

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 1st Sess.

S. 713

To establish the Mountains to Sound Greenway National
Heritage Area in the State of Washington.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Heritage
5 Area Authorization Act of 2017”.

6 **SEC. 2. DEFINITION OF SECRETARY.**

7 In this Act, the term “Secretary” means the Sec-
8 retary of the Interior.

9 **SEC. 3. NATIONAL HERITAGE AREA DESIGNATIONS.**

10 The following areas are designated as national herit-
11 age areas, to be administered in accordance with this Act:

1 (1) APPALACHIAN FOREST NATIONAL HERITAGE
2 AREA, WEST VIRGINIA AND MARYLAND.—

3 (A) IN GENERAL.—There is established the
4 Appalachian Forest National Heritage Area in
5 the States of West Virginia and Maryland, as
6 depicted on the map entitled “Appalachian For-
7 est National Heritage Area”, numbered T07/
8 80,000, and dated October 2007, including—

9 (i) Barbour, Braxton, Grant,
10 Greenbrier, Hampshire, Hardy, Mineral,
11 Morgan, Nicholas, Pendleton, Pocahontas,
12 Preston, Randolph, Tucker, Upshur, and
13 Webster Counties in West Virginia; and

14 (ii) Allegany and Garrett Counties in
15 Maryland.

16 (B) LOCAL COORDINATING ENTITY.—The
17 Appalachian Forest Heritage Area, Inc., shall
18 be—

19 (i) the local coordinating entity for
20 the national heritage area designated by
21 subparagraph (A) (referred to in this sub-
22 paragraph as the “local coordinating enti-
23 ty”); and

24 (ii) governed by a board of directors
25 that shall—

1 (I) include members to represent
2 a geographic balance across the coun-
3 ties described in subparagraph (A)
4 and the States of West Virginia and
5 Maryland;

6 (II) be composed of not fewer
7 than 7, and not more than 15, mem-
8 bers elected by the membership of the
9 local coordinating entity;

10 (III) be selected to represent a
11 balanced group of diverse interests,
12 including—

- 13 (aa) the forest industry;
14 (bb) environmental interests;
15 (cc) cultural heritage inter-
16 ests;
17 (dd) tourism interests; and
18 (ee) regional agency part-
19 ners;

20 (IV) exercise all corporate powers
21 of the local coordinating entity;

22 (V) manage the activities and af-
23 fairs of the local coordinating entity;
24 and

1 (VI) subject to any limitations in
2 the articles and bylaws of the local co-
3 ordinating entity, this section, and
4 other applicable Federal or State law,
5 establish the policies of the local co-
6 ordinating entity.

7 (2) MARITIME WASHINGTON NATIONAL HERIT-
8 AGE AREA, WASHINGTON.—

9 (A) IN GENERAL.—There is established the
10 Maritime Washington National Heritage Area
11 in the State of Washington, to include land in
12 Whatcom, Skagit, Snohomish, San Juan, Is-
13 land, King, Pierce, Thurston, Mason, Kitsap,
14 Jefferson, Clallam, Grays Harbor Counties in
15 the State that is at least partially located within
16 the area that is $\frac{1}{4}$ -mile landward of the shore-
17 line, as generally depicted on the map entitled
18 “Maritime Washington National Heritage Area
19 Proposed Boundary”, numbered 584/125,484,
20 and dated August, 2014.

21 (B) LOCAL COORDINATING ENTITY.—The
22 Washington Trust for Historic Preservation
23 shall be the local coordinating entity for the na-
24 tional heritage area designated by subpara-
25 graph (A).

1 (3) MOUNTAINS TO SOUND GREENWAY NA-
2 TIONAL HERITAGE AREA, WASHINGTON.—

3 (A) IN GENERAL.—There is established the
4 Mountains to Sound Greenway National Herit-
5 age Area in the State of Washington, to consist
6 of land in King and Kittitas Counties in the
7 State, as generally depicted on the map entitled
8 “Mountains to Sound Greenway National Her-
9 itage Area Proposed Boundary”, numbered
10 584/125,483, and dated August, 2014.

11 (B) LOCAL COORDINATING ENTITY.—The
12 Mountains to Sound Greenway Trust shall be
13 the local coordinating entity for the national
14 heritage area designated by subparagraph (A).

15 (C) REFERENCES TO INDIAN TRIBE; TRIB-
16 AL.—Any reference in this Act to the terms
17 “Indian tribe” or “tribal” shall be considered,
18 for purposes of the heritage area established by
19 subparagraph (A), to refer to each of the tribal
20 governments of the Snoqualmie, Yakama,
21 Tulalip, Muckleshoot, and Colville Indian tribes.

22 (4) SACRAMENTO-SAN JOAQUIN DELTA NA-
23 TIONAL HERITAGE AREA, CALIFORNIA.—

24 (A) IN GENERAL.—There is established the
25 Sacramento-San Joaquin Delta National Herit-

1 age Area in the State of California, to consist
2 of land in Contra Costa, Sacramento, San Joa-
3 quin, Solano, and Yolo Counties in the State, as
4 generally depicted on the map entitled “Sac-
5 ramento-San Joaquin Delta National Heritage
6 Area Proposed Boundary”, numbered T27/
7 105,030, and dated October 2012.

8 (B) LOCAL COORDINATING ENTITY.—The
9 Delta Protection Commission established by
10 section 29735 of the California Public Re-
11 sources Code shall be the local coordinating en-
12 tity for the national heritage area designated by
13 subparagraph (A).

14 **SEC. 4. ADMINISTRATION.**

15 (a) AUTHORITIES.—For purposes of carrying out the
16 management plan for each of the national heritage areas
17 designated by section 3, the Secretary, acting through the
18 local coordinating entity, may use amounts made available
19 under section 9—

20 (1) to make grants to the State or a political
21 subdivision of the State, Indian tribes, nonprofit or-
22 ganizations, and other persons;

23 (2) to enter into cooperative agreements with,
24 or provide technical assistance to, the State or a po-

1 litical subdivision of the State, Indian tribes, non-
2 profit organizations, and other interested parties;

3 (3) to hire and compensate staff, which shall in-
4 clude individuals with expertise in natural, cultural,
5 and historical resources protection, and heritage pro-
6 gramming;

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

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

11 (6) to undertake to be a catalyst for any other
12 activity that furthers the national heritage area and
13 is consistent with the approved management plan.

14 (b) DUTIES.—The local coordinating entity for each
15 of the national heritage areas designated by section 3
16 shall—

17 (1) in accordance with section 5, prepare and
18 submit a management plan for the national heritage
19 area to the Secretary;

20 (2) assist Federal agencies, the State or a polit-
21 ical subdivision of the State, Indian tribes, regional
22 planning organizations, nonprofit organizations and
23 other interested parties in carrying out the approved
24 management plan by—

1 (A) carrying out programs and projects
2 that recognize, protect, and enhance important
3 resource values in the national heritage area;

4 (B) establishing and maintaining interpre-
5 tive exhibits and programs in the national herit-
6 age area;

7 (C) developing recreational and educational
8 opportunities in the national heritage area;

9 (D) increasing public awareness of, and
10 appreciation for, natural, historical, scenic, and
11 cultural resources of the national heritage area;

12 (E) protecting and restoring historic sites
13 and buildings in the national heritage area that
14 are consistent with national heritage area
15 themes;

16 (F) ensuring that clear, consistent, and ap-
17 propriate signs identifying points of public ac-
18 cess and sites of interest are posted throughout
19 the national heritage area; and

20 (G) promoting a wide range of partner-
21 ships among the Federal Government, State,
22 tribal, and local governments, organizations,
23 and individuals to further the national heritage
24 area;

1 (3) consider the interests of diverse units of
2 government, businesses, organizations, and individ-
3 uals in the national heritage area in the preparation
4 and implementation of the management plan;

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

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

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

15 (B) make available to the Secretary for
16 audit all records relating to the expenditure of
17 the funds and any matching funds; and

18 (C) require, with respect to all agreements
19 authorizing expenditure of Federal funds by
20 other organizations, that the organizations re-
21 ceiving the funds make available to the Sec-
22 retary for audit all records concerning the ex-
23 penditure of the funds; and

1 (6) encourage by appropriate means economic
2 viability that is consistent with the national heritage
3 area.

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

8 **SEC. 5. MANAGEMENT PLAN.**

9 (a) IN GENERAL.—Not later than 3 years after the
10 date of enactment of this Act, the local coordinating entity
11 for each of the national heritage areas designated by sec-
12 tion 3 shall submit to the Secretary for approval a pro-
13 posed management plan for the national heritage area.

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

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

20 (2) take into consideration State, local, and
21 tribal plans;

22 (3) include—

23 (A) an inventory of—

24 (i) the resources located in the na-
25 tional heritage area; and

1 (ii) any other property in the national
2 heritage area that—

3 (I) is related to the themes of the
4 national heritage area; and

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

9 (B) comprehensive policies, strategies and
10 recommendations for conservation, funding,
11 management, and development of the national
12 heritage area;

13 (C) a description of actions that the Fed-
14 eral Government, State, tribal, and local gov-
15 ernments, private organizations, and individuals
16 have agreed to take to protect the natural, his-
17 torical and cultural resources of the national
18 heritage area;

19 (D) a program of implementation for the
20 management plan by the local coordinating en-
21 tity that includes a description of—

22 (i) actions to facilitate ongoing col-
23 laboration among partners to promote
24 plans for resource protection, restoration,
25 and construction; and

1 (ii) specific commitments for imple-
2 mentation that have been made by the
3 local coordinating entity or any govern-
4 ment, organization, or individual for the
5 first 5 years of operation;

6 (E) the identification of sources of funding
7 for carrying out the management plan;

8 (F) analysis and recommendations for
9 means by which Federal, State, local, and tribal
10 programs, including the role of the National
11 Park Service in the national heritage area, may
12 best be coordinated to carry out this section;
13 and

14 (G) an interpretive plan for the national
15 heritage area; and

16 (4) recommend policies and strategies for re-
17 source management that consider and detail the ap-
18 plication of appropriate land and water management
19 techniques, including the development of intergov-
20 ernmental and interagency cooperative agreements
21 to protect the natural, historical, cultural, edu-
22 cational, scenic, and recreational resources of the na-
23 tional heritage area.

24 (c) DEADLINE.—If a proposed management plan is
25 not submitted to the Secretary by the date that is 3 years

1 after the date of enactment of this Act, the local coordi-
2 nating entity shall be ineligible to receive additional fund-
3 ing under this Act until the date on which the Secretary
4 receives and approves the management plan.

5 (d) APPROVAL OR DISAPPROVAL OF MANAGEMENT
6 PLAN.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the date of receipt of the management plan
9 under subsection (a), the Secretary, in consultation
10 with the State, shall approve or disapprove the man-
11 agement plan.

12 (2) CRITERIA FOR APPROVAL.—In determining
13 whether to approve the management plan, the Sec-
14 retary shall consider whether—

15 (A) the local coordinating entity is rep-
16 resentative of the diverse interests of the na-
17 tional heritage area, including governments,
18 natural and historic resource protection organi-
19 zations, educational institutions, businesses,
20 and recreational organizations;

21 (B) the local coordinating entity has af-
22 forded adequate opportunity, including public
23 hearings, for public and governmental involve-
24 ment in the preparation of the management
25 plan; and

1 (C) the resource protection and interpreta-
2 tion strategies contained in the management
3 plan, if implemented, would adequately protect
4 the natural, historical, and cultural resources of
5 the national heritage area.

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

9 (A) advise the local coordinating entity in
10 writing of the reasons for the disapproval;

11 (B) make recommendations for revisions to
12 the management plan; and

13 (C) not later than 180 days after the re-
14 ceipt of any proposed revision of the manage-
15 ment plan from the local coordinating entity,
16 approve or disapprove the proposed revision.

17 (4) AMENDMENTS.—

18 (A) IN GENERAL.—The Secretary shall ap-
19 prove or disapprove each amendment to the
20 management plan that the Secretary determines
21 make a substantial change to the management
22 plan.

23 (B) USE OF FUNDS.—The local coordi-
24 nating entity shall not use Federal funds au-
25 thorized by this section to carry out any amend-

1 ments to the management plan until the Sec-
2 retary has approved the amendments.

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

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

7 (b) CONSULTATION AND COORDINATION.—The head
8 of any Federal agency planning to conduct activities that
9 may have an impact on a national heritage area des-
10 ignated by section 3 is encouraged to consult and coordi-
11 nate the activities with the Secretary and the local coordi-
12 nating entity to the maximum extent practicable.

13 (c) OTHER FEDERAL AGENCIES.—Nothing in this
14 Act—

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

19 (2) limits the discretion of a Federal land man-
20 ager to implement an approved land use plan within
21 the boundaries of a national heritage area des-
22 ignated by section 3; or

23 (3) modifies, alters, or amends any authorized
24 use of Federal land under the jurisdiction of a Fed-
25 eral agency.

1 **SEC. 7. PRIVATE PROPERTY AND REGULATORY PROTEC-**
2 **TIONS.**

3 Nothing in this Act—

4 (1) abridges the rights of any property owner
5 (whether public or private), including the right to re-
6 frain from participating in any plan, project, pro-
7 gram, or activity conducted within a national herit-
8 age area designated by section 3;

9 (2) requires any property owner—

10 (A) to permit public access (including ac-
11 cess by Federal, State, or local agencies) to the
12 property of the property owner; or

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

16 (3) alters any duly adopted land use regulation,
17 approved land use plan, or other regulatory author-
18 ity of any Federal, State, tribal, or local agency,

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

21 (5) authorizes or implies the reservation or ap-
22 propriation of water or water rights;

23 (6) affects the treaty rights of any Indian tribe
24 within the national heritage area;

25 (7) diminishes—

1 (A) the authority of the State to manage
2 fish and wildlife, including the regulation of
3 fishing and hunting within a national heritage
4 area designated by section 3; or

5 (B) the authority of Indian tribes to regu-
6 late members of Indian tribes with respect to
7 fishing and hunting in the exercise of treaty
8 rights; or

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

13 **SEC. 8. EVALUATION AND REPORT.**

14 (a) IN GENERAL.—For each of the national heritage
15 areas designated by section 3, not later than 3 years be-
16 fore the date on which authority for Federal funding ter-
17 minates for each national heritage area, the Secretary
18 shall—

19 (1) conduct an evaluation of the accomplish-
20 ments of the national heritage area; and

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

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

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

3 (A) accomplishing the purposes of the au-
4 thorizing legislation for the national heritage
5 area; and

6 (B) achieving the goals and objectives of
7 the approved management plan for the national
8 heritage area;

9 (2) analyze the investments of the Federal Gov-
10 ernment, State, tribal, and local governments, and
11 private entities in each national heritage area to de-
12 termine the impact of the investments; and

13 (3) review the management structure, partner-
14 ship relationships, and funding of the national herit-
15 age area for purposes of identifying the critical com-
16 ponents for sustainability of the national heritage
17 area.

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

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

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

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

9 (c) COST-SHARING REQUIREMENT.—

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

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

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