

112TH CONGRESS
1ST SESSION

H. R. 2378

To establish the Buffalo Bayou National Heritage Area in the State of Texas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2011

Mr. GENE GREEN of Texas (for himself, Mr. OLSON, and Ms. JACKSON LEE of Texas) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To establish the Buffalo Bayou National Heritage Area in the State of Texas, 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 “Buffalo Bayou Na-
5 tional Heritage Area Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) HERITAGE AREA.—The term “Heritage
9 Area” means the Buffalo Bayou National Heritage
10 Area, established in this Act.

1 (2) MANAGEMENT ENTITY.—The term “man-
2 agement entity” means the management entity for
3 the Heritage Area designated by this Act.

4 (3) MANAGEMENT PLAN.—The term “manage-
5 ment plan” means the management plan for the
6 Heritage Area required under this Act.

7 (4) MAP.—The term “map” means the map en-
8 titled “Buffalo Bayou National Heritage Area Pro-
9 posed Boundary”, numbered T11/101,592, and
10 dated March 2010.

11 (5) SECRETARY.—The term “Secretary” means
12 the Secretary of the Interior.

13 (6) STATE.—The term “State” means the State
14 of Texas.

15 **SEC. 3. BUFFALO BAYOU NATIONAL HERITAGE AREA.**

16 (a) ESTABLISHMENT.—There is established in the
17 State the Buffalo Bayou National Heritage Area.

18 (b) BOUNDARIES.—The Heritage Area shall consist
19 of areas included in the map in Harris County, Texas.

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

21 (1) included in the management plan; and

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

1 (d) MANAGEMENT ENTITY.—The management entity
2 for the Heritage Area shall be the Buffalo Bayou National
3 Heritage Area Corporation.

4 **SEC. 4. ADMINISTRATION.**

5 The management entity shall—

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

9 (2) assist units of local government, regional
10 planning organizations, and nonprofit organizations
11 in carrying out the approved management plan by—

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

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

18 (C) developing recreational and educational
19 opportunities in the Heritage Area;

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

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

1 (F) ensuring that clear, consistent, and ap-
2 propriate signs identifying points of public ac-
3 cess, and sites of interest are posted throughout
4 the Heritage Area; and

5 (G) promoting a wide range of partner-
6 ships among governments, organizations, and
7 individuals to further the Heritage Area;

8 (3) consider the interests of diverse units of
9 government, businesses, organizations, and individ-
10 uals in the Heritage Area in the preparation and im-
11 plementation of the management plan;

12 (4) conduct meetings open to the public at least
13 semiannually regarding the development and imple-
14 mentation of the management plan; and

15 (5) submit an annual report to the Secretary
16 that describes the activities, expenses, and income of
17 the management entity (including grants to any
18 other entities during the year that the report is
19 made).

20 **SEC. 5. MANAGEMENT PLAN.**

21 (a) IN GENERAL.—Not later than 3 years after the
22 date of enactment of this Act, the management entity shall
23 submit to the Secretary for approval a proposed manage-
24 ment plan for the Heritage Area.

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

1 (1) incorporate an integrated and cooperative
2 approach for the protection, enhancement, and inter-
3 pretation of the natural, cultural, historic, scenic,
4 and recreational resources of the Heritage Area;

5 (2) take into consideration State and local
6 plans;

7 (3) include—

8 (A) an inventory of—

9 (i) the resources located in the core
10 area described in section 4(b); and

11 (ii) any other property in the core
12 area that—

13 (I) is related to the themes of the
14 Heritage Area; and

15 (II) should be preserved, re-
16 stored, managed, or maintained be-
17 cause of the significance of the prop-
18 erty;

19 (B) comprehensive policies, strategies, and
20 recommendations for conservation, funding,
21 management, and development of the Heritage
22 Area;

23 (C) a description of actions that govern-
24 ments, private organizations, and individuals
25 have agreed to take to protect the natural, his-

1 torical, and cultural resources of the Heritage
2 Area;

3 (D) a program of implementation for the
4 management plan by the management entity
5 that includes a description of actions to facili-
6 tate ongoing collaboration among partners to—

7 (i) promote plans for resource protec-
8 tion, restoration, and construction; and

9 (ii) specific commitments for imple-
10 mentation that have been made by the
11 management entity or any government, or-
12 ganization, or individual for the first 5
13 years of operation;

14 (E) the identification of sources of funding
15 for carrying out the management plan;

16 (F) analysis and recommendations for
17 means by which local, State, and Federal pro-
18 grams, including the role of the National Park
19 Service in the Heritage Area, may best be co-
20 ordinated to carry out this Act; and

21 (G) an interpretive plan for the Heritage
22 Area; and

23 (4) recommend policies and strategies for re-
24 source management that consider and detail the ap-
25 plication of appropriate land and water management

1 techniques, including the development of intergov-
2 ernmental and interagency cooperative agreements
3 to protect the natural, historical, cultural, edu-
4 cational, scenic, and recreational resources of the
5 Heritage Area.

6 (c) DEADLINE.—If a proposed management plan is
7 not submitted to the Secretary by the date that is 3 years
8 after the date of enactment of this Act, the management
9 entity shall be ineligible to receive the designation of a
10 National Heritage Area under this Act until the date that
11 the Secretary receives and approves the management plan.

12 (d) APPROVAL OR DISAPPROVAL OF MANAGEMENT
13 PLAN.—

14 (1) IN GENERAL.—Not later than 180 days
15 after the date of receipt of the management plan
16 under subsection (a), the Secretary, in consultation
17 with the State, shall approve or disapprove the man-
18 agement plan.

19 (2) CRITERIA FOR APPROVAL.—In determining
20 whether to approve the management plan, the Sec-
21 retary shall consider whether—

22 (A) the management entity is representa-
23 tive of the diverse interests of the Heritage
24 Area, including governments, natural and his-
25 toric resource protection organizations, edu-

1 cational institutions, businesses, and rec-
2 reational organizations;

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

7 (C) the resource protection and interpreta-
8 tion strategies contained in the management
9 plan, if implemented, would adequately protect
10 the natural, historical, and cultural resources of
11 the Heritage Area.

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

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

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

19 (C) not later than 180 days after the re-
20 ceipt of any proposed revision of the manage-
21 ment plan from the management entity, ap-
22 prove or disapprove the proposed revision.

23 (4) AMENDMENTS.—The Secretary shall ap-
24 prove or disapprove each amendment to the manage-

1 ment plan that the Secretary determines makes a
2 substantial change to the management plan.

3 **SEC. 6. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

4 (a) IN GENERAL.—Nothing in this Act affects the au-
5 thority of a Federal agency to provide technical or finan-
6 cial assistance under any other law.

7 (b) CONSULTATION AND COORDINATION.—The head
8 of any Federal agency planning to conduct activities that
9 may have an impact on the Heritage Area is encouraged
10 to consult and coordinate the activities with the Secretary
11 and the management entity to the maximum extent prac-
12 ticable.

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

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

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

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

1 **SEC. 7. PRIVATE PROPERTY PROTECTION.**

2 Nothing in this Act—

3 (1) abridges the rights of any property owner
4 (whether public or private), including the right to re-
5 frain from participating in any plan, project, pro-
6 gram, or activity conducted within the Heritage
7 Area;

8 (2) requires any property owner to permit pub-
9 lic access (including access by Federal, State, or
10 local agencies) to the property of the property
11 owner, or to modify public access or use of property
12 of the property owner under any other Federal,
13 State, or local law;

14 (3) alters any duly adopted land use regulation,
15 approved land use plan, or other regulatory author-
16 ity of any Federal, State or local agency, or conveys
17 any land use or other regulatory authority to the
18 management entity;

19 (4) authorizes or implies the reservation or ap-
20 propriation of water or water rights;

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

24 (6) creates any liability, or affects any liability
25 under any other law, of any private property owner

1 with respect to any person injured on the private
2 property.

3 **SEC. 8. WATER RIGHTS.**

4 (a) STATEMENT OF POLICY.—Nothing in this Act is
5 meant to modify the Rio Grande Natural Area Act.

6 (b) APPLICABILITY.—Nothing in this Act—

7 (1) amends, modifies, or is in conflict with the
8 Act of May 31, 1939 (53 Stat. 785, chapter 155);

9 (2) authorizes the regulation of private land in
10 the Heritage Area;

11 (3) authorizes the imposition of any mandatory
12 streamflow requirements;

13 (4) creates an express or implied Federal re-
14 served water right;

15 (5) imposes any Federal water quality standard
16 within or upstream of the Heritage Area that is
17 more restrictive than would be applicable had the
18 Heritage Area not been established; or

19 (6) prevents the State of Texas from acquiring
20 an instream flow through the Heritage Area under
21 the terms, conditions, and limitations of State law to
22 assist in protecting the natural environment to the
23 extent and for the purposes authorized by State law.

1 **SEC. 9. EVALUATION REPORT.**

2 (a) IN GENERAL.—Ten years after the establishment
3 of the Heritage Area, the Secretary shall—

4 (1) conduct an evaluation of the accomplish-
5 ments of the Heritage Area; and

6 (2) prepare a report in accordance with sub-
7 section (c).

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

10 (1) assess the progress of the management enti-
11 ty with respect to—

12 (A) accomplishing the purposes of this Act
13 for the Heritage Area; and

14 (B) achieving the goals and objectives of
15 the approved management plan for the Heritage
16 Area;

17 (2) analyze the Federal, State, local, and pri-
18 vate investments in the Heritage Area to determine
19 the impact of the investments; and

20 (3) review the management structure, partner-
21 ship relationships, and funding of the Heritage Area
22 for purposes of identifying the critical components
23 for sustainability of the Heritage Area.

24 (c) REPORT.—

25 (1) IN GENERAL.—Based on the evaluation con-
26 ducted under subsection (a)(1), the Secretary shall

1 prepare a report that includes recommendations for
2 the future role of the National Park Service, if any,
3 with respect to the Heritage Area.

4 (2) SUBMISSION TO CONGRESS.—On completion
5 of the report, the Secretary shall submit the report
6 to—

7 (A) the Committee on Energy and Natural
8 Resources of the Senate; and

9 (B) the Committee on Natural Resources
10 of the House of Representatives.

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