

111TH CONGRESS
1ST SESSION

H. R. 1297

To establish the Hawai'i Capital National Heritage Area, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 2009

Mr. ABERCROMBIE (for himself and Ms. HIRONO) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To establish the Hawai'i Capital 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 “Hawai'i Capital Na-
5 tional Heritage Area Establishment Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) HERITAGE AREA.—The term “Heritage
9 Area” means the Hawai'i Capital National Heritage
10 Area 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).

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

8 (4) MAP.—The term “map” means the map en-
9 titled “Hawai’i Capital National Heritage Area Pro-
10 posed Boundary”, numbered T17/90,000B, and
11 dated January 2009.

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

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

16 **SEC. 3. HAWAI’I CAPITAL NATIONAL HERITAGE AREA.**

17 (a) ESTABLISHMENT.—There is established in the
18 State the Hawai’i Capital National Heritage Area.

19 (b) BOUNDARIES.—The Heritage Area shall consist
20 of portions of Honolulu and the Honolulu Ahupua’a, as
21 depicted on the map.

22 (c) AVAILABILITY OF MAP.—The map shall be on file
23 and available for public inspection in the appropriate of-
24 fices of the National Park Service and the Hawai’i Capital
25 Cultural Coalition.

1 (d) LOCAL COORDINATING ENTITY.—The Hawai'i
2 Capital Cultural Coalition shall be the local coordinating
3 entity for the Heritage Area.

4 **SEC. 4. DUTIES AND AUTHORITIES OF THE LOCAL COORDI-**
5 **NATING ENTITY.**

6 (a) DUTIES OF THE LOCAL COORDINATING ENTI-
7 TY.—To further the purposes of the Heritage Area, the
8 local coordinating entity shall—

9 (1) prepare and submit a management plan for
10 the Heritage Area to the Secretary in accordance
11 with section 5;

12 (2) assist units of local government, regional
13 planning organizations, and nonprofit organizations
14 in implementing the approved management plan
15 by—

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

19 (B) establishing and maintaining interpre-
20 tive exhibits and programs within the Heritage
21 Area;

22 (C) developing recreational and educational
23 opportunities in the Heritage Area;

1 (D) increasing public awareness of, and
2 appreciation for, natural, historic, 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 signs identifying points
9 of public access and sites of interest are posted
10 throughout the Heritage Area; and

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

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

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

22 (5) for any fiscal year for which the local co-
23 ordinating entity receives Federal funds under this
24 Act—

1 (A) submit to the Secretary an annual re-
2 port that describes, for the fiscal year—

3 (i) the accomplishments, expenses, in-
4 come, amounts, and sources of matching
5 funds;

6 (ii) the amounts leveraged with Fed-
7 eral funds and sources of the leveraged
8 funds; and

9 (iii) grants made to any other entities;

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

14 (C) require, in all agreements authorizing
15 the expenditure of Federal funds by other orga-
16 nizations, that the organizations receiving the
17 Federal funds make available to the Secretary
18 for audit all records and other information re-
19 lating to the expenditure of the funds; and

20 (6) encourage, by appropriate means, economic
21 development that is consistent with the purposes of
22 the Heritage Area.

23 (b) AUTHORITIES.—The local coordinating entity
24 may, subject to the prior approval of the Secretary, for
25 the purposes of preparing and implementing the manage-

1 ment plan for the Heritage Area, use Federal funds made
2 available under this Act to—

3 (1) make grants to the State or a political sub-
4 division of the State, nonprofit organizations, and
5 other persons;

6 (2) enter into cooperative agreements with, or
7 provide technical assistance to, the State or a polit-
8 ical subdivision of the State, nonprofit organizations,
9 Federal agencies, and other interested parties;

10 (3) hire and compensate staff;

11 (4) obtain money or services from any source,
12 including under any other Federal law or program;

13 (5) contract for goods or services; and

14 (6) support activities of partners and any other
15 activities that—

16 (A) further the purposes of the Heritage
17 Area; and

18 (B) are consistent with the approved man-
19 agement plan.

20 (c) PROHIBITION ON THE ACQUISITION OF REAL
21 PROPERTY.—The local coordinating entity shall not use
22 Federal funds made available under this Act to acquire
23 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 on which funds are made available to carry out this
4 Act, the local coordinating entity shall submit to the Sec-
5 retary for approval a management plan for the Heritage
6 Area.

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

8 (1) describe comprehensive policies, goals, strat-
9 egies, and recommendations for—

10 (A) conveying the heritage of the region;

11 and

12 (B) encouraging long-term resource protec-
13 tion, enhancement, interpretation, funding,
14 management, and development of the Heritage
15 Area;

16 (2) take into consideration existing State, coun-
17 ty, and local plans in the development and imple-
18 mentation of the management plan;

19 (3) include a description of actions and commit-
20 ments that governments, private organizations, and
21 individuals have agreed to take to protect, enhance,
22 and interpret the natural, historic, scenic, and cul-
23 tural resources of the Heritage Area;

24 (4) specify existing and potential sources of
25 funding or economic development strategies to pro-

1 tect, enhance, interpret, fund, manage, and develop
2 the Heritage Area;

3 (5) include an inventory of the natural, historic,
4 cultural, educational, scenic, and recreational re-
5 sources of the Heritage Area related to the stories
6 and themes of the region that should be protected,
7 enhanced, managed, or developed;

8 (6) recommend policies and strategies for re-
9 source management, including the development of
10 intergovernmental and interagency agreements to
11 protect the natural, historic, cultural, educational,
12 scenic, and recreational resources of the Heritage
13 Area;

14 (7) describe a program of implementation for
15 the management plan, including—

16 (A) performance goals;

17 (B) plans for resource protection, enhance-
18 ment, and interpretation; and

19 (C) specific commitments for implementa-
20 tion of the management plan that have been
21 made by the local coordinating entity or any
22 government, organization, business, or indi-
23 vidual;

24 (8) include an analysis of, and recommenda-
25 tions for, ways in which Federal, tribal, State, and

1 local programs may best be coordinated to carry out
2 the purposes of this Act, including recommendations
3 for the role of the National Park Service and other
4 Federal agencies associated with the Heritage Area;

5 (9) include an interpretive plan for the Heritage
6 Area; and

7 (10) include a business plan that—

8 (A) describes the role, operation, financing,
9 and functions of—

10 (i) the local coordinating entity; and

11 (ii) each of the major activities con-
12 tained in the management plan; and

13 (B) provides adequate assurances that the
14 local coordinating entity has the partnerships
15 and financial and other resources necessary to
16 implement the management plan for the Herit-
17 age Area.

18 (c) TERMINATION OF FUNDING.—If the management
19 plan is not submitted to the Secretary in accordance with
20 this Act, the local coordinating entity shall be ineligible
21 to receive additional funding under this Act until the date
22 on which the Secretary approves the management plan.

23 (d) APPROVAL OF MANAGEMENT PLAN.—

24 (1) IN GENERAL.—Not later than 180 days
25 after the date of receipt of the management plan

1 under subsection (a), the Secretary, in consultation
2 with the Governor of the State and any applicable
3 tribal government, shall approve or disapprove the
4 management plan.

5 (2) CRITERIA FOR APPROVAL.—In determining
6 whether to approve the management plan, the Sec-
7 retary shall consider whether—

8 (A) the local coordinating entity represents
9 the diverse interests of the Heritage Area, in-
10 cluding governments, natural and historical re-
11 source protection organizations, educational in-
12 stitutions, businesses, community residents, and
13 recreational organizations;

14 (B) the local coordinating entity has af-
15 forded adequate opportunity for public and gov-
16 ernmental involvement, including workshops
17 and public meetings, in the preparation of the
18 management plan;

19 (C) the resource protection and interpreta-
20 tion strategies contained in the management
21 plan, if implemented, would adequately protect
22 the natural, historic, and cultural resources of
23 the Heritage Area;

24 (D) the management plan would not ad-
25 versely affect any activities authorized on Fed-

1 eral or tribal land under applicable laws or land
2 use plans;

3 (E) the Secretary has received adequate
4 assurances from the appropriate State, tribal,
5 and local officials, the support of which is nec-
6 essary to ensure the effective implementation of
7 the State, tribal, and local aspects of the man-
8 agement plan; and

9 (F) the local coordinating entity has dem-
10 onstrated the financial capability, in partner-
11 ship with others, to carry out the plan.

12 (3) ACTION FOLLOWING DISAPPROVAL.—If the
13 Secretary disapproves the management plan under
14 paragraph (1), the Secretary—

15 (A) shall advise the local coordinating enti-
16 ty in writing of the reasons for the disapproval;

17 (B) may make recommendations to the
18 local coordinating entity for revisions to the
19 management plan; and

20 (C) not later than 180 days after the re-
21 ceipt of any proposed revision of the manage-
22 ment plan from the local coordinating entity,
23 shall approve or disapprove the proposed re-
24 vised management plan.

1 (4) AMENDMENTS.—The Secretary shall ap-
2 prove or disapprove each amendment to the manage-
3 ment plan that the Secretary determines would
4 make a substantial change to the management plan
5 in accordance with this subsection.

6 (5) USE OF FUNDS.—The local coordinating en-
7 tity shall not use Federal funds authorized by this
8 Act to carry out any amendments to the manage-
9 ment plan until the Secretary has approved the
10 amendments.

11 **SEC. 6. DUTIES AND AUTHORITIES OF THE SECRETARY.**

12 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—

13 (1) IN GENERAL.—On the request of the local
14 coordinating entity, the Secretary may provide to the
15 local coordinating entity technical and financial as-
16 sistance on a reimbursable or nonreimbursable basis,
17 as determined by the Secretary, to develop and im-
18 plement the management plan.

19 (2) PRIORITY ACTIONS.—In providing assist-
20 ance under this subsection, the Secretary shall give
21 priority to actions that assist in—

22 (A) conserving the significant natural, his-
23 toric, cultural, and scenic resources of the Her-
24 itage Area; and

1 (B) providing educational, interpretive, and
2 recreational opportunities consistent with the
3 purposes of the Heritage Area.

4 (3) COOPERATIVE AGREEMENTS.—The Sec-
5 retary may enter into cooperative agreements with
6 the local coordinating entity and other public or pri-
7 vate entities for the purposes of carrying out this
8 subsection.

9 (b) EVALUATION.—

10 (1) IN GENERAL.—Not later than 3 years be-
11 fore the date on which authority for Federal funding
12 terminates for the Heritage Area under section 10,
13 the Secretary shall—

14 (A) conduct an evaluation of the accom-
15 plishments of the Heritage Area; and

16 (B) prepare a report with recommenda-
17 tions for the future role of the National Park
18 Service, if any, with respect to the Heritage
19 Area.

20 (2) EVALUATION COMPONENTS.—An evaluation
21 conducted under paragraph (1)(A) shall—

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

24 (i) accomplishing the purposes of this
25 Act for the Heritage Area; and

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

4 (B) analyze the Federal, State, local, and
5 private investments in the Heritage Area to de-
6 termine the leverage and impact of the invest-
7 ments; and

8 (C) review the management structure,
9 partnership relationships, and funding of the
10 Heritage Area for purposes of identifying the
11 critical components for sustainability of the
12 Heritage Area.

13 (3) REPORT.—

14 (A) IN GENERAL.—Based on the evalua-
15 tion conducted under paragraph (1)(A), the
16 Secretary shall prepare a report with rec-
17 ommendations for the future role of the Na-
18 tional Park Service, if any, with respect to the
19 Heritage Area.

20 (B) REQUIRED ANALYSIS.—If the report
21 prepared under subparagraph (A) recommends
22 that Federal funding for the Heritage Area be
23 reauthorized, the report shall include an anal-
24 ysis of—

1 (i) ways in which Federal funding for
2 the Heritage Area may be reduced or
3 eliminated; and

4 (ii) the appropriate time period nec-
5 essary to achieve the recommended reduc-
6 tion or elimination.

7 (C) SUBMISSION TO CONGRESS.—On com-
8 pletion of the report, the Secretary shall submit
9 the report to—

10 (i) the Committee on Energy and
11 Natural Resources of the Senate; and

12 (ii) the Committee on Natural Re-
13 sources of the House of Representatives.

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

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

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

24 (c) OTHER FEDERAL AGENCIES.—Nothing in this
25 Act—

1 (1) modifies, alters, or amends any laws (in-
2 cluding regulations) authorizing a Federal agency to
3 manage Federal land under the jurisdiction of the
4 Federal agency;

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

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

11 **SEC. 8. PRIVATE PROPERTY OWNERS AND REGULATORY**
12 **PROTECTIONS.**

13 Nothing in this Act—

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

18 (2) requires any property owner to permit pub-
19 lic access (including access by any Federal, tribal,
20 State, or local agency) to the property;

21 (3) modifies any provisions of Federal, tribal,
22 State, or local law with regard to public access to,
23 or use of, private land;

1 (4) alters any land use regulation, approved
2 land use plan, or other regulatory authority of any
3 Federal, tribal, State, or local agency;

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

6 (6) authorizes or implies the reservation or ap-
7 propriation of water or water rights;

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

11 (8) creates any liability, or affects any liability
12 under any other law, of any private property owner
13 with respect to any person injured on the private
14 property.

15 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

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

20 (b) COST-SHARING REQUIREMENT.—

21 (1) IN GENERAL.—The Federal share of the
22 cost of any activity provided assistance or a grant
23 under this Act shall not exceed 50 percent of the
24 total cost of the activity.

1 (2) FORM OF NON-FEDERAL SHARE.—The non-
2 Federal share—

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

4 (B) may be in the form of in-kind con-
5 tributions of goods and services fairly valued.

6 **SEC. 10. TERMINATION OF AUTHORITY.**

7 The authority of the Secretary to provide financial
8 assistance under this Act terminates on the date that is
9 15 years after the date of enactment of this Act.

○