

## Calendar No. 8

109TH CONGRESS  
*1st Session*

SENATE

REPORT  
109-1

### NORTHERN RIO GRANDE NATIONAL HERITAGE AREA ACT

FEBRUARY 16, 2005.—Ordered to be printed

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

### R E P O R T

[To accompany S. 63]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 63) to establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 3, line 2, insert “National” before “Heritage”.
2. On page 5, line 10, strike “secretary” and insert “Secretary”.

#### PURPOSE OF THE MEASURE

The purpose of S. 63 is to establish the Northern Rio Grande National Heritage Area in the State of New Mexico.

#### BACKGROUND AND NEED

S. 63 would establish the Northern Rio Grande National Heritage Area in northern New Mexico along the Rio Grande River, including the cities of Taos and Santa Fe and the community of San Juan Pueblo. The proposed heritage area would encompass a rich mosaic of natural and cultural history which predates Spanish settlement of the region in 1598. The region reflects the continuing home of people of Hispanic, Native Americans and Anglo-American descent. Northern New Mexico is home to eight Pueblo communities. The Taos Pueblo represents a community that has been inhabited for over a thousand years—the longest period of time in the United States. The nation’s oldest church and first Spanish Mission can be found in Santa Fe and the San Juan Pueblo, respectively.

In 1991, the National Park Service study entitled “Alternative Concepts for Commemorating Spanish Colonization” identified several alternatives consistent with the establishment of a National Heritage Area. These included conducting a comprehensive archaeological and historical research program, coordinating a comprehensive interpretation program, and interpreting a cultural heritage scene.

S. 63 would designate a National Heritage Area in northern New Mexico to assist local communities in preserving and interpreting the resources in the area. A proposed corporation, the Northern Rio Grande National Heritage Area, Inc., will act on a non-profit basis to manage the heritage area. The Board of the Northern Rio Grande Heritage Area, Inc. would include 15 to 25 trustees selected from the three counties within the area (Santa Fe, Rio Arriba, and Taos Counties), including representatives from local communities and Pueblos.

The combination of cultures, languages, folk arts, customs, architecture, and spectacular natural resources make northern New Mexico unique within our nation’s culture and history. Establishment of the Northern Rio Grande National Heritage Area will assist in the preservation and interpretation of the area’s unique and nationally significant resources.

#### LEGISLATIVE HISTORY

S. 63 was introduced by Senators Bingaman and Domenici on January 24, 2005. During the 107th Congress, the Committee considered identical legislation, S. 2576. The Subcommittee on National Parks held a hearing on S. 2576 on June 20, 2002. The text of S. 2576 was incorporated as an amendment to H.R. 695, establishing an Oil Region National Heritage Area in Pennsylvania. H.R. 695 was ordered reported (H.R. Rept. 107–123), as amended, by a voice vote on July 31, 2002 and passed the Senate by unanimous consent on November 20, 2002. The House of Representatives did not consider the bill prior to the *sine die* adjournment of the 107th Congress. During the 108th Congress, the Committee considered identical legislation, S. 211. S. 211 was introduced by Senators Bingaman and Domenici on January 23, 2003. The Committee on Energy and Natural Resources ordered S. 211 favorably reported (S. Rept. 108–293) on June 16, 2004. S. 211 passed the Senate by unanimous consent on September 15, 2004. S. 211 passed the House of Representatives with an amendment on October 7, 2004.

Similar text to S. 211 (as passed by the Senate) was also included as title XVIII of S. amendment 4085 to S. 1521, which passed the Senate by unanimous consent on December 7, 2004. The House of Representatives did not consider the bill prior to the *sine die* adjournment of the 108th Congress.

At its business meeting on February 9, 2005, the Committee on Energy and Natural Resources ordered S. 63, as amended, favorably reported.

#### COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in an open business session on February 9, 2005, by a unanimous voice

vote of a quorum present, recommends that the Senate pass S. 63, if amended as described herein.

#### SECTION-BY-SECTION ANALYSIS

Section 1 entitles the bill the "Northern Rio Grande National Heritage Area Act."

Section 2 sets forth congressional findings.

Section 3 defines key terms.

Section 4 establishes the Northern Rio Grande National Heritage Area in the State of New Mexico, encompassing the counties of Santa Fe, Rio Arriba, and Taos. The Northern Rio Grande National Heritage Area, Inc., a New Mexico chartered non-profit corporation, is designated as the management entity, and a Board of Directors for the management entity, shall be established, including representatives of affected counties, cities, tribes and pueblos, and the general public.

Section 5 sets forth the authorities and duties of the management entity.

Section 6 states that the Secretary of the Interior may provide technical and financial assistance upon request by the management entity for development and implementation of the management plan. Priority will be given to actions that facilitate conservation of significant resources and for opportunities consistent with the resources of the heritage area.

Section 7 contains several savings provisions, including statements that this Act does not affect in any way any authority of any government to regulate the use of private lands within the heritage area or grant the management entity authority to regulate privately owned lands or affect the Federal Government's trust responsibilities and the government-to-government obligations to any federally recognized Indian tribes.

Section 8 terminates the authority to assist the management entity 15 years after the date of enactment.

Section 9 authorizes to be appropriated \$10,000,000 to carry out this Act, with no more than \$1,000,000 authorized to be appropriated in any given fiscal year. The Federal share may not exceed 50 percent of the total costs of any given activity.

#### COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office.

FEBRUARY 11, 2005.

Hon. PETE V. DOMENICI,  
*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. 63, the Northern Rio Grande 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,

DOUGLAS HOLTZ-EAKIN.

Enclosure.

*S. 63—Northern Rio Grande National Heritage Area Act*

S. 63 would establish the Northern Rio Grande National Heritage Area in New Mexico and would designate the Northern Rio Grande National Heritage Area, Inc., as the managing entity for the area. The nonprofit corporation would be responsible for developing and implementing a management plan for the protection, development, and management of cultural and other area resources. Finally, the legislation would authorize the appropriation of \$10 million, not to exceed \$1 million annually, for technical and financial assistance to the corporation over the next 15 years.

Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 63 would cost \$10 million over the next 10 to 15 years. Such amounts would be used to cover a portion of the costs of planning, establishing, operating, and interpreting the heritage area. Enacting this legislation would have no effect on revenues or direct spending.

S. 63 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Lisa Cash Driskill. The estimate was 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. 63. 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. 63, as ordered reported.

EXECUTIVE COMMUNICATIONS

The views of the Administration were included in testimony received by the Committee at a hearing on July 16, 2002.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
*Washington, DC, July 16, 2002.*

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

DEAR MR. CHAIRMAN: This letter sets forth the views of the Department of the Interior on S. 2576, a bill to authorize the establishment of the Northern Rio Grande National Heritage Area in New Mexico.

The Department recognizes the appropriateness of designating the Northern Rio Grande National Heritage Area, as it has the characteristics necessary to be established as a national heritage area and the potential to meet the expectations of the National Park Service's National Heritage Area Program. We recommend,

however, that the committee defer action on S. 2576 during the remainder of the 107th Congress. The Department has reviewed our progress on the President's Initiative to eliminate the deferred maintenance backlog, and it is clear that we need to continue to focus our resources on caring for existing areas in the National Park System. While the designation of the heritage area will not result in additional acquisition or capital costs, the authorization provides for technical and grant assistance costs. Under this Act, total appropriations of \$10 million are authorized through the fiscal year 2017, of which not more than \$1,000,000 may be appropriated for any fiscal year. The Federal share of the costs for any activity funded under this Act shall not exceed 50 percent.

S. 2576 would establish the Northern Rio Grande National Heritage Area in Santa Fe County, Rio Arriba County, and Taos County in New Mexico. The bill designates the Northern Rio Grande National Heritage Area, Inc. a non-profit corporation chartered in the State of New Mexico, as the management entity for the heritage area. The management entity would be made up of representatives from Santa Fe County, Rio Arriba County, and Taos County, New Mexico, and Native American Tribes participating in the heritage area. The bill also authorizes the development of a management plan for the heritage area. If the plan is not submitted within three years, the heritage area becomes ineligible for federal funding until a plan is submitted to the Secretary. Additionally, S. 2576 outlines the duties of the management entity and prohibits the use of federal funds to acquire real property or interests in real property. At the request of the management entity, the Secretary would be authorized to provide technical and financial assistance to develop and implement the management plan.

The creation of the Northern Rio Grande National Heritage Area would encompass the long history of the cultural mosaic developed by Native American occupation, early Spanish settlement, Mexican Period settlement, mining, ranching, and other pioneer settlements, and the continuing influence of people of Hispanic, Anglo-American, and Native American descent. The area demonstrates the antiquity of native cultures as well as the genealogical longevity of the descendants of Spanish ancestors who settled in the area in 1598. The combination of cultures, languages, folk-arts, customs, and architecture make northern New Mexico unique within our national culture and history.

The National Park Service has defined a National Heritage Area as a place where natural, cultural, historic and recreational resources combine to form a nationally distinctive landscape arising from patterns of human activity. Heritage conservation efforts are grounded in a community's pride and interest in its history and traditions. Preserving the integrity of the cultural landscape and local stories means that future generations will be able to understand and define who they are, where they come from, and what ties them to their home. Thus, through the designation of the Northern Rio Grande National Heritage Area, these peoples will be better able to understand their rich and complex heritage as well as share it with the many visitors to northern New Mexico.

On a natural scale, the heritage area would provide a new partnership for management and protection of long natural vistas, isolated high desert valleys, mountain ranges and among the best air,

water and night sky qualities found in the United States. Few roadways interrupt the ridges and range topography. A variety of flora and fauna are often present. Aside from its spectacular natural and scenic vistas, the area includes outstanding recreational resources.

As we have previously testified, there are several steps the National Park Service believes should be taken prior to Congress designating a national heritage area to help ensure that the heritage area is successful.

The stages are: a completion of a suitability/feasibility study; the public involvement in the suitability/feasibility study; gather a demonstration of widespread public support among heritage area residents for the proposed designation; and a commitment to the proposal from the appropriate players which may include governments, industry, and private, non-profit organizations, in addition to the local citizenry.

We believe that studies that have been completed or are underway meet the intent of these criterion. The proposed establishment is based on many years of work conducted by various local community organizations in New Mexico. One such study by the National Park Service, *Alternative Concepts for Commemorating Spanish Colonization* (1991), identified several alternatives consistent with the establishment of a National Heritage Area, including coordination with supporting historical research programs, such as the NPS Intermountain Spanish Colonial Research Center in Albuquerque, and NPS archaeological research programs in Santa Fe. This report and other related reports such as, *The Camino Real de Tierra Adentro Feasibility Study* (1997), conducted in New Mexico have included input from organizations, agencies, tribal representatives, a cross-section of citizens in the region, and potential partners who would be involved in the creation and management of a National Heritage Area. This activity is consistent with Secretary Norton's '4-Cs' effort, demonstrating the benefits of consultation, communication and coordination in the service of conservation.

A number of Federal agencies, including prominently the Bureau of Land Management (BLM) and the Forest Service are major land managers within the area covered by this legislation. For example, the BLM manages over a half million acres of Federal land within the proposed Heritage Area including important cultural, pre-historic, and historic sites as well as several Areas of Critical Environmental Concern (ACEs). We believe that the legislation should allow for the participation of all Federal partners, along with state, tribal and local partners, in the Heritage Area.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

CRAIG MANSON,  
*Assistant Secretary for Fish and Wildlife and Parks.*

## 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. 63 as ordered reported.