

**HJR**

**66**

# Alaska State Legislature



State Capitol  
Juneau, Alaska 99801-1142  
(907) 465-3720  
(907) 465-2689

Official Business  
Fax : (907) 465-3472

Speaker of the House of Representatives

## Sponsor Statement

for

### HJR 66 Opposed to American Heritage Area

This resolution is a priority for all Western States. It opposes a federal bill which would directly affect the rights of Western States to govern their land.

The American Heritage Areas Program is a federal bill in the House Resources Committee. The bill provides the means to recognize natural, historic, scenic and cultural resources and recreational opportunities of the United States. Enactment of this proposed legislation would authorize the Secretary of the Interior to provide technical assistance to State and local governments and private nonprofit organizations to study and promote the potential for conserving and interpreting these areas. Further, it would establish within the Department of the Interior a body to assist the Secretary in carrying out this Act.

While there is merit in the preservation of Heritage Areas, their creation and governance should be state sponsored. The American Heritage Areas Program would dramatically amplify the role of the Park Service in the West, giving authority to yet another arm of the Department of the Interior with jurisdiction over Western lands. The endorsement of new Federal power continually erodes the authority of local government over local land issues.

The American Heritage Areas Program threatens the future value, ownership, and management of private lands by the de facto designation of "eligible" lands. The government may treat eligible property the same as designated property by applying language which refers to "properties eligible to be so designated". This bill must be amended to explicitly protect private lands before further consideration.

This resolution opposes the authorization of an American Heritage Areas Program as currently proposed.

STATE OF COLORADO

BY REPRESENTATIVES Entz, Acquafresca, Taylor, Young, George, and Pankey;  
also SENATOR Wattenberg.

HOUSE JOINT RESOLUTION 96-1019

1           WHEREAS, The federal government is proposing to authorize  
2 an American Heritage Areas Program which would put designated  
3 areas in the National Park System, forcing these areas to be  
4 subject to legislation as such; and

5           WHEREAS, Federal proposals labeling private property  
6 invite, and are intended to invite, the destruction of private  
7 property rights, particularly when used by federal agencies in  
8 conjunction with other or subsequent legislation; and

9           WHEREAS, The National Park Service has a record of  
10 insensitivity to private property rights, as evidenced by  
11 twenty-eight years of misconduct by the National Natural  
12 Landmark Program and, more recently, by the American Heritage  
13 Areas Program, in which no provision has been made that would  
14 allow private owners to reject or withdraw their property from  
15 such labeling without penalty or shield private property owners  
16 from the likely and severe adverse effects of such labeling; and

17           WHEREAS, The National Park Service has devised the de  
18 facto label "eligible but not designated" which creates the  
19 false impression that private property owners can avoid the  
20 consequences of being designated despite the fact that the  
21 government may treat eligible properties the same as designated  
22 properties under language such as "This Act applies to . . . and  
23 properties eligible to be so designated"; and

24           WHEREAS, The power to plan or zone private land is a power  
25 reserved to the states and the people thereof; and

26           WHEREAS, Despite claims to the contrary, the clear intent  
27 and effect of the subject proposal would be to, *de facto*,  
28 involve the federal government in planning and zoning  
29 activities; and

30           WHEREAS, It would be imprudent to tolerate or favor  
31 constitutionally questionable labeling the consequences of which  
32 cannot be fully specified in advance but which appear likely to  
33 be injurious to private property rights; and

1           WHEREAS, Giving the American Heritage Areas Program a  
2 basis in legislation would greatly facilitate and increase the  
3 intrusive labeling of private lands; and

4           WHEREAS, The enormity of some of the proposed areas (Rocky  
5 Mountain Heritage Corridor, Mississippi River Valley Heritage  
6 Corridor, and others) demonstrates an inexcusable and  
7 unacceptable federal arrogance; now, therefore,

8           *Be It Resolved by the House of Representatives of the*  
9 *Sixtieth General Assembly of the State of Colorado, the Senate*  
10 *concurring herein:*

11           That we oppose the authorization of an American Heritage  
12 Areas Program and urge the members of Colorado's Congressional  
13 delegation to oppose such authorization and work to abolish said  
14 program.

15           *Be It Further Resolved, That copies of this resolution be*  
16 *sent to each member of Colorado's Congressional delegation.*