

103^D CONGRESS
1ST SESSION

H. R. 2843

To establish the Wheeling National Heritage Area in the State of West Virginia, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 1993

Mr. MOLLOHAN introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To establish the Wheeling National Heritage Area in the State of West Virginia, 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 “Wheeling National
5 Heritage Area Act of 1993”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that:

8 (1) The community of Wheeling, West Virginia,
9 and vicinity, possess important historical, cultural,
10 and natural resources, representing major heritage

1 themes of transportation and commerce and indus-
2 try and Victorian culture in the United States.

3 (2) The City of Wheeling played an important
4 part in the settlement of this country by serving as
5 the western terminus of the National Road in the
6 early 1800's, by serving as the Crossroads of Amer-
7 ica throughout the nineteenth century, by serving as
8 one of the few major inland ports in the nineteenth
9 century, by hosting the establishment of the Re-
10 stored State of Virginia, and later the State of West
11 Virginia during the Civil War years and serving as
12 the first capital of the new State of West Virginia,
13 through the development and maintenance of many
14 industries crucial to the Nation's expansion, includ-
15 ing iron and steel, and textile manufacturing facili-
16 ties, boat building facilities, glass manufacturing fa-
17 cilities, stogie and chewing tobacco manufacturing
18 facilities, many of which are industries that continue
19 to play an important role in the Nation's economy.

20 (3) The City of Wheeling has retained its na-
21 tional heritage themes with the designations of the
22 old custom house, now Independence Hall, as a Na-
23 tional Historic Landmark; with the designation of
24 the historic suspension bridge as a National Historic
25 Landmark; with five historic districts, and many in-

1 dividual properties in the Wheeling area listed or eli-
2 gible for nomination to the National Register of His-
3 toric Places.

4 (4) The heritage themes and number and diver-
5 sity of Wheeling's remaining resources should be ap-
6 propriately retained, enhanced, and interpreted for
7 the education, benefit, and inspiration of the people
8 of the United States.

9 (b) PURPOSES.—The purposes of this Act are to:

10 (1) Recognize the special importance of the his-
11 tory and development of the Wheeling area in the
12 cultural heritage of the Nation.

13 (2) Provide a framework to assist the City of
14 Wheeling and other public and private entities and
15 individuals in the appropriate preservation, enhance-
16 ment, and interpretation of resources in the Wheel-
17 ing area emblematic of Wheeling's contributions to
18 that cultural heritage.

19 (3) Create a new concept and model for des-
20 ignation of a National Heritage Area by allowing for
21 limited Federal, State and local capital contributions
22 for planning and infrastructure investments to cre-
23 ate the Wheeling National Heritage Area, in part-
24 nership with the State of West Virginia and the City
25 of Wheeling, West Virginia and its designees; and to

1 provide for an economically self-sustaining National
2 Heritage Area not dependent on Federal assistance
3 beyond the initial years necessary to establish the
4 National Heritage Area.

5 **SEC. 3. DEFINITIONS.**

6 As used in this Act:

7 (1) The term “Corporation” refers to the
8 Wheeling National Heritage Area Corporation
9 (WNHAC) as described in section 5 of this Act.

10 (2) The term “Plan” refers to the Plan for the
11 Wheeling National Heritage Area, prepared for the
12 Wheeling National Heritage Area Task Force, the
13 City of Wheeling, and the National Park Service,
14 published in August 1992, which Plan includes—

15 (A) an inventory of the natural and cul-
16 tural resources in the City of Wheeling;

17 (B) criteria for preserving and interpreting
18 significant natural and historic resources;

19 (C) a strategy for the conservation, preser-
20 vation, and reuse of the historical and cultural
21 resources in the City of Wheeling and the re-
22 gion; and

23 (D) an implementation agenda by which
24 the State of West Virginia and local govern-
25 ments can program their resources as well as a

1 complete description of the management entity
2 responsible for implementing the Plan.

3 **SEC. 4. DESIGNATION OF NATIONAL HERITAGE AREA.**

4 In furtherance of the purposes of this Act, there is
5 hereby established the Wheeling National Heritage Area
6 in the State of West Virginia (hereinafter referred to as
7 the “Area”). The Area shall include those lands and wa-
8 ters within the boundary generally depicted on the map
9 entitled, “Boundary Map, Wheeling National Heritage
10 Area, West Virginia”, which shall be on file and available
11 for public inspection in the offices of the National Park
12 Service, Department of the Interior.

13 **SEC. 5. ESTABLISHMENT OF WHEELING NATIONAL HERIT-**
14 **AGE AREA CORPORATION.**

15 (a) ESTABLISHMENT.—To achieve the purposes of
16 this Act, and to carry out the implementation of the Plan,
17 there is hereby established the Wheeling National Herit-
18 age Area Corporation (WNHAC) which—

19 (1) will be structured as a 501(c)(3) tax exempt
20 entity;

21 (2) shall consist of a Board of Directors of not
22 less than 9 nor more than 11 members, including
23 the executive committee;

24 (3) shall include an executive committee of 5
25 members; and

1 (4) shall include the Secretary of the Interior,
2 or his designate, the Governor of West Virginia, or
3 his designate, and the Mayor of the City of Wheel-
4 ing, or his designate.

5 The details of the Corporation's administrative operations,
6 staff needs, Board composition (except as specified in sec-
7 tion 5(a)(4)), affiliate organizations, financial forecast,
8 and membership shall be specified in the business plan for
9 the Wheeling National Heritage Area Corporation.

10 (b) MISSION.—(1) The Corporation's primary mis-
11 sion will be to implement and coordinate the recommenda-
12 tions contained in the Plan, accomplish the goals of the
13 Heritage Area planning initiative, ensure integrated oper-
14 ation of the project, and become a financially self-sustain-
15 ing entity. The Corporation shall be structured as a pri-
16 vate nonprofit organization, an umbrella organization to
17 accomplish the primary mission by itself, in partnership
18 with other local organizations, or on the behalf of other
19 entities, particularly the National Park Service and the
20 State of West Virginia Division of Culture and History.
21 It will provide coordination, standards, and streamlined fi-
22 nancial and technical assistance for the implementation of
23 the Plan.

24 (2) The primary charitable and educational mission
25 of the Corporation shall be to conserve, interpret, and pro-

1 mote the Wheeling National Heritage Area, and by doing
2 so, to achieve economic development in the historic down-
3 town and riverfront area, and the education and general
4 welfare of the people. The more specific mission of the
5 Corporation shall be to implement the Plan for the Wheel-
6 ing National Heritage Area, to preserve the area's historic
7 and cultural resources, and to establish a structure within
8 which the activities of investment, development, and oper-
9 ation of the Heritage Area can be fulfilled. In support of
10 this primary mission, the Corporation shall also direct and
11 coordinate the diverse conservation, development, pro-
12 gramming, educational, and interpretive activities in the
13 area.

14 (c) CREATION OF THE CORPORATION.—An interim
15 board shall be formed by the Wheeling National Heritage
16 Area Task Force Core Group in existence on the date of
17 the enactment of this Act. This board shall draft interim
18 bylaws, nominate an executive committee and solicit mem-
19 bership. The members of the executive committee shall act
20 as incorporators of the Corporation, nominate the perma-
21 nent board and have the primary roles in the development,
22 implementation, and operation of the Corporation and the
23 Heritage Area. A permanent executive committee shall
24 adopt a charter for the Corporation, and sign its articles
25 of incorporation, and shall determine the appropriate com-

1 position for the permanent board of directors. The execu-
2 tive committee shall appoint the remaining board members
3 with the exception of the City, State, and Federal rep-
4 resentatives designated under subsection (a)(4). The execu-
5 tive committee shall act as the primary vehicle for oper-
6 ation and policy of the Corporation while the board of di-
7 rectors shall serve to ensure that the mission of the Cor-
8 poration is carried out, and serve as a check and balance
9 to the executive committee while measuring progress and
10 ensuring equity in the activities of the Corporation.

11 **SEC. 6. POWERS OF THE WHEELING NATIONAL HERITAGE**

12 **AREA CORPORATION.**

13 (a) POWERS OF THE CORPORATION.—The Wheeling
14 National Heritage Area Corporation shall be chartered
15 with broad private powers in order to pursue its mission
16 and implement the Plan. The Corporation shall be empow-
17 ered to—

18 (1) acquire, encumber, and dispose of such real
19 and personal property as is necessary to preserve,
20 promote and enhance the heritage and resources of
21 the Area;

22 (2) improve properties to which the Corporation
23 holds title, sell, lease, sublease or otherwise dispose
24 of real property;

1 (3) enter into contracts, leases, cooperative
2 agreements, and other transactions with public agen-
3 cies and private individuals and entities;

4 (4) receive funds from public agencies and pri-
5 vate individuals and entities; receive gifts of property
6 of all kinds, whether made by will, deed, or other-
7 wise, and administering the same in carrying out the
8 Corporation's mission; collect fees; develop any other
9 sources of income commensurate with the laws gov-
10 erning nonprofit entities;

11 (5) disburse funds to qualified public or private
12 individuals and entities for the purposes of achieving
13 the goals of the Heritage Area as specified in the
14 Plan;

15 (6) hire staff and accept personnel from public
16 agencies as required to fulfill its mandates and pur-
17 poses;

18 (7) manage property and develop and operate
19 educational, informational, interpretive, and market-
20 ing programs, facilities, and linkages; and

21 (8) coordinate the review and approval of
22 projects or programs either funded or implemented
23 by the Corporation or its associates; and provide
24 educational, interpretation and promotional services
25 and materials.

1 **SEC. 7. DUTIES OF THE WHEELING NATIONAL HERITAGE**
2 **AREA CORPORATION.**

3 (a) FORMAL ADOPTION OF THE PLAN.—The Cor-
4 poration shall work with the State of West Virginia and
5 local governments to ensure that the Plan is formally
6 adopted by the City of Wheeling and recognized by the
7 State of West Virginia.

8 (b) IMPLEMENTATION OF THE PLAN.—In pursuing
9 the implementation of the Plan, the Corporation shall—

10 (1) implement the ideas and concepts put forth
11 in the Plan in a timely fashion pursuant to the phas-
12 ing schedule identified in the Plan;

13 (2) ensure the coordination of its services with
14 those of the City of Wheeling, West Virginia, the
15 State of West Virginia, and the Federal Govern-
16 ment;

17 (3) seek the support and involvement of the
18 Wheeling community and City of Wheeling as it pur-
19 sues its mission;

20 (4) maintain the integrity of those natural and
21 cultural resources recognized by this Act and ref-
22 erenced in the Plan through standards and criteria
23 for the treatment of all properties located within the
24 Area; and

25 (5) pursue the completion and adoption of all
26 planning projects recommended by the Plan, includ-

1 ing, but not limited to, the business plan for the
2 Wheeling National Heritage Area, an interpretive
3 master plan which outlines plans for the interpreta-
4 tion and conservation of Wheeling's cultural and
5 physical resources, a heritage lighting plan, an inter-
6 modal transportation plan, and others of a like kind.

7 (c) OPERATIONS OF THE WHEELING NATIONAL
8 HERITAGE AREA CORPORATION.—In implementing the
9 Plan, the Corporation may make loans and grants to ap-
10 propriate public, governmental, or private entities and
11 enter into contracts with private or public entities using
12 funds appropriated for that purpose, or from funds do-
13 nated, or revenue generated from the operation of Area
14 resources, with these funds being used to—

15 (1) promote the City of Wheeling's significant
16 heritage and resources;

17 (2) promote future growth for the City of
18 Wheeling in a manner consistent with its heritage,
19 resources, and the planning goals established for the
20 Heritage Area;

21 (3) ensure successful development of the Herit-
22 age Area and its principal features as specified in
23 the Plan and to undertake further planning and de-
24 sign as necessary to achieve this objective;

1 (4) ensure the conservation of the region's his-
2 torical, cultural, and natural resources;

3 (5) cooperate with and assist entities whose
4 goals and purposes are consistent with the goals and
5 purposes of the Corporation;

6 (6) manage and operate heritage facilities,
7 where appropriate;

8 (7) coordinate and support the activities of the
9 Corporation or its associates and the operation of
10 heritage and cultural tourism attractions in the re-
11 gion so as to create a unified project;

12 (8) encourage intergovernmental and inter-
13 agency cooperation in the achievement of these ob-
14 jectives;

15 (9) market the Heritage Area, the City of
16 Wheeling and its resources as a destination for
17 international, national, and regional visitors;

18 (10) provide technical assistance to cultural
19 heritage efforts and develop design standards for
20 physical sites and educational/interpretive programs;

21 (11) lead in efforts to educate the public about
22 the significance of these resources and the heritage
23 of the City of Wheeling (targeting visitors as well as
24 local residents);

1 (12) promote local and regional development of
2 recreational opportunities, linkages, and facilities;

3 (13) accomplish the above in a way which will
4 promote economic development of the City of Wheel-
5 ing and the surrounding area;

6 (14) create public/private partnerships to fi-
7 nance projects and initiatives of the Heritage Area;
8 and

9 (15) seek funding from public (local, State and
10 Federal) agencies and private individuals, founda-
11 tions and corporations.

12 (d) RESPONSIBILITIES OF THE WHEELING NA-
13 TIONAL HERITAGE AREA CORPORATION.—Priority ele-
14 ments and actions to be carried out by the Corporation
15 include—

16 (1) assisting the State of West Virginia and the
17 City of Wheeling in appropriate preservation treat-
18 ment of the sites, buildings, and objects listed or eli-
19 gible for listing on the National Register of Historic
20 Places;

21 (2) increasing awareness and appreciation of
22 the City of Wheeling’s cultural heritage and ongoing
23 traditions;

24 (3) assisting the State of West Virginia or City
25 of Wheeling in designing, establishing, and main-

1 taining one or more visitor centers and other inter-
2 pretive exhibits in the Area;

3 (4) assisting in the enhancement of public
4 awareness of an appreciation for the historical and
5 architectural and geological resources and sites in
6 the Area;

7 (5) assisting the State of West Virginia or any
8 local government or any nonprofit organization in
9 the restoration of any historic building in the Area;

10 (6) encouraging, by appropriate means, en-
11 hanced economic and industrial development in the
12 Area in furtherance of the goals of the Plan;

13 (7) encouraging the City of Wheeling and other
14 local governments to adopt land use policies consist-
15 ent with the goals of the Plan and to take actions
16 to implement those policies; and

17 (8) ensuring that clear, consistent signs identi-
18 fying access points and sites of interest are put in
19 place.

20 **SEC. 8. DUTIES OF THE SECRETARY.**

21 (a) PURPOSE.—To carry out the purposes of this Act,
22 the Secretary of the Interior shall—

23 (1) assist the Corporation in the development of
24 interpretive and educational materials as specified in

1 the Plan or subsequent planning efforts (for exam-
2 ple, the interpretive master plan); and

3 (2) provide funds for capital improvements to
4 projects and initial operating assistance consistent
5 with the Plan.

6 (b) TECHNICAL ASSISTANCE.—The Secretary shall,
7 upon the request of the Corporation and as outlined in
8 the Plan, provide technical assistance to the Corporation
9 in the preparation of any plans or studies and for the im-
10 plementation of any plans as set out in section 7(b).

11 **SEC. 9. DUTIES OF OTHER FEDERAL ENTITIES.**

12 Any Federal department, agency or other entity con-
13 ducting or supporting activities directly affecting the Area
14 shall—

15 (1) consult with the Secretary of the Interior
16 and the Corporation with respect to such activities;

17 (2) cooperate with the Secretary of the Interior
18 and the Corporation in carrying out its duties under
19 this Act and, to the maximum extent practicable, co-
20 ordinate such activities with the carrying out of such
21 duties; and

22 (3) to the maximum extent practicable, conduct
23 or support such activities in a manner which the
24 Corporation determines will not have an adverse af-
25 fect on the Area.

1 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums
3 as may be necessary to carry out the purposes of this Act.

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