

Calendar No. 582

114TH CONGRESS
2D SESSION**S. 1623****[Report No. 114–310]**

To establish the Maritime Washington National Heritage Area in the State of Washington, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 18, 2015

Ms. CANTWELL (for herself and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

AUGUST 30, 2016

Reported under authority of the order of the Senate of July 14, 2016, by Ms. MURKOWSKI, with amendments

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To establish the Maritime Washington National Heritage Area in the State of Washington, 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 “Maritime Washington
5 National Heritage Area Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) LOCAL COORDINATING ENTITY.—The term
4 “local coordinating entity” means the local coordi-
5 nating entity for the National Heritage Area des-
6 ignated by section 3(d).

7 (2) MANAGEMENT PLAN.—The term “manage-
8 ment plan” means the management plan for the Na-
9 tional Heritage Area required under section 4.

10 (3) MAP.—The term “map” means the map en-
11 titled “Maritime Washington National Heritage
12 Area Proposed Boundary”, numbered 584/125,484,
13 and dated August 2014.

14 (4) NATIONAL HERITAGE AREA.—The term
15 “National Heritage Area” means the Maritime
16 Washington National Heritage Area established by
17 section 3(a).

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

20 (6) STATE.—The term “State” means the State
21 of Washington.

22 **SEC. 3. MARITIME WASHINGTON NATIONAL HERITAGE**
23 **AREA.**

24 (a) ESTABLISHMENT.—There is established in the
25 State the Maritime Washington National Heritage Area.

26 (b) BOUNDARIES.—

1 (1) IN GENERAL.—The National Heritage Area
2 shall consist of land located in the counties of
3 Whatcom, Skagit, Snohomish, San Juan, Island,
4 King, Pierce, Thurston, Mason, Kitsap, Jefferson,
5 Clallam, and Grays Harbor in the State that is at
6 least partially located within the area that is ¼-mile
7 landward of the shoreline, as generally depicted on
8 the map.

9 (2) REVISION.—The boundaries of the National
10 Heritage Area established under paragraph (1) may
11 be revised if the revision is—

12 (A) proposed in the management plan;

13 (B) approved by the Secretary in accord-
14 ance with section 4; and

15 (C) placed on file in accordance with sub-
16 section (c).

17 (c) AVAILABILITY OF MAP.—The map shall be on file
18 and available for public inspection in the appropriate of-
19 fices of—

20 (1) the National Park Service; and

21 (2) the local coordinating entity.

22 (d) LOCAL COORDINATING ENTITY.—The Wash-
23 ington Trust for Historic Preservation shall be the local
24 coordinating entity for the National Heritage Area.

1 **SEC. 4. 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 National 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, historical, scenic,
10 and recreational resources of the National Heritage
11 Area;

12 (2) take into consideration State and local
13 plans;

14 (3) include—

15 (A) an inventory of—

16 (i) the resources located in the Na-
17 tional Heritage Area; and

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

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

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

1 (B) comprehensive policies, strategies and
2 recommendations for the conservation, funding,
3 management, and development of the National
4 Heritage Area;

5 (C) a description of actions that govern-
6 ments, private organizations, and individuals
7 have agreed to take to protect the natural, cul-
8 tural, and historical resources of the National
9 Heritage Area;

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

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

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

23 (E) the identification of sources of funding
24 for carrying out the management plan;

1 (F) analysis and recommendations for
2 means by which Federal, State, and local pro-
3 grams may best be coordinated to carry out this
4 section, including a description of the role of
5 the National Park Service in the National Her-
6 itage Area; and

7 (G) an interpretive plan for the National
8 Heritage Area; and

9 (4) recommend policies and strategies for re-
10 source management that consider and detail the ap-
11 plication of appropriate land and water management
12 techniques, including the development of intergov-
13 ernmental and interagency cooperative agreements
14 to protect the natural, cultural, historical, scenic,
15 recreational, and educational resources of the Na-
16 tional Heritage Area.

17 (c) DEADLINE.—If a proposed management plan is
18 not submitted to the Secretary by the date that is 3 years
19 after the date of enactment of this Act, the local coordi-
20 nating entity shall be ineligible to receive additional fund-
21 ing under this Act until the date on which the Secretary
22 receives and approves the management plan.

23 (d) APPROVAL OR DISAPPROVAL OF MANAGEMENT
24 PLAN.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of receipt of the management plan
3 under subsection (a), the Secretary, in consultation
4 with the State, shall approve or disapprove the man-
5 agement plan.

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

9 (A) the local coordinating entity is rep-
10 resentative of the diverse interests of the Na-
11 tional Heritage Area, including governments,
12 natural and historical resource protection orga-
13 nizations, educational institutions, businesses,
14 and recreational organizations;

15 (B) the local coordinating entity has af-
16 forded adequate opportunity, including public
17 hearings, for public and governmental involve-
18 ment in the preparation of the management
19 plan; and

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

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

4 (A) advise the local coordinating entity in
5 writing of the reasons for the disapproval;

6 (B) make recommendations for revisions to
7 the management plan; and

8 (C) not later than 180 days after the re-
9 ceipt of any proposed revision of the manage-
10 ment plan from the local coordinating entity,
11 approve or disapprove the proposed revision.

12 (4) AMENDMENTS.—

13 (A) IN GENERAL.—The Secretary shall ap-
14 prove or disapprove each amendment to the
15 management plan that makes a substantial
16 change to the management plan, as determined
17 by the Secretary.

18 (B) USE OF FUNDS.—The local coordi-
19 nating entity shall not use Federal funds au-
20 thorized by this section to carry out any amend-
21 ments to the management plan until the date
22 on which the Secretary has approved the
23 amendments.

1 **SEC. 5. ADMINISTRATION.**

2 (a) **AUTHORITIES.**—For purposes of implementing
3 the management plan, the Secretary, acting through the
4 local coordinating entity, may use amounts made available
5 under section 9—

6 (1) to make grants to the State or a political
7 subdivision of the State, nonprofit organizations,
8 and other persons;

9 (2) to enter into cooperative agreements with,
10 or provide technical assistance to, the State or a po-
11 litical subdivision of the State, nonprofit organiza-
12 tions, and other interested parties;

13 (3) to hire and compensate staff, which shall in-
14 clude individuals with expertise in natural, cultural,
15 and historical resources protection and heritage pro-
16 gramming;

17 (4) to obtain money or services from any
18 source, including any money or services that are pro-
19 vided under any other Federal law or program;

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

21 (6) to undertake to be a catalyst for any other
22 activity that—

23 (A) furthers the purposes of the National
24 Heritage Area; and

25 (B) is consistent with the approved man-
26 agement plan.

- 1 (b) DUTIES.—The local coordinating entity shall—
- 2 (1) in accordance with section 4, prepare and
- 3 submit a management plan to the Secretary;
- 4 (2) assist units of local government, regional
- 5 planning organizations, and nonprofit organizations
- 6 in carrying out the approved management plan by—
- 7 (A) carrying out programs and projects
- 8 that recognize, protect, and enhance important
- 9 resource values in the National Heritage Area;
- 10 (B) establishing and maintaining interpre-
- 11 tive exhibits and programs in the National Her-
- 12 itage Area;
- 13 (C) developing recreational and educational
- 14 opportunities in the National Heritage Area;
- 15 (D) increasing public awareness of, and
- 16 appreciation for, natural, cultural, historical,
- 17 and scenic resources of the National Heritage
- 18 Area;
- 19 (E) identifying and restoring historic sites
- 20 and buildings in the National Heritage Area
- 21 that are consistent with National Heritage Area
- 22 themes;
- 23 (F) ensuring that clear, consistent, and ap-
- 24 propriate signs identifying points of public ac-

1 cess and sites of interest are posted throughout
2 the National Heritage Area; and

3 (G) promoting a wide range of partner-
4 ships among governments, organizations, and
5 individuals to further the National Heritage
6 Area;

7 (3) consider the interests of diverse units of
8 government, businesses, organizations, and individ-
9 uals in the National Heritage Area in the prepara-
10 tion and implementation of the management plan;

11 (4) conduct meetings open to the public at least
12 semiannually regarding the development and imple-
13 mentation of the management plan;

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

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

22 (B) make available to the Secretary for
23 audit all records relating to the expenditure of
24 the funds and any matching funds; and

1 (C) require, with respect to all agreements
 2 authorizing the expenditure of Federal funds by
 3 other organizations, that the organizations re-
 4 ceiving the funds make available to the Sec-
 5 retary for audit all records concerning the ex-
 6 penditure of the funds; and

7 (6) encourage, by appropriate means, economic
 8 viability that is consistent with the National Herit-
 9 age Area.

10 (c) PROHIBITION ON THE ACQUISITION OF REAL
 11 PROPERTY.—The local coordinating entity shall not use
 12 Federal funds made available under section 9 to acquire
 13 real property or any interest in real property.

14 **SEC. 6. 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.—The head
 19 of any Federal agency planning to conduct activities that
 20 may have an impact on the National Heritage Area is en-
 21 couraged to consult and coordinate the activities with the
 22 Secretary and the local coordinating entity, to the max-
 23 imum extent practicable.

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

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

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 National 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. 7. PRIVATE PROPERTY AND REGULATORY PROTEC-**
12 **TIONS.**

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 National Heritage
18 Area;

19 (2) requires any property owner—

20 (A) to permit public access (including ac-
21 cess by Federal, State, or local agencies) to the
22 property of the property owner; or

23 (B) to modify public access or use of prop-
24 erty of the property owner under any other
25 Federal, 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, tribal, or local agency;

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

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

8 (6) *alters, modifies, diminishes, or extinguishes*
 9 *the treaty rights of any Indian tribe within the Na-*
 10 *tional Heritage Area;*

11 ~~(6)~~(7) diminishes the authority of the State to
 12 manage fish and wildlife, including the regulation of
 13 fishing and hunting within the National Heritage
 14 Area; or

15 ~~(7)~~(8) creates any liability, or affects any liabil-
 16 ity under any other law, of any private property
 17 owner with respect to any person injured on the pri-
 18 vate property.

19 **SEC. 8. EVALUATION AND REPORT.**

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

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

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

3 (b) EVALUATION.—An evaluation conducted under
4 subsection (a)(1) shall—

5 (1) assess the progress of the local coordinating
6 entity with respect to—

7 (A) accomplishing the purposes of the Na-
8 tional Heritage Area; and

9 (B) achieving the goals and objectives of
10 the management plan;

11 (2) analyze the investments of Federal, State,
12 tribal, and local government and private entities in
13 the National Heritage Area to determine the impact
14 of the investments; and

15 (3) review the management structure, partner-
16 ship relationships, and funding of the National Her-
17 itage Area for purposes of identifying the critical
18 components for sustainability of the National Herit-
19 age Area.

20 (c) REPORT.—Based on the evaluation conducted
21 under subsection (a)(1), the Secretary shall submit to the
22 Committee on Energy and Natural Resources of the Sen-
23 ate and the Committee on Natural Resources of the House
24 of Representatives a report that includes recommendations

1 for the future role of the National Park Service with re-
2 spect to the National Heritage Area.

3 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

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

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

10 (c) COST-SHARING REQUIREMENT.—

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

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

18 (d) TERMINATION OF AUTHORITY.—The authority of
19 the Secretary to provide assistance under this Act termi-
20 nates on the date that is 15 years after the date of enact-
21 ment of this Act.

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