

113TH CONGRESS
1ST SESSION

H. R. 89

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2013

Mrs. CHRISTENSEN (for herself, Mr. PIERLUISI, Mr. FALEOMAVAEGA, and Ms. BORDALLO) introduced the following bill; which was referred to the Committee on 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. ST. CROIX NATIONAL HERITAGE AREA.**

4 (a) DEFINITIONS.—In this section:

5 (1) HERITAGE AREA.—The term “Heritage
6 Area” means the St. Croix National Heritage Area
7 established by subsection (b)(1).

8 (2) LOCAL COORDINATING ENTITY.—The term
9 “local coordinating entity” means the local coordi-

1 nating entity for the Heritage Area designated by
2 subsection (b)(4).

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

6 (4) MAP.—The term “map” means the map en-
7 titled “Proposed St. Croix National Heritage Area”
8 and dated _____.

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

11 (6) STATE.—The term “State” means St.
12 Croix, U.S. Virgin Islands.

13 (b) ST. CROIX NATIONAL HERITAGE AREA.—

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

16 (2) CONCEPTUAL BOUNDARIES.—The Heritage
17 Area shall consist of the entire island.

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

20 (A) included in the management plan; and

21 (B) on file and available for public inspec-
22 tion in the appropriate offices of the National
23 Park Service.

24 (4) LOCAL COORDINATING ENTITY.—

1 (A) IN GENERAL.—The local coordinating
2 entity for the Heritage Area shall be known as
3 St. Croix United for Community, Culture, Envi-
4 ronment, and Economic Development (SUC-
5 CEED) Inc.

6 (B) MEMBERSHIP REQUIREMENTS.—Mem-
7 bership in SUCCEED, Inc. shall be open to a
8 broad cross-section of public, private, and non-
9 governmental sectors including businesses, indi-
10 viduals, agencies, and organizations that were
11 involved in the planning and development of the
12 Heritage Area prior to the enactment of this
13 Act.

14 (c) ADMINISTRATION.—

15 (1) AUTHORITIES.—For purposes of carrying
16 out the management plan, the Secretary, acting
17 through the local coordinating entity, may use
18 amounts made available under this section to—

19 (A) make grants to the State or a political
20 subdivision of the State, nonprofit organiza-
21 tions, and other persons;

22 (B) enter into cooperative agreements
23 with, or provide technical assistance to, the
24 State or a political subdivision of the State,

1 nonprofit organizations, and other interested
2 parties;

3 (C) hire and compensate staff, which shall
4 include individuals with expertise in natural,
5 cultural, and historical resources protection,
6 and heritage programming;

7 (D) obtain money or services from any
8 source including any that are provided under
9 any other Federal law or program;

10 (E) contract for goods or services; and

11 (F) undertake to be a catalyst for any
12 other activity that furthers the Heritage Area
13 and is consistent with the approved manage-
14 ment plan.

15 (2) DUTIES.—The local coordinating entity
16 shall—

17 (A) in accordance with subsection (d), pre-
18 pare and submit a management plan for the
19 Heritage Area to the Secretary;

20 (B) assist units of local government, re-
21 gional planning organizations, and nonprofit or-
22 ganizations in carrying out the approved man-
23 agement plan by—

24 (i) carrying out programs and projects
25 that recognize, protect, and enhance im-

- 1 portant resource values in the Heritage
2 Area;
- 3 (ii) establishing and maintaining in-
4 terpretive exhibits and programs in the
5 Heritage Area;
- 6 (iii) developing recreational and edu-
7 cational opportunities in the Heritage
8 Area;
- 9 (iv) increasing public awareness of,
10 and appreciation for, natural, historical,
11 scenic, and cultural resources of the Herit-
12 age Area;
- 13 (v) protecting and restoring historic
14 sites and buildings in the Heritage Area
15 that are consistent with Heritage Area
16 themes;
- 17 (vi) ensuring that clear, consistent,
18 and appropriate signs identifying points of
19 public access, and sites of interest are
20 posted throughout the Heritage Area; and
- 21 (vii) promoting a wide range of part-
22 nerships among governments, organiza-
23 tions, and individuals to further the Herit-
24 age Area;

1 (C) consider the interests of diverse units
2 of government, businesses, organizations, and
3 individuals in the Heritage Area in the prepara-
4 tion and implementation of the management
5 plan;

6 (D) conduct meetings open to the public at
7 least semiannually regarding the development
8 and implementation of the management plan;

9 (E) for any year that Federal funds have
10 been received under this section—

11 (i) submit an annual report to the
12 Secretary that describes the activities, ex-
13 penses, and income of the local coordi-
14 nating entity (including grants to any
15 other entities during the year that the re-
16 port is made);

17 (ii) make available to the Secretary
18 for audit all records relating to the expend-
19 iture of the funds and any matching funds;
20 and

21 (iii) require, with respect to all agree-
22 ments authorizing expenditure of Federal
23 funds by other organizations, that the or-
24 ganizations receiving the funds make avail-
25 able to the Secretary for audit all records

1 concerning the expenditure of the funds;
2 and

3 (F) encourage by appropriate means eco-
4 nomic viability that is consistent with the Herit-
5 age Area.

6 (3) PROHIBITION ON THE ACQUISITION OF
7 REAL PROPERTY.—The local coordinating entity
8 shall not use Federal funds made available under
9 this section to acquire real property or any interest
10 in real property.

11 (4) COST-SHARING REQUIREMENT.—

12 (A) AUTHORIZATION OF APPROPRIA-
13 TIONS.—Subject to subsection (b), there are au-
14 thorized to be appropriated to carry out this
15 Act not more than \$1,000,000 for any fiscal
16 year. Funds so appropriated shall remain avail-
17 able until expended.

18 (B) COST-SHARING REQUIREMENT.—The
19 Federal share of the total cost of any activity
20 under this Act shall be not more than 50 per-
21 cent; the non-Federal contribution may be in
22 the form of in-kind contributions of goods or
23 services fairly valued.

24 (d) MANAGEMENT PLAN.—

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

6 (2) REQUIREMENTS.—The management plan
7 shall—

8 (A) incorporate an integrated and coopera-
9 tive approach for the protection, enhancement,
10 and interpretation of the natural, cultural, his-
11 toric, scenic, and recreational resources of the
12 Heritage Area;

13 (B) take into consideration State and local
14 plans;

15 (C) include—

16 (i) an inventory of—

17 (I) the resources located in the
18 core area described in subsection
19 (b)(2); and

20 (II) any other property in the
21 core area that—

22 (aa) is related to the themes
23 of the Heritage Area; and

24 (bb) should be preserved, re-
25 stored, managed, or maintained

1 because of the significance of the
2 property;

3 (ii) describe comprehensive policies,
4 goals, strategies and recommendations for
5 telling the story of the heritage of the area
6 covered by the designation and encour-
7 aging long-term resource protection, en-
8 hancement, interpretation, funding, man-
9 agement, and development;

10 (iii) a description of actions that gov-
11 ernments, private organizations, and indi-
12 viduals have agreed to take to protect the
13 natural, historical and cultural resources of
14 the Heritage Area;

15 (iv) a program of implementation for
16 the management plan by the local coordi-
17 nating entity that includes a description
18 of—

19 (I) actions to facilitate ongoing
20 collaboration among partners to pro-
21 mote plans for resource protection,
22 restoration, and construction; and

23 (II) specific commitments for im-
24 plementation that have been made by
25 the local coordinating entity or any

1 government, organization, or indi-
2 vidual for the first 5 years of oper-
3 ation;

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

7 (vi) analysis and recommendations for
8 means by which local, State, and Federal
9 programs, may best be coordinated to
10 carry out this section; and

11 (vii) a business plan that describes the
12 role, operation, financing, and functions of
13 the local coordinating entity and of each of
14 the major activities contained in the man-
15 agement plan and provides adequate assur-
16 ances that the local coordinating entity has
17 the partnerships and financial and other
18 resources necessary to implement the man-
19 agement plan for the National Heritage
20 Area; and

21 (D) recommend policies and strategies for
22 resource management that consider and detail
23 the application of appropriate land and water
24 management techniques, including the develop-
25 ment of intergovernmental and interagency co-

1 operative agreements to protect the natural,
2 historical, cultural, educational, scenic, and rec-
3 reational resources of the Heritage Area.

4 (3) DEADLINE.—If a proposed management
5 plan is not submitted to the Secretary by the date
6 that is 3 years after the date of enactment of this
7 Act, the local coordinating entity shall be ineligible
8 to receive additional funding under this section until
9 the date that the Secretary receives and approves
10 the management plan.

11 (4) APPROVAL OR DISAPPROVAL OF MANAGE-
12 MENT PLAN.—

13 (A) IN GENERAL.—Not later than 180
14 days after the date of receipt of the manage-
15 ment plan under paragraph (1), the Secretary,
16 in consultation with the State, shall approve or
17 disapprove the management plan.

18 (B) CRITERIA FOR APPROVAL.—In deter-
19 mining whether to approve the management
20 plan, the Secretary shall consider whether—

21 (i) the local coordinating entity is rep-
22 resentative of the diverse interests of the
23 Heritage Area, including governments, nat-
24 ural and historic resource protection orga-

1 nizations, educational institutions, busi-
2 nesses, and recreational organizations;

3 (ii) the local coordinating entity has
4 afforded adequate opportunity, including
5 public hearings, for public and govern-
6 mental involvement in the preparation of
7 the management plan; and

8 (iii) the resource protection and inter-
9 pretation strategies contained in the man-
10 agement plan, if implemented, would ade-
11 quately protect the natural, historical, and
12 cultural resources of the Heritage Area.

13 (C) ACTION FOLLOWING DISAPPROVAL.—If
14 the Secretary disapproves the management plan
15 under subparagraph (A), the Secretary shall—

16 (i) advise the local coordinating entity
17 in writing of the reasons for the dis-
18 approval;

19 (ii) make recommendations for revi-
20 sions to the management plan; and

21 (iii) not later than 180 days after the
22 receipt of any proposed revision of the
23 management plan from the local coordi-
24 nating entity, approve or disapprove the
25 proposed revision.

1 (D) AMENDMENTS.—

2 (i) IN GENERAL.—The Secretary shall
3 approve or disapprove each amendment to
4 the management plan that the Secretary
5 determines make a substantial change to
6 the management plan.

7 (ii) USE OF FUNDS.—The local co-
8 ordinating entity shall not use Federal
9 funds authorized by this section to carry
10 out any amendments to the management
11 plan until the Secretary has approved the
12 amendments.

13 (e) RELATIONSHIP TO OTHER FEDERAL AGEN-
14 CIES.—

15 (1) IN GENERAL.—Nothing in this section af-
16 fects the authority of a Federal agency to provide
17 technical or financial assistance under any other law.

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

24 (3) OTHER FEDERAL AGENCIES.—Nothing in
25 this section—

1 (A) modifies, alters, or amends any law or
2 regulation authorizing a Federal agency to
3 manage Federal land under the jurisdiction of
4 the Federal agency;

5 (B) limits the discretion of a Federal land
6 manager to implement an approved land use
7 plan within the boundaries of the Heritage
8 Area; or

9 (C) modifies, alters, or amends any author-
10 ized use of Federal land under the jurisdiction
11 of a Federal agency.

12 (f) PRIVATE PROPERTY AND REGULATORY PROTEC-
13 TIONS.—Nothing in this section—

14 (1) abridges the rights of any property owner
15 (whether public or private), including the right to re-
16 frain from participating in any plan, project, pro-
17 gram, or activity conducted within the Heritage
18 Area;

19 (2) requires any property owner to permit pub-
20 lic access (including access by Federal, State, or
21 local agencies) to the property of the property
22 owner, or to modify public access or use of property
23 of the property owner under any other Federal,
24 State, or local law;

1 (3) alters any duly adopted land use regulation,
2 approved land use plan, or other regulatory author-
3 ity of any Federal, State, or local agency, or conveys
4 any land use or other regulatory authority to the
5 local coordinating entity;

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

8 (5) 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 (6) 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 (g) EVALUATION; REPORT.—

16 (1) IN GENERAL.—Not later than 3 years be-
17 fore the date on which authority for Federal funding
18 terminates for the Heritage Area, the Secretary
19 shall—

20 (A) conduct an evaluation of the accom-
21 plishments of the Heritage Area; and

22 (B) prepare a report in accordance with
23 paragraph (3).

24 (2) EVALUATION.—An evaluation conducted
25 under paragraph (1)(A) shall—

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

3 (i) accomplishing the purposes of this
4 section for the Heritage Area; and

5 (ii) achieving the goals and objectives
6 of the approved management plan for the
7 Heritage Area;

8 (B) analyze the Federal, State, local, and
9 private investments in the Heritage Area to de-
10 termine the leverage and impact of the invest-
11 ments; and

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

17 (3) REPORT.—

18 (A) IN GENERAL.—Based on the evalua-
19 tion conducted under paragraph (1)(A), the
20 Secretary shall prepare a report that includes
21 recommendations for the future role of the Na-
22 tional Park Service, if any, with respect to the
23 Heritage Area.

24 (B) REQUIRED ANALYSIS.—If the report
25 prepared under subparagraph (A) recommends

1 that Federal funding for the Heritage Area be
2 reauthorized, the report shall include an anal-
3 ysis of—

4 (i) ways in which Federal funding for
5 the Heritage Area may be reduced or
6 eliminated; and

7 (ii) the appropriate time period nec-
8 essary to achieve the recommended reduc-
9 tion or elimination.

10 (C) SUBMISSION TO CONGRESS.—On com-
11 pletion of the report, the Secretary shall submit
12 the report to—

13 (i) the Committee on Energy and
14 Natural Resources of the Senate; and

15 (ii) the Committee on Natural Re-
16 sources of the House of Representatives.

17 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out this section
19 \$10,000,000, of which not more than \$1,000,000 may be
20 made available for any fiscal year.

21 (i) TERMINATION OF AUTHORITY.—The authority of
22 the Secretary to provide assistance under this section ter-
23 minates on the date that is 15 years after the date of en-
24 actment of this Act.

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