

117TH CONGRESS  
1ST SESSION

# H. R. 2107

To establish the Nation’s Oldest Port National Heritage Area in the State of Florida, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2021

Mr. RUTHERFORD (for himself, Mr. WALTZ, and Mr. LAWSON of Florida) introduced the following bill; which was referred to the Committee on Natural Resources

---

## A BILL

To establish the Nation’s Oldest Port National Heritage Area in the State of Florida, 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.**

4 This Act may be cited as the “Nation’s Oldest Port  
5 National Heritage Area Act”.

6 **SEC. 2. CONGRESSIONAL FINDINGS.**

7 Congress finds the following:

8 (1) The Nation’s Oldest Port region of north-  
9 east Florida holds a mosaic of cultures and maritime  
10 heritage that includes Native Americans, whose her-

1 itage reaches back some 9,000 years, and the de-  
2 scendants of European and American explorers and  
3 settlers, who shaped the region, its land, customs,  
4 and traditions from 1513 to the present day and  
5 have made indelible contributions to American and  
6 World history.

7 (2) The Nation's Oldest Port region expresses  
8 a combination of cultures, maritime heritage, Atlan-  
9 tic and World history, cultural diversity, traditions,  
10 arts, architecture, transportation corridors, and  
11 coastal and ocean resources that makes this geo-  
12 graphic area a unique and distinctive coastal land-  
13 scape in the United States.

14 (3) The area contains the Nation's Oldest Port,  
15 and a series of interconnected waterways that in-  
16 clude the St. Mary's River, the St. Johns River,  
17 Tolomato and Matanzas Rivers, Pellicer Creek wa-  
18 tershed, and the numerous diverse and spectacular  
19 historic, cultural, natural, scenic and recreational re-  
20 sources, including the designated national treasures  
21 of Timucuan Ecological and Historical Preserve,  
22 Guana Tolomato Matanzas National Estuarine Re-  
23 search Reserve, the Castillo de San Marcos National  
24 Monument, and Fort Matanzas National Monument.

1           (4) There is broad support expressed as resolu-  
2           tions, letters, and in public meetings from local gov-  
3           ernments, State parks, and many local planning and  
4           community groups, chambers of commerce, business  
5           associations, museums, historical societies and asso-  
6           ciations, nature conservation groups, agricultural in-  
7           terests, private property owners, and other inter-  
8           ested individuals to establish a National Heritage  
9           Area to coordinate and to assist in the preservation,  
10          interpretation, promotion, and enjoyment of these  
11          resources.

12           (5) Establishment of a National Heritage Area  
13          in northeast Florida would assist local communities,  
14          residents, and property owners in preserving these  
15          unique and nationally distinctive cultural, historical,  
16          and natural resources.

17 **SEC. 3. DEFINITIONS.**

18          As used in this Act:

19           (1) **HERITAGE AREA.**—The term “heritage  
20          area” means the Nation’s Oldest Port National Her-  
21          itage Area.

22           (2) **SECRETARY.**—The term “Secretary” means  
23          the Secretary of the Interior.

1           (3) COORDINATING ENTITY.—The term “co-  
2           ordinating entity” means the Nation’s Oldest Port  
3           Heritage Area Alliance, Inc.

4 **SEC. 4. NATION’S OLDEST PORT NATIONAL HERITAGE**  
5           **AREA.**

6           (a) ESTABLISHMENT.—There is hereby established  
7           the Nation’s Oldest Port National Heritage Area in the  
8           State of Florida.

9           (b) BOUNDARIES.—The heritage area shall include  
10          natural watersheds in Nassau, Duval, St. Johns, and  
11          Flagler counties, Florida, as depicted on the map, entitled  
12          “Nation’s Oldest Port National Heritage Area”, num-  
13          bered \_\_\_\_\_, and dated \_\_\_\_\_.

14          (c) COORDINATING ENTITY.—

15                 (1) IN GENERAL.—The Nation’s Oldest Port  
16                 Heritage Area Alliance, Inc., a nonprofit organiza-  
17                 tion which is exempt from taxation under section  
18                 501(c)(3) of the Internal Revenue Code of 1986,  
19                 chartered in the State of Florida, shall serve as the  
20                 coordinating entity for the heritage area.

21                 (2) BOARD OF DIRECTORS.—The board of di-  
22                 rectors of the coordinating entity shall be—

23                         (A) selected in accordance with the bylaws  
24                         of the coordinating entity, which have been ap-  
25                         proved by the heritage area working group; and

1 (B) responsible for planning, fundraising,  
2 staff oversight, and final selection of projects  
3 and programs supported by the heritage area.

4 (3) COMMITTEES.—The board of directors may  
5 establish committees to—

6 (A) advise and assist the board of directors  
7 of the coordinating entity;

8 (B) represent a broad range of local inter-  
9 ests, such as municipalities, culture, arts, archi-  
10 tecture, agriculture, archaeology, historic pres-  
11 ervation, maritime heritage, nature conserva-  
12 tion, education, parks, outdoor recreation, tour-  
13 ism, economic development, lodging, res-  
14 taurants, transportation, private landowners,  
15 and water quality;

16 (C) review and suggest projects and pro-  
17 grams for funding and other assistance from  
18 the heritage area; and

19 (D) identify potential partnerships between  
20 the heritage area and government agencies,  
21 nonprofits, the private sector, and other local  
22 stakeholders to help achieve long-term goals.

23 (d) AUTHORITIES OF LOCAL COORDINATING ENTI-  
24 TY.—The local coordinating entity may, for purposes of  
25 preparing and implementing the management plan—

1           (1) prepare reports, studies, interpretive exhib-  
2           its and programs, historic preservation projects, and  
3           other activities recommended in the management  
4           plan for the Heritage Area;

5           (2) make grants to the State, political subdivi-  
6           sions of the State, nonprofit organizations, and  
7           other persons;

8           (3) enter into cooperative agreements with the  
9           State, political subdivisions of the State, nonprofit  
10          organizations, and other organizations;

11          (4) hire and compensate staff;

12          (5) obtain funds or services from any source,  
13          including funds and services provided under any  
14          Federal program or law, in which case the Federal  
15          share of the cost of any activity assisted using Fed-  
16          eral funds provided for National Heritage Areas  
17          shall not be more than 50 percent; and

18          (6) contract for goods and services.

19 **SEC. 5. AUTHORITY AND DUTIES OF THE COORDINATING**  
20 **ENTITY.**

21 (a) **MANAGEMENT PLAN.**—

22          (1) **REQUIREMENT FOR PLAN.**—Not later than  
23          3 years after the date on which funds are first made  
24          available to carry out this Act, the coordinating enti-  
25          ty shall develop and forward to the Secretary a man-

1       agement plan for the heritage area. The manage-  
2       ment plan shall, at a minimum—

3               (A) provide recommendations for the con-  
4               servation, funding, management, and develop-  
5               ment of the resources of the heritage area;

6               (B) identify sources of funding for the her-  
7               itage area;

8               (C) include an inventory of the cultural,  
9               historical, archaeological, natural, and rec-  
10              reational resources of the heritage area;

11              (D) provide recommendations for edu-  
12              cational and interpretive programs to inform  
13              the public about the resources of the heritage  
14              area; and

15              (E) include an analysis of ways in which  
16              local, State, Federal, and tribal programs may  
17              best be coordinated to promote the purposes of  
18              this Act.

19              (2) FISCAL AGENT.—The St. Augustine Light-  
20              house and Museum has been designated as the fiscal  
21              agent for the heritage area. As such, the St. Augus-  
22              tine Lighthouse and Museum shall receive 10 per-  
23              cent of funding received by the heritage area for the  
24              initial 5 years of the existence of the heritage area  
25              to partially offset costs incurred by the St Augustine

1 Lighthouse and Museum during the formation of the  
2 heritage area.

3 (3) COOPERATIVE DEVELOPMENT AND IMPLE-  
4 MENTATION.—The coordinating entity shall develop  
5 and implement the management plan in cooperation  
6 with affected communities and local governments  
7 and shall provide for public involvement in the devel-  
8 opment and implementation of the management  
9 plan.

10 (4) EFFECT OF NONCOMPLIANCE.—If the co-  
11 ordinating entity fails to submit a management plan  
12 to the Secretary as required by paragraph (1), the  
13 heritage area shall no longer be eligible to receive  
14 Federal funding under this Act until such time as a  
15 plan is submitted to the Secretary.

16 (5) TIMELINE FOR APPROVAL OF PLAN.—The  
17 Secretary shall approve or disapprove the manage-  
18 ment plan not later than 180 days after the date of  
19 its submission. If the Secretary disapproves the  
20 management plan, the Secretary shall advise the co-  
21 ordinating entity in writing of the reasons therefore  
22 and shall make recommendations for revisions to the  
23 plan.

24 (6) REVISIONS TO PLAN.—The coordinating en-  
25 tity shall periodically review the management plan



1 and submit to the Secretary any recommendations  
2 for proposed revisions to the management plan. Any  
3 major revisions to the management plan must be ap-  
4 proved by the Secretary.

5 (7) APPROVAL OF REVISIONS.—The Secretary  
6 shall review and approve or disapprove substantial  
7 amendments to the management plan in accordance  
8 with paragraph (5).

9 (b) AUTHORITY TO PROVIDE ASSISTANCE.—The co-  
10 ordinating entity may make grants and provide technical  
11 assistance to local governments, and other public and pri-  
12 vate entities to carry out the management plan.

13 (c) DUTIES.—The coordinating entity shall—

14 (1) give priority in implementing actions set  
15 forth in the management plan;

16 (2) coordinate with Tribal and local govern-  
17 ments to better enable them to adopt policies con-  
18 sistent with the goals of the management plan;

19 (3) encourage, by appropriate means, economic  
20 viability in the heritage area consistent with the  
21 goals of the management plan; and

22 (4) assist Tribal and local governments, non-  
23 profit organizations, and private landowners in—

24 (A) establishing and maintaining interpre-  
25 tive exhibits in the heritage area;

1 (B) developing outdoor recreational re-  
2 sources in the heritage area;

3 (C) increasing public awareness of, and ap-  
4 preciation for, the natural, cultural, historical,  
5 archaeological, scenic, and outdoor recreational  
6 resources and sites in the heritage area;

7 (D) the preservation and rehabilitation of  
8 historic structures, archaeological sites, and  
9 natural resources related to the heritage area;

10 (E) promoting cultural, traditional, and  
11 nature-themed events and attractions in the  
12 heritage area; and

13 (F) carrying out other actions that the co-  
14 ordinating entity determines appropriate to ful-  
15 fill the purposes of this Act, consistent with the  
16 management plan.

17 (d) PROHIBITION ON ACQUIRING REAL PROPERTY.—  
18 The coordinating entity may not use Federal funds re-  
19 ceived under this Act to acquire real property or an inter-  
20 est in real property.

21 (e) PUBLIC MEETINGS.—The coordinating entity  
22 shall hold public meetings at least annually regarding the  
23 implementation of the management plan.

24 (f) ANNUAL REPORTS AND AUDITS.—

1           (1) ANNUAL REPORTS.—For any year in which  
2           the management entity receives Federal funds under  
3           this Act, the coordinating entity shall submit an an-  
4           nual report to the Secretary setting forth accom-  
5           plishments, expenses and income, and each entity to  
6           which any grant was made by the management enti-  
7           ty.

8           (2) AUDIT.—The management entity shall  
9           make available to the Secretary for audit all records  
10          relating to the expenditure of Federal funds and any  
11          matching funds. The management entity shall also  
12          require, for all agreements authorizing expenditure  
13          of Federal funds by other organizations, that the re-  
14          ceiving organization make available to the Secretary  
15          for audit all records concerning the expenditure of  
16          those funds.

17 **SEC. 6. DUTIES OF THE SECRETARY.**

18          (a) TECHNICAL AND FINANCIAL ASSISTANCE.—The  
19          Secretary may, upon request of the coordinating entity,  
20          provide technical and financial assistance to develop and  
21          implement the management plan.

22          (b) PRIORITY.—In providing assistance under sub-  
23          section (a), the Secretary shall give priority to actions that  
24          facilitate—

1           (1) the conservation and promotion of the sig-  
2           nificant natural, cultural, historical, archaeological,  
3           scenic, and outdoor recreational resources of the her-  
4           itage area; and

5           (2) the provision of educational, interpretive,  
6           and recreational opportunities consistent with the re-  
7           sources and associated values of the heritage area.

8 **SEC. 7. PRIVATE PROPERTY PROTECTION.**

9           (a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in  
10 this Act shall be construed to—

11           (1) require any private property owner to per-  
12           mit public access, including Federal, State, or local  
13           government access, to such private property; or

14           (2) modify any provision of Federal, State, or  
15           local law with regard to public access to or use of  
16           private lands.

17           (b) **LIABILITY.**—Designation of the heritage area  
18 shall not be considered to create any liability, or to have  
19 any effect on any liability under any other law, of any pri-  
20 vate property owner with respect to any persons injured  
21 on such private property.

22           (c) **RECOGNITION OF AUTHORITY TO CONTROL**  
23 **LAND USE.**—Nothing in this Act shall be construed to  
24 modify, enlarge, or diminish any authority of Federal,  
25 State, Tribal, or local governments to regulate land use.

1 (d) TRUST RESPONSIBILITIES.—Nothing in this Act  
2 shall diminish the Federal Government’s trust responsibil-  
3 ities or government-to-government obligations to a feder-  
4 ally recognized Indian Tribe.

5 (e) TRIBAL LANDS.—Nothing in this Act shall re-  
6 strict or limit a federally recognized Indian Tribe from  
7 protecting cultural or religious sites on tribal lands.

8 (f) PARTICIPATION OF PRIVATE PROPERTY OWNERS  
9 IN HERITAGE AREA.—Nothing in this Act shall be con-  
10 strued to require the owner of any private property located  
11 within the boundaries of the heritage area to participate  
12 in or be associated with the heritage area.

13 (g) EFFECT OF ESTABLISHMENT.—The boundaries  
14 designated for the heritage area represent the area within  
15 which Federal funds appropriated for the purpose of this  
16 Act shall be expended. The establishment of the heritage  
17 area and its boundaries shall not be construed to provide  
18 any non-existing regulatory authority on land use or water  
19 use within the heritage area or its viewshed by the Sec-  
20 retary or the coordinating entity.

21 (h) NOTIFICATION AND CONSENT OF PROPERTY  
22 OWNERS REQUIRED.—No privately owned property shall  
23 be preserved, conserved, or promoted by the management  
24 plan for the heritage area until the owner of that private  
25 property has been notified in writing by the coordinating

1 entity and has given written consent for such preservation,  
2 conservation, or promotion to the coordinating entity.

3 (i) LANDOWNER WITHDRAWAL.—Any owner of pri-  
4 vate property located within the boundary of the heritage  
5 area shall have their property immediately removed from  
6 inclusion in the heritage area by submitting a written re-  
7 quest to the coordinating entity.

8 **SEC. 8. SUNSET.**

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

○