

116TH CONGRESS
2D SESSION

H. R. 5747

To establish the St. Croix National Heritage Area, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 2020

Ms. PLASKETT (for herself, Miss GONZÁLEZ-COLÓN of Puerto Rico, Mrs. RADEWAGEN, and Mr. SAN NICOLAS) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To establish the St. Croix 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.**

4 This Act may be cited as the “St. Croix National
5 Heritage Area Act”.

6 **SEC. 2. ST. CROIX NATIONAL HERITAGE AREA.**

7 (a) DEFINITIONS.—In this section:

8 (1) HERITAGE AREA.—The term “Heritage
9 Area” means the St. Croix National Heritage Area
10 established by subsection (b)(1).

1 (2) LOCAL COORDINATING ENTITY.—The term
2 “local coordinating entity” means the local coordi-
3 nating entity for the Heritage Area designated by
4 subsection (b)(4).

5 (3) MANAGEMENT PLAN.—The term “manage-
6 ment plan” means the management plan for the
7 Heritage Area required under subsection (d).

8 (4) MAP.—The term “map” means the map en-
9 titled “Proposed St. Croix National Heritage Area”
10 and dated _____.

11 (5) SECRETARY.—The term “Secretary” means
12 the Secretary of the Interior.

13 (6) ST. CROIX.—The term “St. Croix” means
14 St. Croix, Virgin Islands of the United States.

15 (7) STATE.—The term “State” means the Vir-
16 gin Islands of the United States.

17 (b) ST. CROIX NATIONAL HERITAGE AREA.—

18 (1) ESTABLISHMENT.—There is established in
19 the State the St. Croix National Heritage Area.

20 (2) CONCEPTUAL BOUNDARIES.—The Heritage
21 Area shall consist of the island of St. Croix.

22 (3) MAP.—A map of the Heritage Area shall
23 be—

24 (A) included in the management plan; and

1 (B) on file and available for public inspec-
2 tion in the appropriate offices of the National
3 Park Service.

4 (4) LOCAL COORDINATING ENTITY.—

5 (A) IN GENERAL.—The local coordinating
6 entity for the Heritage Area shall be the Virgin
7 Islands State Historic Preservation Office.

8 (B) CONSULTATION REQUIREMENT.—The
9 Virgin Islands State Historic Preservation Of-
10 fice shall consult with a broad cross section of
11 public, private, and nongovernmental sectors in-
12 cluding businesses, individuals, agencies, and
13 organizations that were involved in the planning
14 and development of the Heritage Area before
15 the date of the enactment of this Act.

16 (c) ADMINISTRATION.—

17 (1) AUTHORITIES.—For purposes of carrying
18 out the management plan, the Secretary, acting
19 through the local coordinating entity, may use
20 amounts made available under this section to—

21 (A) make grants to the State or a subdivi-
22 sion of the State, nonprofit organizations, and
23 other persons;

24 (B) enter into cooperative agreements
25 with, or provide technical assistance to, the

1 State or a subdivision of the State, nonprofit
2 organizations, and other interested parties;

3 (C) hire and compensate staff, which shall
4 include individuals with expertise in natural,
5 cultural, and historical resources protection,
6 and heritage programming;

7 (D) obtain money or services from any
8 source including any that are provided under
9 any other Federal law or program;

10 (E) contract for goods or services; and

11 (F) undertake to be a catalyst for any
12 other activity that furthers the Heritage Area
13 and is consistent with the approved manage-
14 ment plan.

15 (2) DUTIES.—The local coordinating entity
16 shall—

17 (A) in accordance with subsection (d), pre-
18 pare and submit a management plan for the
19 Heritage Area to the Secretary;

20 (B) assist units of local government, re-
21 gional planning organizations, and nonprofit or-
22 ganizations in carrying out the approved man-
23 agement plan by—

24 (i) carrying out programs and projects
25 that recognize, protect, and enhance im-

- 1 portant resource values in the Heritage
2 Area;
- 3 (ii) establishing and maintaining in-
4 terpretive exhibits and programs in the
5 Heritage Area;
- 6 (iii) developing recreational and edu-
7 cational opportunities in the Heritage
8 Area;
- 9 (iv) increasing public awareness of,
10 and appreciation for, natural, historical,
11 scenic, and cultural resources of the Herit-
12 age Area;
- 13 (v) protecting and restoring historic
14 sites and buildings in the Heritage Area
15 that are consistent with Heritage Area
16 themes;
- 17 (vi) ensuring that clear, consistent,
18 and appropriate signs identifying points of
19 public access, and sites of interest are
20 posted throughout the Heritage Area; and
- 21 (vii) promoting a wide range of part-
22 nerships among governments, organiza-
23 tions, and individuals to further the Herit-
24 age Area;

1 (C) consider the interests of diverse units
2 of government, businesses, organizations, and
3 individuals in the Heritage Area in the prepara-
4 tion and implementation of the management
5 plan;

6 (D) conduct meetings open to the public at
7 least semiannually regarding the development
8 and implementation of the management plan;

9 (E) for any year that Federal funds have
10 been received under this section—

11 (i) submit an annual report to the
12 Secretary that describes the activities, ex-
13 penses, and income of the local coordi-
14 nating entity (including grants to any
15 other entities during the year that the re-
16 port is made);

17 (ii) make available to the Secretary
18 for audit all records relating to the expend-
19 iture of the funds and any matching funds;
20 and

21 (iii) require, with respect to all agree-
22 ments authorizing expenditure of Federal
23 funds by other organizations, that the or-
24 ganizations receiving the funds make avail-
25 able to the Secretary for audit all records

1 concerning the expenditure of the funds;
2 and

3 (F) encourage by appropriate means eco-
4 nomic viability that is consistent with the Herit-
5 age Area.

6 (3) PROHIBITION ON THE ACQUISITION OF
7 REAL PROPERTY.—The local coordinating entity
8 shall not use Federal funds made available under
9 this section to acquire real property or any interest
10 in real property.

11 (d) MANAGEMENT PLAN.—

12 (1) IN GENERAL.—Not later than 3 years after
13 the date of enactment of this Act, the local coordi-
14 nating entity shall submit to the Secretary for ap-
15 proval a proposed management plan for the Heritage
16 Area.

17 (2) REQUIREMENTS.—The management plan
18 shall—

19 (A) incorporate an integrated and coopera-
20 tive approach for the protection, enhancement,
21 and interpretation of the natural, cultural, his-
22 toric, scenic, and recreational resources of the
23 Heritage Area;

24 (B) take into consideration State plans;

25 (C) include—

- 1 (i) an inventory of—
- 2 (I) the resources located in the
- 3 core area described in subsection
- 4 (b)(2); and
- 5 (II) any other property in the
- 6 core area that—
- 7 (aa) is related to the themes
- 8 of the Heritage Area; and
- 9 (bb) should be preserved, re-
- 10 stored, managed, or maintained
- 11 because of the significance of the
- 12 property;
- 13 (ii) describe comprehensive policies,
- 14 goals, strategies and recommendations for
- 15 telling the story of the heritage of the area
- 16 covered by the designation and encour-
- 17 aging long-term resource protection, en-
- 18 hancement, interpretation, funding, man-
- 19 agement, and development;
- 20 (iii) a description of actions that gov-
- 21 ernments, private organizations, and indi-
- 22 viduals have agreed to take to protect the
- 23 natural, historical and cultural resources of
- 24 the Heritage Area;

1 (iv) a program of implementation for
2 the management plan by the local coordi-
3 nating entity that includes a description
4 of—

5 (I) actions to facilitate ongoing
6 collaboration among partners to pro-
7 mote plans for resource protection,
8 restoration, and construction; and

9 (II) specific commitments for im-
10 plementation that have been made by
11 the local coordinating entity or any
12 government, organization, or indi-
13 vidual for the first 5 years of oper-
14 ation;

15 (v) the identification of sources of
16 funding for carrying out the management
17 plan;

18 (vi) analysis and recommendations for
19 means by which State and Federal pro-
20 grams may best be coordinated to carry
21 out this section; and

22 (vii) a business plan that describes the
23 role, operation, financing, and functions of
24 the local coordinating entity and of each of
25 the major activities contained in the man-

1 agement plan and provides adequate assur-
2 ances that the local coordinating entity has
3 the partnerships and financial and other
4 resources necessary to implement the man-
5 agement plan for the National Heritage
6 Area; and

7 (D) recommend policies and strategies for
8 resource management that consider and detail
9 the application of appropriate land and water
10 management techniques, including the develop-
11 ment of intergovernmental and interagency co-
12 operative agreements to protect the natural,
13 historical, cultural, educational, scenic, and rec-
14 reational resources of the Heritage Area.

15 (3) DEADLINE.—If a proposed management
16 plan is not submitted to the Secretary by the date
17 that is 3 years after the date of enactment of this
18 Act, the local coordinating entity shall be ineligible
19 to receive additional funding under this section until
20 the date that the Secretary receives and approves
21 the management plan.

22 (4) APPROVAL OR DISAPPROVAL OF MANAGE-
23 MENT PLAN.—

24 (A) IN GENERAL.—Not later than 180
25 days after the date of receipt of the manage-

1 ment plan under paragraph (1), the Secretary,
2 in consultation with the State, shall approve or
3 disapprove the management plan.

4 (B) CRITERIA FOR APPROVAL.—In deter-
5 mining whether to approve the management
6 plan, the Secretary shall consider whether—

7 (i) the local coordinating entity is rep-
8 resentative of the diverse interests of the
9 Heritage Area;

10 (ii) the local coordinating entity has
11 afforded adequate opportunity, including
12 public hearings, for public and govern-
13 mental involvement in the preparation of
14 the management plan; and

15 (iii) the resource protection and inter-
16 pretation strategies contained in the man-
17 agement plan, if implemented, would ade-
18 quately protect the natural, historical, and
19 cultural resources of the Heritage Area.

20 (C) ACTION FOLLOWING DISAPPROVAL.—If
21 the Secretary disapproves the management plan
22 under subparagraph (A), the Secretary shall—

23 (i) advise the local coordinating entity
24 in writing of the reasons for the dis-
25 approval;

1 (ii) make recommendations for revisions to the management plan; and

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3 (iii) not later than 180 days after the receipt of any proposed revision of the management plan from the local coordinating entity, approve or disapprove the proposed revision.

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8 (D) AMENDMENTS.—

9 (i) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines make a substantial change to the management plan.

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14 (ii) USE OF FUNDS.—The local coordinating entity shall not use Federal funds authorized by this section to carry out any amendments to the management plan until the Secretary has approved the amendments.

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20 (e) RELATIONSHIP TO OTHER FEDERAL AGEN-
21 CIES.—

22 (1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.
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1 (2) CONSULTATION AND COORDINATION.—The
2 head of any Federal agency planning to conduct ac-
3 tivities that may have an impact on the Heritage
4 Area is encouraged to consult and coordinate the ac-
5 tivities with the Secretary and the local coordinating
6 entity to the maximum extent practicable.

7 (3) OTHER FEDERAL AGENCIES.—Nothing in
8 this section—

9 (A) modifies, alters, or amends any law or
10 regulation authorizing a Federal agency to
11 manage Federal land under the jurisdiction of
12 the Federal agency;

13 (B) limits the discretion of a Federal land
14 manager to implement an approved land use
15 plan within the boundaries of the Heritage
16 Area; or

17 (C) modifies, alters, or amends any author-
18 ized use of Federal land under the jurisdiction
19 of a Federal agency.

20 (f) PRIVATE PROPERTY AND REGULATORY PROTEC-
21 TIONS.—Nothing in this section—

22 (1) abridges the rights of any property owner
23 (whether public or private), including the right to re-
24 frain from participating in any plan, project, pro-

1 gram, or activity conducted within the Heritage
2 Area;

3 (2) requires any property owner to permit pub-
4 lic access (including access by Federal or State
5 agencies) to the property of the property owner, or
6 to modify public access or use of property of the
7 property owner under any other Federal or State
8 law;

9 (3) alters any duly adopted land use regulation,
10 approved land use plan, or other regulatory author-
11 ity of any Federal or State agency, or conveys any
12 land use or other regulatory authority to the local
13 coordinating entity;

14 (4) authorizes or implies the reservation or ap-
15 propriation of water or water rights;

16 (5) diminishes the authority of the State to
17 manage fish and wildlife, including the regulation of
18 fishing and hunting within the Heritage Area; or

19 (6) creates any liability, or affects any liability
20 under any other law, of any private property owner
21 with respect to any person injured on the private
22 property.

23 (g) EVALUATION; REPORT.—

24 (1) IN GENERAL.—Not later than 3 years be-
25 fore the date on which authority for Federal funding

1 terminates for the Heritage Area, the Secretary
2 shall—

3 (A) conduct an evaluation of the accom-
4 plishments of the Heritage Area; and

5 (B) prepare a report in accordance with
6 paragraph (3).

7 (2) EVALUATION.—An evaluation conducted
8 under paragraph (1)(A) shall—

9 (A) assess the progress of the local coordi-
10 nating entity with respect to—

11 (i) accomplishing the purposes of this
12 section for the Heritage Area; and

13 (ii) achieving the goals and objectives
14 of the approved management plan for the
15 Heritage Area;

16 (B) analyze the Federal, State, and private
17 investments in the Heritage Area to determine
18 the leverage and impact of the investments; and

19 (C) review the management structure,
20 partnership relationships, and funding of the
21 Heritage Area for purposes of identifying the
22 critical components for sustainability of the
23 Heritage Area.

24 (3) REPORT.—

1 (A) IN GENERAL.—Based on the evalua-
2 tion conducted under paragraph (1)(A), the
3 Secretary shall prepare a report that includes
4 recommendations for the future role of the Na-
5 tional Park Service, if any, with respect to the
6 Heritage Area.

7 (B) REQUIRED ANALYSIS.—If the report
8 prepared under subparagraph (A) recommends
9 that Federal funding for the Heritage Area be
10 reauthorized, the report shall include an anal-
11 ysis of—

12 (i) ways in which Federal funding for
13 the Heritage Area may be reduced or
14 eliminated; and

15 (ii) the appropriate time period nec-
16 essary to achieve the recommended reduc-
17 tion or elimination.

18 (C) SUBMISSION TO CONGRESS.—On com-
19 pletion of the report, the Secretary shall submit
20 the report to—

21 (i) the Committee on Energy and
22 Natural Resources of the Senate; and

23 (ii) the Committee on Natural Re-
24 sources of the House of Representatives.

1 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$10,000,000, of which not more than \$1,000,000 may be
4 made available for any fiscal year.

5 (i) TERMINATION OF AUTHORITY.—The authority of
6 the Secretary to provide assistance under this section ter-
7 minates on the date that is 15 years after the date of en-
8 actment of this Act.

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