

# The Land Grab Myth

## Dispelling Rumors About the Northern Plains National Heritage Area

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March 30, President Obama signed legislation establishing the Northern Plains National Heritage Area along the Missouri River, consisting of "a core area of resources in Burleigh, McLean, Mercer, Morton and Oliver Counties ... and any sites, buildings, and districts within the core area recommended by the management plan for inclusion in the Heritage Area." This legislation came along with the authorization for \$10 million in federal matching funds for projects in the National Heritage Area over the next 15 years.

The 49 National Heritage Areas are places designated by Congress as having particular national significance. They are places where natural, cultural, historic, and scenic resources combine to form a cohesive, nationally-distinctive landscape arising from patterns of human activity shaped by geography. According to proponents of the legislation, this area combines all of the above - natural and scenic, and, cultural and historic resources of national significance.

Although the legislation had been in process since 2005, and had been the subject of numerous news stories, including front-page features in local newspapers, passage came as a surprise to some people. Waking up to find that their homes and farms were in the vicinity of a National Heritage Area raised a number of questions.

The law is full of the answers. There is no regulatory component to the heritage area, just cash incentives for preservation and heritage tourism projects. Private property rights are absolute, spelled out in the legislation: "nothing ... abridges the rights of any owner;" or, "requires any property owner to permit public access ...; or alters any adopted land use regulation ...; conveys any land use or regulatory authority to the local coordinating entity ...; or creates any liability ... of any private property owner." The list of things the heritage area does is shorter. Matching grants can be given to state or local government, to non-profit organizations or private individuals in accordance with goals set by a management plan. The management plan, due in three years, is written and implemented by a local non-profit organization based on public input. The Northern Plains Heritage Foundation is the local non-profit named by Congress.

In 2010, Congress has made \$150,000 available for development of the management plan, possibly including early implementation of some projects. In the appropriation, Sen. Byron Dorgan successfully inserted an amendment clarifying that participation in the heritage area was strictly voluntary. To have a piece of private property included in the area will require application by the landowner and they may choose to opt out of the area at any time.

There is still skepticism of the heritage area from two perspectives. Some argue not very convincingly that federal money is unwelcome in North Dakota or that the money will be used to lobby local government to adopt restrictive zoning covenants. Then there are people who are afraid that the heritage area will affect their ability to use their own land.

The Prairie Independent looked into the issue. It asked Fort Abraham Lincoln Foundation executive director Sen. Tracy Potter, past-president of the Northern Plains Heritage Foundation, to discuss the Northern Plains National Heritage Area.

**PI:** What are the boundaries of the National Heritage Area?

**TP:** The study area for the Feasibility Study submitted to Congress was the stretch of Missouri River from the Huff Indian Village National Landmark to Knife River Indian Villages National Historic Site, by Stanton. That is an area approximately 80 miles long. It's the heartland of Mandan and Hidatsa culture from the 1400s to 1837, and contains significant historic sites like Fort Abraham Lincoln and Fort Mandan.

But while that was what was presented to Congress, the language of the legislation is not as specific. In the end, the management plan will name which sites are included in the area.

**PI:** You have three years to write the management plan?

**TP:** Yes, within three years from the receipt of the first dollars, we are to submit a plan to the Secretary of the Interior. We'd like to get it done a lot sooner than that.

**PI:** Right-wing blogs have called this a federal land grab, but you say there is no land being grabbed? How is a heritage area different from a national park?

**TP:** The difference is that National Parks and National Historic Sites are solid, real, boots-on-the-ground kinds of things. They have a physical boundary and within that boundary there is no private activity - no businesses, no residences. But National Heritage Areas are meant to create economic activity and create jobs. They don't regulate anyone, but they offer marketing and financial support for business development related to heritage tourism.

The best example I can give for how heritage areas are not scary is this - the entire state of Tennessee is a heritage area. Economic activity continues there without restriction, wind towers go up, coal gets dug, farmers farm and people live their lives and most of them probably don't even know that they're living in a heritage area. The people who do know are investing federal money into attracting tourists to the sites of Tennessee's Civil War battles

**PI:** You have been accused of misleading Congress into passing this law. How do you respond?

**TP:** This gets my NPL goat. First off, I only wish I was skillful enough to pass a federal law. I have enough trouble passing bills in the North Dakota Senate, let alone in DC.

The fact is that we told Congress precisely the truth about the process of developing the area, how our former executive director Amy Mossett spoke to city and county commissions, service clubs and heritage tourism organizations. We presented a Feasibility Study containing the actual letters of support from each of the county commissions and other groups. We didn't characterize their support - we copied Congress with their actual letters. In questioning by the Senate committee, I carefully explained about how open commission meetings are in our state and how some people did have questions, which were answered, about protections for private property owners. No one was misled.

**PI:** So what's next?

**TP:** Continuing public input, figuring out how to match the federal dollars, development of a grant program and drafting the management plan. There is a lot to do, but it's all good work.