

112TH CONGRESS
2D SESSION

H. R. 4099

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2012

Mr. DENT (for himself, Mr. TONKO, Mr. BARLETTA, Mrs. CHRISTENSEN, Mr. CONNOLLY of Virginia, Mr. CRITZ, Mr. DINGELL, Mr. DOYLE, Mr. ENGEL, Mr. FITZPATRICK, Mr. GERLACH, Mr. GIBSON, Mr. GRIJALVA, Mr. HANNA, Ms. HAYWORTH, Mr. HINCHEY, Mr. HOLDEN, Mr. HOLT, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. LATOURETTE, Mrs. LOWEY, Mr. MARINO, Mr. MEEHAN, Mr. PLATTS, Mr. RYAN of Ohio, Mr. TIERNEY, Ms. TSONGAS, Mr. PASTOR of Arizona, and Mr. MCGOVERN) 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 2012”.

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-

1 sources related to our American heritage. These ini-
2 tiatives should be encouraged and supported by the
3 Federal Government with the concurrence of the rel-
4 evant Federal land management agencies and tribal
5 governments by providing financial and technical as-
6 sistance.

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

13 (5) Communities and regions need assistance to
14 set resource stewardship and interpretive goals, and
15 to implement strategies for resource conservation
16 and renewed economic viability in these areas.

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

22 (7) National Heritage Areas located near or en-
23 compassing units of the National Park System pro-
24 vide an additional basis for public enjoyment of
25 parks and park-related resources, and it is appro-

1 appropriate for these parks to participate in, assist with,
2 and benefit from local heritage initiatives that con-
3 serve and interpret resources over a larger area be-
4 yond the park's boundaries.

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

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

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

19 (2) promote public understanding, appreciation
20 and enjoyment of the many places, events, and peo-
21 ple that have contributed to our diverse national
22 story;

23 (3) promote innovative and partnership-driven
24 management strategies that recognize regional val-
25 ues, to encourage locally tailored resource steward-

1 ship and interpretation, to develop economically via-
2 ble and innovative approaches to community con-
3 servation, and to provide for the effective leveraging
4 of Federal funds with State, local, tribal, and private
5 funding sources;

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

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

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

21 **SEC. 3. DEFINITIONS.**

22 In this Act:

23 (1) FEASIBILITY STUDY.—The term “feasibility
24 study” means a study conducted by the Secretary of
25 the Interior, or conducted by one or more other in-

1 terested parties and reviewed by the Secretary, in
2 accordance with the criteria and processes outlined
3 in section 5, to determine whether an area meets the
4 criteria to be designated as a National Heritage
5 Area by Congress.

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

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

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

22 (5) PROPOSED NATIONAL HERITAGE AREA.—
23 The term “proposed National Heritage Area” is an
24 area or corridor under study by the Secretary of the

1 Interior or other parties for potential designation by
2 Congress as a National Heritage Area.

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

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

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

20 (9) TRIBAL LANDS.—The term “tribal lands”
21 means all lands within the exterior boundaries of
22 any Indian reservation, all lands the title to which
23 is held by the United States in trust for an Indian
24 tribe or lands the title to which is held by an Indian
25 tribe subject to a restriction by the United States

1 against alienation, and all dependent Indian commu-
2 nities.

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

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

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

16 (1) National Heritage Areas designated before
17 the date of the enactment of this Act.

18 (2) National Heritage Areas designated under
19 this Act.

20 (c) RELATIONSHIP TO THE NATIONAL PARK SYS-
21 TEM.—

22 (1) RELATIONSHIP TO NATIONAL PARK
23 UNITS.—The Secretary shall—

24 (A) assure to the maximum extent prac-
25 ticable, participation and assistance by any unit

1 of the National Park System located near or
2 encompassed by any National Heritage Area in
3 local initiatives for that National Heritage Area
4 that conserve and interpret resources consistent
5 with an approved management plan for the Na-
6 tional Heritage Area; and

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

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

15 (d) DUTIES.—Under the system, the Secretary
16 shall—

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

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

1 (3) submit to the Committee on Natural Re-
2 sources of the House of Representatives and the
3 Committee on Energy and Natural Resources of the
4 United States Senate reports describing the activi-
5 ties conducted with respect to National Heritage
6 Areas in accordance with this Act; and

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

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

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

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

1 (3) provide information, promote under-
2 standing, and encourage research on National Herit-
3 age Areas in partnership with local coordinating en-
4 tities; and

5 (4) provide national oversight, analysis, coordi-
6 nation, technical and financial assistance, and sup-
7 port to ensure consistency and accountability of the
8 system.

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

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

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

17 (A) the area includes natural, historic, cul-
18 tural, or scenic resources that are associated
19 with nationally significant themes and events
20 and these resources—

21 (i) combine to form a distinct and co-
22 hesive landscape; and

23 (ii) retain enough integrity to support
24 the themes and events associated with the
25 area's national importance; and

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

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

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

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

20 (5) The recommendations put forth in the feasi-
21 bility study are consistent with continued economic
22 activity within the area.

23 **SEC. 6. MANAGEMENT PLAN.**

24 The plan for any National Heritage Area shall—

1 (1) use a comprehensive planning approach that
2 includes—

3 (A) opportunities for stakeholders (i.e.
4 community members, local and regional govern-
5 ments, tribes, businesses, nonprofits, and oth-
6 ers) to be involved in the planning process;

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

9 (C) documentation of the planning and
10 public participation processes used to develop
11 the plan, including how it was prepared, who
12 was involved in the process, and how and when
13 the stakeholders were involved;

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

19 (3) identify comprehensive goals, strategies,
20 policies, and recommendations for telling the story
21 of the region’s heritage and encouraging long-term
22 resource protection, enhancement, interpretation,
23 and development;

24 (4) include recommendations for ways in which
25 local, State, tribal, and Federal entities may best be

1 coordinated, including the role of the National Park
2 Service and other Federal agencies associated with
3 the National Heritage Area, to further the purposes
4 of this Act;

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

7 (6) include an implementation program that
8 identifies—

9 (A) prioritized actions and criteria for se-
10 lecting future projects;

11 (B) the ways in which stakeholders will be
12 involved in their implementation;

13 (C) existing and potential sources of fund-
14 ing;

15 (D) performance goals; and

16 (E) the manner in which the plan will be
17 evaluated and updated; and

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

23 **SEC. 7. DESIGNATION.**

24 (a) IN GENERAL.—The designation of a National
25 Heritage Area shall be—

1 (1) by Act of Congress; and

2 (2) contingent on the prior completion of a
3 management plan and an affirmative determination
4 by the Secretary that the area meets the criteria
5 provided in section 5.

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

10 **SEC. 8. EVALUATION.**

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

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

20 (1) assess the progress of the local coordinating
21 entity with respect to—

22 (A) accomplishing the purposes of the au-
23 thorizing legislation for the National Heritage
24 Area; and

1 (B) achieving the goals and objectives of
2 the approved management plan for the National
3 Heritage Area;

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

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

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

19 (1) continued, the report shall include an anal-
20 ysis of—

21 (A) ways in which Federal funding for the
22 National Heritage Area may be reduced or
23 eliminated over time; and

1 (B) the appropriate time period necessary
2 to achieve the recommended reduction or elimi-
3 nation; and

4 (2) eliminated, the report to Congress shall in-
5 clude a description potential impacts on conserva-
6 tion, interpretation, and sustainability of the part-
7 nership.

8 (d) SUBMISSION TO CONGRESS.—On completion of a
9 report under subsection (c), the Secretary shall submit the
10 report to—

11 (1) the Committee on Energy and Natural Re-
12 sources of the Senate; and

13 (2) the Committee on Natural Resources of the
14 House of Representatives.

15 **SEC. 9. LOCAL COORDINATING ENTITIES.**

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

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

21 (2) submit an annual report to the Secretary
22 for any fiscal year in which it receives Federal funds
23 under this Act, setting forth its specific performance
24 goals and accomplishments, expenses and income,
25 amounts and sources of matching funds as appro-

1 appropriate, the amounts leveraged with Federal funds
2 and sources of such leveraging, and grants made to
3 any other entities during the year for which the re-
4 port is made;

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

9 (4) encourage by appropriate means economic
10 viability and sustainability that is consistent with
11 the purposes of the National Heritage Area.

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

17 (1) make grants to political jurisdictions, non-
18 profit organizations, and other parties within the
19 National Heritage Area;

20 (2) enter into cooperative agreements with or
21 provide technical assistance to political jurisdictions,
22 nonprofit organizations, Federal agencies, and other
23 interested parties;

24 (3) hire and compensate staff which may in-
25 clude individuals with expertise in natural, cultural,

1 and historic resources conservation; economic and
2 community development; and heritage planning;

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

6 (5) contract for goods or services; and

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

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

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

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

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

24 (c) OTHER LAWS AND REGULATIONS.—This Act
25 shall not modify any law or regulation authorizing Federal

1 officials to manage Federal land under their control or
2 limit the discretion of Federal land managers to imple-
3 ment approved land use plans within the boundaries of
4 a National Heritage Area, nor shall this Act be construed
5 to modify, alter, or amend any authorized uses of these
6 Federal lands.

7 **SEC. 11. PROPERTY OWNERS AND REGULATORY PROTEC-**
8 **TIONS.**

9 Nothing in this Act shall be construed to—

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

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

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

1 (4) authorize or imply the reservation or appro-
2 priation of water or water rights;

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

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

11 **SEC. 12. FUNDING.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—

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

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

20 (A) not more than \$300,000 for any fiscal
21 year, to conduct feasibility studies by the Na-
22 tional Park Service in accordance with the pro-
23 visions of section 5, with not more than
24 \$100,000 allocated in the fiscal year for any

1 one feasibility study for a proposed National
2 Heritage Area; and

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

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

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

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

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

1 (3) of 50 percent of the total grant amount re-
2 ceived for a management plan. The local coordi-
3 nating entity's matching funds—

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

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

7 (c) ADMINISTRATIVE.—There are authorized to be
8 appropriated to the Secretary such sums as may be nec-
9 essary for technical assistance, oversight, and administra-
10 tive purposes.

11 **SEC. 13. SUNSET.**

12 The system of National Heritage Areas within the
13 National Park System established under this Act shall ex-
14 pire on the date that is 25 years after the date of the
15 enactment of this Act.

○