

## Resolution No. 2017 – 2

BE IT RESOLVED, that the Upper Missouri River Heritage Area Planning Corporation, Inc. [the Corporation] endorses the following language in any authorizing legislation designating any portion of Montana as a National Heritage Area<sup>1</sup>:

- (1) *The local coordinating entity identified in the enabling legislation shall not use federal funds received its establishing legislation to acquire any interest in real property;*
- (2) *The establishment as a National Heritage Area shall not affect the authority of any federal official to provide technical or financial assistance under any other law;*
- (3) *The establishment as a National Heritage Area shall not modify any law or regulation authorizing federal officials to manage federal land under their control, or limit the discretion of federal land managers to implement approved land use plans within the boundaries of the National Heritage Area, nor shall designation as a National Heritage Area be construed to modify, alter, or amend any authorized uses of these federal lands;*
- (4) *Nothing in any enabling legislation act shall be construed to:*
  - *abridge the rights of any property owner whether public or private, including the right to refrain from participating in any plan, project, program or activity conducted within the designated National Heritage Area; nor*
  - *require any property owner to permit public access (including federal, state, tribal, or local government access) to such property or to modify any provisions of federal, state, tribal or local law about public access or use of private lands; nor*
  - *alter any duly adopted land use regulation or any approved land use plan or any other regulatory authority of any federal, state, or local agency or tribal government, or to convey any land use or other regulatory authority to any local coordinating entity; nor*
  - *authorize or imply the reservation or appropriation of water or water rights; nor*
  - *diminish the authority of the State of Montana to manage fish and wildlife including the regulation of fishing and hunting within the designated National Heritage Area; nor*
  - *create any liability, or have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.*
- (5) *In addition, the Corporation supports action by local governing bodies incorporating language in their respective growth policies, to the effect that any National Heritage Area designation within their jurisdictional boundaries shall in no way be construed by the local governing authorities, planning boards, and/or zoning commissions as a basis for zoning or other land use regulation adopted in accordance with those growth policies.*

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<sup>1</sup> Language is sections (1) through (40) above is derived from H.R. 1002, 115<sup>th</sup> Congress, 1<sup>st</sup> Session, A bill to authorize a National Heritage Area Program, and for other purposes. February 13, 2017. Introduced in the House of Representatives by Representative Charles Dent of PA with Reps. Tonko and Higgins of NY, Rep. Thompson of PA, Reps. Grijalva, Maloney of NY, Reps. Moulton, Cartwright, Meehan Doyle of PA; Reps. Allen, Polis Barletta of xxx and referred to the Committee on Natural Resources.

ADOPTED this 22th day of May, 2017.

ATTEST:

**/s/ Lynette Scriver-Colburn**

Lynette Scriver-Colburn  
Treasurer

**/s/ Bill Bronson**

Bill Bronson  
Legal Counsel