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(Original Signature of Member)

113TH CONGRESS
1ST SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

Mr. GENE GREEN of Texas introduced the following bill; which was referred to the Committee on _____

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:

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

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

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

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

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

16 (6) STATE.—The term “State” means the State
17 of Texas.

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

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

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

23 (c) MAP.—A map of the Heritage Area shall be—
24 (1) included in the management plan; and

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

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

6 **SEC. 4. ADMINISTRATION.**

7 The management entity shall—

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

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

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

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

20 (C) developing recreational and educational
21 opportunities in the Heritage Area;

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

1 (E) protecting and restoring historic sites
2 and buildings in the Heritage Area that are
3 consistent with Heritage Area themes;

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

8 (G) promoting a wide range of partner-
9 ships among governments, organizations, and
10 individuals to further the Heritage Area;

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

15 (4) conduct meetings open to the public at least
16 semiannually regarding the development and imple-
17 mentation of the management plan; and

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

23 **SEC. 5. MANAGEMENT PLAN.**

24 (a) IN GENERAL.—Not later than 3 years after the
25 date of enactment of this Act, the management entity shall

1 submit to the Secretary for approval a proposed manage-
2 ment plan for the Heritage Area.

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

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

8 (2) take into consideration State and local
9 plans;

10 (3) include—

11 (A) an inventory of—

12 (i) the resources located in the core
13 area described in section 4(b); and

14 (ii) any other property in the core
15 area that—

16 (I) is related to the themes of the
17 Heritage Area; and

18 (II) should be preserved, re-
19 stored, managed, or maintained be-
20 cause of the significance of the prop-
21 erty;

22 (B) comprehensive policies, strategies, and
23 recommendations for conservation, funding,
24 management, and development of the Heritage
25 Area;

1 (C) a description of actions that govern-
2 ments, private organizations, and individuals
3 have agreed to take to protect the natural, his-
4 torical, and cultural resources of the Heritage
5 Area;

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

10 (i) promote plans for resource protec-
11 tion, restoration, and construction; and

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

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

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

24 (G) an interpretive plan for the Heritage
25 Area; and

1 (4) recommend policies and strategies for re-
2 source management that consider and detail the ap-
3 plication of appropriate land and water management
4 techniques, including the development of intergov-
5 ernmental and interagency cooperative agreements
6 to protect the natural, historical, cultural, edu-
7 cational, scenic, and recreational resources of the
8 Heritage Area.

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

15 (d) APPROVAL OR DISAPPROVAL OF MANAGEMENT
16 PLAN.—

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

22 (2) CRITERIA FOR APPROVAL.—In determining
23 whether to approve the management plan, the Sec-
24 retary shall consider whether—

1 (A) the management entity is representa-
2 tive of the diverse interests of the Heritage
3 Area, including governments, natural and his-
4 toric resource protection organizations, edu-
5 cational institutions, businesses, and rec-
6 reational organizations;

7 (B) the management entity has afforded
8 adequate opportunity, including public hearings,
9 for public and governmental involvement in the
10 preparation of the management plan; and

11 (C) the resource protection and interpreta-
12 tion strategies contained in the management
13 plan, if implemented, would adequately protect
14 the natural, historical, and cultural resources of
15 the Heritage Area.

16 (3) ACTION FOLLOWING DISAPPROVAL.—If the
17 Secretary disapproves the management plan under
18 paragraph (1), the Secretary shall—

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

21 (B) make recommendations for revisions to
22 the management plan; and

23 (C) not later than 180 days after the re-
24 ceipt of any proposed revision of the manage-

1 ment plan from the management entity, ap-
2 prove or disapprove the proposed revision.

3 (4) AMENDMENTS.—The Secretary shall ap-
4 prove or disapprove each amendment to the manage-
5 ment plan that the Secretary determines makes a
6 substantial change to the management plan.

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

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

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

17 (c) OTHER FEDERAL AGENCIES.—Nothing in this
18 Act—

19 (1) modifies, alters, or amends any law or regu-
20 lation authorizing a Federal agency to manage Fed-
21 eral land under the jurisdiction of the Federal agen-
22 cy;

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

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

4 **SEC. 7. PRIVATE PROPERTY PROTECTION.**

5 Nothing in this Act—

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

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

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

22 (4) authorizes or implies the reservation or ap-
23 propriation of water or water rights;

1 (5) diminishes the authority of the State to
2 manage fish and wildlife, including the regulation of
3 fishing and hunting within the Heritage Area; or

4 (6) creates any liability, or affects any liability
5 under any other law, of any private property owner
6 with respect to any person injured on the private
7 property.

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

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

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

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

14 (2) authorizes the regulation of private land in
15 the Heritage Area;

16 (3) authorizes the imposition of any mandatory
17 streamflow requirements;

18 (4) creates an express or implied Federal re-
19 served water right;

20 (5) imposes any Federal water quality standard
21 within or upstream of the Heritage Area that is
22 more restrictive than would be applicable had the
23 Heritage Area not been established; or

24 (6) prevents the State of Texas from acquiring
25 an instream flow through the Heritage Area under

1 the terms, conditions, and limitations of State law to
2 assist in protecting the natural environment to the
3 extent and for the purposes authorized by State law.

4 **SEC. 9. EVALUATION REPORT.**

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

7 (1) conduct an evaluation of the accomplish-
8 ments of the Heritage Area; and

9 (2) prepare a report in accordance with sub-
10 section (c).

11 (b) EVALUATION.—An evaluation conducted under
12 subsection (a)(1) shall—

13 (1) assess the progress of the management enti-
14 ty with respect to—

15 (A) accomplishing the purposes of this Act
16 for the Heritage Area; and

17 (B) achieving the goals and objectives of
18 the approved management plan for the Heritage
19 Area;

20 (2) analyze the Federal, State, local, and pri-
21 vate investments in the Heritage Area to determine
22 the impact of the investments; and

23 (3) review the management structure, partner-
24 ship relationships, and funding of the Heritage Area

1 for purposes of identifying the critical components
2 for sustainability of the Heritage Area.

3 (c) REPORT.—

4 (1) IN GENERAL.—Based on the evaluation con-
5 ducted under subsection (a)(1), the Secretary shall
6 prepare a report that includes recommendations for
7 the future role of the National Park Service, if any,
8 with respect to the Heritage Area.

9 (2) SUBMISSION TO CONGRESS.—On completion
10 of the report, the Secretary shall submit the report
11 to—

12 (A) the Committee on Energy and Natural
13 Resources of the Senate; and

14 (B) the Committee on Natural Resources
15 of the House of Representatives.