

Calendar No. 478

115TH CONGRESS
2D SESSION

S. 3100

To establish the Mountains to Sound Greenway National Heritage Area
in the State of Washington.

IN THE SENATE OF THE UNITED STATES

JUNE 20, 2018

Ms. CANTWELL (for herself and Mrs. MURRAY) introduced the following bill;
which was read the first time

JUNE 21, 2018

Read the second time and placed on the calendar

A BILL

To establish the Mountains to Sound Greenway National
Heritage Area in the State of Washington.

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 “Mountains to Sound
5 Greenway National Heritage Area Act”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are—

1 (1) to recognize the national importance of the
2 natural, cultural, historical, scenic, and recreational
3 resources of the Mountains to Sound Greenway Na-
4 tional Heritage Area;

5 (2) to preserve, enhance, and interpret the leg-
6 acies of Indian tribes and nations from time imme-
7 morial, natural resource conservation, and commu-
8 nity stewardship within the Mountains to Sound
9 Greenway National Heritage Area; and

10 (3) to promote heritage, cultural, and rec-
11 reational tourism within the Mountains to Sound
12 Greenway National Heritage Area.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) LOCAL COORDINATING ENTITY.—The term
16 “local coordinating entity” means the local coordi-
17 nating entity for the National Heritage Area des-
18 ignated by section 4(d).

19 (2) MANAGEMENT PLAN.—The term “manage-
20 ment plan” means the management plan for the Na-
21 tional Heritage Area required under section 5.

22 (3) MAP.—The term “map” means the map en-
23 titled “Mountains to Sound Greenway National Her-
24 itage Area Proposed Boundary”, numbered 584/
25 125,483, and dated August, 2014.

1 (4) NATIONAL HERITAGE AREA.—The term
2 “National Heritage Area” means the Mountains to
3 Sound Greenway National Heritage Area established
4 by section 4(a).

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

7 (6) STATE.—The term “State” means the State
8 of Washington.

9 (7) TRIBAL; TRIBE.—The terms “tribal” and
10 “Tribe” means each of the tribal governments of the
11 Snoqualmie, Yakama, Tulalip, Muckleshoot, and
12 Colville Indian tribes.

13 **SEC. 4. MOUNTAINS TO SOUND GREENWAY NATIONAL HER-**
14 **ITAGE AREA.**

15 (a) ESTABLISHMENT.—There is established in the
16 State the Mountains to Sound Greenway National Herit-
17 age Area.

18 (b) BOUNDARIES.—The National Heritage Area shall
19 consist of land located in King and Kittitas Counties in
20 the State, as generally depicted on the map.

21 (c) MAP.—The map shall be on file and available for
22 public inspection in the appropriate offices of—

- 23 (1) the National Park Service;
24 (2) the Forest Service;
25 (3) the Tribes; and

1 (4) the local coordinating entity.

2 (d) LOCAL COORDINATING ENTITY.—The Mountains
3 to Sound Greenway Trust, a nonprofit corporation estab-
4 lished under the laws of the State, is designated as the
5 local coordinating entity for the National Heritage Area.

6 **SEC. 5. MANAGEMENT PLAN.**

7 (a) IN GENERAL.—Not later than 3 years after the
8 date of enactment of this Act, the local coordinating entity
9 shall submit to the Secretary for approval a proposed
10 management plan for the National Heritage Area.

11 (b) REQUIREMENTS.—The management plan shall—

12 (1) incorporate an integrated and cooperative
13 approach for the protection, enhancement, and inter-
14 pretation of the natural, cultural, historical, scenic,
15 and recreational resources of the National Heritage
16 Area;

17 (2) take into consideration Federal, State, trib-
18 al, and local plans;

19 (3) include—

20 (A) an inventory of—

21 (i) the resources located in the Na-
22 tional Heritage Area; and

23 (ii) any other property in the National
24 Heritage Area that—

1 (I) is related to the themes of the
2 National Heritage Area; and

3 (II) should be preserved, re-
4 stored, managed, or maintained be-
5 cause of the significance of the prop-
6 erty;

7 (B) comprehensive policies, strategies and
8 recommendations for the conservation, funding,
9 management, and development of the National
10 Heritage Area;

11 (C) a description of actions that the Fed-
12 eral Government, State, tribal, and local gov-
13 ernments, private organizations, and individuals
14 have agreed to take to protect the natural, cul-
15 tural, historical, scenic, and recreational re-
16 sources of the National Heritage Area;

17 (D) a program of implementation for the
18 management plan by the local coordinating en-
19 tity that includes a description of—

20 (i) actions to facilitate ongoing col-
21 laboration among partners to promote
22 plans for resource protection, restoration,
23 and construction; and

24 (ii) specific commitments for imple-
25 mentation that have been made by the

1 local coordinating entity or any govern-
2 ment, organization, or individual for the
3 first 5 years of operation of the National
4 Heritage Area;

5 (E) the identification of sources of funding
6 for carrying out the management plan;

7 (F) analysis and recommendations for
8 means by which Federal, State, tribal, and local
9 programs may best be coordinated to carry out
10 this section, including a description of the role
11 of the National Park Service, the Forest Serv-
12 ice, and Tribes in the National Heritage Area;
13 and

14 (G) an interpretive plan for the National
15 Heritage Area, including provisions addressing
16 tribal heritage; and

17 (4) recommend policies and strategies for re-
18 source management, including the development of
19 intergovernmental and interagency cooperative
20 agreements to protect the natural, cultural, histor-
21 ical, scenic, and recreational resources of the Na-
22 tional Heritage Area.

23 (c) TRIBAL CONSULTATION.—The management plan
24 and the interpretive plan for the National Heritage Area

1 required under subsection (b)(3)(G) shall be developed in
2 consultation with the Tribes.

3 (d) DEADLINE.—If a proposed management plan is
4 not submitted to the Secretary by the date that is 3 years
5 after the date of enactment of this Act, the local coordi-
6 nating entity shall be ineligible to receive additional fund-
7 ing under this Act until the date on which the Secretary
8 receives and approves the management plan.

9 (e) APPROVAL OR DISAPPROVAL OF MANAGEMENT
10 PLAN.—

11 (1) IN GENERAL.—Not later than 180 days
12 after the date of receipt of the management plan
13 under subsection (a), the Secretary, in consultation
14 with State and tribal governments, shall approve or
15 disapprove the management plan.

16 (2) CRITERIA FOR APPROVAL.—In determining
17 whether to approve the management plan, the Sec-
18 retary shall consider whether—

19 (A) the local coordinating entity is rep-
20 resentative of the diverse interests of the Na-
21 tional Heritage Area, including the Federal
22 Government and State, tribal, and local govern-
23 ments, natural and historical resource protec-
24 tion organizations, educational institutions,
25 businesses, and recreational organizations;

1 (B) the local coordinating entity has af-
2 fforded adequate opportunity, including public
3 hearings, for public and governmental involve-
4 ment in the preparation of the management
5 plan;

6 (C) the resource protection and interpreta-
7 tion strategies contained in the management
8 plan, if implemented, would adequately protect
9 the natural, cultural, historical, scenic, and rec-
10 reational resources of the National Heritage
11 Area; and

12 (D) the management plan is consistent
13 with the trust responsibilities of the Secretary
14 to Indian tribes and tribal treaty rights within
15 the National Heritage Area.

16 (3) ACTION FOLLOWING DISAPPROVAL.—If the
17 Secretary disapproves the management plan under
18 paragraph (1), the Secretary shall—

19 (A) advise the local coordinating entity in
20 writing of the reasons for the disapproval;

21 (B) make recommendations for revisions to
22 the management plan; and

23 (C) not later than 180 days after the re-
24 ceipt of any proposed revision of the manage-

1 ment plan from the local coordinating entity,
2 approve or disapprove the proposed revision.

3 (4) AMENDMENTS.—

4 (A) IN GENERAL.—The Secretary shall ap-
5 prove or disapprove each amendment to the
6 management plan that makes a substantial
7 change to the management plan, as determined
8 by the Secretary.

9 (B) USE OF FUNDS.—The local coordi-
10 nating entity shall not use Federal funds au-
11 thorized by this section to carry out any amend-
12 ments to the management plan until the date
13 on which the Secretary has approved the
14 amendments.

15 **SEC. 6. ADMINISTRATION.**

16 (a) AUTHORITIES.—For purposes of implementing
17 the management plan, the local coordinating entity may—

18 (1) make grants to the State or a political sub-
19 division of the State, Tribes, nonprofit organizations,
20 and other persons;

21 (2) enter into cooperative agreements with, or
22 provide technical assistance to Federal agencies,
23 Tribes, the State or a political subdivision of the
24 State, nonprofit organizations, and other interested
25 parties;

1 (3) hire and compensate staff, which shall in-
2 clude individuals with expertise in natural, cultural,
3 historical, scenic, and recreational resources protec-
4 tion and heritage programming;

5 (4) obtain money or services from any source,
6 including any money or services that are provided
7 under any other Federal law or program;

8 (5) contract for goods or services; and

9 (6) undertake to be a catalyst for any other ac-
10 tivity that—

11 (A) furthers the purposes of the National
12 Heritage Area; and

13 (B) is consistent with the approved man-
14 agement plan.

15 (b) DUTIES.—The local coordinating entity may—

16 (1) in accordance with section 5, prepare and
17 submit a management plan to the Secretary;

18 (2) assist Federal agencies, the State or a polit-
19 ical subdivision of the State, Tribes, nonprofit orga-
20 nizations, and other interested parties in carrying
21 out the approved management plan by—

22 (A) carrying out programs and projects
23 that recognize, protect, and enhance important
24 resource values in the National Heritage Area;

1 (B) establishing and maintaining interpre-
2 tive exhibits and programs in the National Her-
3 itage Area;

4 (C) developing recreational and educational
5 opportunities in the National Heritage Area;

6 (D) increasing public awareness of, and
7 appreciation for, natural, cultural, historical,
8 scenic, and recreational resources of the Na-
9 tional Heritage Area;

10 (E) protecting and restoring historic sites
11 and buildings in the National Heritage Area
12 that are consistent with National Heritage Area
13 themes;

14 (F) supporting working relationships be-
15 tween the Federal Government and State, trib-
16 al, and local governments in order to preserve,
17 enhance, and interpret the significant resources
18 of the National Heritage Area;

19 (G) ensuring that clear, consistent, and ap-
20 propriate signs identifying points of public ac-
21 cess and sites of interest are posted throughout
22 the National Heritage Area; and

23 (H) promoting a wide range of partner-
24 ships among the Federal Government, State,
25 tribal, and local governments, organizations,

1 and individuals to further the National Herit-
2 age Area;

3 (3) consider the interests of diverse units of the
4 Federal Government, State, tribal, and local govern-
5 ments, businesses, organizations, and individuals in
6 the National Heritage Area in the preparation and
7 implementation of the management plan;

8 (4) conduct meetings open to the public at least
9 semiannually regarding the development and imple-
10 mentation of the management plan;

11 (5) for any year for which Federal funds have
12 been received under this section—

13 (A) submit to the Secretary an annual re-
14 port that describes the activities, expenses, and
15 income of the local coordinating entity (includ-
16 ing grants from the local coordinating entity to
17 any other entities during the year that the re-
18 port is made);

19 (B) make available to the Secretary for
20 audit all records relating to the expenditure of
21 the funds and any matching funds; and

22 (C) require, with respect to all agreements
23 authorizing the expenditure of Federal funds by
24 other organizations, that the organizations re-
25 ceiving the funds make available to the Sec-

1 retary for audit all records concerning the ex-
2 penditure of the funds; and

3 (6) encourage, by appropriate means, economic
4 viability that is consistent with the National Herit-
5 age Area.

6 (c) **TECHNICAL AND FINANCIAL ASSISTANCE; COOP-**
7 **ERATIVE AGREEMENTS.**—The Secretary and the Sec-
8 retary of Agriculture may—

9 (1) provide technical and financial assistance to
10 the local coordinating entity to develop and imple-
11 ment the management plan; and

12 (2) enter into cooperative agreements with the
13 local coordinating entity, Tribes, State and local
14 agencies, and other interested parties to carry out
15 this Act, including cooperation and cost sharing, as
16 appropriate, to provide more cost-effective and co-
17 ordinated public land management.

18 (d) **PROHIBITION ON THE ACQUISITION OF REAL**
19 **PROPERTY.**—The local coordinating entity shall not use
20 Federal funds made available under this Act to acquire
21 real property or any interest in real property.

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

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

1 (b) CONSULTATION AND COORDINATION.—Any Fed-
2 eral agency planning to conduct activities that may have
3 an impact on the National Heritage Area is encouraged
4 to consult and coordinate the activities with the Secretary
5 and the local coordinating entity, to the maximum extent
6 practicable.

7 (c) OTHER FEDERAL AGENCIES.—Nothing in this
8 Act—

9 (1) modifies, alters, or amends any law or regu-
10 lation authorizing a Federal agency to manage Fed-
11 eral land under the jurisdiction of the Federal agen-
12 cy;

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

16 (3) modifies, alters, or amends any authorized
17 use of Federal land under the jurisdiction of a Fed-
18 eral agency.

19 **SEC. 8. PRIVATE PROPERTY AND REGULATORY PROTEC-**
20 **TIONS.**

21 Nothing in this Act—

22 (1) abridges the rights of any owner of public
23 or private property, including the right to refrain
24 from participating in any plan, project, program, or

1 activity conducted within the National Heritage
2 Area;

3 (2) requires any property owner—

4 (A) to permit public access (including ac-
5 cess by Federal, State, or local agencies) to the
6 property of the property owner; or

7 (B) to modify public access or use of prop-
8 erty of the property owner under any other
9 Federal, State, or local law;

10 (3) alters any duly adopted land use regulation,
11 approved land use plan, or other regulatory author-
12 ity of any Federal, State, tribal, or local agency;

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

15 (5) authorizes or implies the reservation or ap-
16 propriation of water or water rights;

17 (6) affects the treaty rights of any Indian tribe
18 within the National Heritage Area;

19 (7) affects the authority of the State or Tribes
20 to manage fish and wildlife, including the regulation
21 of fishing and hunting within the National Heritage
22 Area; or

23 (8) creates any liability, or affects any liability
24 under any other law, of any private property owner

1 with respect to any person injured on the private
2 property.

3 **SEC. 9. EVALUATION AND REPORT.**

4 (a) IN GENERAL.—Not later than 3 years before the
5 date on which authority for Federal funding terminates
6 for the National Heritage Area, the Secretary shall—

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

9 (2) prepare a report in accordance with sub-
10 section (c).

11 (b) EVALUATION.—An evaluation conducted under
12 subsection (a)(1) shall—

13 (1) assess the progress of the local coordinating
14 entity with respect to—

15 (A) accomplishing the purposes of the Na-
16 tional Heritage Area; and

17 (B) achieving the goals and objectives of
18 the management plan;

19 (2) analyze the investments of Federal, State,
20 tribal, and local government and private entities in
21 the National Heritage Area to determine the impact
22 of the investments; and

23 (3) review the management structure, partner-
24 ship relationships, and funding of the National Her-
25 itage Area for purposes of identifying the critical

1 components for sustainability of the National Herit-
2 age Area.

3 (c) REPORT.—Based on the evaluation conducted
4 under subsection (a)(1), the Secretary shall submit to the
5 Committee on Energy and Natural Resources of the Sen-
6 ate and the Committee on Natural Resources of the House
7 of Representatives a report that includes recommendations
8 for the future role of the National Park Service with re-
9 spect to the National Heritage Area.

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

11 (a) IN GENERAL.—There is authorized to be appro-
12 priated to carry out this Act \$10,000,000, of which not
13 more than \$1,000,000 may be made available in any fiscal
14 year.

15 (b) AVAILABILITY.—Amounts made available under
16 subsection (a) shall remain available until expended.

17 (c) COST-SHARING REQUIREMENT.—

18 (1) IN GENERAL.—The Federal share of the
19 total cost of any activity carried out under this Act
20 shall be not more than 50 percent.

21 (2) FORM.—The non-Federal share of the total
22 cost of any activity carried out under this Act may
23 be in the form of in-kind contributions of goods or
24 services fairly valued.

1 (d) TERMINATION OF AUTHORITY.—The authority of
2 the Secretary to provide assistance under this Act termi-
3 nates on the date that is 15 years after the date of enact-
4 ment of this Act.

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