

116TH CONGRESS
2D SESSION

H. R. 8488

To establish the Southern Maryland National Heritage Area, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 2020

Mr. HOYER introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To establish the Southern Maryland 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 “Southern Maryland
5 National Heritage Area Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) HERITAGE AREA.—The term “Heritage
9 Area” means the Southern Maryland National Her-
10 itage 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(c).

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

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

10 (5) STATE.—The term “State” means the State
11 of Maryland.

12 **SEC. 3. ESTABLISHMENT OF SOUTHERN MARYLAND NA-**
13 **TIONAL HERITAGE AREA.**

14 (a) IN GENERAL.—There is established in the State
15 the Southern Maryland National Heritage Area, to be ad-
16 ministered in accordance with this Act.

17 (b) BOUNDARIES.—The Heritage Area shall include
18 portions of St. Mary’s, Calvert, Charles, and Prince
19 George’s Counties in the State, with the specific bound-
20 aries to be established by the Secretary, based on the fea-
21 sibility study for the Heritage Area.

22 (c) LOCAL COORDINATING ENTITY.—The Tri-County
23 Council for Southern Maryland shall serve as the local co-
24 ordinating entity for the Heritage Area.

1 **SEC. 4. ADMINISTRATION.**

2 (a) **AUTHORITIES.**—For purposes of carrying out the
3 management plan, the Secretary (acting through the Local
4 Coordinating Entity) may use amounts made available
5 under section 9—

6 (1) to make grants to the State, political sub-
7 divisions of the State, Indian Tribes, nonprofit orga-
8 nizations, and other entities;

9 (2) to enter into cooperative agreements with,
10 or provide technical assistance to, the State, political
11 subdivisions of the State, Indian Tribes, nonprofit
12 organizations, and other interested entities;

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 marketing, advertising, and
21 public relations;

22 (6) to contract for goods or services;

23 (7) to contract for fundraising; and

24 (8) to undertake any other activity that—

25 (A) furthers the purposes of the Heritage
26 Area; and

1 (B) is consistent with the approved man-
2 agement plan.

3 (b) DUTIES.—The Local Coordinating Entity shall—

4 (1) assist Federal agencies, the State, political
5 subdivisions of the State, Indian Tribes, regional
6 planning organizations, nonprofit organizations, and
7 other interested persons in carrying out the ap-
8 proved management plan by—

9 (A) carrying out programs and projects
10 that recognize, protect, and enhance important
11 resource values in the Heritage Area;

12 (B) establishing and maintaining interpre-
13 tive exhibits and programs in the Heritage
14 Area;

15 (C) developing recreational, interpretive,
16 and educational opportunities in the Heritage
17 Area;

18 (D) increasing public awareness of, and
19 appreciation for, natural, historical, scenic, and
20 cultural resources of the Heritage Area;

21 (E) protecting and restoring historic sites
22 and buildings in the Heritage Area that are
23 consistent with the themes of the Heritage
24 Area;

1 (F) ensuring that clear, consistent, and ap-
2 propriate signs identifying points of public ac-
3 cess and sites of interest are posted throughout
4 the Heritage Area; and

5 (G) promoting a wide range of partner-
6 ships among the Federal Government, State,
7 Tribal, and local governments, organizations,
8 and individuals to further the purposes of the
9 Heritage Area;

10 (2) consider the interests of diverse units of
11 government, businesses, organizations, and individ-
12 uals in the Heritage Area in the preparation and im-
13 plementation of the management plan;

14 (3) conduct meetings open to the public not less
15 frequently than semiannually regarding the develop-
16 ment and implementation of the management plan;

17 (4) for any year that Federal funds have been
18 received under this subsection—

19 (A) submit to the Secretary an annual re-
20 port that describes, with respect to the report-
21 ing period, the activities, expenses, and income
22 of the Local Coordinating Entity;

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

1 (C) encourage, by appropriate means and
2 consistent with the purposes of the Heritage
3 Area, the economic viability of the Heritage
4 Area.

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

9 **SEC. 5. MANAGEMENT PLAN.**

10 (a) IN GENERAL.—Not later than 3 years after the
11 date on which funds are first made available to carry out
12 this Act, the Local Coordinating Entity shall submit to
13 the Secretary for approval a proposed management plan
14 for the Heritage Area.

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

16 (1) incorporate an integrated and cooperative
17 approach for the protection, enhancement, and inter-
18 pretation of the natural, cultural, historic, scenic,
19 and recreational resources of the Heritage Area;

20 (2) take into consideration other applicable
21 Federal, State, local, and Tribal plans and treaty
22 rights;

23 (3) include—

24 (A) an inventory of—

1 (i) the resources located in the Herit-
2 age Area; and

3 (ii) any other property in the Heritage
4 Area that—

5 (I) is related to the themes of the
6 Heritage Area; and

7 (II) should be preserved, re-
8 stored, managed, or maintained be-
9 cause of the significance of the prop-
10 erty;

11 (B) comprehensive policies, strategies, and
12 recommendations for the conservation, funding,
13 management, and development of the Heritage
14 Area;

15 (C) a description of activities that the Fed-
16 eral Government, State, Tribal, and local gov-
17 ernments, private organizations, and individuals
18 have agreed to carry out to protect the natural,
19 historical, cultural, scenic, and recreational re-
20 sources of the Heritage Area;

21 (D) a program of implementation for the
22 management plan by the Local Coordinating
23 Entity that includes a description of—

24 (i) actions to facilitate ongoing col-
25 laboration among partners to promote

1 plans for resource protection, restoration,
2 and construction; and

3 (ii) specific commitments for imple-
4 mentation that have been made by the
5 Local Coordinating Entity or any unit of
6 government, organization, or individual for
7 the first 5 years of operation of the Herit-
8 age Area;

9 (E) the identification of sources of funding
10 to implement the management plan;

11 (F) analysis and recommendations for
12 means by which Federal, State, local, and Trib-
13 al programs (including the role of the National
14 Park Service in the Heritage Area) may carry
15 out the purposes of this Act;

16 (G) an interpretive plan for the Heritage
17 Area; and

18 (H) recommended policies and strategies
19 for resource management that consider and de-
20 tail the application of appropriate land and
21 water management techniques, including the de-
22 velopment of intergovernmental and interagency
23 cooperative agreements to protect the natural,
24 historical, cultural, educational, scenic, and rec-
25 reational resources of the Heritage Area.

1 (c) DEADLINE.—If a proposed management plan is
2 not submitted to the Secretary by the date that is 3 years
3 after the date on which funds are first made available to
4 carry out this Act, the Local Coordinating Entity shall be
5 ineligible to receive additional funding under this Act until
6 the date on which the Secretary approves the management
7 plan.

8 (d) APPROVAL OR DISAPPROVAL OF MANAGEMENT
9 PLAN.—

10 (1) IN GENERAL.—Not later than 180 days
11 after the date of receipt of the management plan
12 under subsection (a), the Secretary, in consultation
13 with State and Tribal governments, shall approve or
14 disapprove the management plan.

15 (2) CRITERIA FOR APPROVAL.—In determining
16 whether to approve the management plan, the Sec-
17 retary shall consider whether—

18 (A) the Local Coordinating Entity is rep-
19 resentative of the diverse interests of the Herit-
20 age Area, including the Federal Government,
21 State, Tribal, and local governments, natural
22 and historic resource protection organizations,
23 educational institutions, businesses, and rec-
24 reational organizations;

1 (B) the Local Coordinating Entity has af-
2 fforded adequate opportunity, including public
3 hearings, for public and governmental involve-
4 ment in the preparation of the management
5 plan; and

6 (C) the resource protection and interpreta-
7 tion strategies contained in the management
8 plan, if implemented, would adequately protect
9 the natural, historical, and cultural resources of
10 the Heritage Area.

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

14 (A) advise the Local Coordinating Entity
15 in writing of the reasons for the disapproval;

16 (B) make recommendations to the Local
17 Coordinating Entity for revisions to the man-
18 agement plan; and

19 (C) not later than 180 days after the re-
20 ceipt of any proposed revision of the manage-
21 ment plan from the Local Coordinating Entity,
22 approve or disapprove the proposed revision.

23 (4) AMENDMENTS.—

24 (A) IN GENERAL.—The Secretary shall ap-
25 prove or disapprove each amendment of the

1 management plan that the Secretary determines
2 makes a substantial change to the management
3 plan.

4 (B) USE OF FUNDS.—The Local Coordinating Entity shall not use Federal funds authorized under section 9 to carry out any
5 amendment to the management plan until the
6 date on which the Secretary has approved the
7 amendment.
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10 **SEC. 6. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

11 (a) IN GENERAL.—Nothing in this Act affects the authority of a Federal agency to provide technical or financial assistance under any other law.

12 (b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that
13 may have an impact on the Heritage Area is encouraged
14 to consult and coordinate the activities with the Secretary
15 and the Local Coordinating Entity to the maximum extent
16 practicable.

17 (c) OTHER FEDERAL AGENCIES.—Nothing in this
18 Act—

19 (1) modifies, alters, or amends any law (including regulations) authorizing a Federal agency to
20 manage Federal land under the jurisdiction of the
21 Federal agency;

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 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 property owner
11 (whether public or private), including the right to re-
12 frain from participating in any plan, project, pro-
13 gram, or activity conducted within the 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) enlarges or diminishes the treaty rights of
6 any Indian Tribe within the Heritage Area;

7 (7) diminishes—

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

12 (B) the authority of Indian Tribes to regu-
13 late members of Indian Tribes with respect to
14 fishing, hunting, and gathering in the exercise
15 of treaty rights; or

16 (8) creates any liability, or affects any liability
17 under any other law, of any private property owner
18 with respect to any person injured on the private
19 property.

20 **SEC. 8. EVALUATION AND REPORT.**

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

24 (1) conduct an evaluation of the accomplish-
25 ments of the 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 Coordi-
6 nating Entity with respect to—

7 (A) accomplishing the purposes of the Her-
8 itage Area; and

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

11 (2) analyze the investments of the Federal Gov-
12 ernment, State, Tribal, and local governments, and
13 private entities in the Heritage Area to determine
14 the impact of the investments; and

15 (3) review the management structure, partner-
16 ship relationships, and funding of the Heritage Area
17 for purposes of identifying the critical components
18 for sustainability of the Heritage Area.

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

1 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

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

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

8 (c) COST-SHARING REQUIREMENT.—

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

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

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

