

113TH CONGRESS  
2D SESSION

# H. R. 5038

To establish the Maritime Washington National Heritage Area in the State of Washington, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 9, 2014

Mr. KILMER (for himself and Mr. HECK of Washington) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To establish the Maritime Washington National Heritage Area in the State of Washington, 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 “Maritime Washington  
5 National Heritage Area Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **HERITAGE AREA.**—The term “Heritage  
9 Area” means the Maritime Washington National  
10 Heritage Area established by section 4.

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 4(b).

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

8           (4) MAP.—The term “map” means the undated  
9 overview map entitled “Washington State Maritime  
10 Heritage Area Proposed Boundary” and the associ-  
11 ated index maps.

12           (5) SECRETARY.—The term “Secretary” means  
13 the Secretary of the Interior.

14           (6) STATE.—The term “State” means the State  
15 of Washington.

16 **SEC. 3. PURPOSES.**

17 The purposes of this Act are—

18           (1) to encourage and strengthen partnerships  
19 and collaboration among maritime interests for the  
20 purpose of economic development and heritage tour-  
21 ism;

22           (2) to recognize that waterfronts are both a  
23 foundational part of Washington’s heritage and dy-  
24 namic places that are constantly adapting to new op-  
25 portunities and challenges;

1           (3) to recognize, interpret, and conserve the di-  
2           verse and abundant nationally significant maritime-  
3           related objects, sites, structures, places, events, and  
4           activities that collectively form a distinctive land-  
5           scape in western Washington State's ports and  
6           coastal communities;

7           (4) to recognize and interpret the impact of this  
8           nationally important maritime landscape on Native  
9           American and European-American heritage;

10          (5) to preserve landscapes, communities, tradi-  
11          tions, historic sites, and natural features in the Her-  
12          itage Area associated with this maritime history;

13          (6) to promote heritage, cultural, and rec-  
14          reational tourism, and to develop educational, inter-  
15          pretive, recreational, and cultural programs through  
16          partnerships for the benefit of visitors and the gen-  
17          eral public; and

18          (7) to provide appropriate linkages between  
19          Federal, State, and local historic sites, and commu-  
20          nities, governments, businesses, organizations, and  
21          individuals that stimulate appropriate and compat-  
22          ible economic vitality within the Heritage Area, with-  
23          out modifying the authority of any State, tribal, or  
24          local government to regulate land use, public land  
25          policy, or private activity.

1 **SEC. 4. MARITIME WASHINGTON NATIONAL HERITAGE**  
2 **AREA.**

3 (a) **ESTABLISHMENT.**—There is established the Mar-  
4 itime Washington National Heritage Area in the counties  
5 of Whatcom, Skagit, Snohomish, San Juan, Island, King,  
6 Pierce, Thurston, Mason, Kitsap, Jefferson, Clallam, and  
7 Grays Harbor in the State of Washington.

8 (b) **BOUNDARIES.**—

9 (1) **IN GENERAL.**—The Heritage Area shall  
10 consist of Federal, State, local, and tribal lands that  
11 allow public access and are at least partly located  
12 within one-quarter mile landward of the shoreline, as  
13 generally depicted on the map.

14 (2) **REVISION.**—The boundaries of the Heritage  
15 Area may be revised if the revision is—

16 (A) proposed in the management plan;

17 (B) approved by the Secretary in accord-  
18 ance with section 5; and

19 (C) placed on file in accordance with para-  
20 graph 3.

21 (3) **AVAILABILITY OF MAP.**—The map shall be  
22 on file and available for public inspection in the ap-  
23 propriate offices of the National Park Service and  
24 the local coordinating entity.

25 (4) **LOCAL COORDINATING ENTITY.**—The local  
26 coordinating entity for the Heritage Area shall be

1 the Pacific Northwest Maritime Heritage Advisory  
2 Council, operating under the Washington Trust for  
3 Historic Preservation.

4 **SEC. 5. DUTIES AND AUTHORITIES OF THE LOCAL COORDI-**  
5 **NATING ENTITY.**

6 (a) DUTIES OF THE LOCAL COORDINATING ENTI-  
7 TY.—To further the purposes of the Heritage Area, the  
8 local coordinating entity shall—

9 (1) prepare and submit to the Secretary in ac-  
10 cordance with section 6, a management plan for the  
11 Heritage Area;

12 (2) assist willing partners, such as units of  
13 State, local, and tribal governments, regional plan-  
14 ning organizations and private organizations, in im-  
15 plementing the approved management plan by—

16 (A) advocating for and carrying out pro-  
17 grams and projects that recognize and protect  
18 important resource values within the Heritage  
19 Area;

20 (B) promoting, developing, and maintain-  
21 ing interpretive exhibits and programs within  
22 the Heritage Area;

23 (C) promoting or developing recreational  
24 and educational opportunities in the Heritage  
25 Area;

1 (D) increasing public awareness of, and  
2 appreciation for, natural, historic, scenic, rec-  
3 reational, and cultural resources of the Herit-  
4 age Area;

5 (E) advocating for the protection and pres-  
6 ervation of historic sites, structures, objects,  
7 and buildings in the Heritage Area that are  
8 consistent with the themes of the Heritage  
9 Area;

10 (F) ensuring that signs identifying points  
11 of public access and sites of interest are posted  
12 throughout the Heritage Area; and

13 (G) promoting a wide range of partner-  
14 ships among governments, businesses, organiza-  
15 tions, and individuals to further the purposes of  
16 the Heritage Area;

17 (3) 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 (4) undertake an open and transparent process  
22 for the development and implementation of the man-  
23 agement plan by holding regular public meetings;

24 (5) submit an annual report to the Secretary  
25 for each fiscal year in which the local coordinating

1       entity receives Federal funds under this Act speci-  
2       fying—

3               (A) the goals and accomplishments of the  
4       local coordinating entity;

5               (B) the expenses and income of the local  
6       coordinating entity;

7               (C) the amounts and sources of matching  
8       funds;

9               (D) the amounts leveraged with Federal  
10      funds and sources of the leveraged funds;

11              (E) grants made to any other entities dur-  
12      ing the fiscal year; and

13              (F) critical components for sustainability  
14      of the Heritage Area;

15              (6) make available for audit for any fiscal year  
16      for which the local coordinating entity receives Fed-  
17      eral funds under this Act, all information pertaining  
18      to the expenditure of such funds and any matching  
19      funds;

20              (7) in all agreements authorizing expenditures  
21      of Federal funds by other organizations, that the re-  
22      ceiving organizations make available for audit all  
23      records and other information pertaining to the ex-  
24      penditure of such funds; and

1           (8) encourage and strengthen partnerships and  
2           collaboration among maritime interests, by appro-  
3           priate means, for economic development and herit-  
4           age tourism consistent with the purposes of the Her-  
5           itage Area.

6           (b) AUTHORITIES.—The local coordinating entity  
7           may, subject to the prior approval of the Secretary, for  
8           the purposes of preparing and implementing the manage-  
9           ment plan, use Federal funds made available under this  
10          Act to—

11           (1) make grants to the State, political subdivi-  
12           sions of the State, nonprofit organizations, and  
13           other persons;

14           (2) enter into cooperative agreements with, or  
15           provide technical assistance to, the State, political  
16           subdivisions of the State, nonprofit organizations,  
17           Federal agencies, and other interested parties;

18           (3) hire and compensate staff;

19           (4) obtain funds or services from any source,  
20           including funds and services provided under any  
21           other Federal law or program;

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 Heritage



1 Area and are consistent with the approved manage-  
2 ment plan.

3 (c) PROHIBITION ON THE ACQUISITION OF REAL  
4 PROPERTY.—The local coordinating entity may not use  
5 Federal funds received under this Act to acquire any inter-  
6 est in real property.

7 **SEC. 6. MANAGEMENT PLAN.**

8 (a) IN GENERAL.—Not later than 3 years after the  
9 date on which funds are made available to develop the  
10 management plan, the local coordinating entity shall sub-  
11 mit to the Secretary for approval a proposed management  
12 plan for the Heritage Area.

13 (b) REQUIREMENTS.—The management plan for the  
14 Heritage Area shall—

15 (1) describe comprehensive policies, goals, strat-  
16 egies, and recommendations for the conservation,  
17 funding, management, interpretation, and develop-  
18 ment of the Heritage Area;

19 (2) take into consideration existing State and  
20 local plans in the development and implementation  
21 of the management plan;

22 (3) include a description of actions and commit-  
23 ments that governments, private organizations, and  
24 individuals plan to take to protect, enhance, and in-

1 interpret the natural, historic, scenic, and cultural re-  
2 sources of the Heritage Area;

3 (4) specify existing and potential sources of  
4 funding or economic development strategies to con-  
5 serve, manage, and develop the Heritage Area;

6 (5) include an inventory of the natural, historic,  
7 cultural, educational, scenic, and recreational re-  
8 sources of the Heritage Area relating to the stories  
9 and themes of the Heritage Area that should be pro-  
10 tected, enhanced, managed, or developed;

11 (6) recommend policies and strategies for re-  
12 source management, including the development of  
13 intergovernmental and interagency agreements, to  
14 protect the natural, historic, cultural, educational,  
15 scenic, and recreational resources of the Heritage  
16 Area;

17 (7) describe a program for implementation of  
18 the management plan including—

19 (A) performance goals;

20 (B) an approximate timeline for implemen-  
21 tation;

22 (C) specific commitments for implementa-  
23 tion; and

24 (D) how the plan will be evaluated and up-  
25 dated;

1           (8) include an analysis of, and recommenda-  
2           tions for, ways in which Federal, State, tribal, and  
3           local programs may best be coordinated (including  
4           the role of the National Park Service and other Fed-  
5           eral agencies associated with the Heritage Area) to  
6           further the purposes of this Act;

7           (9) provide recommendations for educational  
8           and interpretive programs to inform the public about  
9           the resources of the Heritage Area; and

10          (10) include a business plan that—

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

15                 (B) provides adequate assurances that the  
16                 local coordinating entity has the partnerships  
17                 and financial and other resources necessary to  
18                 implement the management plan for the Herit-  
19                 age Area; and

20                 (C) describes goals and recommendations  
21                 for sustainability of the coordinating entity  
22                 through the term of the legislation.

23          (c) TERMINATION OF FUNDING.—If the management  
24          plan is not submitted to the Secretary in accordance with  
25          this section, the local coordinating entity shall not qualify

1 for additional financial assistance under this Act until  
2 such time as the management plan is submitted to, and  
3 approved by, the Secretary.

4 (d) APPROVAL OF MANAGEMENT PLAN.—

5 (1) REVIEW.—Not later than 180 days after  
6 the date on which the Secretary receives the man-  
7 agement plan, the Secretary shall approve or dis-  
8 approve the management plan.

9 (2) CRITERIA FOR APPROVAL.—In determining  
10 the approval of the management plan, the Secretary  
11 shall consider whether—

12 (A) the local coordinating entity represents  
13 the diverse interests of the Heritage Area, in-  
14 cluding governments, resource-related organiza-  
15 tions, educational institutions, ports, businesses,  
16 community residents, and recreational organiza-  
17 tions;

18 (B) the local coordinating entity has af-  
19 forded adequate opportunity for public and gov-  
20 ernmental involvement (including workshops  
21 and public meetings) in the preparation of the  
22 management plan;

23 (C) the conservation and interpretation  
24 strategies described in the management plan, if

1 implemented, are compatible and consistent  
2 with this Act;

3 (D) the management plan would not ad-  
4 versely affect any activities authorized on Fed-  
5 eral, State, local, or tribal lands under applica-  
6 ble laws or land-use plans;

7 (E) the Secretary has received adequate  
8 assurances from the appropriate State, tribal,  
9 and local officials whose support is needed to  
10 ensure the effective implementation of the  
11 State, tribal, and local aspects of the manage-  
12 ment plan;

13 (F) the local coordinating entity has identi-  
14 fied existing and potential sources of funding  
15 for implementing the management plan in part-  
16 nership with others; and

17 (G) provisions for long-term sustainability  
18 of the Heritage Area are in place.

19 (3) ACTION FOLLOWING DISAPPROVAL.—

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

22 (i) shall advise the local coordinating  
23 entity in writing of the reasons for the dis-  
24 approval; and

1 (ii) may make recommendations to the  
2 local coordinating entity for revisions to  
3 the management plan.

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

8 (4) AMENDMENTS.—

9 (A) IN GENERAL.—An amendment to the  
10 management plan that substantially alters the  
11 management plan shall be reviewed by the Sec-  
12 retary and approved or disapproved in the same  
13 manner as the original management plan.

14 (B) IMPLEMENTATION.—The local coordi-  
15 nating entity shall not use Federal funds au-  
16 thorized to be appropriated by this Act to im-  
17 plement any amendment to the management  
18 plan until the Secretary approves the amend-  
19 ment.

20 **SEC. 7. DUTIES AND AUTHORITIES OF THE SECRETARY.**

21 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—

22 (1) IN GENERAL.—On the request of the local  
23 coordinating entity, the Secretary may provide tech-  
24 nical and financial assistance, on a reimbursable or  
25 nonreimbursable basis (as determined by the Sec-

1       retary), to the local coordinating entity to develop  
2       and implement the management plan.

3               (2) COOPERATIVE AGREEMENTS.—The Sec-  
4       retary may enter into cooperative agreements with  
5       the local coordinating entity and other public or pri-  
6       vate organizations to provide technical or financial  
7       assistance under paragraph (1).

8               (3) PRIORITY.—In assisting the Heritage Area,  
9       the Secretary shall give priority to actions that as-  
10      sist in—

11               (A) conserving the significant historic and  
12              cultural maritime-related resources of the Her-  
13              itage Area; and

14               (B) providing educational, interpretive, and  
15              recreational opportunities for the public con-  
16              sistent with the purposes of the Heritage Area.

17      (b) EVALUATION; REPORT.—

18               (1) IN GENERAL.—Not later than 3 years be-  
19      fore the date on which authority for Federal funding  
20      terminates for the Heritage Area under section 10,  
21      the Secretary shall—

22               (A) conduct an evaluation of the accom-  
23              plishments of the Heritage Area; and

24               (B) prepare a report with recommenda-  
25              tions for the future role of the National Park

1 Service, if any, with respect to the Heritage  
2 Area, in accordance with paragraph (3).

3 (2) EVALUATION COMPONENTS.—An evaluation  
4 conducted under paragraph (1)(A) shall—

5 (A) assess the progress of the local coordi-  
6 nating entity with respect to—

7 (i) accomplishing the purposes of this  
8 Act for the Heritage Area; and

9 (ii) achieving the goals and objectives  
10 of the approved management plan for the  
11 Heritage Area;

12 (B) analyze the Federal, State, local, and  
13 private investments in the Heritage Area to de-  
14 termine the leverage and impact of the invest-  
15 ments; and

16 (C) review the management structure,  
17 partnership relationships, and funding of the  
18 Heritage Area for purposes of identifying the  
19 critical components for sustainability of the  
20 Heritage Area.

21 (3) RECOMMENDATIONS.—

22 (A) IN GENERAL.—Based on the evalua-  
23 tion conducted under paragraph (1)(A), the  
24 Secretary shall prepare a report that includes  
25 recommendations for the future role of the Na-



1 tional Park Service, if any, with respect to the  
2 Heritage Area.

3 (B) REQUIRED ANALYSIS.—If the report  
4 prepared under this paragraph recommends  
5 that Federal funding for the Heritage Area be  
6 reauthorized, the report shall include an anal-  
7 ysis of—

8 (i) ways in which Federal funding for  
9 the Heritage Area may be reduced or  
10 eliminated; and

11 (ii) the appropriate time period nec-  
12 essary to achieve the recommended reduc-  
13 tion or elimination.

14 (C) SUBMISSION TO CONGRESS.—On com-  
15 pletion of a report under this paragraph, the  
16 Secretary shall submit the report to—

17 (i) the Committee on Energy and  
18 Natural Resources of the Senate; and

19 (ii) the Committee on Natural Re-  
20 sources of the House of Representatives.

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

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

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

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

9 (1) modifies, alters, or amends any laws (in-  
10 cluding regulations) authorizing a Federal agency to  
11 manage land under the jurisdiction of the Federal  
12 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. 9. PROPERTY OWNERS AND REGULATORY PROTEC-**  
20 **TIONS.**

21 Nothing in this Act—

22 (1) abridges the rights of any owner of public  
23 or private property, including the right to refrain  
24 from participating in any plan, project, program, or  
25 activity conducted within the Heritage Area;

1 (2) requires any property owner to—

2 (A) permit public access (including Fed-  
3 eral, State, tribal, or local government access)  
4 to the property; or

5 (B) modify any provisions of Federal,  
6 State, tribal, or local law with regard to public  
7 access or use of private land;

8 (3) alters any duly adopted land-use regula-  
9 tions, approved land-use plan, or any other regu-  
10 latory authority of any Federal, State, or local agen-  
11 cy, or tribal government;

12 (4) conveys any land use or other regulatory  
13 authority to the local coordinating entity;

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

16 (6) diminishes the authority of the State to  
17 manage fish and wildlife, including the regulation of  
18 fishing and hunting within the Heritage Area; or

19 (7) creates any liability, or affects any liability  
20 under any other law, of any private property owner  
21 with respect to any person injured on the private  
22 property.

23 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

24 (a) IN GENERAL.—There is authorized to be appro-  
25 priated to carry out this Act \$10,000,000, of which not

1 more than \$500,000 shall be made available for any fiscal  
2 year.

3 (b) AVAILABILITY.—Funds made available under  
4 subsection (a) shall remain available until expended.

5 (c) COST-SHARING REQUIREMENT.—

6 (1) IN GENERAL.—The Federal share of the  
7 total cost of any activity under this section shall be  
8 not more than 50 percent.

9 (2) FORM.—The non-Federal contribution—

10 (A) shall be from non-Federal sources; and

11 (B) may be in the form of in-kind con-  
12 tributions of goods or services fairly valued.

13 **SEC. 11. TERMINATION OF FINANCIAL ASSISTANCE.**

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

○