

MOUNTAINS TO SOUND GREENWAY NATIONAL HERITAGE
ACT

JUNE 1, 2018.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 1791]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1791) to establish the Mountains to Sound Greenway National Heritage Area in the State of Washington, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Mountains to Sound Greenway National Heritage Act”.

SEC. 2. PURPOSES; CONSTRUCTION.

The purposes of this Act include—

(1) to recognize the national importance of the natural and cultural legacies of the area, as demonstrated in the study entitled “Mountains to Sound Greenway National Heritage Area Feasibility Study” dated April 2012 and its addendum dated May 2014;

(2) to recognize the heritage of natural resource conservation in the Pacific Northwest and in the Mountains to Sound Greenway;

(3) to preserve, support, conserve, and interpret the legacies of natural resource conservation, community stewardship, and Indian tribes and nations from time immemorial, within the Mountains to Sound National Heritage Area;

(4) to promote heritage, cultural, and recreational tourism and to develop educational and cultural programs for visitors and the general public;

(5) to recognize and interpret important events and geographic locations representing key developments in the creation of America, particularly the settlement of the American West and the stories of diverse ethnic groups, Indian tribes, and others;

(6) to enhance a cooperative management framework to assist Federal, State, local, and Tribal governments, the private sector, and citizens residing in the

Heritage Area in conserving, supporting, managing, and enhancing natural and recreational sites in the Heritage Area;

(7) to recognize and interpret the relationship between land and people, representing broad American ideals demonstrated through the integrity of existing resources within the Heritage Area; and

(8) to support working relationships between public land managers and the community by creating relevant links between the National Park Service, the Forest Service, other relevant Federal agencies, Tribal governments, State and local governments and agencies, and community stakeholders within and surrounding the Heritage Area in order to protect, enhance, and interpret cultural and natural resources within the Heritage Area.

SEC. 3. DEFINITIONS.

In this Act:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Mountains to Sound Greenway National Heritage Area established in this Act.

(2) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the entity selected by the Secretary under section 4(d).

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

(4) **MAP.**—The term “Map” means the map entitled “Mountains to Sound Greenway National Heritage Area Proposed Boundary”, numbered 584/125,484, and dated August 2014.

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

(6) **STATE.**—The term “State” means the State of Washington.

(7) **TRIBE OR TRIBAL.**—The terms “Tribe” or “Tribal” mean any federally recognized Indian tribe with cultural heritage and historic interests within the proposed Mountains to Sound Greenway National Heritage Area, including the Snoqualmie, Yakama, Tulalip, Muckleshoot and Colville Indian tribes.

SEC. 4. DESIGNATION OF THE MOUNTAINS TO SOUND GREENWAY NATIONAL HERITAGE AREA.

(a) **ESTABLISHMENT.**—There is established in the State the Mountains to Sound Greenway National Heritage Area.

(b) **BOUNDARIES.**—The Heritage Area shall consist of land located in King and Kittitas Counties in the State, as generally depicted on the map.

(c) **MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service, the United States Forest Service, and the local coordinating entity.

(d) **LOCAL COORDINATING ENTITY.**—The Secretary shall designate a willing local unit of government, a consortium of affected counties, Indian tribe, or a nonprofit organization to serve as the coordinating entity for the Heritage Area within 120 days of the date of the enactment of this Act.

SEC. 5. MANAGEMENT PLAN.

(a) **IN GENERAL.**—Not later than 3 years after the date of the enactment of this Act, the local coordinating entity 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, and interpretation of the natural, cultural, historic, scenic, and recreational resources of the Heritage Area;

(2) take into consideration Federal, State, Tribal, and local plans; and

(3) include—

(A) an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area, including an acknowledgment of the exercise of Tribal treaty rights, that relate to the national importance and themes of the Heritage Area that should be conserved and enhanced;

(B) a description of strategies and recommendations for conservation, funding, management, and development of the Heritage Area;

(C) a description of the actions that Federal, State, local, and Tribal governments, private organizations, and individuals have agreed to take to protect and interpret the natural, cultural, historical, scenic, and recreational resources of the Heritage Area;

(D) a program of implementation for the management plan by the local coordinating entity, including—

(i) performance goals and ongoing performance evaluation; and

(ii) commitments for implementation made by partners;

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

(F) analysis and recommendations for means by which Federal, State, local, and Tribal programs may best be coordinated to carry out this section;

(G) an interpretive plan for the Heritage Area, including Tribal heritage;

(H) recommended policies and strategies for resource management, including the development of intergovernmental and interagency cooperative agreements to protect the natural, cultural, historical, scenic, and recreational resources of the Heritage Area; and

(I) a definition of the roles of the National Park Service, the Forest Service, other Federal agencies, and Tribes in the coordination of the Heritage Area and in otherwise furthering the purposes of this Act.

(c) **DEADLINE.**—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of the enactment of this Act, the local coordinating 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 proposed management plan, the Secretary, in consultation with the State, affected counties, and Tribal governments, 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 local coordinating entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan;

(B) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, cultural, historical, scenic, and recreational resources of the Heritage Area;

(C) the management plan is consistent with the Secretary's trust responsibilities to Indian tribes and Tribal treaty rights within the National Heritage Area; and

(D) the management plan is supported by the appropriate State, Kittitas County, King County, and local officials, the cooperation of which is needed to ensure the effective implementation of State and local aspects of the management plan.

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

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

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

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

(e) **AMENDMENTS.**—The Secretary shall review and approve or disapprove in the same manner as the original management plan, each amendment to the management plan that makes a substantial change to the management plan, as determined by the Secretary. The local coordinating entity shall not carry out any amendment to the management plan until the date on which the Secretary has approved the amendment.

SEC. 6. ADMINISTRATION.

(a) **AUTHORITIES.**—

(1) **IN GENERAL.**—For purposes of implementing the management plan, the Secretary and Forest Service may—

(A) provide technical assistance for the implementation of the management plan; and

(B) enter into cooperative agreements with the local coordinating entity, State and local agencies, Tribes, and other interested parties to carry out this Act, including cooperation and cost sharing as appropriate to provide more cost-effective and coordinated public land management.

(2) **TERMINATION OF AUTHORITY.**—The authority of the Secretary to provide technical assistance under this Act terminates on the date that is 15 years after the date of the enactment of this Act.

(b) **LOCAL COORDINATING ENTITY AUTHORITIES.**—For purposes of implementing the management plan, the local coordinating entity may—

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

- (2) enter into cooperative agreements with, or provide technical assistance to, Federal agencies, the State or political subdivisions of the State, Tribes, nonprofit organizations, and other interested parties;
 - (3) hire and compensate staff, including individuals with expertise in natural, cultural, historical, scenic, and recreational resource protection and heritage programming;
 - (4) obtain money or services from any source, including any money or services that are provided under any other Federal law or program, in which case the Federal share of the cost of any activity assisted using Federal funds provided for National Heritage Areas shall not be more than 50 percent;
 - (5) contract for goods or services; and
 - (6) undertake to be a catalyst for other activities that—
 - (A) further the purposes of the Heritage Area; and
 - (B) are consistent with the management plan.
- (c) LOCAL COORDINATING ENTITY DUTIES.—The local coordinating entity shall—
- (1) in accordance with section 5, prepare and submit a management plan to the Secretary;
 - (2) assist units of Federal, State, and local government, Tribes, regional planning organizations, nonprofit organizations, and other interested parties in carrying out the approved management plan by—
 - (A) carrying out programs and projects that recognize, protect, and enhance important resource values in the Heritage Area;
 - (B) establishing and maintaining interpretive exhibits and programs in the Heritage Area;
 - (C) developing recreational and educational opportunities in the Heritage Area; and
 - (D) increasing public awareness of, and appreciation for, the natural, cultural, historical, Tribal, scenic, and recreational resources of the Heritage Area;
 - (3) consider the interests of diverse units of government, Tribes, business, 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) encourage, by appropriate means, economic viability that is consistent with the Heritage Area; and
 - (6) submit a report to the Secretary every five years after the Secretary has approved the management plan, specifying—
 - (A) the expenses and income of the local coordinating entity; and
 - (B) significant grants or contracts made by the local coordinating entity to any other entity over the 5-year period that describes the activities, expenses, and income of the local coordinating entity (including grants from the local coordinating entity to any other entity during the year that the report is made).
- (d) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not acquire real property or interest in real property through condemnation.
- (e) USE OF FEDERAL FUNDS.—Nothing in this Act shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.

SEC. 7. RELATIONSHIP TO TRIBAL GOVERNMENTS.

Nothing in this Act shall construe, define, waive, limit, affect any rights of any federally recognized Indian tribe and the Federal trust responsibility.

SEC. 8. 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.—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 local coordinating 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. 9. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this Act, the proposed Mountains to Sound Greenway National Heritage Area, or resulting management plan (or any revisions to that plan) shall—

- (1) abridge the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;
- (2) require any property owner—
 - (A) to allow public access (including access by Federal, State, or local agencies) to the property of the property owner; or
 - (B) to modify public access or use of property of the property owner under any other Federal, State, or local law;
- (3) alter any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, Tribal, or local agency;
- (4) convey any land use or other regulatory authority to the local coordinating entity or any subsidiary organization, including but not necessarily limited to development and management of energy or water or water-related infrastructure;
- (5) authorize or imply the reservation or appropriation of water or water rights;
- (6) diminish the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area or the authority of Tribes to regulate their members with respect to such matters in the exercise of Tribal treaty rights;
- (7) create 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;
- (8) affect current or future grazing permits, leases, or allotment on Federal lands;
- (9) affect the construction, operation, maintenance or expansion of current or future water projects, including water storage, hydroelectric facilities, or delivery systems; or
- (10) alter the authority of State, county, or local governments in land use planning or obligate those governments to comply with any recommendations in the management plan.

SEC. 10. EVALUATION AND REPORT.

(a) **IN GENERAL.**—Not later than 15 years after the date of the enactment of this Act, 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 local coordinating entity with respect to—
 - (A) accomplishing the purposes of the Heritage Area; and
 - (B) achieving the goals and objectives of the management plan;

- (2) analyze the investments of Federal, State, Tribal, and local governments and private entities in the Heritage Area to determine the 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.**—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that includes recommendations for the future role of the National Park Service with respect to the Heritage Area.

PURPOSE OF THE BILL

The purpose of H.R. 1791 is to establish the Mountains to Sound Greenway National Heritage Area in the State of Washington.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 1791 would establish the Mountains to Sound Greenway National Heritage Area (NHA) across portions of King and Kittitas Counties in the State of Washington and directs the Secretary of the Interior to designate a local unit of government, an Indian tribe, or a nonprofit organization to serve as the local coordinating entity for the heritage area. Once designated, the chosen entity will

prepare and submit a management plan for the area. Congress has authorized NHAs in places with nationally significant natural, cultural, recreational or historical resources. Although these areas are not units of the National Park System, they do partner with the National Park Service (NPS) for technical assistance and may also qualify for certain federal funds. In general, the intent is for such designations to encourage private funding support and eventual self-sufficiency for the local non-federal coordinating entity.

The area proposed for designation under this bill is diverse and has lands ranging from mountains, vast forests, high desert, suburban parks and gardens, to metropolitan streets. The Greenway area has been the focus of a grassroots conservation effort by the Mountains to Sound Greenway Coalition for more than 20 years. The Greenway connects 1.5 million acres of urban and wild lands along Interstate 90. Over 900,000 acres of the land is publicly owned, ranging from city parks to expansive public forests. Another 100,000 acres are conserved as permanent private forests.¹

In 1990, hundreds of citizens, led by members of the Issaquah Alps Trails Club, staged a march from Snoqualmie Pass to the Seattle waterfront. The intent of the march was to highlight the need for conservation in the region to counter rapid urban expansion. In 1991, under civic leader Jim Ellis, the non-profit Mountains to Sound Greenway Trust was established. The Trust supports efforts to preserve open space, farms, working forests, and historic sites, and to create new trails, recreation and tourism opportunities along I-90. In the years since the Trust was established, the Mountains to Sound Greenway was designated as a Washington State Scenic Byway and in 1998 as a National Scenic Byway.²

In March 2012, the Trust completed an independent feasibility study regarding designation of the Mountains to Sound Greenway as a NHA. The study was reviewed by the NPS and was found to not meet the NPS interim NHA Feasibility Guidelines. Subsequently, in May 2014, the Trust provided an addendum to the study which provide a revised statement of national importance, themes, a list of associated resources, a summary of traditions, customs, beliefs and folk life, and a boundary justification.

Legislation has been introduced in the House and the Senate since the 113th Congress to establish the Mountains to Sound Greenway NHA, and both the House and the Senate have held hearings on these proposals.³ The House Committee on Natural Resources favorably reported a similar bill, H.R. 1785, in the 113th Congress, and the Senate Committee on Energy and Natural Resources has favorably reported bills in the 113th, 114th, and 115th Congresses.⁴

COMMITTEE ACTION

H.R. 1791 was introduced on March 29, 2017, by Congressman David G. Reichart (R-WA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On April 11, 2018, the Subcommittee

¹Mountains to Sound Greenway, About Us <https://mtsgreenway.org/about/>

²Washington State Department of Transportation, Mountains to Sound Greenway Scenic Byway. <http://www.wsdot.wa.gov/LocalPrograms/ScenicByways/MountainsToSound.htm>.

³H.R. 1785 (113th Congress); H.R. 2900 (114th Congress).

⁴S. 2602 (113th Congress); S. 1690 (114th Congress); and S. 713 (115th Congress).

held a hearing on the legislation. On May 8, 2018, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Congressman Rob Bishop (R-UT) offered an amendment designated #1; it was adopted by unanimous consent. No further amendments were offered, and the bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. Cost of Legislation and the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 21, 2018.

Hon. ROB BISHOP,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1791, the Mountains to Sound Greenway National Heritage Act.

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

Sincerely,

MARK P. HADLEY
(For Keith Hall, Director).

Enclosure.

H.R. 1791—Mountains to Sound Greenway National Heritage Act

H.R. 1791 would establish the Mountains to Sound Greenway National Heritage Area (NHA) in King and Kittitas Counties, Washington. The bill would direct the National Park Service (NPS) to provide assistance to local partners and designate a local coordinating entity that would develop a management plan for the Mountains to Sound Greenway NHA.

The NPS provides technical and financial assistance to NHAs through the Heritage Partnership Program. According to the NPS, under that program the agency typically awards \$150,000 annually to newly established NHAs. Based on the experience of other NHAs, CBO estimates that implementing H.R. 1791 would cost about \$1 million over the 2019–2023 period; such spending would be subject to the availability of appropriated funds.

Enacting H.R. 1791 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 1791 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 1791 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Janani Shankaran. The estimate was reviewed by Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to establish the Mountains to Sound Greenway National Heritage Area in the State of Washington.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes to existing law.