

115TH CONGRESS
1ST SESSION

S. 731

To establish the Sacramento-San Joaquin Delta National Heritage Area.

IN THE SENATE OF THE UNITED STATES

MARCH 27, 2017

Mrs. FEINSTEIN (for herself and Ms. HARRIS) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

A BILL

To establish the Sacramento-San Joaquin Delta National
Heritage Area.

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 “Sacramento-San Joa-
5 quin Delta National Heritage Area Establishment Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **HERITAGE AREA.**—The term “Heritage
9 Area” means the Sacramento-San Joaquin Delta
10 Heritage Area established by section 3(a).

1 (2) HERITAGE AREA MANAGEMENT PLAN.—The
 2 term “Heritage Area management plan” means the
 3 plan developed and adopted by the local coordinating
 4 entity under this Act.

5 (3) LOCAL COORDINATING ENTITY.—The term
 6 “local coordinating entity” means the local coordi-
 7 nating entity for the Heritage Area designated by
 8 section 3(d).

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

11 (5) STATE.—The term “State” means the State
 12 of California.

13 **SEC. 3. SACRAMENTO-SAN JOAQUIN DELTA HERITAGE**
 14 **AREA.**

15 (a) ESTABLISHMENT.—There is established the
 16 “Sacramento-San Joaquin Delta Heritage Area” in the
 17 State.

18 (b) BOUNDARIES.—The boundaries of the Heritage
 19 Area shall be in the counties of Contra Costa, Sacramento,
 20 San Joaquin, Solano, and Yolo in the State of California,
 21 as generally depicted on the map entitled “Sacramento-
 22 San Joaquin Delta National Heritage Area Proposed
 23 Boundary”, numbered T27/105,030, and dated October
 24 2012.

1 (c) AVAILABILITY OF MAP.—The map described in
2 subsection (b) shall be on file and available for public in-
3 spection in the appropriate offices of the National Park
4 Service and the Delta Protection Commission.

5 (d) LOCAL COORDINATING ENTITY.—The local co-
6 ordinating entity for the Heritage Area shall be the Delta
7 Protection Commission established by section 29735 of
8 the California Public Resources Code.

9 (e) ADMINISTRATION.—

10 (1) AUTHORITIES.—For purposes of carrying
11 out the Heritage Area management plan, the Sec-
12 retary, acting through the local coordinating entity,
13 may use amounts made available under this Act
14 to—

15 (A) make grants to the State or a political
16 subdivision of the State, nonprofit organiza-
17 tions, and other persons;

18 (B) enter into cooperative agreements
19 with, or provide technical assistance to, the
20 State or a political subdivision of the State,
21 nonprofit organizations, and other interested
22 parties;

23 (C) hire and compensate staff, which shall
24 include individuals with expertise in natural,

1 cultural, and historical resources protection,
2 and heritage programming;

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

6 (E) contract for goods or services; and

7 (F) undertake to be a catalyst for any
8 other activity that furthers the Heritage Area
9 and is consistent with the approved Heritage
10 Area management plan.

11 (2) DUTIES.—The local coordinating entity
12 shall—

13 (A) in accordance with subsection (f), pre-
14 pare and submit a Heritage Area management
15 plan to the Secretary;

16 (B) assist units of local government, re-
17 gional planning organizations, and nonprofit or-
18 ganizations in carrying out the approved Herit-
19 age Area management plan by—

20 (i) carrying out programs and projects
21 that recognize, protect, and enhance im-
22 portant resource values in the Heritage
23 Area;

1 (ii) establishing and maintaining in-
2 terpretive exhibits and programs in the
3 Heritage Area;

4 (iii) developing recreational and edu-
5 cational opportunities in the Heritage
6 Area;

7 (iv) increasing public awareness of,
8 and appreciation for, natural, historical,
9 scenic, and cultural resources of the Herit-
10 age Area;

11 (v) protecting and restoring historic
12 sites and buildings in the Heritage Area
13 that are consistent with Heritage Area
14 themes;

15 (vi) ensuring that clear, consistent,
16 and appropriate signs identifying points of
17 public access, and sites of interest are
18 posted throughout the Heritage Area; and

19 (vii) promoting a wide range of part-
20 nerships among governments, organiza-
21 tions, and individuals to further the Herit-
22 age Area;

23 (C) consider the interests of diverse units
24 of government, businesses, organizations, and
25 individuals in the Heritage Area in the prepara-

tion and implementation of the Heritage Area management plan;

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

(E) for any year that Federal funds have been received under this Act—

(i) submit an annual report to the Secretary that describes the activities, expenses, and income of the local coordinating entity (including grants to any other entities during the year that the report is made);

(ii) make available to the Secretary for audit all records relating to the expenditure of the funds and any matching funds; and

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

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

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

9 (4) COST-SHARING REQUIREMENT.—The Fed-
 10 eral share of the cost of any activity carried out
 11 using any assistance made available under this Act
 12 shall be 50 percent.

13 (f) HERITAGE AREA MANAGEMENT PLAN.—

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

18 (2) REQUIREMENTS.—The Heritage Area man-
 19 agement plan shall—

20 (A) incorporate an integrated and coopera-
 21 tive approach to agricultural resources and ac-
 22 tivities, flood protection facilities, and other
 23 public infrastructure;

24 (B) emphasize the importance of the re-
 25 sources described in subparagraph (A);

1 (C) take into consideration State and local
2 plans;

3 (D) include—

4 (i) an inventory of—

5 (I) the resources located in the
6 core area described in subsection (b);
7 and

8 (II) any other property in the
9 core area that—

10 (aa) is related to the themes
11 of the Heritage Area; and

12 (bb) should be preserved, re-
13 stored, managed, or maintained
14 because of the significance of the
15 property;

16 (ii) comprehensive policies, strategies
17 and recommendations for conservation,
18 funding, management, and development of
19 the Heritage Area;

20 (iii) a description of actions that gov-
21 ernments, private organizations, and indi-
22 viduals have agreed to take to protect the
23 natural, historical, and cultural resources
24 of the Heritage Area;

1 (iv) a program of implementation for
2 the Heritage Area management plan by
3 the local coordinating entity that includes
4 a description of—

5 (I) actions to facilitate ongoing
6 collaboration among partners to pro-
7 mote plans for resource protection,
8 restoration, and construction; and

9 (II) specific commitments for im-
10 plementation that have been made by
11 the local coordinating entity or any
12 government, organization, or indi-
13 vidual for the first 5 years of oper-
14 ation;

15 (v) the identification of sources of
16 funding for carrying out the Heritage Area
17 management plan;

18 (vi) analysis and recommendations for
19 means by which local, State, and Federal
20 programs, including the role of the Na-
21 tional Park Service in the Heritage Area,
22 may best be coordinated to carry out this
23 Act; and

24 (vii) an interpretive plan for the Her-
25 itage Area; and

1 (E) recommend policies and strategies for
2 resource management that consider and detail
3 the application of appropriate land and water
4 management techniques, including the develop-
5 ment of intergovernmental and interagency co-
6 operative agreements to protect the natural,
7 historical, cultural, educational, scenic, and rec-
8 reational resources of the Heritage Area.

9 (3) RESTRICTIONS.—The Heritage Area man-
10 agement plan submitted under this subsection
11 shall—

12 (A) ensure participation by appropriate
13 Federal, State, tribal, and local agencies, in-
14 cluding the Delta Stewardship Council, special
15 districts, natural and historical resource protec-
16 tion and agricultural organizations, educational
17 institutions, businesses, recreational organiza-
18 tions, community residents, and private prop-
19 erty owners; and

20 (B) not be approved until the Secretary
21 has received certification from the Delta Protec-
22 tion Commission that the Delta Stewardship
23 Council has reviewed the Heritage Area man-
24 agement plan for consistency with the plan

1 adopted by the Delta Stewardship Council pur-
2 suant to State law.

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

10 (5) APPROVAL OR DISAPPROVAL OF HERITAGE
11 AREA MANAGEMENT PLAN.—

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

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

22 (i) the local coordinating entity is rep-
23 resentative of the diverse interests of the
24 Heritage Area, including governments, nat-
25 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 Heritage Area management plan; and

8 (iii) the resource protection and inter-
9 pretation strategies contained in the Herit-
10 age Area management plan, if imple-
11 mented, would adequately protect the nat-
12 ural, historical, and cultural resources of
13 the Heritage Area.

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

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

21 (ii) make recommendations for revi-
22 sions to the Heritage Area management
23 plan; and

24 (iii) not later than 180 days after the
25 receipt of any proposed revision of the

1 Heritage Area management plan from the
2 local coordinating entity, approve or dis-
3 approve the proposed revision.

4 (D) AMENDMENTS.—

5 (i) IN GENERAL.—The Secretary shall
6 approve or disapprove each amendment to
7 the Heritage Area management plan that
8 the Secretary determines make a substan-
9 tial change to the Heritage Area manage-
10 ment plan.

11 (ii) USE OF FUNDS.—The local co-
12 ordinating entity shall not use Federal
13 funds authorized by this Act to carry out
14 any amendments to the Heritage Area
15 management plan until the Secretary has
16 approved the amendments.

17 (g) RELATIONSHIP TO OTHER FEDERAL AGEN-
18 CIES.—

19 (1) IN GENERAL.—Nothing in this Act affects
20 the authority of a Federal agency to provide tech-
21 nical or financial assistance under any other law.

22 (2) CONSULTATION AND COORDINATION.—The
23 head of any Federal agency planning to conduct ac-
24 tivities that may have an impact on the Heritage
25 Area is encouraged to consult and coordinate the ac-

1 tivities with the Secretary and the local coordinating
2 entity to the maximum extent practicable.

3 (3) OTHER FEDERAL AGENCIES.—Nothing in
4 this Act—

5 (A) modifies, alters, or amends any law or
6 regulation authorizing a Federal agency to
7 manage Federal land under the jurisdiction of
8 the Federal agency;

9 (B) limits the discretion of a Federal land
10 manager to implement an approved land use
11 plan within the boundaries of the Heritage
12 Area; or

13 (C) modifies, alters, or amends any author-
14 ized use of Federal land under the jurisdiction
15 of a Federal agency.

16 (h) PRIVATE PROPERTY AND REGULATORY PROTEC-
17 TIONS.—

18 (1) IN GENERAL.—Subject to paragraph (2),
19 nothing in this Act—

20 (A) abridges the rights of any property
21 owner (whether public or private), including the
22 right to refrain from participating in any plan,
23 project, program, or activity conducted within
24 the Heritage Area;

1 (B) requires any property owner to permit
2 public access (including access by Federal,
3 State, or local agencies) to the property of the
4 property owner, or to modify public access or
5 use of property of the property owner under
6 any other Federal, State, or local law;

7 (C) alters any duly adopted land use regu-
8 lation, approved land use plan, or other regu-
9 latory authority of any Federal, State or local
10 agency, or conveys any land use or other regu-
11 latory authority to the local coordinating entity;

12 (D) authorizes or implies the reservation
13 or appropriation of water or water rights;

14 (E) diminishes the authority of the State
15 to manage fish and wildlife, including the regu-
16 lation of fishing and hunting within the Herit-
17 age Area; or

18 (F) creates any liability, or affects any li-
19 ability under any other law, of any private
20 property owner with respect to any person in-
21 jured on the private property.

22 (2) OPT OUT.—An owner of private property
23 within the Heritage Area may opt out of partici-
24 pating in any plan, project, program, or activity car-
25 ried out within the Heritage Area under this Act, if

1 the property owner provides written notice to the
2 local coordinating entity.

3 (i) EVALUATION; REPORT.—

4 (1) IN GENERAL.—Not later than 3 years be-
5 fore the date on which authority for Federal funding
6 terminates for the Heritage Area, the Secretary
7 shall—

8 (A) conduct an evaluation of the accom-
9 plishments of the Heritage Area; and

10 (B) prepare a report in accordance with
11 paragraph (3).

12 (2) EVALUATION.—An evaluation conducted
13 under paragraph (1)(A) shall—

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

16 (i) accomplishing the purposes of this
17 Act for the Heritage Area; and

18 (ii) achieving the goals and objectives
19 of the approved Heritage Area manage-
20 ment plan;

21 (B) analyze the Federal, State, local, and
22 private investments in the Heritage Area to de-
23 termine the leverage and impact of the invest-
24 ments; and

1 (C) review the management structure,
2 partnership relationships, and funding of the
3 Heritage Area for purposes of identifying the
4 critical components for sustainability of the
5 Heritage Area.

6 (3) REPORT.—

7 (A) IN GENERAL.—Based on the evalua-
8 tion conducted under paragraph (1)(A), the
9 Secretary shall prepare a report that includes
10 recommendations for the future role of the Na-
11 tional Park Service, if any, with respect to the
12 Heritage Area.

13 (B) REQUIRED ANALYSIS.—If the report
14 prepared under subparagraph (A) recommends
15 that Federal funding for the Heritage Area be
16 reauthorized, the report shall include an anal-
17 ysis of—

18 (i) ways in which Federal funding for
19 the Heritage Area may be reduced or
20 eliminated; and

21 (ii) the appropriate time period nec-
22 essary to achieve the recommended reduc-
23 tion or elimination.

1 (C) SUBMISSION TO CONGRESS.—On com-
2 pletion of the report, the Secretary shall submit
3 the report to—

4 (i) the Committee on Energy and
5 Natural Resources of the Senate; and

6 (ii) the Committee on Natural Re-
7 sources of the House of Representatives.

8 (j) EFFECT OF DESIGNATION.—Nothing in this
9 Act—

10 (1) precludes the local coordinating entity from
11 using Federal funds made available under other laws
12 for the purposes for which those funds were author-
13 ized; or

14 (2) affects any water rights or contracts.

15 **SEC. 4. 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.—The Federal
21 share of the total cost of any activity under this Act shall
22 be determined by the Secretary, but shall be not more than
23 50 percent.

1 (c) NON-FEDERAL SHARE.—The non-Federal share
2 of the total cost of any activity under this Act may be
3 in the form of in-kind contributions of goods or services.

4 **SEC. 5. TERMINATION OF AUTHORITY.**

5 (a) IN GENERAL.—If a proposed Heritage Area man-
6 agement plan has not been submitted to the Secretary by
7 the date that is 5 years after the date of enactment of
8 this Act, the Heritage Area designation shall be rescinded.

9 (b) FUNDING AUTHORITY.—The authority of the
10 Secretary to provide assistance under this Act terminates
11 on the date that is 15 years after the date of enactment
12 of this Act.

