

112TH CONGRESS
1ST SESSION

H. R. 2448

To establish the St. Croix National Heritage Area, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 7, 2011

Mrs. CHRISTENSEN introduced the following bill; which was referred to the
Committee on Natural Resources

A BILL

To establish the St. Croix 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. ST. CROIX NATIONAL HERITAGE AREA.**

4 (a) DEFINITIONS.—In this section:

5 (1) HERITAGE AREA.—The term “Heritage
6 Area” means the St. Croix National Heritage Area
7 established by subsection (b)(1).

8 (2) LOCAL COORDINATING ENTITY.—The term
9 “local coordinating entity” means the local coordi-
10 nating entity for the Heritage Area designated by
11 subsection (b)(4).

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area required under subsection (d).

(4) MAP.—The term “map” means the map entitled “Proposed St. Croix National Heritage Area” and dated _____.

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

(6) STATE.—The term “State” means St. Croix, U.S. Virgin Islands.

(b) ST. CROIX NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established in the State the St. Croix National Heritage Area.

(2) CONCEPTUAL BOUNDARIES.—The Heritage Area shall consist of the entire island.

(3) MAP.—A map of the Heritage Area shall be—

(A) included in the management plan; and

(B) on file and available for public inspection in the appropriate offices of the National Park Service.

(4) LOCAL COORDINATING ENTITY.—

(A) IN GENERAL.—The local coordinating entity for the Heritage Area shall be known as St. Croix United for Community, Culture, Envi-

ronment, and Economic Development (SUCCEED) Inc.

(B) MEMBERSHIP REQUIREMENTS.—Membership in SUCCEED, Inc. shall be open to a broad cross-section of public, private, and non-governmental sectors including businesses, individuals, agencies, and organizations that were involved in the planning and development of the Heritage Area prior to the enactment of this Act.

(c) ADMINISTRATION.—

(1) AUTHORITIES.—For purposes of carrying out the management plan, the Secretary, acting through the local coordinating entity, may use amounts made available under this section to—

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

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

(C) hire and compensate staff, which shall 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 manage-
10 ment plan.

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

13 (A) in accordance with subsection (d), pre-
14 pare and submit a management plan for the
15 Heritage Area 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 man-
19 agement 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-

1 tion and implementation of the management
2 plan;

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

6 (E) for any year that Federal funds have
7 been received under this section—

8 (i) submit an annual report to the
9 Secretary that describes the activities, ex-
10 penses, and income of the local coordi-
11 nating entity (including grants to any
12 other entities during the year that the re-
13 port is made);

14 (ii) make available to the Secretary
15 for audit all records relating to the expend-
16 iture of the funds and any matching funds;
17 and

18 (iii) require, with respect to all agree-
19 ments authorizing expenditure of Federal
20 funds by other organizations, that the or-
21 ganizations receiving the funds make avail-
22 able to the Secretary for audit all records
23 concerning the expenditure of the funds;
24 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 section to acquire real property or any interest
8 in real property.

9 (4) COST-SHARING REQUIREMENT.—

10 (A) AUTHORIZATION OF APPROPRIA-
11 TIONS.—Subject to subsection (b), there are au-
12 thorized to be appropriated to carry out this
13 Act not more than \$1,000,000 for any fiscal
14 year. Funds so appropriated shall remain avail-
15 able until expended.

16 (B) COST-SHARING REQUIREMENT.—The
17 Federal share of the total cost of any activity
18 under this Act shall be not more than 50 per-
19 cent; the non-Federal contribution may be in
20 the form of in-kind contributions of goods or
21 services fairly valued.

22 (d) MANAGEMENT PLAN.—

23 (1) IN GENERAL:—Not later than 3 years after
24 the date of enactment of this Act, the local coordi-
25 nating entity shall submit to the Secretary for ap-

1 proval a proposed management plan for the Heritage
2 Area.

3 (2) REQUIREMENTS.—The management plan
4 shall—

5 (A) incorporate an integrated and coopera-
6 tive approach for the protection, enhancement,
7 and interpretation of the natural, cultural, his-
8 toric, scenic, and recreational resources of the
9 Heritage Area;

10 (B) take into consideration State and local
11 plans;

12 (C) include—

13 (i) an inventory of—

14 (I) the resources located in the
15 core area described in subsection
16 (b)(2); and

17 (II) any other property in the
18 core area that—

19 (aa) is related to the themes
20 of the Heritage Area; and

21 (bb) should be preserved, re-
22 stored, managed, or maintained
23 because of the significance of the
24 property;

1 (ii) describe comprehensive policies,
2 goals, strategies and recommendations for
3 telling the story of the heritage of the area
4 covered by the designation and encour-
5 aging long-term resource protection, en-
6 hancement, interpretation, funding, man-
7 agement, and development;

8 (iii) a description of actions that gov-
9 ernments, private organizations, and indi-
10 viduals have agreed to take to protect the
11 natural, historical and cultural resources of
12 the Heritage Area;

13 (iv) a program of implementation for
14 the management plan by the local coordi-
15 nating entity that includes a description
16 of—

17 (I) actions to facilitate ongoing
18 collaboration among partners to pro-
19 mote plans for resource protection,
20 restoration, and construction; and

21 (II) specific commitments for im-
22 plementation that have been made by
23 the local coordinating entity or any
24 government, organization, or indi-

1 vidual for the first 5 years of oper-
2 ation;

3 (v) the identification of sources of
4 funding for carrying out the management
5 plan;

6 (vi) analysis and recommendations for
7 means by which local, State, and Federal
8 programs, may best be coordinated to
9 carry out this section; and

10 (vii) a business plan that describes the
11 role, operation, financing, and functions of
12 the local coordinating entity and of each of
13 the major activities contained in the man-
14 agement plan and provides adequate assur-
15 ances that the local coordinating entity has
16 the partnerships and financial and other
17 resources necessary to implement the man-
18 agement plan for the National Heritage
19 Area; and

20 (D) recommend policies and strategies for
21 resource management that consider and detail
22 the application of appropriate land and water
23 management techniques, including the develop-
24 ment of intergovernmental and interagency co-
25 operative agreements to protect the natural,

1 historical, cultural, educational, scenic, and rec-
2 reational resources of the Heritage Area.

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

10 (4) APPROVAL OR DISAPPROVAL OF MANAGE-
11 MENT PLAN.—

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

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

20 (i) the local coordinating entity is rep-
21 resentative of the diverse interests of the
22 Heritage Area, including governments, nat-
23 ural and historic resource protection orga-
24 nizations, educational institutions, busi-
25 nesses, and recreational organizations;

1 (ii) the local coordinating entity has
2 afforded adequate opportunity, including
3 public hearings, for public and govern-
4 mental involvement in the preparation of
5 the management plan; and

6 (iii) the resource protection and inter-
7 pretation strategies contained in the man-
8 agement plan, if implemented, would ade-
9 quately protect the natural, historical, and
10 cultural resources of the Heritage Area.

11 (C) ACTION FOLLOWING DISAPPROVAL.—If
12 the Secretary disapproves the management plan
13 under subparagraph (A), the Secretary shall—

14 (i) advise the local coordinating entity
15 in writing of the reasons for the dis-
16 approval;

17 (ii) make recommendations for revi-
18 sions to the management plan; and

19 (iii) not later than 180 days after the
20 receipt of any proposed revision of the
21 management plan from the local coordi-
22 nating entity, approve or disapprove the
23 proposed revision.

24 (D) AMENDMENTS.—

1 (i) IN GENERAL.—The Secretary shall
2 approve or disapprove each amendment to
3 the management plan that the Secretary
4 determines make a substantial change to
5 the management plan.

6 (ii) USE OF FUNDS.—The local co-
7 ordinating entity shall not use Federal
8 funds authorized by this section to carry
9 out any amendments to the management
10 plan until the Secretary has approved the
11 amendments.

12 (e) RELATIONSHIP TO OTHER FEDERAL AGEN-
13 CIES.—

14 (1) IN GENERAL.—Nothing in this section af-
15 fects the authority of a Federal agency to provide
16 technical or financial assistance under any other law.

17 (2) CONSULTATION AND COORDINATION.—The
18 head of any Federal agency planning to conduct ac-
19 tivities that may have an impact on the Heritage
20 Area is encouraged to consult and coordinate the ac-
21 tivities with the Secretary and the local coordinating
22 entity to the maximum extent practicable.

23 (3) OTHER FEDERAL AGENCIES.—Nothing in
24 this section—

1 (A) modifies, alters, or amends any law or
2 regulation authorizing a Federal agency to
3 manage Federal land under the jurisdiction of
4 the Federal agency;

5 (B) limits the discretion of a Federal land
6 manager to implement an approved land use
7 plan within the boundaries of the Heritage
8 Area; or

9 (C) modifies, alters, or amends any author-
10 ized use of Federal land under the jurisdiction
11 of a Federal agency.

12 (f) PRIVATE PROPERTY AND REGULATORY PROTEC-
13 TIONS.—Nothing in this section—

14 (1) abridges the rights of any property owner
15 (whether public or private), including the right to re-
16 frain from participating in any plan, project, pro-
17 gram, or activity conducted within the Heritage
18 Area;

19 (2) requires any property owner to permit pub-
20 lic access (including access by Federal, State, or
21 local agencies) to the property of the property
22 owner, or to modify public access or use of property
23 of the property owner under any other Federal,
24 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, or local agency, or conveys
4 any land use or other regulatory authority to the
5 local coordinating entity;

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

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

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

15 (g) EVALUATION; REPORT.—

16 (1) IN GENERAL.—Not later than 3 years be-
17 fore the date on which authority for Federal funding
18 terminates for the Heritage Area, the Secretary
19 shall—

20 (A) conduct an evaluation of the accom-
21 plishments of the Heritage Area; and

22 (B) prepare a report in accordance with
23 paragraph (3).

24 (2) EVALUATION.—An evaluation conducted
25 under paragraph (1)(A) shall—

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

3 (i) accomplishing the purposes of this
4 section for the Heritage Area; and

5 (ii) achieving the goals and objectives
6 of the approved management plan for the
7 Heritage Area;

8 (B) analyze the Federal, State, local, and
9 private investments in the Heritage Area to de-
10 termine the leverage and impact of the invest-
11 ments; and

12 (C) review the management structure,
13 partnership relationships, and funding of the
14 Heritage Area for purposes of identifying the
15 critical components for sustainability of the
16 Heritage Area.

17 (3) REPORT.—

18 (A) IN GENERAL.—Based on the evalua-
19 tion conducted under paragraph (1)(A), the
20 Secretary shall prepare a report that includes
21 recommendations for the future role of the Na-
22 tional Park Service, if any, with respect to the
23 Heritage Area.

24 (B) REQUIRED ANALYSIS.—If the report
25 prepared under subparagraph (A) recommends

1 that Federal funding for the Heritage Area be
2 reauthorized, the report shall include an anal-
3 ysis of—

4 (i) ways in which Federal funding for
5 the Heritage Area may be reduced or
6 eliminated; and

7 (ii) the appropriate time period nec-
8 essary to achieve the recommended reduc-
9 tion or elimination.

10 (C) SUBMISSION TO CONGRESS.—On com-
11 pletion of the report, the Secretary shall submit
12 the report to—

13 (i) the Committee on Energy and
14 Natural Resources of the Senate; and

15 (ii) the Committee on Natural Re-
16 sources of the House of Representatives.

17 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out this section
19 \$10,000,000, of which not more than \$1,000,000 may be
20 made available for any fiscal year.

21 (i) TERMINATION OF AUTHORITY.—The authority of
22 the Secretary to provide assistance under this section ter-
23 minates on the date that is 15 years after the date of en-
24 actment of this Act.

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