

111TH CONGRESS
1ST SESSION

H. R. 324

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 2009

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

4 (b) TABLE OF CONTENTS.—The table of contents of
5 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.
- Sec. 13. Border security.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act include—

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

10 (2) to implement the recommendations of the
11 “Alternative Concepts for Commemorating Spanish
12 Colonization” study completed by the National Park
13 Service in 1991, and the “Feasibility Study for the
14 Santa Cruz Valley National Heritage Area” pre-
15 pared by the Center for Desert Archaeology in July
16 2005;

17 (3) to provide a management framework to fos-
18 ter a close working relationship with all levels of
19 government, the private sector, and the local com-

1 communities in the region and to conserve the region’s
2 heritage while continuing to pursue compatible eco-
3 nomic opportunities;

4 (4) to assist communities, organizations, and
5 citizens in the State of Arizona in identifying, pre-
6 serving, interpreting, and developing the historical,
7 cultural, scenic, and natural resources of the region
8 for the educational and inspirational benefit of cur-
9 rent and future generations; and

10 (5) to provide appropriate linkages between
11 units of the National Park System and communities,
12 governments, and organizations within the National
13 Heritage Area.

14 **SEC. 3. DEFINITIONS.**

15 In this Act:

16 (1) NATIONAL HERITAGE AREA.—The term
17 “National Heritage Area” means the Santa Cruz
18 Valley National Heritage Area established in this
19 Act.

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

1 (A) to develop, in partnership with others,
2 the management plan for the National Heritage
3 Area; and

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

7 (3) MANAGEMENT PLAN.—The term “manage-
8 ment plan” means the plan prepared by the local co-
9 ordinating entity for the National Heritage Area
10 that specifies actions, policies, strategies, perform-
11 ance goals, and recommendations to meet the goals
12 of the National Heritage Area, in accordance with
13 this Act.

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

16 **SEC. 4. DESIGNATION OF SANTA CRUZ VALLEY NATIONAL**
17 **HERITAGE AREA.**

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

20 (b) BOUNDARIES.—

21 (1) IN GENERAL.—The National Heritage Area
22 shall consist of portions of the counties of Santa
23 Cruz and Pima.

24 (2) MAP.—The boundaries of the National Her-
25 itage Area shall be as generally depicted on the map

1 titled “Santa Cruz Valley National Heritage Area”,
2 and numbered T09/80,000, and dated November 13,
3 2007. The map shall be on file and available to the
4 public in the appropriate offices of the National
5 Park Service and the local coordinating entity.

6 **SEC. 5. MANAGEMENT PLAN.**

7 (a) REQUIREMENTS.—The management plan for the
8 National Heritage Area shall—

9 (1) describe comprehensive policies, goals, strat-
10 egies, and recommendations for telling the story of
11 the heritage of the area covered by the National
12 Heritage Area and encouraging long-term resource
13 protection, enhancement, interpretation, funding,
14 management, and development of the National Her-
15 itage Area;

16 (2) include a description of actions and commit-
17 ments that Federal, State, Tribal, and local govern-
18 ments, private organizations, and citizens will take
19 to protect, enhance, interpret, fund, manage, and de-
20 velop the natural, historical, cultural, educational,
21 scenic, and recreational resources of the National
22 Heritage Area;

23 (3) specify existing and potential sources of
24 funding or economic development strategies to pro-

1 tect, enhance, interpret, fund, manage, and develop
2 the National Heritage Area;

3 (4) include an inventory of the natural, histor-
4 ical, cultural, educational, scenic, and recreational
5 resources of the National Heritage Area related to
6 the national importance and themes of the National
7 Heritage Area that should be protected, enhanced,
8 interpreted, managed, funded, and developed;

9 (5) recommend policies and strategies for re-
10 source management, including the development of
11 intergovernmental and interagency agreements to
12 protect, enhance, interpret, fund, manage, and de-
13 velop the natural, historical, cultural, educational,
14 scenic, and recreational resources of the National
15 Heritage Area;

16 (6) describe a program for implementation for
17 the management plan, including—

18 (A) performance goals;

19 (B) plans for resource protection, enhance-
20 ment, interpretation, funding, management, and
21 development; and

22 (C) specific commitments for implementa-
23 tion that have been made by the local coordi-
24 nating entity or any Federal, State, Tribal, or

1 local government agency, organization, busi-
2 ness, or individual;

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

9 (8) include a business plan that—

10 (A) describes the role, operation, financing,
11 and functions of the local coordinating entity
12 and of each of the major activities contained in
13 the management plan; and

14 (B) provides adequate assurances that the
15 local coordinating entity has the partnerships
16 and financial and other resources necessary to
17 implement the management plan for the Na-
18 tional Heritage Area.

19 (b) DEADLINE.—

20 (1) IN GENERAL.—Not later than 3 years after
21 the date on which funds are first made available to
22 develop the management plan after designation as a
23 National Heritage Area, the local coordinating entity
24 shall submit the management plan to the Secretary
25 for approval.

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

8 (c) APPROVAL OF MANAGEMENT PLAN.—

9 (1) REVIEW.—Not later than 180 days after re-
10 ceiving the plan, the Secretary, in consultation with
11 the Secretary of Homeland Security, shall review
12 and approve or disapprove the management plan for
13 a National Heritage Area on the basis of the criteria
14 established under paragraph (3).

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

19 (3) CRITERIA FOR APPROVAL.—In determining
20 whether to approve a management plan for a Na-
21 tional Heritage Area, the Secretary shall consider
22 whether—

23 (A) the local coordinating entity represents
24 the diverse interests of the National Heritage
25 Area, including Federal, State, Tribal, and local

1 governments, natural and historic resource pro-
2 tection organizations, educational institutions,
3 businesses, recreational organizations, commu-
4 nity residents, and private property owners;

5 (B) the local coordinating entity—

6 (i) has afforded adequate opportunity
7 for public and Federal, State, Tribal, and
8 local governmental involvement (including
9 through workshops and hearings) in the
10 preparation of the management plan; and

11 (ii) provides for at least semiannual
12 public meetings to ensure adequate imple-
13 mentation of the management plan;

14 (C) the resource protection, enhancement,
15 interpretation, funding, management, and de-
16 velopment strategies described in the manage-
17 ment plan, if implemented, would adequately
18 protect, enhance, interpret, fund, manage, and
19 develop the natural, historic, cultural, edu-
20 cational, scenic, and recreational resources of
21 the National Heritage Area;

22 (D) the management plan would not ad-
23 versely affect any activities authorized on Fed-
24 eral land under public land laws or land use
25 plans;

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

4 (F) the Secretary has received adequate
5 assurances from the appropriate State, Tribal,
6 and local officials whose support is needed to
7 ensure the effective implementation of the
8 State, Tribal, and local elements of the manage-
9 ment plan; and

10 (G) the management plan demonstrates
11 partnerships among the local coordinating enti-
12 ty, Federal, State, Tribal, and local govern-
13 ments, regional planning organizations, non-
14 profit organizations, or private sector parties
15 for implementation of the management plan.

16 (4) DISAPPROVAL.—

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

19 (i) shall advise the local coordinating
20 entity in writing of the reasons for the dis-
21 approval; and

22 (ii) may make recommendations to the
23 local coordinating entity for revisions to
24 the management plan.

1 (B) DEADLINE.—Not later than 180 days
2 after receiving a revised management plan, the
3 Secretary shall approve or disapprove the re-
4 vised management plan.

5 (5) AMENDMENTS.—

6 (A) IN GENERAL.—An amendment to the
7 management plan that substantially alters the
8 purposes of the National Heritage Area shall be
9 reviewed by the Secretary and approved or dis-
10 approved in the same manner as the original
11 management plan.

12 (B) IMPLEMENTATION.—The local coordi-
13 nating entity shall not use Federal funds au-
14 thorized by this Act to implement an amend-
15 ment to the management plan until the Sec-
16 retary approves the amendment.

17 (6) AUTHORITIES.—The Secretary may—

18 (A) provide technical assistance under the
19 authority of this Act for the development and
20 implementation of the management plan; and

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

23 **SEC. 6. EVALUATION; REPORT.**

24 (a) IN GENERAL.—Not later than 3 years before the
25 date on which authority for Federal funding terminates

1 for the National Heritage Area under this Act, the Sec-
2 retary shall—

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

5 (2) prepare a report in accordance with sub-
6 section (c).

7 (b) EVALUATION.—An evaluation conducted under
8 subsection (a)(1) shall—

9 (1) assess the progress of the local coordinating
10 entity with respect to—

11 (A) accomplishing the purposes of the au-
12 thorizing legislation for the National Heritage
13 Area; and

14 (B) achieving the goals and objectives of
15 the approved management plan for the National
16 Heritage Area;

17 (2) analyze the Federal, State, Tribal, and
18 local, and private investments in the National Herit-
19 age Area to determine the impact of the invest-
20 ments; 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 a re-
3 port to the Committee on Natural Resources of the United
4 States House of Representatives and the Committee on
5 Energy and Natural Resources of the United States Sen-
6 ate. The report shall include recommendations for the fu-
7 ture role of the National Park Service, if any, with respect
8 to the National Heritage Area.

9 **SEC. 7. LOCAL COORDINATING ENTITY.**

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

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

16 (2) submit an annual report to the Secretary
17 for each fiscal year for which the local coordinating
18 entity receives Federal funds under this Act, speci-
19 fying—

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

22 (B) the expenses and income of the local
23 coordinating entity;

24 (C) the amounts and sources of matching
25 funds;

1 (D) the amounts leveraged with Federal
2 funds and sources of the leveraging; and

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

5 (3) make available for audit for each fiscal year
6 for which the local coordinating entity receives Fed-
7 eral funds under this Act, all information pertaining
8 to the expenditure of the funds and any matching
9 funds; and

10 (4) encourage economic viability and sustain-
11 ability that is consistent with the purposes of the
12 National Heritage Area.

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

17 (1) make grants to political jurisdictions, non-
18 profit organizations, and other parties within the
19 National Heritage Area;

20 (2) enter into cooperative agreements with or
21 provide technical assistance to political jurisdictions,
22 nonprofit organizations, Federal agencies, and other
23 interested parties;

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

1 (A) natural, historical, cultural, edu-
2 cational, scenic, and recreational resource con-
3 servation;

4 (B) economic and community development;
5 and

6 (C) heritage planning;

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

9 (5) contract for goods or services; and

10 (6) support activities of partners and any other
11 activities that further the purposes of the National
12 Heritage Area and are consistent with the approved
13 management plan.

14 (c) PROHIBITION ON ACQUISITION OF REAL PROP-
15 erty.—The local coordinating entity may not use Federal
16 funds authorized under this Act to acquire any interest
17 in real property.

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

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

22 (b) CONSULTATION AND COORDINATION.—The head
23 of any Federal agency planning to conduct activities that
24 may have an impact on a National Heritage Area is en-
25 couraged to consult and coordinate the activities with the

1 Secretary and the local coordinating entity to the max-
2 imum extent practicable.

3 (c) OTHER FEDERAL AGENCIES.—Nothing in this
4 Act—

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

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

12 (3) modifies, alters, or amends any authorized
13 use of Federal land under the jurisdiction of a Fed-
14 eral agency; or

15 (4) modifies, restricts, impedes, hinders, or sup-
16 plants any border enforcement or security authority,
17 including drug interdiction and illegal immigration
18 control.

19 **SEC. 9. PRIVATE PROPERTY AND REGULATORY PROTEC-**
20 **TIONS.**

21 (a) CLARIFICATION.—Nothing in this Act—

22 (1) abridges the rights of any property owner
23 (whether public or private), including the right to re-
24 frain from participating in any plan, project, pro-

1 gram, or activity conducted within the National Her-
2 itage Area;

3 (2) requires any property owner to permit pub-
4 lic access (including access by Federal, State, Tribal,
5 or local agencies) to the property of the property
6 owner, or to modify public access or use of property
7 of the property owner under any other Federal,
8 State, Tribal, or local law;

9 (3) alters any duly adopted land use regulation,
10 approved land use plan, or other regulatory author-
11 ity of any Federal, State, Tribal, or local agency, or
12 conveys any land use or other regulatory authority
13 to any local coordinating entity, including but not
14 necessarily limited to development and management
15 of energy, water, or water-related infrastructure;

16 (4) authorizes or implies the reservation or ap-
17 propriation of water or water rights;

18 (5) diminishes the authority of the State to
19 manage fish and wildlife, including the regulation of
20 fishing and hunting within the National Heritage
21 Area; or

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

1 (b) PRIVATE PROPERTY OWNER PROTECTION.—

2 (1) No privately owned property shall be pre-
3 served, conserved, or promoted by the management
4 plan for the National Heritage Area until the owner
5 of that private property has been notified in writing
6 by the management entity and has given written
7 consent for such preservation, conservation, or pro-
8 motion to the management entity.

9 (2) Any owner of private property included
10 within the boundary of the National Heritage Area
11 shall have their property immediately removed from
12 within the boundary by submitting a written request
13 to the management entity.

14 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

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

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

23 (c) COST-SHARING REQUIREMENT.—The Federal
24 share of the total cost of any activity under this Act shall
25 be not more than 50 percent; the non-Federal contribution

1 may be in the form of in-kind contributions of goods or
2 services fairly valued.

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

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

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

9 The authority of the Secretary to provide financial
10 assistance under this Act terminates on the date that is
11 15 years after the date of enactment of this Act.

12 **SEC. 13. BORDER SECURITY.**

13 Nothing in this Act may impede, prohibit, or restrict
14 activities of the Secretary of Homeland Security to achieve
15 operational control (as defined under Public Law 109–
16 367) within the National Heritage Area.

Passed the House of Representatives September 23,
2009.

Attest: LORRAINE C. MILLER,
Clerk.