

Calendar No. 155

115TH CONGRESS
1ST SESSION

S. 713

[Report No. 115–118]

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

IN THE SENATE OF THE UNITED STATES

MARCH 23, 2017

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

JUNE 26, 2017

Reported by Ms. MURKOWSKI, with an amendment and an amendment to the
title

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

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

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 “Mountains to Sound
5 Greenway National Heritage Area Act”.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are—

3 (1) to recognize the national importance of the
4 natural, cultural, historical, scenic, and recreational
5 resources of the Mountains to Sound Greenway Na-
6 tional Heritage Area;

7 (2) to preserve, enhance, and interpret the leg-
8 acies of Indian tribes and nations from time imme-
9 morial, natural resource conservation, and commu-
10 nity stewardship within the Mountains to Sound
11 Greenway National Heritage Area; and

12 (3) to promote heritage, cultural, and rec-
13 reational tourism within the Mountains to Sound
14 Greenway National Heritage Area.

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

17 (1) ~~LOCAL COORDINATING ENTITY.~~—The term
18 “local coordinating entity” means the local coordi-
19 nating entity for the National Heritage Area des-
20 ignated by section 4(d).

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

24 (3) ~~MAP.~~—The term “map” means the map en-
25 titled “Mountains to Sound Greenway National Her-

1 itage Area Proposed Boundary”, numbered 584/
 2 125,483, and dated August, 2014.

3 (4) NATIONAL HERITAGE AREA.—The term
 4 “National Heritage Area” means the Mountains to
 5 Sound Greenway National Heritage Area established
 6 by section 4(a).

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

9 (6) STATE.—The term “State” means the State
 10 of Washington.

11 (7) TRIBAL; TRIBE.—The terms “tribal” and
 12 “Tribe” means any federally recognized Indian tribe
 13 that has cultural heritage, historic interests, or fed-
 14 erally reserved treaty rights within the National
 15 Heritage Area.

16 **SEC. 4. MOUNTAINS TO SOUND GREENWAY NATIONAL HER-**
 17 **ITAGE AREA.**

18 (a) ESTABLISHMENT.—There is established in the
 19 State the Mountains to Sound Greenway National Herit-
 20 age Area.

21 (b) BOUNDARIES.—The National Heritage Area shall
 22 consist of land located in King and Kittitas Counties in
 23 the State, as generally depicted on the map.

24 (c) MAP.—The map shall be on file and available for
 25 public inspection in the appropriate offices of—

- 1 ~~(1)~~ the National Park Service;
- 2 ~~(2)~~ the Forest Service;
- 3 ~~(3)~~ the Tribes; and
- 4 ~~(4)~~ the local coordinating entity.

5 ~~(d) LOCAL COORDINATING ENTITY.—The Mountains~~
 6 ~~to Sound Greenway Trust, a nonprofit corporation estab-~~
 7 ~~lished under the laws of the State, is designated as the~~
 8 ~~local coordinating entity for the National Heritage Area.~~

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

10 ~~(a) IN GENERAL.—Not later than 3 years after the~~
 11 ~~date of enactment of this Act, the local coordinating entity~~
 12 ~~shall submit to the Secretary for approval a proposed~~
 13 ~~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, historical, scenic,~~
 18 ~~and recreational resources of the National Heritage~~
 19 ~~Area;~~

20 ~~(2) take into consideration Federal, State, trib-~~
 21 ~~al, and local plans;~~

22 ~~(3) include—~~

23 ~~(A) an inventory of—~~

24 ~~(i) the resources located in the Na-~~
 25 ~~tional Heritage Area; and~~

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

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

(II) should be preserved, restored, managed, or maintained because of the significance of the property;

(B) comprehensive policies, strategies and recommendations for the conservation, funding, management, and development of the National Heritage Area;

(C) a description of actions that the Federal Government, State, tribal, and local governments, private organizations, and individuals have agreed to take to protect the natural, cultural, historical, scenic, and recreational resources of the National Heritage Area;

(D) a program of implementation for the management plan by the local coordinating entity that includes a description of—

(i) actions to facilitate ongoing collaboration among partners to promote plans for resource protection, restoration, 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 of the National
6 Heritage Area;

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

9 (F) analysis and recommendations for
10 means by which Federal, State, tribal, and local
11 programs may best be coordinated to carry out
12 this section, including a description of the role
13 of the National Park Service, the Forest Serv-
14 ice, and Tribes in the National Heritage Area;
15 and

16 (G) an interpretive plan for the National
17 Heritage Area, including provisions addressing
18 tribal heritage; and

19 (4) recommend policies and strategies for re-
20 source management, including the development of
21 intergovernmental and interagency cooperative
22 agreements to protect the natural, cultural, histor-
23 ical, scenic, and recreational resources of the Na-
24 tional 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 of enactment of this Act, the local coordi-
 4 nating entity shall be ineligible to receive additional fund-
 5 ing under this Act until the date on which the Secretary
 6 receives and approves the management plan.

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

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

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

17 (A) the local coordinating entity is rep-
 18 resentative of the diverse interests of the Na-
 19 tional Heritage Area, including the Federal
 20 Government and State, tribal, and local govern-
 21 ments, natural and historical resource protec-
 22 tion organizations, educational institutions,
 23 businesses, and recreational organizations;

24 (B) the local coordinating entity has af-
 25 farded adequate opportunity, including public

1 hearings, for public and governmental involve-
 2 ment in the preparation of the management
 3 plan;

4 (C) the resource protection and interpreta-
 5 tion strategies contained in the management
 6 plan, if implemented, would adequately protect
 7 the natural, cultural, historical, scenic, and rec-
 8 reational resources of the National Heritage
 9 Area; and

10 (D) the management plan is consistent
 11 with the trust responsibilities of the Secretary
 12 to Indian tribes and tribal treaty rights within
 13 the National Heritage Area.

14 (3) ACTION FOLLOWING DISAPPROVAL.—If the
 15 Secretary disapproves the management plan under
 16 paragraph (1), the Secretary shall—

17 (A) advise the local coordinating entity in
 18 writing of the reasons for the disapproval;

19 (B) make recommendations for revisions to
 20 the management plan; and

21 (C) not later than 180 days after the re-
 22 ceipt of any proposed revision of the manage-
 23 ment plan from the local coordinating entity,
 24 approve or disapprove the proposed revision.

25 (4) AMENDMENTS.—

1 (A) ~~IN GENERAL.~~—The Secretary shall ap-
 2 prove or disapprove each amendment to the
 3 management plan that makes a substantial
 4 change to the management plan, as determined
 5 by the Secretary.

6 (B) ~~USE OF FUNDS.~~—The local coordi-
 7 nating entity shall not use Federal funds au-
 8 thorized by this section to carry out any amend-
 9 ments to the management plan until the date
 10 on which the Secretary has approved the
 11 amendments.

12 **SEC. 6. ADMINISTRATION.**

13 (a) ~~AUTHORITIES.~~—For purposes of implementing
 14 the management plan, the local coordinating entity may—

15 (1) ~~make grants to the State or a political sub-~~
 16 division of the State, Tribes, nonprofit organizations,
 17 and other persons;

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

23 (3) ~~hire and compensate staff, which shall in-~~
 24 clude individuals with expertise in natural, cultural,

1 historical, scenic, and recreational resources protec-
 2 tion and heritage programming;

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

6 (5) contract for goods or services; and

7 (6) undertake to be a catalyst for any other ac-
 8 tivity that—

9 (A) furthers the purposes of the National
 10 Heritage Area; and

11 (B) is consistent with the approved man-
 12 agement plan.

13 (b) DUTIES.—The local coordinating entity may—

14 (1) in accordance with section 5, prepare and
 15 submit a management plan to the Secretary;

16 (2) assist Federal agencies, the State or a polit-
 17 ical subdivision of the State, Tribes, nonprofit orga-
 18 nizations, and other interested parties in carrying
 19 out the approved management plan by—

20 (A) carrying out programs and projects
 21 that recognize, protect, and enhance important
 22 resource values in the National Heritage Area;

23 (B) establishing and maintaining interpre-
 24 tive exhibits and programs in the National Her-
 25 itage Area;

1 (C) developing recreational and educational
2 opportunities in the National Heritage Area;

3 (D) increasing public awareness of, and
4 appreciation for, natural, cultural, historical,
5 scenic, and recreational resources of the Na-
6 tional Heritage Area;

7 (E) protecting and restoring historic sites
8 and buildings in the National Heritage Area
9 that are consistent with National Heritage Area
10 themes;

11 (F) supporting working relationships be-
12 tween the Federal Government and State, trib-
13 al, and local governments in order to preserve,
14 enhance, and interpret the significant resources
15 of the National Heritage Area;

16 (G) 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 (H) 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 Herit-
24 age Area;

1 ~~(3)~~ consider the interests of diverse units of the
2 Federal Government, State, tribal, and local govern-
3 ments, businesses, organizations, and individuals in
4 the National Heritage Area in the preparation and
5 implementation of the management plan;

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

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

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

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

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

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

4 (c) **TECHNICAL AND FINANCIAL ASSISTANCE; COOP-**
5 **ERATIVE AGREEMENTS.**—The Secretary and the Sec-
6 retary of Agriculture may—

7 (1) provide technical and financial assistance to
8 the local coordinating entity to develop and imple-
9 ment the management plan; and

10 (2) enter into cooperative agreements with the
11 local coordinating entity, Tribes, State and local
12 agencies, and other interested parties to carry out
13 this Act, including cooperation and cost sharing, as
14 appropriate, to provide more cost-effective and co-
15 ordinated public land management.

16 (d) **PROHIBITION ON THE ACQUISITION OF REAL**
17 **PROPERTY.**—The local coordinating entity shall not use
18 Federal funds made available under this Act to acquire
19 real property or any interest in real property.

20 **SEC. 7. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

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

24 (b) **CONSULTATION AND COORDINATION.**—Any Fed-
25 eral agency planning to conduct activities that may have

1 an impact on the National Heritage Area is encouraged
 2 to consult and coordinate the activities with the Secretary
 3 and the local coordinating entity, to the maximum extent
 4 practicable.

5 (e) OTHER FEDERAL AGENCIES.—Nothing in this
 6 Act—

7 (1) modifies, alters, or amends any law or regu-
 8 lation authorizing a Federal agency to manage Fed-
 9 eral land under the jurisdiction of the Federal agen-
 10 cy;

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

14 (3) modifies, alters, or amends any authorized
 15 use of Federal land under the jurisdiction of a Fed-
 16 eral agency.

17 **SEC. 8. PRIVATE PROPERTY AND REGULATORY PROTEC-**
 18 **TIONS.**

19 Nothing in this Act—

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

25 (2) requires any property owner—

1 (A) to permit public access (including ac-
2 cess by Federal, State, or local agencies) to the
3 property of the property owner; or

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

7 (3) alters any duly adopted land use regulation;
8 approved land use plan, or other regulatory author-
9 ity of any Federal, State, tribal, or local agency;

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

12 (5) authorizes or implies the reservation or ap-
13 propriation of water or water rights;

14 (6) affects the treaty rights of any Indian tribe
15 within the National Heritage Area;

16 (7) affects the authority of the State or Tribes
17 to manage fish and wildlife, including the regulation
18 of fishing and hunting within the National Heritage
19 Area; or

20 (8) creates any liability, or affects any liability
21 under any other law, of any private property owner
22 with respect to any person injured on the private
23 property.

1 **SEC. 9. EVALUATION AND REPORT.**

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

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

7 (2) prepare a report in accordance with sub-
8 section (c).

9 (b) ~~EVALUATION.~~—An evaluation conducted under
10 subsection (a)(1) shall—

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

13 (A) accomplishing the purposes of the Na-
14 tional Heritage Area; and

15 (B) achieving the goals and objectives of
16 the management plan;

17 (2) analyze the investments of Federal, State,
18 tribal, and local government and private entities in
19 the National Heritage Area to determine the impact
20 of the investments; and

21 (3) review the management structure, partner-
22 ship relationships, and funding of the National Her-
23 itage Area for purposes of identifying the critical
24 components for sustainability of the National Herit-
25 age Area.

1 (c) **REPORT.**—Based on the evaluation conducted
 2 under subsection (a)(1), the Secretary shall submit to the
 3 Committee on Energy and Natural Resources of the Sen-
 4 ate and the Committee on Natural Resources of the House
 5 of Representatives a report that includes recommendations
 6 for the future role of the National Park Service with re-
 7 spect to the National Heritage Area.

8 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) **IN GENERAL.**—There is authorized to be appro-
 10 priated to carry out this Act \$10,000,000, of which not
 11 more than \$1,000,000 may be made available in any fiscal
 12 year.

13 (b) **AVAILABILITY.**—Amounts made available under
 14 subsection (a) shall remain available until expended.

15 (c) **COST-SHARING REQUIREMENT.**—

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

19 (2) **FORM.**—The non-Federal share of the total
 20 cost of any activity carried out under this Act may
 21 be in the form of in-kind contributions of goods or
 22 services fairly valued.

23 (d) **TERMINATION OF AUTHORITY.**—The authority of
 24 the Secretary to provide assistance under this Act termi-

1 nates on the date that is 15 years after the date of enact-
 2 ment of this Act.

3 **SECTION 1. SHORT TITLE.**

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

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

7 *In this Act, the term “Secretary” means the Secretary*
 8 *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:*

12 (1) *APPALACHIAN FOREST NATIONAL HERITAGE*
 13 *AREA, WEST VIRGINIA AND MARYLAND.—*

14 (A) *IN GENERAL.—There is established the*
 15 *Appalachian Forest National Heritage Area in*
 16 *the States of West Virginia and Maryland, as de-*
 17 *picted on the map entitled “Appalachian Forest*
 18 *National Heritage Area”, numbered T07/80,000,*
 19 *and dated October 2007, including—*

20 (i) *Barbour, Braxton, Grant,*
 21 *Greenbrier, Hampshire, Hardy, Mineral,*
 22 *Morgan, Nicholas, Pendleton, Pocahontas,*
 23 *Preston, Randolph, Tucker, Upshur, and*
 24 *Webster Counties in West Virginia; and*

1 (ii) *Allegany and Garrett Counties in*
 2 *Maryland.*

3 (B) *LOCAL COORDINATING ENTITY.—The*
 4 *Appalachian Forest Heritage Area, Inc., shall*
 5 *be—*

6 (i) *the local coordinating entity for the*
 7 *national heritage area designated by sub-*
 8 *paragraph (A) (referred to in this subpara-*
 9 *graph as the “local coordinating entity”);*
 10 *and*

11 (ii) *governed by a board of directors*
 12 *that shall—*

13 (I) *include members to represent a*
 14 *geographic balance across the counties*
 15 *described in subparagraph (A) and the*
 16 *States of West Virginia and Maryland;*

17 (II) *be composed of not fewer than*
 18 *7, and not more than 15, members*
 19 *elected by the membership of the local*
 20 *coordinating entity;*

21 (III) *be selected to represent a bal-*
 22 *anced group of diverse interests, in-*
 23 *cluding—*

24 (aa) *the forest industry;*

25 (bb) *environmental interests;*

1 (cc) *cultural heritage inter-*
2 *ests;*

3 (dd) *tourism interests; and*

4 (ee) *regional agency part-*
5 *ners;*

6 (IV) *exercise all corporate powers*
7 *of the local coordinating entity;*

8 (V) *manage the activities and af-*
9 *fairs of the local coordinating entity;*
10 *and*

11 (VI) *subject to any limitations in*
12 *the articles and bylaws of the local co-*
13 *ordinating entity, this section, and*
14 *other applicable Federal or State law,*
15 *establish the policies of the local coordi-*
16 *nating entity.*

17 (2) *MARITIME WASHINGTON NATIONAL HERITAGE*
18 *AREA, WASHINGTON.—*

19 (A) *IN GENERAL.—There is established the*
20 *Maritime Washington National Heritage Area in*
21 *the State of Washington, to include land in*
22 *Whatcom, Skagit, Snohomish, San Juan, Island,*
23 *King, Pierce, Thurston, Mason, Kitsap, Jeffer-*
24 *son, Clallam, Grays Harbor Counties in the*
25 *State that is at least partially located within the*

1 *area that is 1/4-mile landward of the shoreline,*
 2 *as generally depicted on the map entitled “Mari-*
 3 *time Washington National Heritage Area Pro-*
 4 *posed Boundary”, numbered 584/125,484, and*
 5 *dated August, 2014.*

6 (B) *LOCAL COORDINATING ENTITY.—The*
 7 *Washington Trust for Historic Preservation shall*
 8 *be the local coordinating entity for the national*
 9 *heritage area designated by subparagraph (A).*

10 (3) *MOUNTAINS TO SOUND GREENWAY NATIONAL*
 11 *HERITAGE AREA, WASHINGTON.—*

12 (A) *IN GENERAL.—There is established the*
 13 *Mountains to Sound Greenway National Herit-*
 14 *age Area in the State of Washington, to consist*
 15 *of land in King and Kittitas Counties in the*
 16 *State, as generally depicted on the map entitled*
 17 *“Mountains to Sound Greenway National Herit-*
 18 *age Area Proposed Boundary”, numbered 584/*
 19 *125,483, and dated August, 2014.*

20 (B) *LOCAL COORDINATING ENTITY.—The*
 21 *Mountains to Sound Greenway Trust shall be the*
 22 *local coordinating entity for the national herit-*
 23 *age area designated by subparagraph (A).*

24 (C) *REFERENCES TO INDIAN TRIBE; TRIB-*
 25 *AL.—Any reference in this Act to the terms “In-*

dian tribe” or “tribal” shall be considered, for purposes of the heritage area established by subparagraph (A), to refer to each of the tribal governments of the Snoqualmie, Yakama, Tulalip, Muckleshoot, and Colville Indian tribes.

(4) SACRAMENTO-SAN JOAQUIN DELTA NATIONAL HERITAGE AREA, CALIFORNIA.—

(A) IN GENERAL.—There is established the Sacramento-San Joaquin Delta National Heritage Area in the State of California, to consist of land in Contra Costa, Sacramento, San Joaquin, Solano, and Yolo Counties in the State, as generally depicted on the map entitled “Sacramento-San Joaquin Delta National Heritage Area Proposed Boundary”, numbered T27/105,030, and dated October 2012.

(B) LOCAL COORDINATING ENTITY.—The Delta Protection Commission established by section 29735 of the California Public Resources Code shall be the local coordinating entity for the national heritage area designated by subparagraph (A).

SEC. 4. ADMINISTRATION.

(a) AUTHORITIES.—For purposes of carrying out the management plan for each of the national heritage areas

1 *designated by section 3, the Secretary, acting through the*
 2 *local coordinating entity, may use amounts made available*
 3 *under section 9—*

4 *(1) to make grants to the State or a political*
 5 *subdivision of the State, Indian tribes, nonprofit or-*
 6 *ganizations, and other persons;*

7 *(2) to enter into cooperative agreements with, or*
 8 *provide technical assistance to, the State or a polit-*
 9 *ical subdivision of the State, Indian tribes, nonprofit*
 10 *organizations, and other interested parties;*

11 *(3) to hire and compensate staff, which shall in-*
 12 *clude individuals with expertise in natural, cultural,*
 13 *and historical resources protection, and heritage pro-*
 14 *gramming;*

15 *(4) to obtain money or services from any source*
 16 *including any money or services that are provided*
 17 *under any other Federal law or program;*

18 *(5) to contract for goods or services; and*

19 *(6) to undertake to be a catalyst for any other*
 20 *activity that furthers the national heritage area and*
 21 *is consistent with the approved management plan.*

22 *(b) DUTIES.—The local coordinating entity for each*
 23 *of the national heritage areas designated by section 3*
 24 *shall—*

1 (1) *in accordance with section 5, prepare and*
2 *submit a management plan for the national heritage*
3 *area to the Secretary;*

4 (2) *assist Federal agencies, the State or a polit-*
5 *ical subdivision of the State, Indian tribes, regional*
6 *planning organizations, nonprofit organizations and*
7 *other interested parties in carrying out the approved*
8 *management plan by—*

9 (A) *carrying out programs and projects*
10 *that recognize, protect, and enhance important*
11 *resource values in the national heritage area;*

12 (B) *establishing and maintaining interpre-*
13 *tive exhibits and programs in the national herit-*
14 *age area;*

15 (C) *developing recreational and educational*
16 *opportunities in the national heritage area;*

17 (D) *increasing public awareness of, and ap-*
18 *preciation for, natural, historical, scenic, and*
19 *cultural resources of the national heritage area;*

20 (E) *protecting and restoring historic sites*
21 *and buildings in the national heritage area that*
22 *are consistent with national heritage area*
23 *themes;*

24 (F) *ensuring that clear, consistent, and ap-*
25 *propriate signs identifying points of public ac-*

1 *cess and sites of interest are posted throughout*
2 *the national heritage area; and*

3 *(G) promoting a wide range of partnerships*
4 *among the Federal Government, State, tribal,*
5 *and local governments, organizations, and indi-*
6 *viduals to further the national heritage area;*

7 *(3) consider the interests of diverse units of gov-*
8 *ernment, businesses, organizations, and individuals*
9 *in the national heritage area in the preparation and*
10 *implementation of the management plan;*

11 *(4) conduct meetings open to the public at least*
12 *semiannually regarding the development and imple-*
13 *mentation of the management plan;*

14 *(5) for any year that Federal funds have been re-*
15 *ceived under this section—*

16 *(A) submit to the Secretary an annual re-*
17 *port that describes the activities, expenses, and*
18 *income of the local coordinating entity (includ-*
19 *ing grants to any other entities during the year*
20 *that the report is made);*

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

24 *(C) require, with respect to all agreements*
25 *authorizing expenditure of Federal funds by*

1 other organizations, that the organizations re-
 2 ceiving the funds make available to the Secretary
 3 for audit all records concerning the expenditure
 4 of the funds; and

5 (6) encourage by appropriate means economic
 6 viability that is consistent with the national heritage
 7 area.

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

12 **SEC. 5. MANAGEMENT PLAN.**

13 (a) *IN GENERAL.*—Not later than 3 years after the
 14 date of enactment of this Act, the local coordinating entity
 15 for each of the national heritage areas designated by section
 16 3 shall submit to the Secretary for approval a proposed
 17 management plan for the national heritage area.

18 (b) *REQUIREMENTS.*—The management plan shall—

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

23 (2) take into consideration State, local, and trib-
 24 al plans;

25 (3) include—

1 (A) an inventory of—

2 (i) the resources located in the national
3 heritage area; and

4 (ii) any other property in the national
5 heritage area that—

6 (I) is related to the themes of the
7 national heritage area; and

8 (II) should be preserved, restored,
9 managed, or maintained because of the
10 significance of the property;

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

15 (C) a description of actions that the Federal
16 Government, State, tribal, and local govern-
17 ments, private organizations, and individuals
18 have agreed to take to protect the natural, histor-
19 ical and cultural resources of the national herit-
20 age area;

21 (D) a program of implementation for the
22 management plan by the local coordinating enti-
23 ty that includes a description of—

24 (i) actions to facilitate ongoing collabo-
25 ration among partners to promote plans for

1 *resource protection, restoration, and con-*
2 *struction; and*

3 (ii) *specific commitments for imple-*
4 *mentation that have been made by the local*
5 *coordinating entity or any government, or-*
6 *ganization, or individual for the first 5*
7 *years of operation;*

8 (E) *the identification of sources of funding*
9 *for carrying out the management plan;*

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

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

17 (4) *recommend policies and strategies for re-*
18 *source management that consider and detail the ap-*
19 *plication of appropriate land and water management*
20 *techniques, including the development of intergovern-*
21 *mental and interagency cooperative agreements to*
22 *protect the natural, historical, cultural, educational,*
23 *scenic, and recreational resources of the national her-*
24 *itage 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 of enactment of this Act, the local coordi-
 4 nating entity shall be ineligible to receive additional fund-
 5 ing under this Act until the date on which the Secretary
 6 receives and approves the management plan.

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

9 (1) *IN GENERAL.*—Not later than 180 days after
 10 the date of receipt of the management plan under sub-
 11 section (a), the Secretary, in consultation with the
 12 State, shall approve or disapprove the management
 13 plan.

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

17 (A) the local coordinating entity is rep-
 18 resentative of the diverse interests of the national
 19 heritage area, including governments, natural
 20 and historic resource protection organizations,
 21 educational institutions, businesses, and rec-
 22 reational organizations;

23 (B) the local coordinating entity has af-
 24 farded adequate opportunity, including public
 25 hearings, for public and governmental involve-

1 *ment in the preparation of the management*
 2 *plan; and*

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

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

11 (A) *advise the local coordinating entity in*
 12 *writing of the reasons for the disapproval;*

13 (B) *make recommendations for revisions to*
 14 *the management plan; and*

15 (C) *not later than 180 days after the receipt*
 16 *of any proposed revision of the management*
 17 *plan from the local coordinating entity, approve*
 18 *or disapprove the proposed revision.*

19 (4) *AMENDMENTS.—*

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

1 (B) *USE OF FUNDS.*—*The local coordi-*
 2 *nating entity shall not use Federal funds author-*
 3 *ized by this section to carry out any amend-*
 4 *ments to the management plan until the Sec-*
 5 *retary has approved the amendments.*

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

7 (a) *IN GENERAL.*—*Nothing in this Act affects the au-*
 8 *thority of a Federal agency to provide technical or financial*
 9 *assistance under any other law.*

10 (b) *CONSULTATION AND COORDINATION.*—*The head of*
 11 *any Federal agency planning to conduct activities that may*
 12 *have an impact on a national heritage area designated by*
 13 *section 3 is encouraged to consult and coordinate the activi-*
 14 *ties with the Secretary and the local coordinating entity*
 15 *to the maximum extent practicable.*

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

18 (1) *modifies, alters, or amends any law or regu-*
 19 *lation authorizing a Federal agency to manage Fed-*
 20 *eral land under the jurisdiction of the Federal agency;*

21 (2) *limits the discretion of a Federal land man-*
 22 *ager to implement an approved land use plan within*
 23 *the boundaries of a national heritage area designated*
 24 *by section 3; or*

1 (3) *modifies, alters, or amends any authorized*
 2 *use of Federal land under the jurisdiction of a Fed-*
 3 *eral agency.*

4 **SEC. 7. PRIVATE PROPERTY AND REGULATORY PROTEC-**
 5 **TIONS.**

6 *Nothing in this Act—*

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

12 (2) *requires any property owner—*

13 (A) *to permit public access (including ac-*
 14 *cess by Federal, State, or local agencies) to the*
 15 *property of the property owner; or*

16 (B) *to modify public access or use of prop-*
 17 *erty of the property owner under any other Fed-*
 18 *eral, State, or local law;*

19 (3) *alters any duly adopted land use regulation,*
 20 *approved land use plan, or other regulatory authority*
 21 *of any Federal, State, tribal, or local agency,*

22 (4) *conveys any land use or other regulatory au-*
 23 *thority to the local coordinating entity;*

24 (5) *authorizes or implies the reservation or ap-*
 25 *propriation of water or water rights;*

1 (6) *affects the treaty rights of any Indian tribe*
 2 *within the national heritage area;*

3 (7) *diminishes—*

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

8 (B) *the authority of Indian tribes to regu-*
 9 *late members of Indian tribes with respect to*
 10 *fishing and hunting in the exercise of treaty*
 11 *rights; 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.—For each of the national heritage*
 18 *areas designated by section 3, not later than 3 years before*
 19 *the date on which authority for Federal funding terminates*
 20 *for each national heritage area, the Secretary shall—*

21 (1) *conduct an evaluation of the accomplish-*
 22 *ments of the national heritage area; and*

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

1 (b) *EVALUATION.*—An evaluation conducted under
2 subsection (a)(1) shall—

3 (1) *assess the progress of the local management*
4 *entity with respect to—*

5 (A) *accomplishing the purposes of the au-*
6 *thorizing legislation for the national heritage*
7 *area; and*

8 (B) *achieving the goals and objectives of the*
9 *approved management plan for the national her-*
10 *itage area;*

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

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

20 (c) *REPORT.*—Based on the evaluation conducted
21 under subsection (a)(1), the Secretary shall submit to the
22 Committee on Energy and Natural Resources of the Senate
23 and the Committee on Natural Resources of the House of
24 Representatives a report that includes recommendations for

1 *the future role of the National Park Service, if any, with*
 2 *respect to the national heritage area.*

3 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

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

9 (b) *AVAILABILITY.*—*Amounts made available under*
 10 *subsection (a) shall remain available until expended.*

11 (c) *COST-SHARING REQUIREMENT.*—

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

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

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

Amend the title so as to read: “A bill to establish certain national heritage areas, and for other purposes.”.

Calendar No. 155

115TH CONGRESS
1ST Session

S. 713

[Report No. 115-118]

A BILL

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

JUNE 26, 2017

Reported with an amendment and an amendment to the
title