

111TH CONGRESS  
1ST SESSION

# H. R. 324

To establish the Santa Cruz Valley National Heritage Area, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2009

Mr. GRIJALVA (for himself and Ms. GIFFORDS) introduced the following bill;  
which was referred to the Committee on Natural Resources

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## A BILL

To establish the Santa Cruz Valley National Heritage Area,  
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; TABLE OF CONTENTS.**

4       (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Santa Cruz Valley National Heritage Area Act”.

6       (b) **TABLE OF CONTENTS.**—The table of contents of  
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purposes.
- Sec. 3. Definitions.
- Sec. 4. Designation of Santa Cruz Valley National Heritage Area.
- Sec. 5. Management plan.
- Sec. 6. Evaluation; report.
- Sec. 7. Local coordinating entity.

- Sec. 8. Relationship to other Federal agencies.
- Sec. 9. Private property and regulatory protections.
- Sec. 10. Authorization of appropriations.
- Sec. 11. Use of Federal funds from other sources.
- Sec. 12. Sunset for grants and other assistance.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act include—

3 (1) to establish the Santa Cruz Valley National  
4 Heritage Area in the State of Arizona;

5 (2) to implement the recommendations of the  
6 “Alternative Concepts for Commemorating Spanish  
7 Colonization” study completed by the National Park  
8 Service in 1991, and the “Feasibility Study for the  
9 Santa Cruz Valley National Heritage Area” pre-  
10 pared by the Center for Desert Archaeology in July  
11 2005;

12 (3) to provide a management framework to fos-  
13 ter a close working relationship with all levels of  
14 government, the private sector, and the local com-  
15 munities in the region and to conserve the region’s  
16 heritage while continuing to pursue compatible eco-  
17 nomic opportunities;

18 (4) to assist communities, organizations, and  
19 citizens in the State of Arizona in identifying, pre-  
20 serving, interpreting, and developing the historical,  
21 cultural, scenic, and natural resources of the region  
22 for the educational and inspirational benefit of cur-  
23 rent and future generations; and

1           (5) to provide appropriate linkages between  
2 units of the National Park System and communities,  
3 governments, and organizations within the National  
4 Heritage Area.

5 **SEC. 3. DEFINITIONS.**

6 In this Act:

7           (1) NATIONAL HERITAGE AREA.—The term  
8 “National Heritage Area” means the Santa Cruz  
9 Valley National Heritage Area established in this  
10 Act.

11           (2) LOCAL COORDINATING ENTITY.—The term  
12 “local coordinating entity” means the Santa Cruz  
13 Valley Heritage Alliance, Inc., which is hereby des-  
14 ignated by Congress—

15                   (A) to develop, in partnership with others,  
16 the management plan for the National Heritage  
17 Area; and

18                   (B) to act as a catalyst for the implemen-  
19 tation of projects and programs among diverse  
20 partners in the National Heritage Area.

21           (3) MANAGEMENT PLAN.—The term “manage-  
22 ment plan” means the plan prepared by the local co-  
23 ordinating entity for the National Heritage Area  
24 that specifies actions, policies, strategies, perform-  
25 ance goals, and recommendations to meet the goals

1 of the National Heritage Area, in accordance with  
2 this Act.

3 (4) SECRETARY.—The term “Secretary” means  
4 the Secretary of the Interior.

5 **SEC. 4. DESIGNATION OF SANTA CRUZ VALLEY NATIONAL**  
6 **HERITAGE AREA.**

7 (a) ESTABLISHMENT.—There is hereby established  
8 the Santa Cruz Valley National Heritage Area.

9 (b) BOUNDARIES.—

10 (1) IN GENERAL.—The National Heritage Area  
11 shall consist of portions of the counties of Santa  
12 Cruz and Pima.

13 (2) MAP.—The boundaries of the National Her-  
14 itage Area shall be as generally depicted on the map  
15 titled “Santa Cruz Valley National Heritage Area”,  
16 and numbered T09/80,000, and dated November 13,  
17 2007. The map shall be on file and available to the  
18 public in the appropriate offices of the National  
19 Park Service and the local coordinating entity.

20 **SEC. 5. MANAGEMENT PLAN.**

21 (a) REQUIREMENTS.—The management plan for the  
22 National Heritage Area shall—

23 (1) describe comprehensive policies, goals, strat-  
24 egies, and recommendations for telling the story of  
25 the heritage of the area covered by the National

1 Heritage Area and encouraging long-term resource  
2 protection, enhancement, interpretation, funding,  
3 management, and development of the National Her-  
4 itage Area;

5 (2) include a description of actions and commit-  
6 ments that Federal, State, Tribal, and local govern-  
7 ments, private organizations, and citizens will take  
8 to protect, enhance, interpret, fund, manage, and de-  
9 velop the natural, historical, cultural, educational,  
10 scenic, and recreational resources of the National  
11 Heritage Area;

12 (3) specify existing and potential sources of  
13 funding or economic development strategies to pro-  
14 tect, enhance, interpret, fund, manage, and develop  
15 the National Heritage Area;

16 (4) include an inventory of the natural, histor-  
17 ical, cultural, educational, scenic, and recreational  
18 resources of the National Heritage Area related to  
19 the national importance and themes of the National  
20 Heritage Area that should be protected, enhanced,  
21 interpreted, managed, funded, and developed;

22 (5) recommend policies and strategies for re-  
23 source management, including the development of  
24 intergovernmental and interagency agreements to  
25 protect, enhance, interpret, fund, manage, and de-

1       velop the natural, historical, cultural, educational,  
2       scenic, and recreational resources of the National  
3       Heritage Area;

4               (6) describe a program for implementation for  
5       the management plan, including—

6                       (A) performance goals;

7                       (B) plans for resource protection, enhance-  
8       ment, interpretation, funding, management, and  
9       development; and

10                      (C) specific commitments for implementa-  
11       tion that have been made by the local coordi-  
12       nating entity or any Federal, State, Tribal, or  
13       local government agency, organization, busi-  
14       ness, or individual;

15               (7) include an analysis of, and recommenda-  
16       tions for, means by which Federal, State, Tribal,  
17       and local programs may best be coordinated (includ-  
18       ing the role of the National Park Service and other  
19       Federal agencies associated with the National Herit-  
20       age Area) to further the purposes of this Act; and

21               (8) include a business plan that—

22                       (A) describes the role, operation, financing,  
23       and functions of the local coordinating entity  
24       and of each of the major activities contained in  
25       the management plan; and

1 (B) provides adequate assurances that the  
2 local coordinating entity has the partnerships  
3 and financial and other resources necessary to  
4 implement the management plan for the Na-  
5 tional Heritage Area.

6 (b) DEADLINE.—

7 (1) IN GENERAL.—Not later than 3 years after  
8 the date on which funds are first made available to  
9 develop the management plan after designation as a  
10 National Heritage Area, the local coordinating entity  
11 shall submit the management plan to the Secretary  
12 for approval.

13 (2) TERMINATION OF FUNDING.—If the man-  
14 agement plan is not submitted to the Secretary in  
15 accordance with paragraph (1), the local coordi-  
16 nating entity shall not qualify for any additional fi-  
17 nancial assistance under this Act until such time as  
18 the management plan is submitted to and approved  
19 by the Secretary.

20 (c) APPROVAL OF MANAGEMENT PLAN.—

21 (1) REVIEW.—Not later than 180 days after re-  
22 ceiving the plan, the Secretary shall review and ap-  
23 prove or disapprove the management plan for a Na-  
24 tional Heritage Area on the basis of the criteria es-  
25 tablished under paragraph (3).

1           (2) CONSULTATION.—The Secretary shall con-  
2           sult with the Governor of each State in which the  
3           National Heritage Area is located before approving  
4           a management plan for the National Heritage Area.

5           (3) CRITERIA FOR APPROVAL.—In determining  
6           whether to approve a management plan for a Na-  
7           tional Heritage Area, the Secretary shall consider  
8           whether—

9                   (A) the local coordinating entity represents  
10                  the diverse interests of the National Heritage  
11                  Area, including Federal, State, Tribal, and local  
12                  governments, natural and historic resource pro-  
13                  tection organizations, educational institutions,  
14                  businesses, recreational organizations, commu-  
15                  nity residents, and private property owners;

16                  (B) the local coordinating entity—

17                           (i) has afforded adequate opportunity  
18                           for public and Federal, State, Tribal, and  
19                           local governmental involvement (including  
20                           through workshops and hearings) in the  
21                           preparation of the management plan; and

22                           (ii) provides for at least semiannual  
23                           public meetings to ensure adequate imple-  
24                           mentation of the management plan;

1           (C) the resource protection, enhancement,  
2           interpretation, funding, management, and de-  
3           velopment strategies described in the manage-  
4           ment plan, if implemented, would adequately  
5           protect, enhance, interpret, fund, manage, and  
6           develop the natural, historic, cultural, edu-  
7           cational, scenic, and recreational resources of  
8           the National Heritage Area;

9           (D) the management plan would not ad-  
10          versely affect any activities authorized on Fed-  
11          eral land under public land laws or land use  
12          plans;

13          (E) the local coordinating entity has dem-  
14          onstrated the financial capability, in partner-  
15          ship with others, to carry out the plan;

16          (F) the Secretary has received adequate  
17          assurances from the appropriate State, Tribal,  
18          and local officials whose support is needed to  
19          ensure the effective implementation of the  
20          State, Tribal, and local elements of the manage-  
21          ment plan; and

22          (G) the management plan demonstrates  
23          partnerships among the local coordinating enti-  
24          ty, Federal, State, Tribal, and local govern-  
25          ments, regional planning organizations, non-

1 profit organizations, or private sector parties  
2 for implementation of the management plan.

3 (4) DISAPPROVAL.—

4 (A) IN GENERAL.—If the Secretary dis-  
5 approves the management plan, the Secretary—

6 (i) shall advise the local coordinating  
7 entity in writing of the reasons for the dis-  
8 approval; and

9 (ii) may make recommendations to the  
10 local coordinating entity for revisions to  
11 the management plan.

12 (B) DEADLINE.—Not later than 180 days  
13 after receiving a revised management plan, the  
14 Secretary shall approve or disapprove the re-  
15 vised management plan.

16 (5) AMENDMENTS.—

17 (A) IN GENERAL.—An amendment to the  
18 management plan that substantially alters the  
19 purposes of the National Heritage Area shall be  
20 reviewed by the Secretary and approved or dis-  
21 approved in the same manner as the original  
22 management plan.

23 (B) IMPLEMENTATION.—The local coordi-  
24 nating entity shall not use Federal funds au-  
25 thorized by this Act to implement an amend-

1           ment to the management plan until the Sec-  
2           retary approves the amendment.

3           (6) AUTHORITIES.—The Secretary may—

4                   (A) provide technical assistance under the  
5           authority of this Act for the development and  
6           implementation of the management plan; and

7                   (B) enter into cooperative agreements with  
8           interested parties to carry out this Act.

9   **SEC. 6. EVALUATION; REPORT.**

10          (a) IN GENERAL.—Not later than 3 years before the  
11          date on which authority for Federal funding terminates  
12          for the National Heritage Area under this Act, the Sec-  
13          retary shall—

14                  (1) conduct an evaluation of the accomplish-  
15          ments of the National Heritage Area; and

16                  (2) prepare a report in accordance with sub-  
17          section (c).

18          (b) EVALUATION.—An evaluation conducted under  
19          subsection (a)(1) shall—

20                  (1) assess the progress of the local coordinating  
21          entity with respect to—

22                          (A) accomplishing the purposes of the au-  
23          thorizing legislation for the National Heritage  
24          Area; and

1 (B) achieving the goals and objectives of  
2 the approved management plan for the National  
3 Heritage Area;

4 (2) analyze the Federal, State, Tribal, and  
5 local, and private investments in the National Herit-  
6 age Area to determine the impact of the invest-  
7 ments; and

8 (3) review the management structure, partner-  
9 ship relationships, and funding of the National Her-  
10 itage Area for purposes of identifying the critical  
11 components for sustainability of the National Herit-  
12 age Area.

13 (c) REPORT.—Based on the evaluation conducted  
14 under subsection (a)(1), the Secretary shall submit a re-  
15 port to the Committee on Natural Resources of the United  
16 States House of Representatives and the Committee on  
17 Energy and Natural Resources of the United States Sen-  
18 ate. The report shall include recommendations for the fu-  
19 ture role of the National Park Service, if any, with respect  
20 to the National Heritage Area.

21 **SEC. 7. LOCAL COORDINATING ENTITY.**

22 (a) DUTIES.—To further the purposes of the Na-  
23 tional Heritage Area, the Santa Cruz Valley Heritage Alli-  
24 ance, Inc., as the local coordinating entity, shall—

1           (1) prepare a management plan for the Na-  
2           tional Heritage Area, and submit the management  
3           plan to the Secretary, in accordance with this Act;

4           (2) submit an annual report to the Secretary  
5           for each fiscal year for which the local coordinating  
6           entity receives Federal funds under this Act, speci-  
7           fying—

8                   (A) the specific performance goals and ac-  
9                   complishments of the local coordinating entity;

10                   (B) the expenses and income of the local  
11                   coordinating entity;

12                   (C) the amounts and sources of matching  
13                   funds;

14                   (D) the amounts leveraged with Federal  
15                   funds and sources of the leveraging; and

16                   (E) grants made to any other entities dur-  
17                   ing the fiscal year;

18           (3) make available for audit for each fiscal year  
19           for which the local coordinating entity receives Fed-  
20           eral funds under this Act, all information pertaining  
21           to the expenditure of the funds and any matching  
22           funds; and

23           (4) encourage economic viability and sustain-  
24           ability that is consistent with the purposes of the  
25           National Heritage Area.

1 (b) AUTHORITIES.—For the purposes of preparing  
2 and implementing the approved management plan for the  
3 National Heritage Area, the local coordinating entity may  
4 use Federal funds made available under this Act to—

5 (1) make grants to political jurisdictions, non-  
6 profit organizations, and other parties within the  
7 National Heritage Area;

8 (2) enter into cooperative agreements with or  
9 provide technical assistance to political jurisdictions,  
10 nonprofit organizations, Federal agencies, and other  
11 interested parties;

12 (3) hire and compensate staff, including individ-  
13 uals with expertise in—

14 (A) natural, historical, cultural, edu-  
15 cational, scenic, and recreational resource con-  
16 servation;

17 (B) economic and community development;  
18 and

19 (C) heritage planning;

20 (4) obtain funds or services from any source,  
21 including other Federal programs;

22 (5) contract for goods or services; and

23 (6) support activities of partners and any other  
24 activities that further the purposes of the National

1 Heritage Area and are consistent with the approved  
2 management plan.

3 (c) PROHIBITION ON ACQUISITION OF REAL PROP-  
4 ERTY.—The local coordinating entity may not use Federal  
5 funds authorized under this Act to acquire any interest  
6 in real property.

7 **SEC. 8. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

8 (a) IN GENERAL.—Nothing in this Act affects the au-  
9 thority of a Federal agency to provide technical or finan-  
10 cial assistance under any other law.

11 (b) CONSULTATION AND COORDINATION.—The head  
12 of any Federal agency planning to conduct activities that  
13 may have an impact on a National Heritage Area is en-  
14 couraged to consult and coordinate the activities with the  
15 Secretary and the local coordinating entity to the max-  
16 imum extent practicable.

17 (c) OTHER FEDERAL AGENCIES.—Nothing in this  
18 Act—

19 (1) modifies, alters, or amends any law or regu-  
20 lation authorizing a Federal agency to manage Fed-  
21 eral land under the jurisdiction of the Federal agen-  
22 cy;

23 (2) limits the discretion of a Federal land man-  
24 ager to implement an approved land use plan within  
25 the boundaries of a National Heritage Area; or



1           (4) authorizes or implies the reservation or ap-  
2           propriation of water or water rights;

3           (5) diminishes the authority of the State to  
4           manage fish and wildlife, including the regulation of  
5           fishing and hunting within the National Heritage  
6           Area; or

7           (6) creates any liability, or affects any liability  
8           under any other law, of any private property owner  
9           with respect to any person injured on the private  
10          property.

11 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

12          (a) AUTHORIZATION OF APPROPRIATIONS.—Subject  
13 to subsection (b), there are authorized to be appropriated  
14 to carry out this Act not more than \$1,000,000 for any  
15 fiscal year. Funds so appropriated shall remain available  
16 until expended.

17          (b) LIMITATION ON TOTAL AMOUNTS APPRO-  
18 PRIATED.—Not more than \$15,000,000 may be appro-  
19 priated to carry out this Act.

20          (c) COST-SHARING REQUIREMENT.—The Federal  
21 share of the total cost of any activity under this Act shall  
22 be not more than 50 percent; the non-Federal contribution  
23 may be in the form of in-kind contributions of goods or  
24 services fairly valued.

1 **SEC. 11. USE OF FEDERAL FUNDS FROM OTHER SOURCES.**

2       Nothing in this Act shall preclude the local coordi-  
3 nating entity from using Federal funds available under  
4 other laws for the purposes for which those funds were  
5 authorized.

6 **SEC. 12. SUNSET FOR GRANTS AND OTHER ASSISTANCE.**

7       The authority of the Secretary to provide financial  
8 assistance under this Act terminates on the date that is  
9 15 years after the date of enactment of this Act.

○