

**AMENDMENT TO H.R. 2406, AS REPORTED
OFFERED BY MR. GENE GREEN OF TEXAS**

At the end of the bill, insert the following:

1 **TITLE XVII—BUFFALO BAYOU**
2 **NATIONAL HERITAGE AREA**

3 **SEC. 1701. SHORT TITLE.**

4 This title may be cited as the “Buffalo Bayou Na-
5 tional Heritage Area Act”.

6 **SEC. 1702. DEFINITIONS.**

7 In this title:

8 (1) **HERITAGE AREA.**—The term “Heritage
9 Area” means the Buffalo Bayou National Heritage
10 Area, established in this title.

11 (2) **MANAGEMENT ENTITY.**—The term “man-
12 agement entity” means the management entity for
13 the Heritage Area designated by this title.

14 (3) **MANAGEMENT PLAN.**—The term “manage-
15 ment plan” means the management plan for the
16 Heritage Area required under this title.

17 (4) **MAP.**—The term “map” means the map en-
18 titled “Buffalo Bayou National Heritage Area Pro-
19 posed Boundary”, numbered T11/101,592, and
20 dated March 2010.

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

3 (6) STATE.—The term “State” means the State
4 of Texas.

5 **SEC. 1703. BUFFALO BAYOU NATIONAL HERITAGE AREA.**

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

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

10 (c) MAP.—A map of the Heritage Area shall be—

11 (1) included in the management plan; and

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

14 (d) MANAGEMENT ENTITY.—The management entity
15 for the Heritage Area shall be the Buffalo Bayou National
16 Heritage Area Corporation.

17 **SEC. 1704. ADMINISTRATION.**

18 The management entity shall—

19 (1) in accordance with section 1705, prepare
20 and submit a management plan for the Heritage
21 Area to the Secretary;

22 (2) assist units of local government, regional
23 planning organizations, and nonprofit organizations
24 in carrying out the approved management plan by—

1 (A) carrying out programs and projects
2 that recognize, protect, and enhance important
3 resource values in the Heritage Area;

4 (B) establishing and maintaining interpre-
5 tive exhibits and programs in the Heritage
6 Area;

7 (C) developing recreational and educational
8 opportunities in the Heritage Area;

9 (D) increasing public awareness of, and
10 appreciation for, natural, historical, scenic, and
11 cultural resources of the Heritage Area;

12 (E) protecting and restoring historic sites
13 and buildings in the Heritage Area that are
14 consistent with Heritage Area themes;

15 (F) ensuring that clear, consistent, and ap-
16 propriate signs identifying points of public ac-
17 cess, and sites of interest are posted throughout
18 the Heritage Area; and

19 (G) promoting a wide range of partner-
20 ships among governments, organizations, and
21 individuals to further the Heritage Area;

22 (3) consider the interests of diverse units of
23 government, businesses, organizations, and individ-
24 uals in the Heritage Area in the preparation and im-
25 plementation of the management plan;

1 (4) conduct meetings open to the public at least
2 semiannually regarding the development and imple-
3 mentation of the management plan; and

4 (5) submit an annual report to the Secretary
5 that describes the activities, expenses, and income of
6 the management entity (including grants to any
7 other entities during the year that the report is
8 made).

9 **SEC. 1705. MANAGEMENT PLAN.**

10 (a) **IN GENERAL.**—Not later than 3 years after the
11 date of enactment of this Act, the management entity shall
12 submit to the Secretary for approval a proposed manage-
13 ment plan for the Heritage Area.

14 (b) **REQUIREMENTS.**—The management plan shall—

15 (1) incorporate an integrated and cooperative
16 approach for the protection, enhancement, and inter-
17 pretation of the natural, cultural, historic, scenic,
18 and recreational resources of the Heritage Area;

19 (2) take into consideration State and local
20 plans;

21 (3) include—

22 (A) an inventory of—

23 (i) the resources located in the core
24 area described in section 1704(b); and

1 (ii) any other property in the core
2 area that—

3 (I) is related to the themes of the
4 Heritage Area; and

5 (II) should be preserved, re-
6 stored, managed, or maintained be-
7 cause of the significance of the prop-
8 erty;

9 (B) comprehensive policies, strategies, and
10 recommendations for conservation, funding,
11 management, and development of the Heritage
12 Area;

13 (C) a description of actions that govern-
14 ments, private organizations, and individuals
15 have agreed to take to protect the natural, his-
16 torical, and cultural resources of the Heritage
17 Area;

18 (D) a program of implementation for the
19 management plan by the management entity
20 that includes a description of actions to facili-
21 tate ongoing collaboration among partners to—

22 (i) promote plans for resource protec-
23 tion, restoration, and construction; and

24 (ii) specific commitments for imple-
25 mentation that have been made by the

1 management entity or any government, or-
2 ganization, or individual for the first 5
3 years of operation;

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

6 (F) analysis and recommendations for
7 means by which local, State, and Federal pro-
8 grams, including the role of the National Park
9 Service in the Heritage Area, may best be co-
10 ordinated to carry out this title; and

11 (G) an interpretive plan for the Heritage
12 Area; and

13 (4) recommend policies and strategies for re-
14 source management that consider and detail the ap-
15 plication of appropriate land and water management
16 techniques, including the development of intergov-
17 ernmental and interagency cooperative agreements
18 to protect the natural, historical, cultural, edu-
19 cational, scenic, and recreational resources of the
20 Heritage Area.

21 (c) DEADLINE.—If a proposed management plan is
22 not submitted to the Secretary by the date that is 3 years
23 after the date of enactment of this Act, the management
24 entity shall be ineligible to receive the designation of a

1 National Heritage Area under this title until the date that
2 the Secretary receives and approves the management plan.

3 (d) APPROVAL OR DISAPPROVAL OF MANAGEMENT
4 PLAN.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of receipt of the management plan
7 under subsection (a), the Secretary, in consultation
8 with the State, shall approve or disapprove the man-
9 agement plan.

10 (2) CRITERIA FOR APPROVAL.—In determining
11 whether to approve the management plan, the Sec-
12 retary shall consider whether—

13 (A) the management entity is representa-
14 tive of the diverse interests of the Heritage
15 Area, including governments, natural and his-
16 toric resource protection organizations, edu-
17 cational institutions, businesses, and rec-
18 reational organizations;

19 (B) the management entity has afforded
20 adequate opportunity, including public hearings,
21 for public and governmental involvement in the
22 preparation of the management plan; and

23 (C) the resource protection and interpreta-
24 tion strategies contained in the management
25 plan, if implemented, would adequately protect

1 the natural, historical, and cultural resources of
2 the Heritage Area.

3 (3) ACTION FOLLOWING DISAPPROVAL.—If the
4 Secretary disapproves the management plan under
5 paragraph (1), the Secretary shall—

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

8 (B) make recommendations for revisions to
9 the management plan; and

10 (C) not later than 180 days after the re-
11 ceipt of any proposed revision of the manage-
12 ment plan from the management entity, ap-
13 prove or disapprove the proposed revision.

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

18 **SEC. 1706. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

19 (a) IN GENERAL.—Nothing in this title affects the
20 authority of a Federal agency to provide technical or fi-
21 nancial assistance under any other law.

22 (b) CONSULTATION AND COORDINATION.—The head
23 of any Federal agency planning to conduct activities that
24 may have an impact on the Heritage Area is encouraged
25 to consult and coordinate the activities with the Secretary

1 and the management entity to the maximum extent prac-
2 ticable.

3 (c) OTHER FEDERAL AGENCIES.—Nothing in this
4 title—

5 (1) modifies, alters, or amends any law or regu-
6 lation authorizing a Federal agency to manage Fed-
7 eral land under the jurisdiction of the Federal agen-
8 cy;

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

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

15 **SEC. 1707. PRIVATE PROPERTY PROTECTION.**

16 Nothing in this title—

17 (1) abridges the rights of any property owner
18 (whether public or private), including the right to re-
19 frain from participating in any plan, project, pro-
20 gram, or activity conducted within the Heritage
21 Area;

22 (2) requires any property owner to permit pub-
23 lic access (including access by Federal, State, or
24 local agencies) to the property of the property
25 owner, or to modify public access or use of property

1 of the property owner under any other Federal,
2 State, or local law;

3 (3) alters any duly adopted land use regulation,
4 approved land use plan, or other regulatory author-
5 ity of any Federal, State or local agency, or conveys
6 any land use or other regulatory authority to the
7 management entity;

8 (4) authorizes or implies the reservation or ap-
9 propriation of water or water rights;

10 (5) diminishes the authority of the State to
11 manage fish and wildlife, including the regulation of
12 fishing and hunting within the Heritage Area; or

13 (6) creates any liability, or affects any liability
14 under any other law, of any private property owner
15 with respect to any person injured on the private
16 property.

17 **SEC. 1708. WATER RIGHTS.**

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

20 (b) APPLICABILITY.—Nothing in this title—

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

23 (2) authorizes the regulation of private land in
24 the Heritage Area;

1 (3) authorizes the imposition of any mandatory
2 streamflow requirements;

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

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

9 (6) prevents the State of Texas from acquiring
10 an instream flow through the Heritage Area under
11 the terms, conditions, and limitations of State law to
12 assist in protecting the natural environment to the
13 extent and for the purposes authorized by State law.

14 **SEC. 1709. EVALUATION REPORT.**

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

17 (1) conduct an evaluation of the accomplish-
18 ments of the Heritage Area; and

19 (2) prepare a report in accordance with sub-
20 section (c).

21 (b) EVALUATION.—An evaluation conducted under
22 subsection (a)(1) shall—

23 (1) assess the progress of the management enti-
24 ty with respect to—

1 (A) accomplishing the purposes of this title
2 for the Heritage Area; and

3 (B) achieving the goals and objectives of
4 the approved management plan for the Heritage
5 Area;

6 (2) analyze the Federal, State, local, and pri-
7 vate investments in the Heritage Area to determine
8 the impact of the investments; and

9 (3) review the management structure, partner-
10 ship relationships, and funding of the Heritage Area
11 for purposes of identifying the critical components
12 for sustainability of the Heritage Area.

13 (c) REPORT.—

14 (1) IN GENERAL.—Based on the evaluation con-
15 ducted under subsection (a)(1), the Secretary shall
16 prepare a report that includes recommendations for
17 the future role of the National Park Service, if any,
18 with respect to the Heritage Area.

19 (2) SUBMISSION TO CONGRESS.—On completion
20 of the report, the Secretary shall submit the report
21 to—

22 (A) the Committee on Energy and Natural
23 Resources of the Senate; and

1 (B) the Committee on Natural Resources
2 of the House of Representatives.

