

Union Calendar No. 317

117TH CONGRESS
2^D SESSION

H. R. 2107

[Report No. 117–410]

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

JULY 14, 2022

Additional sponsors: Mrs. MURPHY of Florida, Mr. DIAZ-BALART, Ms. LOIS FRANKEL of Florida, Mr. BILIRAKIS, Mr. STEUBE, Ms. SALAZAR, Mr. CRIST, Mr. SOTO, Ms. CASTOR of Florida, Ms. WASSERMAN SCHULTZ, Mrs. DEMINGS, Mr. C. SCOTT FRANKLIN of Florida, Mrs. CAMMACK, Mr. GAETZ, Mr. DUNN, and Mr. MAST

JULY 14, 2022

Deleted sponsor: Mr. GAETZ (added July 9, 2021; deleted June 15, 2022)

JULY 14, 2022

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on March 19, 2021]

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. DEFINITIONS.**

7 *In this Act:*

8 (1) *NATIONAL HERITAGE AREA.*—*The term “Na-*
9 *tional Heritage Area” means the Nation’s Oldest Port*
10 *National Heritage Area established by section 3(a).*

11 (2) *LOCAL COORDINATING ENTITY.*—*The term*
12 *“local coordinating entity” means the local coordi-*
13 *nating entity for the National Heritage Area.*

14 (3) *MANAGEMENT PLAN.*—*The term “manage-*
15 *ment plan” means the management plan for the Na-*
16 *tional Heritage Area required under section 5(a).*

17 (4) *MAP.*—*The term “map” means the map enti-*
18 *tled “Nation’s Oldest Port National Heritage Area*
19 *Proposed Boundary Map”, numbered 524/173745 and*
20 *dated October 2020.*

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

23 (6) *STATE.*—*The term “State” means the State*
24 *of Florida.*

1 **SEC. 3. ESTABLISHMENT OF THE NATION'S OLDEST PORT**
2 **NATIONAL HERITAGE AREA.**

3 (a) *IN GENERAL.*—*There is established the Nation's*
4 *Oldest Port National Heritage Area in the State of Florida,*
5 *to consist of natural watersheds in Nassau, Duval, St.*
6 *Johns, and Flagler counties in the State, as generally de-*
7 *picted on the map.*

8 (b) *LOCAL COORDINATING ENTITY.*—*The Nation's Old-*
9 *est Port Heritage Area Alliance, Inc., shall serve as the local*
10 *coordinating entity for the National Heritage Area.*

11 **SEC. 4. ADMINISTRATION.**

12 (a) *AUTHORITIES.*—*For purposes of carrying out the*
13 *management plan for the National Heritage Area, the Sec-*
14 *retary acting through the local coordinating entity may use*
15 *amounts made available under this Act—*

16 (1) *to make grants to the State or a political*
17 *subdivision of the State, Indian Tribes, nonprofit or-*
18 *ganizations, and other persons;*

19 (2) *to enter into cooperative agreements with, or*
20 *provide technical assistance to, the State or a polit-*
21 *ical subdivision of the State, Indian Tribes, nonprofit*
22 *organizations, and other interested parties;*

23 (3) *to hire and compensate staff, which shall in-*
24 *clude individuals with expertise in natural, cultural,*
25 *and historical resources protection and heritage pro-*
26 *gramming;*

1 (4) to obtain money or services from any source,
2 including any money or services that are provided
3 under any other Federal law or program, provided
4 that any money specifically authorized for National
5 Heritage areas shall be subject to a 50 percent cost-
6 share requirement;

7 (5) to contract for goods or services; and

8 (6) to undertake or be a catalyst for any other
9 activity that furthers the purposes of the National
10 Heritage Area and is consistent with the approved
11 management plan.

12 (b) DUTIES.—The local coordinating entity for the Na-
13 tional Heritage Area shall—

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

17 (2) assist Federal agencies, the State or a polit-
18 ical subdivision of the State, Indian Tribes, regional
19 planning organizations, nonprofit organizations, and
20 other interested parties in carrying out the approved
21 management plan by—

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

1 (B) establishing and maintaining interpre-
2 tive exhibits and programs in the National Her-
3 itage Area;

4 (C) developing recreational, interpretive,
5 and educational opportunities in the National
6 Heritage Area;

7 (D) increasing public awareness of, and ap-
8 preciation for, natural, historical, scenic, and
9 cultural resources of the National Heritage Area;

10 (E) protecting and restoring historic sites
11 and buildings in the National Heritage Area
12 that are consistent with the themes of the Na-
13 tional Heritage Area;

14 (F) ensuring that clear, consistent, and ap-
15 propriate signs identifying points of public ac-
16 cess and sites of interest are posted throughout
17 the National Heritage Area; and

18 (G) promoting a wide range of partnerships
19 among the Federal Government, State, Tribal,
20 and local governments, organizations, and indi-
21 viduals to further the purposes of the National
22 Heritage Area;

23 (3) consider the interests of diverse units of gov-
24 ernment, businesses, organizations, and individuals

1 *in the National Heritage Area in the preparation and*
2 *implementation of the management plan;*

3 *(4) conduct meetings open to the public not less*
4 *frequently than semiannually regarding the develop-*
5 *ment and implementation of the management plan;*
6 *and*

7 *(5) for any year that Federal funds have been re-*
8 *ceived under this Act—*

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

14 *(B) make available to the Secretary for*
15 *audit all records relating to the expenditure of*
16 *the funds and any matching funds; and*

17 *(C) encourage by appropriate means eco-*
18 *nomics viability that is consistent with the Na-*
19 *tional Heritage Area.*

20 *(c) PROHIBITION ON THE ACQUISITION OF REAL*
21 *PROPERTY.—The local coordinating entity shall not use*
22 *Federal funds to acquire real property or any interest in*
23 *real property.*

1 **SEC. 5. MANAGEMENT PLAN.**

2 (a) *IN GENERAL.*—Not later than 3 years after the
3 date of enactment of this Act, the local coordinating entity
4 of the National Heritage Area shall submit to the Secretary
5 for approval a proposed management plan for the National
6 Heritage Area.

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

8 (1) *incorporate an integrated and cooperative*
9 *approach for the protection, enhancement, and inter-*
10 *pretation of the natural, cultural, historic, scenic, and*
11 *recreational resources of the National Heritage Area;*

12 (2) *take into consideration Federal, State, local,*
13 *and Tribal plans and treaty rights;*

14 (3) *include—*

15 (A) *an inventory of—*

16 (i) *the resources located in the Na-*
17 *tional Heritage Area; and*

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

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

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

25 (B) *comprehensive policies, strategies, and*
26 *recommendations for the conservation, funding,*

1 *management, and development of the National*
2 *Heritage Area;*

3 *(C) a description of activities that the Fed-*
4 *eral Government, State, Tribal, and local govern-*
5 *ments, private organizations, and individuals*
6 *have agreed to carry out to protect the natural,*
7 *historical, cultural, scenic, and recreational re-*
8 *sources of the National Heritage Area;*

9 *(D) a program of implementation for the*
10 *management plan by the local coordinating enti-*
11 *ty that includes a description of—*

12 *(i) actions to facilitate ongoing collabo-*
13 *ration among partners to promote plans for*
14 *resource protection, restoration, and con-*
15 *struction; and*

16 *(ii) specific commitments for imple-*
17 *mentation that have been made by the local*
18 *coordinating entity or any unit of govern-*
19 *ment, organization, or individual for the*
20 *first 5 years of operation;*

21 *(E) the identification of sources of funding*
22 *for carrying out the management plan;*

23 *(F) analysis and recommendations for*
24 *means by which Federal, State, local, and Tribal*
25 *programs, including the role of the National*

1 *Park Service in the National Heritage Area,*
2 *may best be coordinated to carry out this Act;*
3 *and*

4 *(G) an interpretive plan for the National*
5 *Heritage Area; and*

6 *(4) recommend policies and strategies for re-*
7 *source management that consider and detail the ap-*
8 *plication of appropriate land and water management*
9 *techniques, including the development of intergovern-*
10 *mental and interagency cooperative agreements to*
11 *protect the natural, historical, cultural, educational,*
12 *scenic, and recreational resources of the National*
13 *Heritage Area.*

14 *(c) DEADLINE.—If a proposed management plan is*
15 *not submitted to the Secretary by the date that is 3 years*
16 *after the date of enactment of this Act, the local coordi-*
17 *nating entity shall be ineligible to receive additional fund-*
18 *ing under this Act until the date on which the Secretary*
19 *approves the management plan.*

20 *(d) APPROVAL OR DISAPPROVAL OF MANAGEMENT*
21 *PLAN.—*

22 *(1) IN GENERAL.—Not later than 180 days after*
23 *the date of receipt of the management plan required*
24 *under this section, the Secretary, in consultation with*

1 *State and Tribal governments, shall approve or dis-*
2 *approve the management plan.*

3 (2) *CRITERIA FOR APPROVAL.—In determining*
4 *whether to approve the management plan, the Sec-*
5 *retary shall consider whether—*

6 (A) *the local coordinating entity is rep-*
7 *resentative of the diverse interests of the National*
8 *Heritage Area, including Federal, State, Tribal,*
9 *and local governments, natural and historic re-*
10 *source protection organizations, educational in-*
11 *stitutions, businesses, and recreational organiza-*
12 *tions;*

13 (B) *the local coordinating entity has af-*
14 *forded adequate opportunity, including public*
15 *hearings, for public and governmental involve-*
16 *ment in the preparation of the management*
17 *plan; and*

18 (C) *the resource protection and interpreta-*
19 *tion strategies contained in the management*
20 *plan, if implemented, would adequately protect*
21 *the natural, historical, and cultural resources of*
22 *the National Heritage Area.*

23 (3) *ACTION FOLLOWING DISAPPROVAL.—If the*
24 *Secretary disapproves the management plan under*
25 *paragraph (1), the Secretary shall—*

1 (A) advise the local coordinating entity in
2 writing of the reasons for the disapproval;

3 (B) make recommendations for revisions to
4 the management plan; and

5 (C) not later than 180 days after the receipt
6 of any proposed revision of the management
7 plan from the local coordinating entity, approve
8 or disapprove the proposed revision.

9 (4) AMENDMENTS.—

10 (A) IN GENERAL.—The Secretary shall ap-
11 prove or disapprove each amendment of the man-
12 agement plan that the Secretary determines
13 make a substantial change to the management
14 plan.

15 (B) USE OF FUNDS.—The local coordi-
16 nating entity shall not use Federal funds to
17 carry out any amendment to the management
18 plan until the Secretary has approved the
19 amendment.

20 **SEC. 6. 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 financial
23 assistance under any other law.

24 (b) CONSULTATION AND COORDINATION.—The head of
25 any Federal agency planning to conduct activities that may

1 *have an impact on the National Heritage Area is encour-*
 2 *aged to consult and coordinate the activities with the Sec-*
 3 *retary and the local coordinating entity to the maximum*
 4 *extent practicable.*

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

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

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

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

16 **SEC. 7. PRIVATE PROPERTY AND REGULATORY PROTEC-**
 17 **TIONS.**

18 *Nothing in this Act—*

19 (1) *abridges the rights of any property owner*
 20 *(whether public or private), including the right to re-*
 21 *frain from participating in any plan, project, pro-*
 22 *gram, or activity conducted within the National Her-*
 23 *itage Area;*

24 (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 Fed-
6 eral, State, or local law;

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

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

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

14 (6) enlarges or diminishes the treaty rights of
15 any Indian Tribe within the National Heritage Area;

16 (7) diminishes—

17 (A) the authority of the State to manage
18 fish and wildlife, including the regulation of
19 fishing and hunting, within the National Herit-
20 age Area; or

21 (B) the authority of Indian Tribes to regu-
22 late members of Indian Tribes with respect to
23 fishing, hunting, and gathering in the exercise of
24 treaty rights; or

1 (8) *creates any liability, or affects any liability*
2 *under any other law, of any private property owner*
3 *with respect to any person injured on the private*
4 *property.*

5 **SEC. 8. EVALUATION AND REPORT.**

6 (a) *IN GENERAL.*—*For the National Heritage Area,*
7 *not later than 3 years before the date specified under section*
8 *9, the Secretary shall—*

9 (1) *conduct an evaluation of the accomplish-*
10 *ments of the National Heritage Area; and*

11 (2) *prepare a report in accordance with sub-*
12 *section (c).*

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

15 (1) *assess the progress of the local coordinating*
16 *entity with respect to—*

17 (A) *accomplishing the purposes of the Na-*
18 *tional Heritage Area; and*

19 (B) *achieving the goals and objectives of the*
20 *approved management plan for the National*
21 *Heritage Area;*

22 (2) *analyze the investments of the Federal Gov-*
23 *ernment, State, Tribal, and local governments, and*
24 *private entities in the National Heritage Area to de-*
25 *termine the impact of the investments; and*

1 (3) *review the management structure, partner-*
2 *ship relationships, and funding of the National Herit-*
3 *age Area for purposes of identifying the critical com-*
4 *ponents for sustainability of the National Heritage*
5 *Area.*

6 (c) *REPORT.—Based on the evaluation conducted*
7 *under subsection (a)(1), the Secretary shall submit to the*
8 *Committee on Energy and Natural Resources of the Senate*
9 *and the Committee on Natural Resources of the House of*
10 *Representatives a report that includes recommendations for*
11 *the future role of the National Park Service, if any, with*
12 *respect to the National Heritage Area.*

13 **SEC. 9. TERMINATION OF AUTHORITY.**

14 *The authority of the Secretary to provide assistance*
15 *under this Act terminates on the date that is 15 years after*
16 *the date of enactment of this Act.*

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