

117TH CONGRESS
1ST SESSION

S. 2296

To establish the Northern Neck National Heritage Area, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 24, 2021

Mr. WARNER (for himself and Mr. KAINE) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish the Northern Neck 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.**

4 This Act may be cited as the “Northern Neck Na-
5 tional Heritage Area Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) HERITAGE AREA.—The term “Heritage
9 Area” means the Northern Neck National Heritage
10 Area established by section 3(a).

1 (2) LOCAL COORDINATING ENTITY.—The term
 2 “Local Coordinating Entity” means the local coordi-
 3 nating entity for the Heritage Area designated by
 4 section 3(c).

5 (3) MANAGEMENT PLAN.—The term “manage-
 6 ment plan” means the management plan for the
 7 Heritage Area prepared under section 5(a).

8 (4) MAP.—The term “map” means the map en-
 9 titled “Northern Neck National Heritage Area Fea-
 10 sibility Study”, as included on page 87 of the feasi-
 11 bility study prepared by the National Park Service
 12 entitled “Northern Neck National Heritage Area
 13 Feasibility Study” and dated June 2020.

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

16 (6) STATE.—The term “State” means the State
 17 of Virginia.

18 **SEC. 3. ESTABLISHMENT OF NORTHERN NECK NATIONAL**
 19 **HERITAGE AREA.**

20 (a) IN GENERAL.—There is established in the State
 21 the Northern Neck National Heritage Area, as depicted
 22 on the map, to be administered in accordance with this
 23 Act.

24 (b) BOUNDARIES.—The Heritage Area shall include
 25 land between the Potomac River and Rappahannock River

1 of the eastern coastal region of the State, including King
 2 George, Lancaster, Northumberland, Richmond, and
 3 Westmoreland Counties, the boundaries of which are de-
 4 picted on the map.

5 (c) LOCAL COORDINATING ENTITY.—The Northern
 6 Neck Tourism Commission, a working committee of the
 7 Northern Neck Planning District Commission, shall serve
 8 as the local coordinating entity for the Heritage Area.

9 **SEC. 4. ADMINISTRATION.**

10 (a) AUTHORITIES.—For purposes of carrying out the
 11 management plan, the Secretary (acting through the Local
 12 Coordinating Entity) may use amounts made available
 13 under section 9—

14 (1) to make grants to the State, political sub-
 15 divisions of the State, Indian Tribes, nonprofit orga-
 16 nizations, and other entities;

17 (2) to enter into cooperative agreements with,
 18 or provide technical assistance to, the State, political
 19 subdivisions of the State, Indian Tribes, nonprofit
 20 organizations, and other interested persons;

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

1 (4) to obtain money or services from any
2 source, including any money or services that are pro-
3 vided under any other Federal law or program;

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

5 (6) to undertake any other activity that—

6 (A) furthers the purposes of the Heritage
7 Area; and

8 (B) is consistent with the approved man-
9 agement plan.

10 (b) DUTIES.—The Local Coordinating Entity shall—

11 (1) assist Federal agencies, the State, political
12 subdivisions of the State, Indian Tribes, regional
13 planning organizations, nonprofit organizations, and
14 other interested persons in carrying out the ap-
15 proved management plan by—

16 (A) carrying out programs and projects
17 that recognize, protect, and enhance important
18 resource values in the Heritage Area;

19 (B) establishing and maintaining interpre-
20 tive exhibits and programs in the Heritage
21 Area;

22 (C) developing recreational and educational
23 opportunities in the Heritage Area;

1 (D) increasing public awareness of, and
2 appreciation for, natural, historical, scenic, and
3 cultural resources of the Heritage Area;

4 (E) protecting and restoring historic sites
5 and buildings in the Heritage Area that are
6 consistent with the themes of the Heritage
7 Area;

8 (F) ensuring that clear, consistent, and ap-
9 propriate signs identifying points of public ac-
10 cess and sites of interest are posted throughout
11 the Heritage Area; and

12 (G) promoting a wide range of partner-
13 ships among the Federal Government, State,
14 Tribal, and local governments, organizations,
15 and individuals to further the purposes of the
16 Heritage Area;

17 (2) consider the interests of diverse units of
18 government, businesses, organizations, and individ-
19 uals in the Heritage Area in the preparation and im-
20 plementation of the management plan;

21 (3) conduct meetings open to the public not less
22 frequently than semiannually regarding the develop-
23 ment and implementation of the management plan;

24 (4) for any year that Federal funds have been
25 received under this subsection—

1 (A) submit to the Secretary an annual re-
 2 port that describes the activities, expenses, and
 3 income of the Local Coordinating Entity (in-
 4 cluding grants to any other entities during the
 5 period covered by the report);

6 (B) make available to the Secretary for
 7 audit all records relating to the expenditure of
 8 the funds and any matching funds; and

9 (C) require, with respect to all agreements
 10 authorizing expenditure of Federal funds by
 11 other organizations, that the organizations re-
 12 ceiving the funds make available to the Sec-
 13 retary for audit all records concerning the ex-
 14 penditure of the funds; and

15 (5) encourage, by appropriate means and con-
 16 sistent with the purposes of the Heritage Area, the
 17 economic viability of the Heritage Area.

18 (c) PROHIBITION ON THE ACQUISITION OF REAL
 19 PROPERTY.—The Local Coordinating Entity shall not use
 20 Federal funds made available under section 9 to acquire
 21 real property or any interest in real property.

22 **SEC. 5. MANAGEMENT PLAN.**

23 (a) IN GENERAL.—Not later than 3 years after the
 24 date on which funds are first made available to carry out
 25 this Act, the Local Coordinating Entity shall submit to

1 the Secretary for approval a proposed management plan
2 for the Heritage Area.

3 (b) REQUIREMENTS.—The management plan shall—

4 (1) incorporate an integrated and cooperative
5 approach for the protection, enhancement, and inter-
6 pretation of the natural, cultural, historic, scenic,
7 and recreational resources of the Heritage Area;

8 (2) take into consideration other applicable
9 Federal, State, local, and Tribal plans and treaty
10 rights;

11 (3) include—

12 (A) an inventory of—

13 (i) the resources located in the Herit-
14 age Area; and

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

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

19 (II) should be preserved, re-
20 stored, managed, or maintained be-
21 cause of the significance of the prop-
22 erty;

23 (B) comprehensive policies, strategies, and
24 recommendations for the conservation, funding,

1 management, and development of the Heritage
2 Area;

3 (C) a description of activities that the Fed-
4 eral Government, State, Tribal, and local gov-
5 ernments, 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 Heritage Area;

9 (D) a program of implementation for the
10 management plan by the Local Coordinating
11 Entity that includes a description of—

12 (i) actions to facilitate ongoing col-
13 laboration among partners to promote
14 plans for resource protection, restoration,
15 and construction; and

16 (ii) specific commitments for imple-
17 mentation that have been made by the
18 Local Coordinating Entity or any unit of
19 government, organization, or individual for
20 the first 5 years of operation of the Herit-
21 age Area;

22 (E) the identification of sources of funding
23 to implement the management plan;

24 (F) analysis and recommendations for
25 means by which Federal, State, local, and Trib-

1 al programs (including the role of the National
 2 Park Service in the Heritage Area) may carry
 3 out the purposes of this Act;

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

6 (H) recommended policies and strategies
 7 for resource management that consider and de-
 8 tail the application of appropriate land and
 9 water management techniques, including the de-
 10 velopment of intergovernmental and interagency
 11 cooperative agreements to protect the natural,
 12 historical, cultural, educational, scenic, and rec-
 13 reational resources of the 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 on which funds are first made available to
 17 carry out this Act, the Local Coordinating Entity shall be
 18 ineligible to receive additional funding under this Act until
 19 the date on which the Secretary approves the management
 20 plan.

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

23 (1) IN GENERAL.—Not later than 180 days
 24 after the date of receipt of the management plan
 25 under subsection (a), the Secretary, in consultation

1 with State and Tribal governments, shall approve or
2 disapprove 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 Herit-
8 age Area, including the Federal Government,
9 State, Tribal, and local governments, natural
10 and historic resource protection organizations,
11 educational institutions, businesses, and rec-
12 reational organizations;

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 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
2 in writing of the reasons for the disapproval;

3 (B) make recommendations to the Local
4 Coordinating Entity for revisions to the man-
5 agement plan; and

6 (C) not later than 180 days after the re-
7 ceipt of any proposed revision of the manage-
8 ment plan from the Local Coordinating Entity,
9 approve or disapprove the proposed revision.

10 (4) AMENDMENTS.—

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

16 (B) USE OF FUNDS.—The Local Coordi-
17 nating Entity shall not use Federal funds au-
18 thorized under section 9 to carry out any
19 amendment to the management plan until the
20 date on which the Secretary has approved the
21 amendment.

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

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

1 (b) CONSULTATION AND COORDINATION.—The head
 2 of any Federal agency planning to conduct activities that
 3 may have an impact on the Heritage Area is encouraged
 4 to consult and coordinate the activities with the Secretary
 5 and the Local Coordinating Entity to the maximum extent
 6 practicable.

7 (c) OTHER FEDERAL AGENCIES.—Nothing in this
 8 Act—

9 (1) modifies, alters, or amends any law (includ-
 10 ing regulations) authorizing a Federal agency to
 11 manage Federal land under the jurisdiction of the
 12 Federal agency;

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

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

19 **SEC. 7. PRIVATE PROPERTY AND REGULATORY PROTEC-**
 20 **TIONS.**

21 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 Heritage
2 Area;

3 (2) requires any property owner—

4 (A) to permit public access (including ac-
5 cess by Federal, State, or local agencies) to the
6 property of the property owner; or

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

10 (3) alters any duly adopted land use regulation,
11 approved land use plan, or other regulatory author-
12 ity of any Federal, State, Tribal, or local agency;

13 (4) conveys any land use or other regulatory
14 authority to the Local Coordinating Entity;

15 (5) authorizes or implies the reservation or ap-
16 propriation of water or water rights;

17 (6) enlarges or diminishes the treaty rights of
18 any Indian Tribe within the Heritage Area;

19 (7) diminishes—

20 (A) the authority of the State to manage
21 fish and wildlife, including the regulation of
22 fishing and hunting, within the Heritage Area;
23 or

24 (B) the authority of Indian Tribes to regu-
25 late members of Indian Tribes with respect to

1 fishing, hunting, and gathering in the exercise
2 of treaty rights; or

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

7 **SEC. 8. EVALUATION AND REPORT.**

8 (a) IN GENERAL.—Not later than 3 years before the
9 date on which authority for Federal funding terminates
10 for the Heritage Area, the Secretary shall—

11 (1) conduct an evaluation of the accomplish-
12 ments of the Heritage Area; and

13 (2) prepare a report in accordance with sub-
14 section (c).

15 (b) EVALUATION.—An evaluation conducted under
16 subsection (a)(1) shall—

17 (1) assess the progress of the Local Coordi-
18 nating Entity with respect to—

19 (A) accomplishing the purposes of the Her-
20 itage Area; and

21 (B) achieving the goals and objectives of
22 the approved management plan;

23 (2) analyze the investments of the Federal Gov-
24 ernment, State, Tribal, and local governments, and

1 private entities in the Heritage Area to determine
2 the impact of the investments; and

3 (3) review the management structure, partner-
4 ship relationships, and funding of the Heritage Area
5 for purposes of identifying the critical components
6 for sustainability of the Heritage Area.

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

14 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) IN GENERAL.—There is authorized to be appro-
16 priated for the Heritage Area to carry out the purposes
17 of this Act \$10,000,000, of which not more than
18 \$1,000,000 may be made available in any fiscal year.

19 (b) AVAILABILITY.—Amounts made available under
20 subsection (a) shall remain available until expended.

21 (c) COST-SHARING REQUIREMENT.—

22 (1) IN GENERAL.—The Federal share of the
23 total cost of any activity under this Act shall be not
24 more than 50 percent.

1 (2) FORM.—The non-Federal share of the total
2 cost of any activity under this Act may be in the
3 form of in-kind contributions of goods or services
4 fairly valued.

5 (d) TERMINATION OF AUTHORITY.—The authority of
6 the Secretary to provide assistance under this Act termi-
7 nates on the date that is 15 years after the date of enact-
8 ment of this Act.

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