6 Resources;

7 (iv) 1 member shall be appointed by  
8 the Eastern Band of the Cherokee Indians;

9 (v) 1 member shall be appointed by  
10 the North Carolina Office of Historic Pres-  
11 ervation; and

12 (vi) 5 members—

13 (I) shall—

14 (aa) reside in geographically  
15 diverse regions of the Heritage  
16 Area;

17 (bb) be a representative of  
18 local governments or the private  
19 sector; and

20 (cc) have knowledge of tour-  
21 ism, economic and community de-  
22 velopment, regional planning, his-  
23 toric preservation, cultural or  
24 natural resources development,  
25 regional planning, conservation,

1 recreational services, education,  
2 or museum services; and

3 (II) of whom—

4 (aa) 3 members shall be ap-  
5 pointed by each Member of the  
6 House of Representatives whose  
7 district is included in the Herit-  
8 age Area; and

9 (bb) 2 members shall be ap-  
10 pointed by each Senator of the  
11 State.

12 (B) EXPERTISE.—Of the members ap-  
13 pointed under subparagraph (A)—

14 (i) at least 1 member appointed under  
15 subparagraph (A)(i) shall have knowledge  
16 of and experience with tourism in the Her-  
17 itage Area;

18 (ii) at least 1 member appointed  
19 under subparagraph (A)(ii) shall have  
20 knowledge of and experience with the craft  
21 culture in the Heritage Area;

22 (iii) at least 1 member appointed  
23 under subparagraph (A)(iii) shall have  
24 knowledge of and experience with the  
25 music culture in the Heritage Area;

1 (iv) at least 1 member appointed  
2 under subparagraph (A)(iv) shall have  
3 knowledge of and experience with the cul-  
4 ture of the Cherokee Indians; and

5 (v) at least 1 member appointed  
6 under subparagraph (A)(v) shall have  
7 knowledge of and experience with historic  
8 preservation in the Heritage Area.

9 **SEC. 5. MANAGEMENT PLAN.**

10 (a) IN GENERAL.—Not later than 3 years after the  
11 date of enactment of this Act, the management entity shall  
12 submit to the Secretary for approval a management plan  
13 for the Heritage Area.

14 (b) CONSIDERATION OF OTHER PLANS AND AC-  
15 TIONS.—In developing the management plan, the manage-  
16 ment entity shall—

17 (1) for the purpose of presenting a unified pres-  
18 ervation and interpretation plan, take into consider-  
19 ation Federal, State, and local plans; and

20 (2) provide for the participation of residents,  
21 public agencies, and private organizations in the  
22 Heritage Area.

23 (c) CONTENTS.—The management plan shall—

1           (1) present comprehensive recommendations  
2 and strategies for the conservation, funding, man-  
3 agement, and development of the Heritage Area;

4           (2) identify existing and potential sources of  
5 Federal and non-Federal funding for the conserva-  
6 tion, management, and development of the Heritage  
7 Area; and

8           (3) include—

9               (A) an inventory of the cultural, historical,  
10 natural, and recreational resources of the Herit-  
11 age Area, including a list of property that—

12                   (i) relates to the purposes of the Her-  
13 itage Area; and

14                   (ii) should be conserved, restored,  
15 managed, developed, or maintained because  
16 of the significance of the property;

17               (B) a program of strategies and actions for  
18 the implementation of the management plan  
19 that identifies the roles of agencies and organi-  
20 zations that are involved in the implementation  
21 of the management plan;

22               (C) an interpretive and educational plan  
23 for the Heritage Area;

24               (D) a recommendation of policies for re-  
25 source management and protection that develop

1           intergovernmental cooperative agreements to  
2           manage and protect the cultural, historical, nat-  
3           ural, and recreational resources of the Heritage  
4           Area; and

5                   (E) an analysis of ways in which Federal,  
6           State, and local programs may best be coordi-  
7           nated to promote the purposes of this Act.

8           (d) EFFECT OF FAILURE TO SUBMIT.—If a manage-  
9           ment plan is not submitted to the Secretary by the date  
10          described in subsection (a), the Secretary shall not provide  
11          any additional funding under this Act until a management  
12          plan is submitted to the Secretary.

13          (e) APPROVAL OR DISAPPROVAL OF MANAGEMENT  
14          PLAN.—

15                   (1) IN GENERAL.—Not later than 90 days after  
16          receiving the management plan submitted under  
17          subsection (a), the Secretary shall approve or dis-  
18          approve the management plan.

19                   (2) CRITERIA.—In determining whether to ap-  
20          prove the management plan, the Secretary shall con-  
21          sider whether the management plan—

22                           (A) has strong local support from land-  
23                   owners, business interests, nonprofit organiza-  
24                   tions, and governments in the Heritage Area;  
25                   and

1 (B) has a high potential for effective part-  
2 nership mechanisms.

3 (3) ACTION FOLLOWING DISAPPROVAL.—If the  
4 Secretary disapproves a management plan under  
5 subsection (e)(1), the Secretary shall—

6 (A) advise the management entity in writ-  
7 ing of the reasons for the disapproval;

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

10 (C) allow the management entity to submit  
11 to the Secretary revisions to the management  
12 plan.

13 (4) DEADLINE FOR APPROVAL OF REVISION.—  
14 Not later than 60 days after the date on which a re-  
15 vision is submitted under paragraph (3)(C), the Sec-  
16 retary shall approve or disapprove the proposed revi-  
17 sion.

18 (f) AMENDMENT OF APPROVED MANAGEMENT  
19 PLAN.—

20 (1) IN GENERAL.—After approval by the Sec-  
21 retary of a management plan, the management enti-  
22 ty shall periodically—

23 (A) review the management plan; and

24 (B) submit to the Secretary, for review  
25 and approval, the recommendation of the man-



1           (2) conduct public meetings in the Heritage  
2 Area at least semiannually on the development and  
3 implementation of the management plan;

4           (3) give priority to the implementation of ac-  
5 tions, goals, and strategies in the management plan,  
6 including providing assistance to units of govern-  
7 ment, nonprofit organizations, and persons in—

8                 (A) carrying out the programs that protect  
9 resources in the Heritage Area;

10                (B) encouraging economic viability in the  
11 Heritage Area in accordance with the goals of  
12 the management plan;

13                (C) establishing and maintaining interpre-  
14 tive exhibits in the Heritage Area;

15                (D) developing recreational and edu-  
16 cational opportunities in the Heritage Area; and

17                (E) increasing public awareness of and ap-  
18 preciation for the cultural, historical, and nat-  
19 ural resources of the Heritage Area; and

20           (4) for any fiscal year for which Federal funds  
21 are received under section 9(a)—

22                 (A) submit to the Secretary a report that  
23 describes, for the fiscal year—

24                         (i) the accomplishments of the man-  
25 agement entity;

1 (ii) the expenses and income of the  
2 management entity; and

3 (iii) each entity to which a grant was  
4 made;

5 (B) make available for audit by Congress,  
6 the Secretary, and appropriate units of govern-  
7 ment, all records relating to the expenditure of  
8 funds and any matching funds; and

9 (C) require, for all agreements authorizing  
10 expenditure of Federal funds by any entity,  
11 that the receiving entity make available for  
12 audit all records relating to the expenditure of  
13 funds.

14 (c) PROHIBITION ON THE ACQUISITION OF REAL  
15 PROPERTY.—The management entity shall not use Fed-  
16 eral funds received under section 9(a) to acquire real prop-  
17 erty or an interest in real property.

18 **SEC. 7. TECHNICAL AND FINANCIAL ASSISTANCE.**

19 (a) IN GENERAL.—The Secretary may provide to the  
20 management entity technical assistance and, subject to the  
21 availability of appropriations, financial assistance, for use  
22 in developing and implementing the management plan.

23 (b) PRIORITY FOR ASSISTANCE.—In providing assist-  
24 ance under subsection (a), the Secretary shall give priority  
25 to actions that facilitate—

1           (1) the preservation of the significant cultural,  
2           historical, natural, and recreational resources of the  
3           Heritage Area; and

4           (2) the provision of educational, interpretive,  
5           and recreational opportunities that are consistent  
6           with the resources of the Heritage Area.

7 **SEC. 8. LAND USE REGULATION.**

8           (a) IN GENERAL.—Nothing in this Act—

9           (1) grants any power of zoning or land use to  
10           the management entity; or

11           (2) modifies, enlarges, or diminishes any au-  
12           thority of the Federal Government or any State or  
13           local government to regulate any use of land under  
14           any law (including regulations).

15           (b) PRIVATE PROPERTY.—Nothing in this Act—

16           (1) abridges the rights of any person with re-  
17           spect to private property;

18           (2) affects the authority of the State or local  
19           government with respect to private property; or

20           (3) imposes any additional burden on any prop-  
21           erty owner.

22 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

23           (a) IN GENERAL.—There is authorized to be appro-  
24           priated to carry out this Act \$10,000,000, of which not

1 more than \$1,000,000 shall be made available for any fis-  
2 cal year.

3 (b) NON-FEDERAL SHARE.—The non-Federal share  
4 of the cost of any activities carried out using Federal  
5 funds made available under subsection (a) shall be not less  
6 than 50 percent.

7 **SEC. 10. TERMINATION OF AUTHORITY.**

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

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