



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.
Washington, D.C. 20240

IN REPLY REFER TO:

L58 (0120)

OCT 23 2009

Memorandum

To: Regional Director, Alaska Region
Associate Director, Cultural Resources

From:  Director

Subject: Activation: P.L. 111-11, Omnibus Public Land Management Act of 2009,
Title VIII, Subtitle A, Section 8010: Kenai Mountains-Turnagain Arm
National Heritage Area, Alaska

On March 30, 2009, President Obama approved H.R. 146, the Omnibus Public Land Management Act of 2009, as Public Law 111-11. Title VIII, Subtitle A, Section 8010 of the act designates the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska. A copy of the pertinent pages of the public law and sections from the *Congressional Record* are attached. Also attached is an introductory statement from the 110th Congress.

The Omnibus Public Land Management Act of 2009 was introduced as S. 22 by Senator Jeff Bingaman (D-NM) on January 7, 2009. The Senate spent several days debating opponents concerns about the size of the bill and potential impacts on energy development and private property rights, and voting on motions to end debate. On January 15, the Senate passed the bill by a vote of 73-21.

The House considered S. 22 on March 11 under the "suspension of the rules" process, which requires a 2/3 majority for passage and disallows amendments. Opponents objected to the use of that process for a bill that contained many provisions that had not previously been considered by the House and to the size and potential impacts of the bill. The House vote was 282-144, two votes short of a 2/3 majority.

H.R. 146, the Revolutionary War and War of 1812 Battlefield Protection Act, was introduced by Representative Rush Holt (D-NJ) on January 6, 2009 and passed by the House on March 3. On March 12, the Senate replaced the original text of H.R. 146 with the text of S. 22. Again, the Senate spent several days considering motions to end debate and considering opponents' amendments, most of which were defeated. On March 19, the Senate passed H.R. 146 by a vote of 77-20. On March 25, the House passed H.R. 146 as amended by the Senate, by a vote of 285-140.

The Omnibus Public Land Management Act of 2009 is comprised of the text of numerous bills, almost all of which were considered during the 110th Congress by the House, the Senate Energy and Natural Resources Committee, or both. These bills were packaged as a comprehensive natural resources omnibus bill by Senator Bingaman, but the bill was not considered by the Senate before the 110th Congress adjourned.

Legislation to designate a Kenai Mountains-Turnagain Arm National Forest Heritage Area in Alaska was introduced in the 110th Congress by Senator Lisa Murkowski (R-AK) on May 21, 2008, as S. 3045. The Subcommittee on National Parks of the Senate Committee on Energy and Natural Resources held a hearing on the bill on June 17, 2008, and the bill was reported by the committee on September 11, 2008 without a written report. The committee-reported version gave responsibility for the heritage area to the Secretary of the Interior, instead of the Secretary of Agriculture, as provided for in the bill as introduced. There was no further action on this bill.

Similar bills were introduced in the 106th and 107th Congresses by Senator Frank Murkowski (R-AK).

Summary of Title VIII, Subtitle A, Section 8010:

Section 8010(a) includes the definitions.

Section 8010(b) establishes the Kenai Mountains-Turnagain Arm National Heritage Area in Alaska, defines the boundaries, and provides the map reference of the heritage area.

Section 8010(c) describes the duties and authorities of the local coordinating entity, including a requirement to prepare, submit and implement a management plan for the heritage area. It also includes guidelines as to how federal funding provided to the heritage area may be spent.

Section 8010(d) describes the duties and authorities of the Secretary of the Interior, including the authority to provide technical and financial assistance to the heritage area. It requires that the Secretary complete an evaluation three years before authority for federal funding terminates assessing the accomplishments of the heritage area. It also requires that a report that includes recommendations for the future role of the NPS and reauthorization of federal funding be submitted to Congress.

Section 8010(e) specifies the duties and authorities of the Kenai Mountains-Turnagain Arm Corridor Communities Association, the local coordinating entity, and includes guidelines on how federal funding provided to the heritage area may be spent.

Section 8010(f) outlines the role of the heritage area in relation to other federal agencies.

Section 8010(g) states that the designation of the area as a heritage area in no way affects the rights of individual private property owners, it does not alter regulatory authority of any government entity, it does not diminish the authority of any state to manage fish and

wildlife, including the regulation of fishing and hunting within the heritage area, nor does it create any additional liabilities within the boundaries of the heritage areas.

Section 8010(h) authorizes appropriation of up to \$10,000,000 for the heritage area and limits the amount that may be made available in any fiscal year to \$1,000,000. It also caps the federal share of the total cost of each activity at no more than 50 percent.

Section 8010(i) specifies that the authority of the Secretary to provide financial assistance to the heritage area shall end 15 years after the enactment of P.L. 111-11.

Responsibility: Regional Director, Alaska Region
 Associate Director, Cultural Resources

Attachments:

P.L. 111-11, Title VIII, Subtitle A, Section 8010

Congressional Record: January 7, 2009 (Introductory statement on S. 22)

Congressional Record: January 9-15, 2009 (Senate consideration of S. 22)

Congressional Record: March 11, 2009 (House consideration of S. 22)

Congressional Record: March 12-19, 2009 (Senate consideration of H.R. 146)

Congressional Record: March 25, 2009 (House consideration of Senate amendments to H.R. 146)

Congressional Record: May 21, 2008 (Introductory statement on S. 3045)

Boundary Map "Proposed Kenai Mountains-Turnagain Arm NHA": August 7, 2007