



**To:** House Committee on Natural Resources Republican Members  
**From:** Subcommittee on National Parks, Forests, and Public Lands Republican Staff;  
Terry Camp ([Terry.Camp@mail.house.gov](mailto:Terry.Camp@mail.house.gov)) and Chandler Guy  
([Chandler.Guy@mail.house.gov](mailto:Chandler.Guy@mail.house.gov))  
**Date:** June 14, 2021  
**Subject:** Legislative Hearing on Twelve National Heritage Area Bills

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The Subcommittee on National Parks, Forests, and Public Lands will hold a legislative hearing on 12 national heritage area bills: H.R. 1154 (Rep. McEachin), the Great Dismal Swamp National Heritage Area Act; H.R. 1286 (Rep. Clyburn), the Southern Campaign of the Revolution National Heritage Corridor Act of 2021; H.R. 1316 (Rep. Tonko), the National Heritage Area Act of 2021; H.R. 1424 (Del. Plaskett), the St. Croix National Heritage Area Act; H.R. 1908 (Rep. Case), the K'ena Point National Heritage Area Act; H.R. 1925 (Rep. Kahele), the South Kona National Heritage Area; H.R. 2024 (Rep. Hoyer), the Southern Maryland National Heritage Area Act; H.R. 2107 (Rep. Rutherford), the Nation's Oldest Port National Heritage Area Act; H.R. 2359 (Rep. Cuellar), the Los Caminos Del Rio National Heritage Corridor; H.R. 2899 (Del. San Nicolas), the Guam National Heritage Area Study; H.R. 3222 (Rep. Sewell), the Alabama Black Belt National Heritage Area; and H.R. 3616 (Rep. Moore of Utah), the Bear River National Heritage Area Study Act; on **Tuesday, June, 15, 2021, at 1:00 p.m. EDT** via Cisco WebEx.

Member offices are requested to notify Chandler Guy **no later than Monday, June 14, 2021, at 4:30 p.m. EDT**, if their Member intends to participate in person in the hearing room or remotely from his/her laptop from another location. Submissions for the hearing record must be submitted through the Committee's electronic repository at [HNRCDOcs@mail.house.gov](mailto:HNRCDOcs@mail.house.gov). Please contact David DeMarco ([David,DeMarco@mail.house.gov](mailto:David,DeMarco@mail.house.gov)) or Everett Winnick ([EverettWinnick@mail.house.gov](mailto:EverettWinnick@mail.house.gov)) should any technical difficulties arise.

## I. KEY MESSAGES

- The Majority is holding a hearing on national heritage areas (NHAs) instead of prioritizing other important topics such as implementation of the Great American Outdoors Act or forest health and wildfires.
- The authorizations of 30 NHAs are set to expire at the end of this fiscal year. Congress must address these expirations in a way that encourages NHAs to become less



dependent on federal appropriations, either through a gradual phase out of funding or the creation of a competitive grant program.

- NHAs can be an effective tool to establish public-private partnerships for conservation and historic preservation without adding more land to the federal estate. However, NHAs must be created carefully to ensure private property rights are not affected.

## II. WITNESSES

### Panel I

- **Representative Donald McEachin**, Virginia, 4<sup>th</sup> District
- **Representative James Clyburn**, South Carolina, 6<sup>th</sup> District
- **Representative Paul Tonko**, New York, 20<sup>th</sup> District
- **Delegate Stacey Plaskett**, Virgin Islands, At-Large
- **Representative Ed Case**, Hawai'i, 1<sup>st</sup> District
- **Representative Kaiali'i Kahele**, Hawai'i, 2<sup>nd</sup> District
- **Representative Steny Hoyer**, Maryland, 5<sup>th</sup> District
- **Representative John Rutherford**, Florida, 4<sup>th</sup> District
- **Representative Henry Cuellar**, Texas, 28<sup>th</sup> District
- **Delegate Michael F.Q. San Nicolas**, Guam, At-Large
- **Representative Terri Sewell**, Alabama, 7<sup>th</sup> District
- **Representative Blake Moore**, Utah, 1<sup>st</sup> District

### Panel II

- **Ms. Joy Beasley**, Associate Director of Cultural Resources, Partnerships, and Science, National Park Service (All Bills)

### Panel III

- **Mr. Brian Carver**, Community and Economic Development Director, Bear River Association of Governments [*Republican Witness*]
- **Ms. Kathy Fleming**, Executive Director, St. Augustine Lighthouse and Maritime Museum [*Republican Witness*]
- **Dr. Alexa Sutton Lawrence**, Founder, Great Dismal Swamp Stakeholder Collaborative
- **Mr. Douglas Bostick**, Executive Director, South Carolina Battlefield Preservation Trust
- **Ms. Sara Capen**, Chairwoman, Alliance of National Heritage Areas; Executive Director, Niagara Falls National Heritage Area
- **Ms. Suzanne D. Case**, Chair, Hawaii Department of Land and Natural Resources
- **Ms. Wendy J. Laros**, President & CEO, Kona-Kohala Chamber of Commerce
- **Ms. Lucille W. Walker**, Executive Director, Southern Maryland Heritage Area, Destination Southern Maryland
- **Mr. Christopher Rincon**, Executive Director, The River Pierce Foundation
- **Mr. Joseph E. Quinata**, Chief Program Officer, Guam Preservation Trust
- **Ms. Emily Jones**, Southeast Regional Director, National Parks Conservation Association



### III. BACKGROUND

#### History of NHAs

The National Park Service (NPS) currently oversees 55 NHAs intended to commemorate, conserve, and promote important natural, scenic, historic, cultural, and recreational resources. Unlike lands within the National Park System, which are federally owned and managed, lands within NHAs typically remain in State, local, or private ownership or a combination thereof.<sup>1</sup> There is no comprehensive statute that establishes criteria for designating NHAs or provides standards for their funding and management. Instead, NHAs are created through individual enabling legislation and intended to emphasize partnerships between the federal government and local preservation or environmental groups, referred to as “management entities,” or “local coordinating entities.” These entities develop plans to promote conservation and a nebulous concept they call “heritage tourism.”<sup>2</sup> Within the enabling legislation, Congress typically designates this non-federal management entity to coordinate the work of partner organizations and develop a management plan that becomes the blueprint for managing the NHA once it’s approved by the Secretary of the Interior.<sup>3</sup>

The funding authorizations for 30 of the existing 55 NHAs are set to expire on September 30, 2021. As a result, dozens of bills have been introduced in the 117th Congress to extend existing NHA authorizations of appropriations.<sup>4</sup> Annual appropriations for NHAs typically range from \$150,000 – \$750,000. Congress allocates funding to NHAs under a three-tier system: Tier I NHAs are areas still in the process of developing a management plan; Tier II NHAs are areas with recently approved management plans; and Tier III NHAs are “longstanding” areas. The FY2021 appropriation for NPS assistance to NHAs was \$23.9 million.<sup>5</sup>

Congress originally intended for NHAs to receive federal “seed money” and progress to a point where appropriations would no longer be required. In fact, in 1994, during a debate for additional NHAs on the House floor, then National Parks Subcommittee Chairman Bruce Vento (D-MN) stated, “the amount of support is limited... and there is a limit to the length of time or the amount of money the Federal Government can be in a heritage area. In 10 years, we are out of there. Then they are on their own and we all get the benefit of that conservation.”<sup>6</sup> Despite this assurance, all NHAs dating back to 1984 continue to request support. In recent years, both the Obama and Trump Administrations supported reducing appropriations for NHAs and urged Congress to return to the original concept of NHAs by promoting self-sufficiency.

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<sup>1</sup> Mark K. DeSantis, *Heritage Areas: Background, Proposals, and Current Issues* Congressional Research Service (2021), <https://crsreports.congress.gov/product/pdf/RL/RL33462> (last visited Jun 10, 2021).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> 103 CONG REC. H10869 (1994).

## [H.R. 1316 \(Tonko\)](#)

H.R. 1316 formally establishes an NHA system with criteria for approval and funding. This bill effectively creates a blueprint for establishing new NHAs and continues federal financial support for existing NHAs through FY 2034. NPS currently administers an NHA program, called the Heritage Partnership Program, but its authority is derived from the provisions included in the 55 designated NHAs, not from a single statute.<sup>7</sup> This bill would provide uniform national standards for conducting feasibility studies, designating new NHAs, approving management plans, and conducting evaluations. It also specifies the authorities and duties of the Secretary of the Interior and of the local coordinating entities and authorizes specific amounts of funding for studies, management plans, and annual funding provided to individual NHAs. The bill also extends the authority for the Erie Canalway National Heritage Corridor Commission and the Gullah/Geechee Cultural Heritage Corridor Commission until September 30, 2034.

During the 116<sup>th</sup> Congress, the Natural Resources Committee favorably reported a similar version of Representative Tonko's bill, H.R. 1049, by unanimous consent and it later passed the House. Despite favorable reporting and House passage, concerns raised at markup regarding future self-sufficiency of NHAs were not ultimately addressed and Democrats rejected a Republican amendment to require a gradual step down of appropriations. At the start of the 117<sup>th</sup> Congress, this measure passed the House as an amendment to H.R. 803, the Protecting America's Wilderness and Public Lands Act. The Majority is now pushing H.R. 1316 as an alternative to re-authorizing the 30 expiring NHAs on an individual basis. **Staff Contact: Terry Camp** ([Terry.Camp@mail.house.gov](mailto:Terry.Camp@mail.house.gov); x67736).

## **New NHA Study Bills**

Six of the bills being considered during the hearing would require studies assessing the suitability and feasibility of creating new NHAs. Those bills include:

## [H.R. 1154 \(McEachin\)](#)

This bill requires the Secretary of the Interior to assess the suitability and feasibility of designating a study area comprised of cities and counties in Virginia and counties in North Carolina as an NHA to be known as the Great Dismal Swamp NHA. The Great Dismal Swamp is a marshy region on the Coastal Plain of southeastern Virginia and northeastern North Carolina stretching roughly 37 miles from north to south and covering an area of approximately 750 square miles. About 167 square miles of this is protected within the Great Dismal Swamp National Wildlife Refuge, established in 1974.<sup>8</sup> The Great Dismal Swamp has a long history of Native American inhabitants and was a known route and

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<sup>7</sup> Statement of P. Daniel Smith, Deputy Director, Exercising the Authority of the Director, National Park Service, U.S. Department of the Interior, Before the Subcommittee on National Parks, Forests, and Public Lands Concerning H.R. 1049, H.R. 642, H.R. 1990, and H.R. 2288, Legislation Pertaining to National Heritage Areas, (2019).

<sup>8</sup> Great Dismal Swamp, ENCYCLOPEDIA BRITANNICA (2018), <https://www.britannica.com/place/Great-Dismal-Swamp> (last visited Jun 10, 2021).

destination for freedom seekers.<sup>9</sup> This measure passed the House as an amendment to H.R. 803, the Protecting America's Wilderness and Public Lands Act. **Staff Contact: Terry Camp ([Terry.Camp@mail.house.gov](mailto:Terry.Camp@mail.house.gov); x67736).**

### **H.R. 1908 (Case)**

This bill requires the Secretary of the Interior to conduct a study assessing the suitability and feasibility of designating the Ka'ena Point NHA. The bill focuses on an undeveloped area of Ka'ena Point located on the west end of O'ahu from Makua to Waialua. The area is home to the last intact sand dune ecosystem in Hawai'i and said to be named after a sibling of the Hawaiian goddess Pele. Ka'ena Point also includes an area known as Leina A Ka'uhane, an important recognized cultural site that, according to some Hawaiian traditions, is where the souls of the deceased leapt into the next plane of existence.<sup>10</sup> Ka'ena is also home to various protected species including laysan albatrosses, wedge-tailed shearwaters, monk seals, and fragile native plants. **Staff Contact: Terry Camp ([Terry.Camp@mail.house.gov](mailto:Terry.Camp@mail.house.gov); x67736).**

### **H.R. 1925 (Kahele)**

This bill requires the Secretary of the Interior to conduct a study assessing the suitability and feasibility of designating the South Kona NHA. This study area consists of the coastal area between Ka Lae and Honomalino Bay, along miles of mostly pristine coastline. The area is home to some of the richest and most well-preserved cultural aspects of Hawai'i's history along with unique environmental and natural resources. **Staff Contact: Terry Camp ([Terry.Camp@mail.house.gov](mailto:Terry.Camp@mail.house.gov); x67736).**

### **H.R. 2359 (Cuellar)**

This bill requires the Secretary of the Interior to conduct a study assessing the suitability and feasibility of designating the Los Caminos del Rio National Heritage Corridor. The 200-mile Rio Grande region would become the first area in Texas to receive an NHA designation. The designated area stretches along the border, expanding beyond the river, to include five Texas counties (Webb, Zapata, Starr, Hidalgo, and Cameron). The corridor will showcase the legacies of early colonial Spanish settlements, military conflicts, trade, and agriculture, depicting a story of regional and national importance. The area is known for Tejano festivals, interchange of Spanish and English languages, Tex-Mex cuisine, bullfighting, religious practices, Mariachi music, charreadas (Mexican-style rodeo), and traditional dress. **Staff Contact: Terry Camp ([Terry.Camp@mail.house.gov](mailto:Terry.Camp@mail.house.gov); x67736).**

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<sup>9</sup> History of the Dismal Swamp, Dismal Swamp Canal Welcome Center (2019), <https://dismalswampwelcomecenter.com/history/> (last visited Jun 10, 2021).

<sup>10</sup> Hawaiian History-Some Things Which are of Importance Pertaining to the Dead, Hoakalei Cultural Foundation, <http://www.hoakaleifoundation.org/documents/hawaiian-history%E2%80%94some-things-which-are-importance-pertaining-dead> (last visited Jun 10, 2021).

### [H.R. 2899 \(San Nicolas\)](#)

This bill requires the Secretary of the Interior to conduct a study assessing the suitability and feasibility of designating the island of Guam as an NHA. Guam, a U.S. territory in the North Pacific Ocean, is the largest, most populous, and southernmost of the Mariana Islands.<sup>11</sup> Guam has been inhabited for thousands of years and archaeological evidence indicates that the Mariana Islands were one of the first places settled by seafaring peoples. The Mariana Islands appear to have been continuously occupied by people who shared the same culture and language that eventually became known as Chamorro. Guam's history is also one of multi-colonialism, with the last 400 years of Guam's history marked by administrations of three different colonial powers: Spain, the United States, and Japan. Guam was ceded to the United States as an unincorporated territory after the Spanish-American War in 1898.<sup>12</sup> Guam also had a unique position in World War II when Japan invaded the island shortly after the attack on Pearl Harbor in December 1941. **Staff Contact: Terry Camp** ([Terry.Camp@mail.house.gov](mailto:Terry.Camp@mail.house.gov); x67736).

### [H.R. 3616 \(Moore of Utah\)](#)

This bill requires the Secretary of the Interior to conduct a study assessing the suitability and feasibility of designating the Bear River NHA in northern Utah and southern Idaho. The Bear River area straddles the Utah-Idaho border where the Great Basin and Rocky Mountains meet and consists of seven counties: Cache, Box Elder, and Rich in northern Utah and Franklin, Bear Lake, Caribou and Oneida in southeastern Idaho. The Bear River area is home to the Northwestern Band of the Shoshone Nation, a strong agricultural economy, Golden Spike National Historical Park, numerous Mormon history sites, the Oregon Trail, and abundant natural beauty. **Staff Contact: Terry Camp** ([Terry.Camp@mail.house.gov](mailto:Terry.Camp@mail.house.gov); x67736).

### [Bills to Establish New NHAs](#)

Five of the bills being considered during the hearing would create new NHAs. Those bills include:

### [H.R. 1286 \(Clyburn\)](#)

This bill establishes a new Southern Campaign of the Revolution National Heritage Corridor in North and South Carolina to connect the greatest concentration of the Carolinas' Revolutionary War sites including battlefields, historic communities, farmsteads, and landscapes. Congress, through Public Law 109-338, directed the Secretary of the Interior to conduct a study regarding the suitability and feasibility of designating the Southern Campaign of the Revolution National Heritage Corridor. NPS completed the study in 2015 and determined that the study area met each of the ten criteria<sup>13</sup> for

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<sup>11</sup> Dirk Anthony Ballendorf, Guam Encyclopedia Britannica (2021), <https://www.britannica.com/place/Guam/Government-and-society> (last visited Jun 10, 2021).

<sup>12</sup> Id.

<sup>13</sup> For a list of the ten criteria used by NPS for for evaluation of candidate NHAs see: [https://www.nps.gov/subjects/heritageareas/upload/NHA-Feasibility-Study-Guidelines\\_FINAL-Revisions-2019\\_508-compliant.pdf](https://www.nps.gov/subjects/heritageareas/upload/NHA-Feasibility-Study-Guidelines_FINAL-Revisions-2019_508-compliant.pdf)

designation as an NHA. This bill authorizes federal assistance for 15 years and \$10,000,000 for the operation of the NHA, of which not more than \$1,000,000 may be made available in any fiscal year. **Staff Contact: Terry Camp** ([Terry.Camp@mail.house.gov](mailto:Terry.Camp@mail.house.gov); x67736).

### **H.R. 1424 (Plaskett)**

This bill designates the entire island of St. Croix, one of the U.S. Virgin Islands, as an NHA. Congress, through Public Law 109-338, directed the Secretary of the Interior to conduct a study regarding the suitability and feasibility of designating the St. Croix NHA. NPS completed the study in 2021 and determined that the study area met each of the ten criteria for designation as an NHA.<sup>14</sup> This bill authorizes federal assistance for 15 years and \$10,000,000 for the operation of the NHA, of which not more than \$1,000,000 may be made available in any fiscal year. **Staff Contact: Terry Camp** ([Terry.Camp@mail.house.gov](mailto:Terry.Camp@mail.house.gov); x67736).

### **H.R. 2024 (Hoyer)**

This bill establishes the Southern Maryland NHA, made up of segments of four Maryland counties and designates the Tri-County Council for Southern Maryland as the management entity. A feasibility study of this proposed NHA has not been completed. This area is notable for being the home of the first English colony to pass a freedom of religion law in 1632, which likely later led to the protection of religious freedom in the First Amendment.<sup>15</sup> The area also serves as home to several national historic and scenic trails as well as sites related to the American Revolutionary War, War of 1812, American Civil War, WWI and WWII, and the Project Mercury human spaceflight program.<sup>16</sup> This bill authorizes federal assistance for 15 years and \$10,000,000 for the operation of the NHA, of which not more than \$1,000,000 may be made available in any fiscal year. **Staff Contact: Terry Camp** ([Terry.Camp@mail.house.gov](mailto:Terry.Camp@mail.house.gov); x67736).

### **H.R. 2107 (Rutherford)**

This bill establishes the Nation's Oldest Port NHA, composed of four natural watersheds across four northeast Florida counties. Its boundaries would include the Port of Jacksonville at the mouth of the St. Johns River and historic St. Augustine, the nation's oldest city founded in 1565. The Nation's Oldest Port Heritage Area Alliance, Inc., a nonprofit, will be required to prepare and submit a management plan for the NHA. The St. Augustine Lighthouse and Museum will perform fiscal duties for the NHA, receiving 10% of funding for the NHA for the first five years. The bill authorizes federal assistance for 15 years. **Staff Contact: Terry Camp** ([Terry.Camp@mail.house.gov](mailto:Terry.Camp@mail.house.gov); x67736).

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<sup>14</sup> "Progress reported on effort to establish National Heritage Area for Sr. Croix River region." St. Croix. 360. Greg Seitz. February 26, 2021. <https://www.stcroix360.com/2021/02/progress-reported-on-effort-to-establish-national-heritage-area-for-st-croix-river-region/>

<sup>15</sup> John R. Vile, Maryland Toleration Act of 1649, <https://www.mtsu.edu/first-amendment/article/868/maryland-toleration-act-of-1649> (last visited Jun 10, 2021).

<sup>16</sup> Cardin, Hoyer Renew Push to Make Southern Maryland a New National Heritage Area, U.S. Senator Ben Cardin of Maryland (2021), <https://www.cardin.senate.gov/newsroom/press/release/cardin-hoyer-renew-push-to-make-southern-maryland-a-new-national-heritage-area> (last visited Jun 10, 2021).

### [H.R. 3222 \(Sewell\)](#)

This bill establishes the Alabama Black Belt NHA, composed of land in 19 Alabama counties, and designates the Center for the Study of the Black Belt at the University of West Alabama as the management entity. The Black Belt region of Alabama stretches across the lower-central portion of Alabama, from the eastern border of Mississippi to the western border of southern Georgia. The Black Belt is characterized by its distinctive geography and its exceptionally fertile black soil. The region is recognized by many as the center of the civil rights movement of the 1950s and 1960s. Several events pivotal in the civil rights movement took place in the region including the Montgomery bus boycott, the bombing of the Sixteenth Street Baptist Church, and the march from Selma to Montgomery, which helped lead to the Civil Rights Act of 1964 and the Voting Rights Act of 1965.<sup>17</sup> This bill authorizes federal assistance for 15 years and \$10,000,000 for the operation of the NHA, of which not more than \$1,000,000 may be made available in any fiscal year. **Staff Contact: Terry Camp ([Terry.Camp@mail.house.gov](mailto:Terry.Camp@mail.house.gov); x67736).**

## **IV. MAJOR PROVISIONS & ANALYSIS**

Summaries for the individual NHA designations and NHA studies are included in the background section above. Below are the major provisions of Representative Tonko's National Heritage Area Act of 2021.

### [H.R. 1316 \(Tonko\)](#)

- Establishes a system of NHAs through which the Secretary of the Interior may provide technical and financial assistance to local coordinating entities to support the establishment, development, and continuity of the NHAs.
- Provides for such system to be composed of NHAs designated by Congress before enactment of this Act or under this Act.
- Sets forth requirements for NHA management plans and requires local management entities to submit a management plan within 3 years of an NHA being established.
- Sets forth requirements for NHAs to be evaluated by the Secretary.
- Specifies the criteria that the Secretary shall apply to determine the suitability and feasibility of designating proposed NHAs. States that designation of an NHA shall be by Act of Congress and contingent on the prior completion of a management plan and an affirmative determination by the Secretary of the Interior that the area meets such criteria.
- Describes the duties and authorities of local coordinating entities in administering an NHA. Prohibits use of federal funds to acquire land.
- Provides protections for private property owners and state and local governments within NHA boundaries.
- Authorizes appropriations from FY 2022-FY 2037 for each NHA up to \$750,000 annually.
- Requires NHAs to provide at least a 50 percent match for any activities funded by federal appropriations.

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<sup>17</sup> Id.



- Authorizes a gradual phase in of matching funds for any NHAs that were established previously without a 50 percent match requirement.
- Authorizes the NHA System for 15 years following the date of enactment.

## **V. COST**

None of the bills for this hearing have received a Congressional Budget Office (CBO) cost analysis. However, in the 116<sup>th</sup> Congress, CBO estimated that H.R. 1049, legislation similar to Representative Tonko’s National Heritage Area Act, would cost \$167 million, subject to the availability of appropriations, over the 2020-2025 period, and would not affect direct spending or revenues.<sup>18</sup>

## **VI. ADMINISTRATION POSITION**

The Administration’s position on each of these bills is unknown at this time.

## **VII. EFFECT ON CURRENT LAW (RAMSEYER)**

[H.R. 1316 \(Tonko\)](#)

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<sup>18</sup> <https://www.cbo.gov/publication/56455>