

113TH CONGRESS
1ST SESSION

H. R. 445

To authorize a National Heritage Area Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 2013

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

A BILL

To authorize a National Heritage Area Program, 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 “National Heritage Area Act of 2013”.

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. Findings and purposes.
- Sec. 3. Definitions.
- Sec. 4. National Heritage Areas System.
- Sec. 5. Feasibility studies.
- Sec. 6. Management plan.
- Sec. 7. Designation.
- Sec. 8. Evaluation.

Sec. 9. Local coordinating entities.

Sec. 10. Relationship to other Federal agencies.

Sec. 11. Property owners and regulatory protections.

Sec. 12. Funding.

Sec. 13. Sunset.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—The Congress finds the following:

3 (1) Certain areas of the United States tell na-
4 tionally significant stories; they illustrate significant
5 aspects of our heritage; possess exceptional natural,
6 cultural, scenic, and historic resources; and rep-
7 resent the diversity of our national character.

8 (2) In these areas, the interaction of natural
9 processes, geography, history, cultural traditions,
10 and economic and social forces form distinctive land-
11 scapes that should be recognized, conserved, en-
12 hanced, and interpreted to improve the quality of life
13 in the regions and to provide opportunities for public
14 appreciation, education, enjoyment, and economic
15 sustainability.

16 (3) Local initiatives based on community and
17 regional visions, involving public/private partner-
18 ships, are critical to conserving, enhancing, and in-
19 terpreting natural, historic, scenic, and cultural re-
20 sources related to our American heritage. These ini-
21 tiatives should be encouraged and supported by the
22 Federal Government with the concurrence of the rel-
23 evant Federal land management agencies and tribal

1 governments by providing financial and technical as-
2 sistance.

3 (4) Partnerships among Federal, State, tribal,
4 and local governments, nonprofit organizations, the
5 private sector, and citizens provide the most viable
6 framework to recognize, conserve, enhance, and in-
7 terpret the resources of places that have made im-
8 portant contributions to the national story.

9 (5) Communities and regions need assistance to
10 set resource stewardship and interpretive goals, and
11 to implement strategies for resource conservation
12 and renewed economic viability in these areas.

13 (6) A unified national process as well as certain
14 standards for designation of National Heritage
15 Areas need to be established to provide a consistent
16 framework. The process should include a system for
17 approval of heritage area management plans.

18 (7) National Heritage Areas located near or en-
19 compassing units of the National Park System pro-
20 vide an additional basis for public enjoyment of
21 parks and park-related resources, and it is appro-
22 priate for these parks to participate in, assist with,
23 and benefit from local heritage initiatives that con-
24 serve and interpret resources over a larger area be-
25 yond the park's boundaries.

1 (8) It is in the national interest, and will ben-
2 efit future generations, to establish a system of Na-
3 tional Heritage Areas to encourage natural and cul-
4 tural resource conservation, interpretation, enhance-
5 ment, and economic sustainability, and for full pub-
6 lic understanding and appreciation of the many re-
7 sources, places, events, and peoples that have con-
8 tributed to the rich heritage of this Nation.

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

10 (1) establish a system of regional and commu-
11 nity-based National Heritage Areas to conserve, en-
12 hance, and interpret natural, historic, scenic, and
13 cultural resources that together tell nationally sig-
14 nificant stories representing our country’s heritage;

15 (2) promote public understanding, appreciation
16 and enjoyment of the many places, events, and peo-
17 ple that have contributed to our diverse national
18 story;

19 (3) promote innovative and partnership-driven
20 management strategies that recognize regional val-
21 ues, to encourage locally tailored resource steward-
22 ship and interpretation, to develop economically via-
23 ble and innovative approaches to community con-
24 servation, and to provide for the effective leveraging

1 of Federal funds with State, local, tribal, and private
2 funding sources;

3 (4) provide unified national standards and proc-
4 esses for conducting feasibility studies, designating
5 National Heritage Areas, and approving heritage
6 area management plans;

7 (5) provide appropriate linkages among units of
8 the National Park System, and communities, govern-
9 ments, and organizations within National Heritage
10 Areas to conserve, enhance, and interpret resources
11 outside of park boundaries; and

12 (6) authorize the Secretary of the Interior to
13 provide financial and technical assistance to local co-
14 ordinating entities that act as a catalyst for diverse
15 regions, communities, organizations, and citizens to
16 undertake projects and programs for resource stew-
17 ardship and interpretation.

18 **SEC. 3. DEFINITIONS.**

19 In this Act:

20 (1) FEASIBILITY STUDY.—The term “feasibility
21 study” means a study conducted by the Secretary of
22 the Interior, or conducted by one or more other in-
23 terested parties and reviewed by the Secretary, in
24 accordance with the criteria and processes outlined
25 in section 5, to determine whether an area meets the

1 criteria to be designated as a National Heritage
2 Area by Congress.

3 (2) LOCAL COORDINATING ENTITY.—The term
4 “local coordinating entity” means the entity des-
5 ignated by Congress to undertake, in partnership
6 with others, the management plan and to act as a
7 catalyst for implementation projects and programs
8 among diverse partners in a National Heritage Area.

9 (3) MANAGEMENT PLAN.—The term “manage-
10 ment plan” means the plan prepared by the local co-
11 ordinating entity for a National Heritage Area that
12 specifies actions, policies, strategies, performance
13 goals, and recommendations taken to meet the goals
14 of the heritage area as specified in this Act.

15 (4) NATIONAL HERITAGE AREA.—The term
16 “National Heritage Area” means a region des-
17 ignated by Congress that tells nationally significant
18 stories representing our American heritage.

19 (5) PROPOSED NATIONAL HERITAGE AREA.—
20 The term “proposed National Heritage Area” is an
21 area or corridor under study by the Secretary of the
22 Interior or other parties for potential designation by
23 Congress as a National Heritage Area.

24 (6) SECRETARY.—The term “Secretary” means
25 the Secretary of the Interior.

1 (7) SYSTEM.—The term “system” means the
2 system of National Heritage Areas established under
3 section 4.

4 (8) TRIBAL GOVERNMENT.—The term “tribal
5 government” means the governing body of an Indian
6 tribe, band, nation, or other organized group or com-
7 munity of Indians that is recognized by the Sec-
8 retary as having a government-to-government rela-
9 tionship with the United States and is eligible for
10 the special programs and services provided by the
11 United States to Indians because of their status as
12 Indians, as evidenced by inclusion of the tribe on the
13 list of recognized tribes published by the Secretary
14 under the Federally Recognized Indian Tribe List
15 Act of 199 (25 U.S.C. 479a).

16 (9) TRIBAL LANDS.—The term “tribal lands”
17 means all lands within the exterior boundaries of
18 any Indian reservation, all lands the title to which
19 is held by the United States in trust for an Indian
20 tribe or lands the title to which is held by an Indian
21 tribe subject to a restriction by the United States
22 against alienation, and all dependent Indian commu-
23 nities.

1 **SEC. 4. NATIONAL HERITAGE AREAS SYSTEM.**

2 (a) IN GENERAL.—In order to recognize certain
3 areas of the United States that tell nationally significant
4 stories and to conserve, enhance, and interpret the areas'
5 natural, historic, scenic, and cultural resources that to-
6 gether illustrate significant aspects of our country's herit-
7 age, there is established a National Heritage Areas Sys-
8 tem through which the Secretary may provide technical
9 and financial assistance to local coordinating entities to
10 support the establishment, development, and continuity of
11 the National Heritage Areas.

12 (b) SYSTEM.—The National Heritage Areas System
13 shall be composed of the following:

14 (1) National Heritage Areas designated before
15 the date of the enactment of this Act.

16 (2) National Heritage Areas designated under
17 this Act.

18 (c) RELATIONSHIP TO THE NATIONAL PARK SYS-
19 TEM.—

20 (1) RELATIONSHIP TO NATIONAL PARK
21 UNITS.—The Secretary shall—

22 (A) assure to the maximum extent prac-
23 ticable, participation and assistance by any unit
24 of the National Park System located near or
25 encompassed by any National Heritage Area in
26 local initiatives for that National Heritage Area

1 that conserve and interpret resources consistent
2 with an approved management plan for the Na-
3 tional Heritage Area; and

4 (B) work with National Heritage Areas to
5 promote public enjoyment of units of the Na-
6 tional Park System and park-related resources.

7 (2) APPLICABILITY OF LAWS.—National Herit-
8 age Areas shall not be considered to be units of the
9 National Park System nor shall the areas be subject
10 to the authorities applicable to units of the National
11 Park System.

12 (d) DUTIES.—Under the system, the Secretary
13 shall—

14 (1) undertake studies as directed by Congress
15 through legislation to assess the feasibility of desig-
16 nating proposed National Heritage Areas or review
17 and comment on studies undertaken by other parties
18 for this purpose as provided in section 5;

19 (2) review and approve or disapprove the man-
20 agement plan for a National Heritage Area as pro-
21 vided in section 7;

22 (3) submit to the Committee on Natural Re-
23 sources of the House of Representatives and the
24 Committee on Energy and Natural Resources of the
25 United States Senate reports describing the activi-

1 ties conducted with respect to National Heritage
2 Areas in accordance with this Act; and

3 (4) conduct an evaluation of the accomplish-
4 ments and prepare a report with recommendations
5 for the National Park Service's future role with re-
6 spect to each designated National Heritage Area as
7 outlined in section 8.

8 (e) AUTHORITIES.—In carrying out this Act, the Sec-
9 retary may—

10 (1) provide technical and financial assistance in
11 accordance with the provisions of section 10, and the
12 amounts authorized under section 12, on a reim-
13 bursable or nonreimbursable basis as determined by
14 the Secretary in the development and implementa-
15 tion of management plans and for administrative
16 functions for designated National Heritage Areas;

17 (2) enter into cooperative agreements with
18 other Federal agencies, State, tribal and local gov-
19 ernments, local coordinating entities, and other in-
20 terested parties to carry out the purposes of this
21 Act;

22 (3) provide information, promote under-
23 standing, and encourage research on National Herit-
24 age Areas in partnership with local coordinating en-
25 tities; and

1 (4) provide national oversight, analysis, coordi-
2 nation, technical and financial assistance, and sup-
3 port to ensure consistency and accountability of the
4 system.

5 **SEC. 5. FEASIBILITY STUDIES.**

6 The Secretary, in undertaking a feasibility study, or
7 reviewing a feasibility study conducted by others, shall
8 apply the following criteria to determine the suitability
9 and feasibility of designating a proposed National Herit-
10 age Area:

11 (1) The proposed area is worthy of designation
12 as a National Heritage Area because—

13 (A) the area includes natural, historic, cul-
14 tural, or scenic resources that are associated
15 with nationally significant themes and events
16 and these resources—

17 (i) combine to form a distinct and co-
18 hesive landscape; and

19 (ii) retain enough integrity to support
20 the themes and events associated with the
21 area’s national importance; and

22 (B) the area provides opportunities to con-
23 serve natural, historic, cultural, or scenic re-
24 source through local and regional partnerships.

1 (2) A conceptual boundary for the proposed
2 area is developed based upon community input and
3 the resources and themes that support the area’s na-
4 tional importance.

5 (3) Residents, business interests, nonprofit or-
6 ganizations, and governments, including Federal
7 land management agencies and tribal governments
8 within the proposed area, have been involved in the
9 feasibility study process and have demonstrated sig-
10 nificant support through letters and other means for
11 National Heritage Area designation.

12 (4) A local coordinating entity has been selected
13 to operate the proposed heritage area’s activities and
14 the organization is supported by residents, business
15 interests, nonprofit organizations, and governments
16 within the proposed area.

17 (5) The recommendations put forth in the feasi-
18 bility study are consistent with continued economic
19 activity within the area.

20 **SEC. 6. MANAGEMENT PLAN.**

21 The plan for any National Heritage Area shall—

22 (1) use a comprehensive planning approach that
23 includes—

24 (A) opportunities for stakeholders (i.e.,
25 community members, local and regional govern-

1 ments, tribes, businesses, nonprofits, and oth-
2 ers) to be involved in the planning process;

3 (B) opportunities for stakeholders to re-
4 view and comment on the draft plan; and

5 (C) documentation of the planning and
6 public participation processes used to develop
7 the plan, including how it was prepared, who
8 was involved in the process, and how and when
9 the stakeholders were involved;

10 (2) include an inventory of the natural, historic,
11 cultural, or scenic resources of the National Herit-
12 age Area related to the nationally significant themes
13 and events of the region that should be protected,
14 enhanced, interpreted, managed, or developed;

15 (3) identify comprehensive goals, strategies,
16 policies, and recommendations for telling the story
17 of the region's heritage and encouraging long-term
18 resource protection, enhancement, interpretation,
19 and development;

20 (4) include recommendations for ways in which
21 local, State, tribal, and Federal entities may best be
22 coordinated, including the role of the National Park
23 Service and other Federal agencies associated with
24 the National Heritage Area, to further the purposes
25 of this Act;

1 (5) outline a strategy for the local coordinating
2 entity to achieve financial sustainability;

3 (6) include an implementation program that
4 identifies—

5 (A) prioritized actions and criteria for se-
6 lecting future projects;

7 (B) the ways in which stakeholders will be
8 involved in their implementation;

9 (C) existing and potential sources of fund-
10 ing;

11 (D) performance goals; and

12 (E) the manner in which the plan will be
13 evaluated and updated; and

14 (7) include a business plan for the local coordi-
15 nating entity that, at minimum, addresses manage-
16 ment and operation, products or services offered, the
17 target market for products and services, and revenue
18 streams.

19 **SEC. 7. DESIGNATION.**

20 (a) IN GENERAL.—The designation of a National
21 Heritage Area shall be—

22 (1) by Act of Congress; and

23 (2) contingent on the prior completion of a
24 management plan and an affirmative determination

1 by the Secretary that the area meets the criteria
2 provided in section 5.

3 (b) COMPONENT OF THE SYSTEM.—Any National
4 Heritage Area designated under subsection (a) shall be a
5 component of the National Heritage Areas System estab-
6 lished in section 4.

7 **SEC. 8. EVALUATION.**

8 (a) IN GENERAL.—Not later than every 10 years
9 after the date on which of the National Heritage Area oc-
10 curs, the Secretary shall conduct an evaluation of the ac-
11 complishments of the National Heritage Area and prepare
12 a report with recommendations for the National Park
13 Service’s continued role with respect to the National Her-
14 itage Area.

15 (b) EVALUATION COMPONENTS.—An evaluation pre-
16 pared under subsection (a) shall—

17 (1) assess the progress of the local coordinating
18 entity with respect to—

19 (A) accomplishing the purposes of the au-
20 thorizing legislation for the National Heritage
21 Area; and

22 (B) achieving the goals and objectives of
23 the approved management plan for the National
24 Heritage Area;

1 (2) analyze the Federal, State, local, and pri-
2 vate investments in the National Heritage Area to
3 determine the leverage and impact of the invest-
4 ments; and

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

10 (c) RECOMMENDATIONS.—Based upon the evaluation
11 under subsection (a), the Secretary shall prepare a report
12 with recommendations for the National Park Service’s
13 continued role with respect to the National Heritage Area.
14 If the report recommends that Federal funding for the
15 National Heritage Area be—

16 (1) continued, the report shall include an anal-
17 ysis of—

18 (A) ways in which Federal funding for the
19 National Heritage Area may be reduced or
20 eliminated over time; and

21 (B) the appropriate time period necessary
22 to achieve the recommended reduction or elimi-
23 nation; and

24 (2) eliminated, the report to Congress shall in-
25 clude a description potential impacts on conserva-

1 tion, interpretation, and sustainability of the part-
2 nership.

3 (d) SUBMISSION TO CONGRESS.—On completion of a
4 report under subsection (c), the Secretary shall submit the
5 report to—

6 (1) the Committee on Energy and Natural Re-
7 sources of the Senate; and

8 (2) the Committee on Natural Resources of the
9 House of Representatives.

10 **SEC. 9. LOCAL COORDINATING ENTITIES.**

11 (a) DUTIES.—To further the purposes of the Na-
12 tional Heritage Area, the local coordinating entity shall—

13 (1) prepare and submit a management plan for
14 the National Heritage Area to the Secretary in ac-
15 cordance with section 7;

16 (2) submit an annual report to the Secretary
17 for any fiscal year in which it receives Federal funds
18 under this Act, setting forth its specific performance
19 goals and accomplishments, expenses and income,
20 amounts and sources of matching funds as appro-
21 priate, the amounts leveraged with Federal funds
22 and sources of such leveraging, and grants made to
23 any other entities during the year for which the re-
24 port is made;

1 (3) make available for audit for any fiscal year
2 in which it receives Federal funds under this Act, all
3 information pertaining to the expenditure of such
4 funds and any matching funds; and

5 (4) encourage by appropriate means economic
6 viability and sustainability that is consistent with
7 the purposes of the National Heritage Area.

8 (b) AUTHORITIES.—The local coordinating entity
9 may, subject to the prior approval of the Secretary, for
10 the purposes of preparing and implementing the approved
11 management plan for the National Heritage Area, use
12 Federal funds made available through this Act to—

13 (1) make grants to political jurisdictions, non-
14 profit organizations, and other parties within the
15 National Heritage Area;

16 (2) enter into cooperative agreements with or
17 provide technical assistance to political jurisdictions,
18 nonprofit organizations, Federal agencies, and other
19 interested parties;

20 (3) hire and compensate staff which may in-
21 clude individuals with expertise in natural, cultural,
22 and historic resources conservation; economic and
23 community development; and heritage planning;

1 (4) obtain money or services from any source
2 including any that are provided under other Federal
3 laws or programs;

4 (5) contract for goods or services; and

5 (6) support activities of partners and any other
6 activities that further the purposes of the National
7 Heritage Area and are consistent with the approved
8 management plan.

9 (c) PROHIBITIONS ON THE ACQUISITION OF REAL
10 PROPERTY.—The local coordinating entity may not use
11 Federal funds received under this Act to acquire any inter-
12 est in real property.

13 **SEC. 10. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

14 (a) PROVISION OF ASSISTANCE.—This Act shall not
15 affect the authority of any Federal official to provide tech-
16 nical or financial assistance under any other law.

17 (b) COORDINATION.—The head of any Federal agen-
18 cy planning to conduct activities that may have an impact
19 on a designated National Heritage Area shall consult and
20 coordinate these activities with the Secretary and the local
21 coordinating entity.

22 (c) OTHER LAWS AND REGULATIONS.—This Act
23 shall not modify any law or regulation authorizing Federal
24 officials to manage Federal land under their control or
25 limit the discretion of Federal land managers to imple-

1 ment approved land use plans within the boundaries of
2 a National Heritage Area, nor shall this Act be construed
3 to modify, alter, or amend any authorized uses of these
4 Federal lands.

5 **SEC. 11. PROPERTY OWNERS AND REGULATORY PROTEC-**
6 **TIONS.**

7 Nothing in this Act shall be construed to—

8 (1) abridge the rights of any property owner,
9 whether public or private, including the right to re-
10 frain from participating in any plan, project, pro-
11 gram, or activity conducted within the National Her-
12 itage Area;

13 (2) require any property owner to permit public
14 access (including Federal, State, tribal, or local gov-
15 ernment access) to such property or to modify any
16 provisions of Federal, State, tribal, or local law with
17 regard to public access or use of private lands;

18 (3) alter any duly adopted land use regulation
19 or any approved land use plan or any other regu-
20 latory authority of any Federal, State, or local agen-
21 cy or tribal government, or to convey any land use
22 or other regulatory authority to any local coordi-
23 nating entity;

24 (4) authorize or imply the reservation or appro-
25 priation of water or water rights;

1 (5) diminish the authority of the State to man-
2 age fish and wildlife including the regulation of fish-
3 ing and hunting within the National Heritage Area;
4 or

5 (6) create any liability, or to have any effect on
6 any liability under any other law, of any private
7 property owner with respect to any persons injured
8 on such private property.

9 **SEC. 12. FUNDING.**

10 (a) AUTHORIZATION OF APPROPRIATIONS.—

11 (1) There are authorized to be appropriated to
12 carry out the activities under section 9 not more
13 than \$700,000 for any fiscal year for each National
14 Heritage Area to remain available until expended.

15 (2) In addition to amounts authorized in para-
16 graph (1), there are authorized to be appropriated to
17 the Secretary—

18 (A) not more than \$300,000 for any fiscal
19 year, to conduct feasibility studies by the Na-
20 tional Park Service in accordance with the pro-
21 visions of section 5, with not more than
22 \$100,000 allocated in the fiscal year for any
23 one feasibility study for a proposed National
24 Heritage Area; and

1 (B) not more than \$750,000 for any fiscal
2 year, to conduct management plans by the Na-
3 tional Park Service in accordance with the pro-
4 visions of section 6, with not more than
5 \$250,000 allocated in the fiscal year for any
6 one management plan for a proposed National
7 Heritage Area.

8 (3) Funding provided under paragraph (2) shall
9 be in the form of grants approved by the National
10 Park Service and provided to the local coordinating
11 entity conducting the feasibility study or manage-
12 ment plan.

13 (b) MATCHING FUNDS.—As a condition of providing
14 financial assistance under this section to a local coordi-
15 nating entity, the Secretary shall require the entity to pro-
16 vide matching funds—

17 (1) equal to the amount of the financial assist-
18 ance provided for designated National Heritage
19 Areas for any Fiscal Year;

20 (2) of 25 percent of the total grant amount re-
21 ceived for feasibility study; and

22 (3) of 50 percent of the total grant amount re-
23 ceived for a management plan. The local coordi-
24 nating entity’s matching funds—

25 (A) must be from non-Federal sources; and

1 (B) may be made in the form of in-kind
2 contributions of goods or services fairly valued.

3 (c) ADMINISTRATIVE.—There are authorized to be
4 appropriated to the Secretary such sums as may be nec-
5 essary for technical assistance, oversight, and administra-
6 tive purposes.

7 **SEC. 13. SUNSET.**

8 The system of National Heritage Areas within the
9 National Park System established under this Act shall ex-
10 pire on the date that is 25 years after the date of the
11 enactment of this Act.

○