

113TH CONGRESS
2D SESSION

S. 2576

To establish the Maritime Washington National Heritage Area in the State of Washington, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 9, 2014

Ms. CANTWELL (for herself and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish the Maritime Washington National Heritage Area in the State of Washington, 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 “Maritime Washington
5 National Heritage Area Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **HERITAGE AREA.**—The term “Heritage
9 Area” means the Maritime Washington National
10 Heritage Area established by section 4.

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 section 4(b)(4).

5 (3) MANAGEMENT PLAN.—The term “manage-
6 ment plan” means the management plan for the
7 Heritage Area described in section 6.

8 (4) MAP.—The term “map” means the undated
9 overview map entitled “Washington State Maritime
10 Heritage Area Proposed Boundary” and the associ-
11 ated index maps.

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

14 (6) STATE.—The term “State” means the State
15 of Washington.

16 **SEC. 3. PURPOSES.**

17 The purposes of this Act are—

18 (1) to encourage and strengthen partnerships
19 and collaboration among maritime interests for the
20 purpose of economic development and heritage tour-
21 ism;

22 (2) to recognize that waterfronts are both a
23 foundational part of the heritage of the State and
24 dynamic places that are constantly adapting to new
25 opportunities and challenges;

1 (3) to recognize, interpret, and conserve the di-
2 verse and abundant nationally significant maritime-
3 related objects, sites, structures, places, events, and
4 activities that collectively form a distinctive land-
5 scape in ports and coastal communities located in
6 the western part of the State;

7 (4) to recognize and interpret the impact of
8 that nationally important maritime landscape on Na-
9 tive American and European-American heritage;

10 (5) to preserve landscapes, communities, tradi-
11 tions, historic sites, and natural features in the Her-
12 itage Area associated with that maritime history;

13 (6) to promote heritage, cultural, and rec-
14 reational tourism, and to develop educational, inter-
15 pretive, recreational, and cultural programs through
16 partnerships for the benefit of visitors and the gen-
17 eral public; and

18 (7) to provide appropriate linkages between
19 Federal, State, and local historic sites, and commu-
20 nities, governments, businesses, organizations, and
21 individuals that stimulate appropriate and compat-
22 ible economic vitality within the Heritage Area, with-
23 out modifying the authority of any State, tribal, or
24 local government to regulate land use, public land
25 policy, or private activity.

1 **SEC. 4. MARITIME WASHINGTON NATIONAL HERITAGE**
2 **AREA.**

3 (a) ESTABLISHMENT.—There is established the Mar-
4 itime Washington National Heritage Area in the counties
5 of Whatcom, Skagit, Snohomish, San Juan, Island, King,
6 Pierce, Thurston, Mason, Kitsap, Jefferson, Clallam, and
7 Grays Harbor in the State.

8 (b) BOUNDARIES.—

9 (1) IN GENERAL.—The Heritage Area shall
10 consist of Federal, State, local, and tribal land
11 that—

12 (A) allows public access; and

13 (B) is at least partly located within the
14 area that is $\frac{1}{4}$ -mile landward of the shoreline,
15 as generally depicted on the map.

16 (2) REVISION.—The boundaries of the Heritage
17 Area may be revised if the revision is—

18 (A) proposed in the management plan;

19 (B) approved by the Secretary in accord-
20 ance with section 5; and

21 (C) placed on file in accordance with para-
22 graph (3).

23 (3) AVAILABILITY OF MAP.—The map shall be
24 on file and available for public inspection in the ap-
25 propriate offices of the National Park Service and
26 the local coordinating entity.

1 (4) LOCAL COORDINATING ENTITY.—The local
2 coordinating entity for the Heritage Area shall be
3 the Pacific Northwest Maritime Heritage Advisory
4 Council, operating under the Washington Trust for
5 Historic Preservation.

6 **SEC. 5. DUTIES AND AUTHORITIES OF LOCAL COORDI-**
7 **NATING ENTITY.**

8 (a) DUTIES.—To support the purposes of the Herit-
9 age Area, the local coordinating entity shall—

10 (1) prepare and submit to the Secretary in ac-
11 cordance with section 6, a management plan for the
12 Heritage Area;

13 (2) assist willing partners, such as units of
14 State, local, and tribal government, regional plan-
15 ning organizations, and private organizations, in im-
16 plementing the approved management plan by—

17 (A) advocating for and carrying out pro-
18 grams and projects that recognize and protect
19 important resource values within the Heritage
20 Area;

21 (B) promoting, developing, and maintain-
22 ing interpretive exhibits and programs within
23 the Heritage Area;

1 (C) promoting or developing recreational
2 and educational opportunities in the Heritage
3 Area;

4 (D) increasing public awareness of, and
5 appreciation for, natural, historic, scenic, rec-
6 reational, and cultural resources of the Herit-
7 age Area;

8 (E) advocating for the protection and pres-
9 ervation of historic sites, structures, objects,
10 and buildings in the Heritage Area that are
11 consistent with the themes of the Heritage
12 Area;

13 (F) ensuring that signs identifying points
14 of public access and sites of interest are posted
15 throughout the Heritage Area; and

16 (G) promoting a wide range of partner-
17 ships among governments, businesses, organiza-
18 tions, and individuals to support the purposes
19 of the Heritage Area;

20 (3) take into consideration the interests of di-
21 verse units of government, businesses, organizations,
22 and individuals in the Heritage Area in the prepara-
23 tion and implementation of the management plan;

1 (4) ensure an open and transparent process for
2 the development and implementation of the manage-
3 ment plan by holding regular public meetings;

4 (5) submit to the Secretary an annual report
5 for each fiscal year during which the local coordi-
6 nating entity receives Federal funds under this Act
7 that describes, with respect to the reporting pe-
8 riod—

9 (A) the goals and accomplishments of the
10 local coordinating entity;

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

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

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

17 (E) grants made to any other entities; and

18 (F) critical components for sustainability
19 of the Heritage Area;

20 (6) make available for audit for any fiscal year
21 for which the local coordinating entity receives Fed-
22 eral funds under this Act all information pertaining
23 to the expenditure of those funds and any matching
24 funds;

1 (7) in all agreements authorizing expenditures
2 of Federal funds by other organizations, ensure that
3 the receiving organizations make available for audit
4 all records and other information pertaining to the
5 expenditure of the funds; and

6 (8) encourage and strengthen partnerships and
7 collaboration among maritime interests by appro-
8 priate means for economic development and heritage
9 tourism, consistent with the purposes of the Herit-
10 age Area.

11 (b) AUTHORITIES.—Subject to the prior approval of
12 the Secretary, for the purposes of preparing and imple-
13 menting the management plan, the local coordinating enti-
14 ty may use Federal funds made available under this Act—

15 (1) to make grants to the State, political sub-
16 divisions of the State, nonprofit organizations, and
17 other individuals and entities;

18 (2) to enter into cooperative agreements with,
19 or provide technical assistance to, the State, political
20 subdivisions of the State, nonprofit organizations,
21 Federal agencies, and other interested parties;

22 (3) to hire and compensate staff;

23 (4) to obtain funds or services from any source,
24 including funds and services provided under any
25 other Federal law or program;

1 (5) to contract for goods or services; and

2 (6) to support activities of partners and any
3 other activities that—

4 (A) support the purposes of the Heritage
5 Area; and

6 (B) are consistent with the approved man-
7 agement plan.

8 (c) PROHIBITION ON ACQUISITION OF REAL PROP-
9 erty.—The local coordinating entity may not use Federal
10 funds received under this Act to acquire any interest in
11 real property.

12 **SEC. 6. MANAGEMENT PLAN.**

13 (a) IN GENERAL.—Not later than 3 years after the
14 date on which funds are made available to develop the
15 management plan, the local coordinating entity shall sub-
16 mit to the Secretary for approval a proposed management
17 plan for the Heritage Area.

18 (b) REQUIREMENTS.—The management plan for the
19 Heritage Area shall—

20 (1) describe comprehensive policies, goals, strat-
21 egies, and recommendations for the conservation,
22 funding, management, interpretation, and develop-
23 ment of the Heritage Area;

1 (2) take into consideration existing State and
2 local plans in the development and implementation
3 of the management plan;

4 (3) include a description of actions and commit-
5 ments that governments, private organizations, and
6 individuals plan to take to protect, enhance, and in-
7 terpret the natural, historic, scenic, and cultural re-
8 sources of the Heritage Area;

9 (4) specify existing and potential sources of
10 funding or economic development strategies to con-
11 serve, manage, and develop the Heritage Area;

12 (5) include an inventory of the natural, historic,
13 cultural, educational, scenic, and recreational re-
14 sources of the Heritage Area relating to the stories
15 and themes of the Heritage Area that should be pro-
16 tected, enhanced, managed, or developed;

17 (6) recommend policies and strategies for re-
18 source management, including the development of
19 intergovernmental and interagency agreements, to
20 protect the natural, historic, cultural, educational,
21 scenic, and recreational resources of the Heritage
22 Area;

23 (7) describe a program for implementation of
24 the management plan, including—

25 (A) performance goals;

1 (B) an approximate timeline for implemen-
2 tation;

3 (C) specific commitments for implementa-
4 tion; and

5 (D) how the plan will be evaluated and up-
6 dated;

7 (8) include an analysis of, and recommenda-
8 tions for, ways in which Federal, State, tribal, and
9 local programs may best be coordinated (including
10 the role of the National Park Service and other Fed-
11 eral agencies associated with the Heritage Area) to
12 support the purposes of this Act;

13 (9) provide recommendations for educational
14 and interpretive programs to inform the public re-
15 garding the resources of the Heritage Area; and

16 (10) include a business plan that—

17 (A) describes the role, operation, financing,
18 and functions of—

19 (i) the local coordinating entity; and

20 (ii) each major activity contained in
21 the management plan;

22 (B) provides adequate assurances that the
23 local coordinating entity has the partnerships
24 and financial and other resources necessary to

1 implement the management plan for the Herit-
2 age Area; and

3 (C) describes goals and recommendations
4 for sustainability of the coordinating entity
5 through the effective period of this Act.

6 (c) TERMINATION OF FUNDING.—If the management
7 plan is not submitted to the Secretary in accordance with
8 this section, the local coordinating entity shall not qualify
9 for additional financial assistance under this Act until the
10 date on which the management plan is submitted to, and
11 approved by, the Secretary.

12 (d) APPROVAL OF MANAGEMENT PLAN.—

13 (1) REVIEW.—Not later than 180 days after
14 the date on which the Secretary receives the man-
15 agement plan, the Secretary shall approve or dis-
16 approve the management plan.

17 (2) CRITERIA FOR APPROVAL.—In determining
18 the approval of the management plan, the Secretary
19 shall consider whether—

20 (A) the local coordinating entity represents
21 the diverse interests of the Heritage Area, in-
22 cluding governments, resource-related organiza-
23 tions, educational institutions, ports, businesses,
24 community residents, and recreational organiza-
25 tions;

1 (B) the local coordinating entity has af-
2 fforded adequate opportunity for public and gov-
3 ernmental involvement (including workshops
4 and public meetings) in the preparation of the
5 management plan;

6 (C) the conservation and interpretation
7 strategies described in the management plan, if
8 implemented, are compatible and consistent
9 with this Act;

10 (D) the management plan would not ad-
11 versely affect any activities authorized on Fed-
12 eral, State, local, or tribal land under applicable
13 laws or land use plans;

14 (E) the Secretary has received adequate
15 assurances from the appropriate State, tribal,
16 and local officials the support of which is need-
17 ed to ensure the effective implementation of the
18 State, tribal, and local aspects of the manage-
19 ment plan;

20 (F) the local coordinating entity has identi-
21 fied existing and potential sources of funding
22 for implementing the management plan in part-
23 nership with others; and

24 (G) provisions for long-term sustainability
25 of the Heritage Area are in place.

1 (3) ACTION FOLLOWING DISAPPROVAL.—

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

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

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

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

14 (4) AMENDMENTS.—

15 (A) IN GENERAL.—An amendment to the
16 management plan that substantially alters the
17 management plan shall be—

18 (i) reviewed by the Secretary; and

19 (ii) approved or disapproved in the
20 same manner as the original management
21 plan.

22 (B) IMPLEMENTATION.—The local coordi-
23 nating entity shall not use Federal funds au-
24 thorized to be appropriated by this Act to im-
25 plement any amendment to the management

1 plan until the Secretary approves the amend-
2 ment.

3 **SEC. 7. DUTIES AND AUTHORITIES OF SECRETARY.**

4 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—

5 (1) IN GENERAL.—On the request of the local
6 coordinating entity, the Secretary may provide tech-
7 nical and financial assistance, on a reimbursable or
8 nonreimbursable basis (as determined by the Sec-
9 retary), to the local coordinating entity to develop
10 and implement the management plan.

11 (2) COOPERATIVE AGREEMENTS.—The Sec-
12 retary may enter into cooperative agreements with
13 the local coordinating entity and other public or pri-
14 vate organizations to provide technical or financial
15 assistance under paragraph (1).

16 (3) PRIORITY.—In providing assistance under
17 this subsection, the Secretary shall give priority to
18 actions that assist in—

19 (A) conserving the significant historic and
20 cultural maritime-related resources of the Her-
21 itage Area; and

22 (B) providing educational, interpretive, and
23 recreational opportunities for the public, con-
24 sistent with the purposes of the Heritage Area.

25 (b) EVALUATION; REPORT.—

1 (1) IN GENERAL.—Not later than 3 years be-
2 fore the date on which authority for Federal funding
3 terminates for the Heritage Area under section 11,
4 the Secretary shall—

5 (A) conduct an evaluation of the accom-
6 plishments of the Heritage Area; and

7 (B) prepare a report that includes rec-
8 ommendations for the future role of the Na-
9 tional Park Service, if any, with respect to the
10 Heritage Area, in accordance with paragraph
11 (3).

12 (2) EVALUATION COMPONENTS.—An evaluation
13 conducted under paragraph (1)(A) shall—

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

16 (i) accomplishing the purposes of this
17 Act for the Heritage Area; and

18 (ii) achieving the goals and objectives
19 of the approved management plan for the
20 Heritage Area;

21 (B) analyze the Federal, State, local, and
22 private investments in the Heritage Area to de-
23 termine the leverage and impact of the invest-
24 ments; and

1 (C) review the management structure,
2 partnership relationships, and funding of the
3 Heritage Area for purposes of identifying the
4 critical components for sustainability of the
5 Heritage Area.

6 (3) RECOMMENDATIONS.—

7 (A) IN GENERAL.—Based on the evalua-
8 tion conducted under paragraph (1)(A), the
9 Secretary shall prepare a report that includes
10 recommendations for the future role of the Na-
11 tional Park Service, if any, with respect to the
12 Heritage Area.

13 (B) REQUIRED ANALYSIS.—If the report
14 prepared under this paragraph recommends
15 that Federal funding for the Heritage Area be
16 reauthorized, the report shall include an anal-
17 ysis of—

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

21 (ii) the appropriate time period nec-
22 essary to achieve the recommended reduc-
23 tion or elimination.

1 (C) SUBMISSION TO CONGRESS.—On com-
2 pletion of a report under this paragraph, the
3 Secretary shall submit the report to—

4 (i) the Committee on Energy and
5 Natural Resources of the Senate; and

6 (ii) the Committee on Natural Re-
7 sources of the House of Representatives.

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

9 (a) IN GENERAL.—Nothing in this Act affects the au-
10 thority of any Federal agency to provide technical or fi-
11 nancial assistance under any other law (including regula-
12 tions).

13 (b) CONSULTATION AND COORDINATION.—To the
14 maximum extent practicable, the head of any Federal
15 agency planning to conduct activities that may have an
16 impact on the Heritage Area is encouraged to consult and
17 coordinate the activities with the Secretary and the local
18 coordinating entity.

19 (c) OTHER FEDERAL AGENCIES.—Nothing in this
20 Act—

21 (1) modifies, alters, or amends any laws (in-
22 cluding regulations) authorizing a Federal agency to
23 manage land under the jurisdiction of the Federal
24 agency;

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

4 (3) modifies, alters, or amends any authorized
5 use of Federal land under the jurisdiction of a Fed-
6 eral agency.

7 **SEC. 9. PROPERTY OWNERS AND REGULATORY PROTEC-**
8 **TIONS.**

9 Nothing in this Act—

10 (1) abridges the rights of any owner of public
11 or private property, including the right to refrain
12 from participating in any plan, project, program, or
13 activity conducted within the Heritage Area;

14 (2) requires any property owner—

15 (A) to permit public access (including Fed-
16 eral, State, tribal, or local government access)
17 to the property; or

18 (B) to modify any provision of Federal,
19 State, tribal, or local law with regard to public
20 access or use of private land;

21 (3) alters any duly adopted land use regulation,
22 approved land-use plan, or any other regulatory au-
23 thority of any Federal, State, or local agency, or
24 tribal government;

1 (4) conveys any land use or other regulatory
2 authority to the local coordinating entity;

3 (5) authorizes or implies the reservation or ap-
4 propriation of water or water rights;

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

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

12 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

13 (a) IN GENERAL.—There is authorized to be appro-
14 priated to carry out this Act \$10,000,000, of which not
15 more than \$500,000 shall be made available for any fiscal
16 year.

17 (b) AVAILABILITY.—Funds made available under
18 subsection (a) shall remain available until expended.

19 (c) COST-SHARING REQUIREMENT.—

20 (1) IN GENERAL.—The Federal share of the
21 total cost of any activity under this section shall be
22 not more than 50 percent.

23 (2) FORM.—The non-Federal contribution—

24 (A) shall be from non-Federal sources; and

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

3 **SEC. 11. TERMINATION OF FINANCIAL ASSISTANCE.**

4 The authority of the Secretary to provide financial
5 assistance under this Act terminates on the date that is
6 15 years after the date of enactment of this Act.

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