

117TH CONGRESS
2D SESSION

S. 4222

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

IN THE SENATE OF THE UNITED STATES

MAY 16, 2022

Mr. KING introduced the following bill; which was read twice and referred to
the Committee on Energy and 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. DEFINITIONS.**

7 In this Act:

8 (1) HERITAGE AREA.—The term “Heritage
9 Area” means the St. Croix National Heritage Area
10 established by section 3(a).

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 3(d)(1).

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

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

10 (5) ST. CROIX.—The term “St. Croix” means
11 St. Croix, United States Virgin Islands.

12 (6) STATE.—The term “State” means the
13 United States Virgin Islands.

14 **SEC. 3. ST. CROIX NATIONAL HERITAGE AREA.**

15 (a) ESTABLISHMENT.—There is established in the
16 State the St. Croix National Heritage Area.

17 (b) BOUNDARIES.—The Heritage Area shall consist
18 of the entire island of St. Croix.

19 (c) MAP.—A map of the Heritage Area shall be—

20 (1) included in the management plan; and

21 (2) on file and available for public inspection in
22 the appropriate offices of the National Park Service.

23 (d) LOCAL COORDINATING ENTITY.—

1 (1) IN GENERAL.—The local coordinating entity
2 for the Heritage Area shall be the Virgin Islands
3 State Historic Preservation Office.

4 (2) CONSULTATION REQUIREMENT.—The local
5 coordinating entity shall consult with a broad cross
6 section of businesses, individuals, agencies, and or-
7 ganizations within the boundaries of the Heritage
8 Area described in subsection (b) that were involved
9 in the planning and development of the Heritage
10 Area before the date of enactment of this Act.

11 **SEC. 4. ADMINISTRATION.**

12 (a) AUTHORITIES.—For purposes of carrying out the
13 management plan, the Secretary, acting through the local
14 coordinating entity, may use amounts made available
15 under this Act—

16 (1) to make grants to the State or a political
17 subdivision of the State, Indian Tribes, nonprofit or-
18 ganizations, and other persons;

19 (2) to enter into cooperative agreements with,
20 or provide technical assistance to, the State or a po-
21 litical subdivision of the State, Indian Tribes, non-
22 profit organizations, and other interested parties;

23 (3) to hire and compensate staff, which shall in-
24 clude individuals with expertise in natural, cultural,

1 and historical resources protection and heritage pro-
2 gramming;

3 (4) to obtain funds or services from any source,
4 including any funds or services that are provided
5 under any other Federal law or program;

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

7 (6) to undertake to be a catalyst for any other
8 activity that—

9 (A) furthers the Heritage Area; and

10 (B) is consistent with the approved man-
11 agement plan.

12 (b) DUTIES.—The local coordinating entity shall—

13 (1) assist Federal agencies, the State or a polit-
14 ical subdivision of the State, Indian Tribes, regional
15 planning organizations, nonprofit organizations, and
16 other interested parties in carrying out the manage-
17 ment plan by—

18 (A) carrying out programs and projects
19 that recognize, protect, and enhance important
20 resource values in the Heritage Area;

21 (B) establishing and maintaining interpre-
22 tive exhibits and programs in the Heritage
23 Area;

24 (C) developing recreational and educational
25 opportunities in the Heritage Area;

1 (D) increasing public awareness of, and
2 appreciation for, natural, historical, scenic, and
3 cultural resources of the Heritage Area;

4 (E) protecting and restoring historic sites
5 and buildings in the Heritage Area that are
6 consistent with the themes of the Heritage
7 Area;

8 (F) ensuring that clear, consistent, and ap-
9 propriate signs identifying points of public ac-
10 cess and sites of interest are posted throughout
11 the Heritage Area; and

12 (G) promoting a wide range of partner-
13 ships among governments, organizations, and
14 individuals to further the purposes of the Herit-
15 age Area;

16 (2) consider the interests of diverse units of
17 government, businesses, organizations, and individ-
18 uals in the Heritage Area in the preparation and im-
19 plementation of the management plan;

20 (3) conduct meetings open to the public at least
21 semiannually regarding the development and imple-
22 mentation of the management plan;

23 (4) for any year for which Federal funds have
24 been received under this Act—

1 (A) submit to the Secretary an annual re-
2 port that describes, for the period covered by
3 the report—

4 (i) the activities of the local coordi-
5 nating entity;

6 (ii) the expenses and income of the
7 local coordinating entity; and

8 (iii) any entities to which the local co-
9 ordinating entity made grants;

10 (B) make available to the Secretary for
11 audit all records relating to the expenditure of
12 the Federal funds and any matching funds; and

13 (C) require, with respect to all agreements
14 authorizing the expenditure of Federal funds by
15 other organizations, that the receiving organiza-
16 tions make available to the Secretary for audit
17 all records relating to the expenditure of the
18 Federal funds; and

19 (5) encourage by appropriate means economic
20 viability that is consistent with the purposes of the
21 Heritage Area.

22 (c) PROHIBITION ON THE ACQUISITION OF REAL
23 PROPERTY.—The local coordinating entity may not use
24 Federal funds made available under this Act to acquire
25 real property or any interest in real property.

1 **SEC. 5. MANAGEMENT PLAN.**

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

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

7 (1) incorporate an integrated and cooperative
8 approach for the protection, enhancement, and inter-
9 pretation of the natural, cultural, historic, scenic,
10 and recreational resources of the Heritage Area;

11 (2) take into consideration Federal, State, and
12 Tribal plans and treaty rights;

13 (3) include—

14 (A) an inventory of—

15 (i) the resources located in the Herit-
16 age Area; and

17 (ii) any other property in the Heritage
18 Area that—

19 (I) is related to the themes of the
20 Heritage Area; and

21 (II) should be preserved, re-
22 stored, managed, or maintained be-
23 cause of the significance of the prop-
24 erty;

25 (B) comprehensive policies, strategies, and
26 recommendations for the conservation, funding,

1 management, and development of the Heritage
2 Area;

3 (C) a description of actions that govern-
4 ments, private organizations, and individuals
5 have agreed to take to protect the natural, his-
6 torical, cultural, scenic, and recreational re-
7 sources of the Heritage Area;

8 (D) a program of implementation for the
9 management plan by the local coordinating en-
10 tity that includes a description of—

11 (i) actions to facilitate ongoing col-
12 laboration among partners to promote
13 plans for resource protection, restoration,
14 and construction; and

15 (ii) specific commitments for imple-
16 mentation that have been made by the
17 local coordinating entity or any govern-
18 ment, organization, or individual for the
19 first 5 years of operation;

20 (E) the identification of sources of funding
21 for carrying out the management plan;

22 (F) analysis and recommendations for
23 means by which Federal, State, and Tribal pro-
24 grams, including the role of the National Park

1 Service in the Heritage Area, may best be co-
2 ordinated to carry out this Act; and

3 (G) an interpretive plan for the Heritage
4 Area; and

5 (4) recommend policies and strategies for re-
6 source management that consider and describe the
7 application of appropriate land and water manage-
8 ment techniques, including the development of inter-
9 governmental and interagency cooperative agree-
10 ments to protect the natural, historical, cultural,
11 educational, scenic, and recreational resources of the
12 Heritage Area.

13 (c) DEADLINE.—If a proposed management plan is
14 not submitted to the Secretary by the date that is 3 years
15 after the date of enactment of this Act, the local coordi-
16 nating entity may not receive additional funding under
17 this Act until the date on which the Secretary approves
18 the management plan.

19 (d) APPROVAL OR DISAPPROVAL OF MANAGEMENT
20 PLAN.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date of receipt of the management plan
23 under subsection (a), the Secretary, in consultation
24 with the State, shall approve or disapprove the man-
25 agement plan.

1 (2) CONSIDERATIONS.—In determining whether
2 to approve the management plan, the Secretary shall
3 consider whether—

4 (A) the local coordinating entity is rep-
5 resentative of the diverse interests of the Herit-
6 age Area;

7 (B) the local coordinating entity has pro-
8 vided adequate opportunity (including public
9 hearings) for public and governmental involve-
10 ment in the preparation of the management
11 plan; and

12 (C) the resource protection and interpreta-
13 tion strategies contained in the management
14 plan, if implemented, would adequately protect
15 the natural, historical, and cultural resources of
16 the Heritage Area.

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

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

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

24 (C) not later than 180 days after the date
25 of receipt of any proposed revision of the man-

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

3 (4) AMENDMENTS.—

4 (A) IN GENERAL.—The Secretary shall re-
5 view and approve or disapprove substantial
6 amendments to the management plan.

7 (B) USE OF FUNDS.—The local coordi-
8 nating entity shall not use Federal funds appro-
9 priated under this Act to carry out any amend-
10 ments to the management plan until the Sec-
11 retary has approved the amendments.

12 **SEC. 6. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

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

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

22 (c) OTHER FEDERAL AGENCIES.—Nothing in this
23 Act—

24 (1) modifies, alters, or amends any law or regu-
25 lation authorizing a Federal agency to manage Fed-

1 eral land under the jurisdiction of the Federal agen-
2 cy;

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

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

9 **SEC. 7. PRIVATE PROPERTY AND REGULATORY PROTEC-**
10 **TIONS.**

11 Nothing in this Act—

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

16 (2) requires any property owner—

17 (A) to permit public access (including ac-
18 cess by Federal or State agencies) to the prop-
19 erty of the property owner; or

20 (B) to modify public access or use of prop-
21 erty of the property owner under any other
22 Federal or State law;

23 (3) alters any duly adopted land use regulation,
24 approved land use plan, or other regulatory author-
25 ity of any Federal or State agency;

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) enlarges or diminishes the treaty rights of
6 any Indian Tribe within the Heritage Area;

7 (7) diminishes—

8 (A) the authority of the State to manage
9 fish and wildlife, including the regulation of
10 fishing and hunting, within the Heritage Area;

11 or

12 (B) the authority of Indian Tribes to regu-
13 late members of Indian Tribes with respect to
14 fishing, hunting, and gathering in the Heritage
15 Area in the exercise of treaty rights; or

16 (8) creates any liability, or affects any liability
17 under any other law, of any private property owner
18 with respect to any person injured on the private
19 property.

20 **SEC. 8. EVALUATION AND REPORT.**

21 Not later than 3 years before the date on which au-
22 thority for Federal funding terminates for the Heritage
23 Area under section 10, the Secretary shall—

1 (1) conduct an evaluation of the accomplish-
2 ments of the Heritage Area, under which the Sec-
3 retary shall—

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

6 (i) accomplishing the purposes of this
7 Act for the Heritage Area; and

8 (ii) achieving the goals and objectives
9 of the approved management plan for the
10 Heritage Area;

11 (B) analyze the Federal, State, and private
12 investments in the Heritage Area to determine
13 the impact of the investments; and

14 (C) review the management structure,
15 partnership relationships, and funding of the
16 Heritage Area for purposes of identifying the
17 critical components for sustainability of the
18 Heritage Area; and

19 (2) based on the evaluation conducted under
20 paragraph (1), submit to the Committee on Energy
21 and Natural Resources of the Senate and the Com-
22 mittee on Natural Resources of the House of Rep-
23 resentatives a report that includes recommendations
24 for the future role of the National Park Service, if
25 any, with respect to the Heritage Area.

1 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—There is authorized to be appro-
3 priated to carry out this Act \$10,000,000, of which not
4 more than \$1,000,000 may be made available for any fis-
5 cal year.

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

8 (c) COST-SHARING REQUIREMENT.—

9 (1) IN GENERAL.—The Federal share of the
10 total cost of any activity carried out using funds
11 made available under this Act shall be not more
12 than 50 percent.

13 (2) FORM.—The non-Federal share of the total
14 cost of any activity carried out using funds made
15 available under this Act may be in the form of in-
16 kind contributions of goods or services fairly valued.

17 **SEC. 10. TERMINATION OF AUTHORITY.**

18 The authority of the Secretary to provide financial
19 assistance under this Act terminates on the date that is
20 15 years after the date of enactment of this Act.

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