

115TH CONGRESS
1ST SESSION

S. 627

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

IN THE SENATE OF THE UNITED STATES

MARCH 14, 2017

Ms. CANTWELL introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

1 nating entity for the National Heritage Area des-
 2 ignated by section 3(d).

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

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

10 (4) NATIONAL HERITAGE AREA.—The term
 11 “National Heritage Area” means the Maritime
 12 Washington National Heritage Area established by
 13 section 3(a).

14 (5) SECRETARY.—The term “Secretary” means
 15 the Secretary of the Interior.

16 (6) STATE.—The term “State” means the State
 17 of Washington.

18 **SEC. 3. MARITIME WASHINGTON NATIONAL HERITAGE**
 19 **AREA.**

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

22 (b) BOUNDARIES.—

23 (1) IN GENERAL.—The National Heritage Area
 24 shall consist of land located in the counties of
 25 Whatcom, Skagit, Snohomish, San Juan, Island,

1 King, Pierce, Thurston, Mason, Kitsap, Jefferson,
 2 Clallam, and Grays Harbor in the State that is at
 3 least partially located within the area that is 1/4-mile
 4 landward of the shoreline, as generally depicted on
 5 the map.

6 (2) REVISION.—The boundaries of the National
 7 Heritage Area established under paragraph (1) may
 8 be revised if the revision is—

9 (A) proposed in the management plan;

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

12 (C) placed on file in accordance with sub-
 13 section (c).

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

17 (1) the National Park Service; and

18 (2) the local coordinating entity.

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

22 **SEC. 4. MANAGEMENT PLAN.**

23 (a) IN GENERAL.—Not later than 3 years after the
 24 date of enactment of this Act, the local coordinating entity

1 shall submit to the Secretary for approval a proposed
2 management plan for the National Heritage Area.

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

4 (1) incorporate an integrated and cooperative
5 approach for the protection, enhancement, and inter-
6 pretation of the natural, cultural, historical, scenic,
7 and recreational resources of the National Heritage
8 Area;

9 (2) take into consideration State and local
10 plans;

11 (3) include—

12 (A) an inventory of—

13 (i) the resources located in the Na-
14 tional Heritage Area; and

15 (ii) any other property in the National
16 Heritage Area that—

17 (I) is related to the themes of the
18 National Heritage Area; and

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

23 (B) comprehensive policies, strategies and
24 recommendations for the conservation, funding,

1 management, and development of the National
2 Heritage Area;

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

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

23 (F) analysis and recommendations for
24 means by which Federal, State, and local pro-
25 grams may best be coordinated to carry out this

1 section, including a description of the role of
2 the National Park Service in the National Her-
3 itage Area; and

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

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

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

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

22 (1) IN GENERAL.—Not later than 180 days
23 after the date of receipt of the management plan
24 under subsection (a), the Secretary, in consultation

1 with the State, shall approve or disapprove the man-
2 agement plan.

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

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

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

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

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

1 (A) advise the local coordinating entity in
2 writing of the reasons for the disapproval;

3 (B) make recommendations for revisions to
4 the management plan; and

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

9 (4) AMENDMENTS.—

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

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

21 **SEC. 5. ADMINISTRATION.**

22 (a) AUTHORITIES.—For purposes of implementing
23 the management plan, the Secretary, acting through the
24 local coordinating entity, may use amounts made available
25 under section 9—

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

4 (2) to enter into cooperative agreements with,
5 or provide technical assistance to, the State or a po-
6 litical subdivision of the State, nonprofit organiza-
7 tions, and other interested parties;

8 (3) to hire and compensate staff, which shall in-
9 clude individuals with expertise in natural, cultural,
10 and historical resources protection and heritage pro-
11 gramming;

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

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

16 (6) to undertake to be a catalyst for any other
17 activity that—

18 (A) furthers the purposes of the National
19 Heritage Area; and

20 (B) is consistent with the approved man-
21 agement plan.

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

23 (1) in accordance with section 4, prepare and
24 submit a management plan to the Secretary;

1 (2) assist units of local government, regional
2 planning organizations, and nonprofit organizations
3 in carrying out the approved management plan by—

4 (A) carrying out programs and projects
5 that recognize, protect, and enhance important
6 resource values in the National Heritage Area;

7 (B) establishing and maintaining interpre-
8 tive exhibits and programs in the National Her-
9 itage Area;

10 (C) developing recreational and educational
11 opportunities in the National Heritage Area;

12 (D) increasing public awareness of, and
13 appreciation for, natural, cultural, historical,
14 and scenic resources of the National Heritage
15 Area;

16 (E) identifying and restoring historic sites
17 and buildings in the National Heritage Area
18 that are consistent with National Heritage Area
19 themes;

20 (F) ensuring that clear, consistent, and ap-
21 propriate signs identifying points of public ac-
22 cess and sites of interest are posted throughout
23 the National Heritage Area; and

24 (G) promoting a wide range of partner-
25 ships among governments, organizations, and

1 individuals to further the National Heritage
2 Area;

3 (3) consider the interests of diverse units of
4 government, businesses, organizations, and individ-
5 uals in the National Heritage Area in the prepara-
6 tion and implementation of the management plan;

7 (4) conduct meetings open to the public at least
8 semiannually regarding the development and imple-
9 mentation of the management plan;

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

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

18 (B) make available to the Secretary for
19 audit all records relating to the expenditure of
20 the funds and any matching funds; and

21 (C) require, with respect to all agreements
22 authorizing the expenditure of Federal funds by
23 other organizations, that the organizations re-
24 ceiving the funds make available to the Sec-

1 retary for audit all records concerning the ex-
2 penditure of the funds; and

3 (6) encourage, by appropriate means, economic
4 viability that is consistent with the National Herit-
5 age Area.

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

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

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

14 (b) CONSULTATION AND COORDINATION.—The head
15 of any Federal agency planning to conduct activities that
16 may have an impact on the National Heritage Area is en-
17 couraged to consult and coordinate the activities with the
18 Secretary and the local coordinating entity, to the max-
19 imum extent practicable.

20 (c) OTHER FEDERAL AGENCIES.—Nothing in this
21 Act—

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

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

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

7 **SEC. 7. PRIVATE PROPERTY AND REGULATORY PROTEC-**
 8 **TIONS.**

9 Nothing in this Act—

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

15 (2) requires any property owner—

16 (A) to permit public access (including ac-
 17 cess by Federal, State, or local agencies) to the
 18 property of the property owner; or

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

22 (3) alters any duly adopted land use regulation,
 23 approved land use plan, or other regulatory author-
 24 ity of any Federal, State, tribal, or local 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) alters, modifies, diminishes, or extinguishes
6 the treaty rights of any Indian tribe within the Na-
7 tional Heritage Area;

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

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

16 **SEC. 8. EVALUATION AND REPORT.**

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

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

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

24 (b) EVALUATION.—An evaluation conducted under
25 subsection (a)(1) shall—

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

3 (A) accomplishing the purposes of the Na-
4 tional Heritage Area; and

5 (B) achieving the goals and objectives of
6 the management plan;

7 (2) analyze the investments of Federal, State,
8 tribal, and local government and private entities in
9 the National Heritage Area to determine the impact
10 of the investments; and

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

16 (c) REPORT.—Based on the evaluation conducted
17 under subsection (a)(1), the Secretary shall submit to the
18 Committee on Energy and Natural Resources of the Sen-
19 ate and the Committee on Natural Resources of the House
20 of Representatives a report that includes recommendations
21 for the future role of the National Park Service with re-
22 spect to the National Heritage Area.

23 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

24 (a) IN GENERAL.—There is authorized to be appro-
25 priated to carry out this Act \$10,000,000, of which not

1 more than \$1,000,000 may be made available in any fiscal
2 year.

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

5 (c) COST-SHARING REQUIREMENT.—

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

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

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

