

111TH CONGRESS
1ST SESSION

H. R. 324

To establish the Santa Cruz Valley National Heritage Area, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2009

Mr. GRIJALVA (for himself and Ms. GIFFORDS) introduced the following bill;
which was referred to the Committee on Natural Resources

A BILL

To establish the Santa Cruz Valley 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Santa Cruz Valley National Heritage Area Act”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Purposes.

Sec. 3. Definitions.

Sec. 4. Designation of Santa Cruz Valley National Heritage Area.

Sec. 5. Management plan.

Sec. 6. Evaluation; report.

Sec. 7. Local coordinating entity.

Sec. 8. Relationship to other Federal agencies.
Sec. 9. Private property and regulatory protections.
Sec. 10. Authorization of appropriations.
Sec. 11. Use of Federal funds from other sources.
Sec. 12. Sunset for grants and other assistance.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act include—

3 (1) to establish the Santa Cruz Valley National
4 Heritage Area in the State of Arizona;

5 (2) to implement the recommendations of the
6 “Alternative Concepts for Commemorating Spanish
7 Colonization” study completed by the National Park
8 Service in 1991, and the “Feasibility Study for the
9 Santa Cruz Valley National Heritage Area” pre-
10 pared by the Center for Desert Archaeology in July
11 2005;

12 (3) to provide a management framework to fos-
13 ter a close working relationship with all levels of
14 government, the private sector, and the local com-
15 munities in the region and to conserve the region’s
16 heritage while continuing to pursue compatible eco-
17 nomic opportunities;

18 (4) to assist communities, organizations, and
19 citizens in the State of Arizona in identifying, pre-
20 serving, interpreting, and developing the historical,
21 cultural, scenic, and natural resources of the region
22 for the educational and inspirational benefit of cur-
23 rent and future generations; and

1 (5) to provide appropriate linkages between
2 units of the National Park System and communities,
3 governments, and organizations within the National
4 Heritage Area.

5 **SEC. 3. DEFINITIONS.**

6 In this Act:

7 (1) NATIONAL HERITAGE AREA.—The term
8 “National Heritage Area” means the Santa Cruz
9 Valley National Heritage Area established in this
10 Act.

11 (2) LOCAL COORDINATING ENTITY.—The term
12 “local coordinating entity” means the Santa Cruz
13 Valley Heritage Alliance, Inc., which is hereby des-
14 ignated by Congress—

15 (A) to develop, in partnership with others,
16 the management plan for the National Heritage
17 Area; and

18 (B) to act as a catalyst for the implemen-
19 tation of projects and programs among diverse
20 partners in the National Heritage Area.

21 (3) MANAGEMENT PLAN.—The term “manage-
22 ment plan” means the plan prepared by the local co-
23 ordinating entity for the National Heritage Area
24 that specifies actions, policies, strategies, perform-
25 ance goals, and recommendations to meet the goals

1 of the National Heritage Area, in accordance with
2 this Act.

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

5 **SEC. 4. DESIGNATION OF SANTA CRUZ VALLEY NATIONAL**
6 **HERITAGE AREA.**

7 (a) ESTABLISHMENT.—There is hereby established
8 the Santa Cruz Valley National Heritage Area.

9 (b) BOUNDARIES.—

10 (1) IN GENERAL.—The National Heritage Area
11 shall consist of portions of the counties of Santa
12 Cruz and Pima.

13 (2) MAP.—The boundaries of the National Her-
14 itage Area shall be as generally depicted on the map
15 titled “Santa Cruz Valley National Heritage Area”,
16 and numbered T09/80,000, and dated November 13,
17 2007. The map shall be on file and available to the
18 public in the appropriate offices of the National
19 Park Service and the local coordinating entity.

20 **SEC. 5. MANAGEMENT PLAN.**

21 (a) REQUIREMENTS.—The management plan for the
22 National Heritage Area shall—

23 (1) describe comprehensive policies, goals, strat-
24 egies, and recommendations for telling the story of
25 the heritage of the area covered by the National

1 Heritage Area and encouraging long-term resource
2 protection, enhancement, interpretation, funding,
3 management, and development of the National Her-
4 itage Area;

5 (2) include a description of actions and commit-
6 ments that Federal, State, Tribal, and local govern-
7 ments, private organizations, and citizens will take
8 to protect, enhance, interpret, fund, manage, and de-
9 velop the natural, historical, cultural, educational,
10 scenic, and recreational resources of the National
11 Heritage Area;

12 (3) specify existing and potential sources of
13 funding or economic development strategies to pro-
14 tect, enhance, interpret, fund, manage, and develop
15 the National Heritage Area;

16 (4) include an inventory of the natural, histor-
17 ical, cultural, educational, scenic, and recreational
18 resources of the National Heritage Area related to
19 the national importance and themes of the National
20 Heritage Area that should be protected, enhanced,
21 interpreted, managed, funded, and developed;

22 (5) recommend policies and strategies for re-
23 source management, including the development of
24 intergovernmental and interagency agreements to
25 protect, enhance, interpret, fund, manage, and de-

1 develop the natural, historical, cultural, educational,
2 scenic, and recreational resources of the National
3 Heritage Area;

4 (6) describe a program for implementation for
5 the management plan, including—

6 (A) performance goals;

7 (B) plans for resource protection, enhance-
8 ment, interpretation, funding, management, and
9 development; and

10 (C) specific commitments for implementa-
11 tion that have been made by the local coordi-
12 nating entity or any Federal, State, Tribal, or
13 local government agency, organization, busi-
14 ness, or individual;

15 (7) include an analysis of, and recommenda-
16 tions for, means by which Federal, State, Tribal,
17 and local programs may best be coordinated (includ-
18 ing the role of the National Park Service and other
19 Federal agencies associated with the National Herit-
20 age Area) to further the purposes of this Act; and

21 (8) include a business plan that—

22 (A) describes the role, operation, financing,
23 and functions of the local coordinating entity
24 and of each of the major activities contained in
25 the management plan; and

1 (B) provides adequate assurances that the
2 local coordinating entity has the partnerships
3 and financial and other resources necessary to
4 implement the management plan for the Na-
5 tional Heritage Area.

6 (b) DEADLINE.—

7 (1) IN GENERAL.—Not later than 3 years after
8 the date on which funds are first made available to
9 develop the management plan after designation as a
10 National Heritage Area, the local coordinating entity
11 shall submit the management plan to the Secretary
12 for approval.

13 (2) TERMINATION OF FUNDING.—If the man-
14 agement plan is not submitted to the Secretary in
15 accordance with paragraph (1), the local coordi-
16 nating entity shall not qualify for any additional fi-
17 nancial assistance under this Act until such time as
18 the management plan is submitted to and approved
19 by the Secretary.

20 (c) APPROVAL OF MANAGEMENT PLAN.—

21 (1) REVIEW.—Not later than 180 days after re-
22 ceiving the plan, the Secretary shall review and ap-
23 prove or disapprove the management plan for a Na-
24 tional Heritage Area on the basis of the criteria es-
25 tablished under paragraph (3).

1 (2) CONSULTATION.—The Secretary shall con-
2 sult with the Governor of each State in which the
3 National Heritage Area is located before approving
4 a management plan for the National Heritage Area.

5 (3) CRITERIA FOR APPROVAL.—In determining
6 whether to approve a management plan for a Na-
7 tional Heritage Area, the Secretary shall consider
8 whether—

9 (A) the local coordinating entity represents
10 the diverse interests of the National Heritage
11 Area, including Federal, State, Tribal, and local
12 governments, natural and historic resource pro-
13 tection organizations, educational institutions,
14 businesses, recreational organizations, commu-
15 nity residents, and private property owners;

16 (B) the local coordinating entity—

17 (i) has afforded adequate opportunity
18 for public and Federal, State, Tribal, and
19 local governmental involvement (including
20 through workshops and hearings) in the
21 preparation of the management plan; and

22 (ii) provides for at least semiannual
23 public meetings to ensure adequate imple-
24 mentation of the management plan;

1 (C) the resource protection, enhancement,
2 interpretation, funding, management, and de-
3 velopment strategies described in the manage-
4 ment plan, if implemented, would adequately
5 protect, enhance, interpret, fund, manage, and
6 develop the natural, historic, cultural, edu-
7 cational, scenic, and recreational resources of
8 the National Heritage Area;

9 (D) the management plan would not ad-
10 versely affect any activities authorized on Fed-
11 eral land under public land laws or land use
12 plans;

13 (E) the local coordinating entity has dem-
14 onstrated the financial capability, in partner-
15 ship with others, to carry out the plan;

16 (F) the Secretary has received adequate
17 assurances from the appropriate State, Tribal,
18 and local officials whose support is needed to
19 ensure the effective implementation of the
20 State, Tribal, and local elements of the manage-
21 ment plan; and

22 (G) the management plan demonstrates
23 partnerships among the local coordinating enti-
24 ty, Federal, State, Tribal, and local govern-
25 ments, regional planning organizations, non-

1 profit organizations, or private sector parties
2 for implementation of the management plan.

3 (4) DISAPPROVAL.—

4 (A) IN GENERAL.—If the Secretary dis-
5 approves the management plan, the Secretary—

6 (i) shall advise the local coordinating
7 entity in writing of the reasons for the dis-
8 approval; and

9 (ii) may make recommendations to the
10 local coordinating entity for revisions to
11 the management plan.

12 (B) DEADLINE.—Not later than 180 days
13 after receiving a revised management plan, the
14 Secretary shall approve or disapprove the re-
15 vised management plan.

16 (5) AMENDMENTS.—

17 (A) IN GENERAL.—An amendment to the
18 management plan that substantially alters the
19 purposes of the National Heritage Area shall be
20 reviewed by the Secretary and approved or dis-
21 approved in the same manner as the original
22 management plan.

23 (B) IMPLEMENTATION.—The local coordi-
24 nating entity shall not use Federal funds au-
25 thorized by this Act to implement an amend-

1 ment to the management plan until the Sec-
2 retary approves the amendment.

3 (6) AUTHORITIES.—The Secretary may—

4 (A) provide technical assistance under the
5 authority of this Act for the development and
6 implementation of the management plan; and

7 (B) enter into cooperative agreements with
8 interested parties to carry out this Act.

9 **SEC. 6. EVALUATION; REPORT.**

10 (a) IN GENERAL.—Not later than 3 years before the
11 date on which authority for Federal funding terminates
12 for the National Heritage Area under this Act, the Sec-
13 retary shall—

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

16 (2) prepare a report in accordance with sub-
17 section (c).

18 (b) EVALUATION.—An evaluation conducted under
19 subsection (a)(1) shall—

20 (1) assess the progress of the local coordinating
21 entity with respect to—

22 (A) accomplishing the purposes of the au-
23 thorizing legislation for the National Heritage
24 Area; and

1 (B) achieving the goals and objectives of
2 the approved management plan for the National
3 Heritage Area;

4 (2) analyze the Federal, State, Tribal, and
5 local, and private investments in the National Herit-
6 age Area to determine the impact of the invest-
7 ments; and

8 (3) review the management structure, partner-
9 ship relationships, and funding of the National Her-
10 itage Area for purposes of identifying the critical
11 components for sustainability of the National Herit-
12 age Area.

13 (c) REPORT.—Based on the evaluation conducted
14 under subsection (a)(1), the Secretary shall submit a re-
15 port to the Committee on Natural Resources of the United
16 States House of Representatives and the Committee on
17 Energy and Natural Resources of the United States Sen-
18 ate. The report shall include recommendations for the fu-
19 ture role of the National Park Service, if any, with respect
20 to the National Heritage Area.

21 **SEC. 7. LOCAL COORDINATING ENTITY.**

22 (a) DUTIES.—To further the purposes of the Na-
23 tional Heritage Area, the Santa Cruz Valley Heritage Alli-
24 ance, Inc., as the local coordinating entity, shall—

1 (1) prepare a management plan for the Na-
2 tional Heritage Area, and submit the management
3 plan to the Secretary, in accordance with this Act;

4 (2) submit an annual report to the Secretary
5 for each fiscal year for which the local coordinating
6 entity receives Federal funds under this Act, speci-
7 fying—

8 (A) the specific performance goals and ac-
9 complishments of the local coordinating entity;

10 (B) the expenses and income of the local
11 coordinating entity;

12 (C) the amounts and sources of matching
13 funds;

14 (D) the amounts leveraged with Federal
15 funds and sources of the leveraging; and

16 (E) grants made to any other entities dur-
17 ing the fiscal year;

18 (3) make available for audit for each fiscal year
19 for which the local coordinating entity receives Fed-
20 eral funds under this Act, all information pertaining
21 to the expenditure of the funds and any matching
22 funds; and

23 (4) encourage economic viability and sustain-
24 ability that is consistent with the purposes of the
25 National Heritage Area.

1 (b) AUTHORITIES.—For the purposes of preparing
2 and implementing the approved management plan for the
3 National Heritage Area, the local coordinating entity may
4 use Federal funds made available under this Act to—

5 (1) make grants to political jurisdictions, non-
6 profit organizations, and other parties within the
7 National Heritage Area;

8 (2) enter into cooperative agreements with or
9 provide technical assistance to political jurisdictions,
10 nonprofit organizations, Federal agencies, and other
11 interested parties;

12 (3) hire and compensate staff, including individ-
13 uals with expertise in—

14 (A) natural, historical, cultural, edu-
15 cational, scenic, and recreational resource con-
16 servation;

17 (B) economic and community development;
18 and

19 (C) heritage planning;

20 (4) obtain funds or services from any source,
21 including other Federal programs;

22 (5) contract for goods or services; and

23 (6) support activities of partners and any other
24 activities that further the purposes of the National

1 Heritage Area and are consistent with the approved
2 management plan.

3 (c) PROHIBITION ON ACQUISITION OF REAL PROP-
4 ERTY.—The local coordinating entity may not use Federal
5 funds authorized under this Act to acquire any interest
6 in real property.

7 **SEC. 8. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

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

11 (b) CONSULTATION AND COORDINATION.—The head
12 of any Federal agency planning to conduct activities that
13 may have an impact on a National Heritage Area is en-
14 couraged to consult and coordinate the activities with the
15 Secretary and the local coordinating entity to the max-
16 imum extent practicable.

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

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

23 (2) limits the discretion of a Federal land man-
24 ager to implement an approved land use plan within
25 the boundaries of a National Heritage Area; 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. 9. 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 the National Her-
11 itage Area;

12 (2) requires any property owner to permit pub-
13 lic access (including access by Federal, State, Tribal,
14 or local agencies) to the property of the property
15 owner, or to modify public access or use of property
16 of the property owner under any other Federal,
17 State, Tribal, or local law;

18 (3) alters any duly adopted land use regulation,
19 approved land use plan, or other regulatory author-
20 ity of any Federal, State, Tribal, or local agency, or
21 conveys any land use or other regulatory authority
22 to any local coordinating entity, including but not
23 necessarily limited to development and management
24 of energy, water, or water-related infrastructure;

1 (4) authorizes or implies the reservation or ap-
2 propriation of water or water rights;

3 (5) diminishes the authority of the State to
4 manage fish and wildlife, including the regulation of
5 fishing and hunting within the National Heritage
6 Area; or

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

11 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—Subject
13 to subsection (b), there are authorized to be appropriated
14 to carry out this Act not more than \$1,000,000 for any
15 fiscal year. Funds so appropriated shall remain available
16 until expended.

17 (b) LIMITATION ON TOTAL AMOUNTS APPRO-
18 PRIATED.—Not more than \$15,000,000 may be appro-
19 priated to carry out this Act.

20 (c) COST-SHARING REQUIREMENT.—The Federal
21 share of the total cost of any activity under this Act shall
22 be not more than 50 percent; the non-Federal contribution
23 may be in the form of in-kind contributions of goods or
24 services fairly valued.

1 **SEC. 11. USE OF FEDERAL FUNDS FROM OTHER SOURCES.**

2 Nothing in this Act shall preclude the local coordi-
3 nating entity from using Federal funds available under
4 other laws for the purposes for which those funds were
5 authorized.

6 **SEC. 12. SUNSET FOR GRANTS AND OTHER ASSISTANCE.**

7 The authority of the Secretary to provide financial
8 assistance under this Act terminates on the date that is
9 15 years after the date of enactment of this Act.

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