

NATION'S OLDEST PORT NATIONAL HERITAGE AREA ACT

—————
JULY 14, 2022.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed
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Mr. GRIJALVA, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 2107]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2107) to establish the Nation's Oldest Port National Heritage Area in the State of Florida, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nation's Oldest Port National Heritage Area Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) NATIONAL HERITAGE AREA.—The term "National Heritage Area" means the Nation's Oldest Port National Heritage Area established by section 3(a).

(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the local coordinating entity for the National Heritage Area.

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the National Heritage Area required under section 5(a).

(4) MAP.—The term "map" means the map entitled "Nation's Oldest Port National Heritage Area Proposed Boundary Map", numbered 524/173745 and dated October 2020.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) STATE.—The term "State" means the State of Florida.

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

(a) IN GENERAL.—There is established the Nation's Oldest Port National Heritage Area in the State of Florida, to consist of natural watersheds in Nassau, Duval, St. Johns, and Flagler counties in the State, as generally depicted on the map.

(b) LOCAL COORDINATING ENTITY.—The Nation's Oldest Port Heritage Area Alliance, Inc., shall serve as the local coordinating entity for the National Heritage Area.

SEC. 4. ADMINISTRATION.

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

- (1) to make grants to the State or a political subdivision of the State, Indian Tribes, nonprofit organizations, and other persons;
- (2) to enter into cooperative agreements with, or provide technical assistance to, the State or a political subdivision of the State, Indian Tribes, nonprofit organizations, and other interested parties;
- (3) to hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection and heritage programming;
- (4) to obtain money or services from any source, including any money or services that are provided under any other Federal law or program, provided that any money specifically authorized for National Heritage areas shall be subject to a 50 percent cost-share requirement;
- (5) to contract for goods or services; and
- (6) to undertake or be a catalyst for any other activity that furthers the purposes of the National Heritage Area and is consistent with the approved management plan.

(b) **DUTIES.**—The local coordinating entity for the National Heritage Area shall—

- (1) in accordance with section 5, prepare and submit a management plan for the National Heritage Area to the Secretary;
- (2) assist Federal agencies, the State or a political subdivision of the State, Indian Tribes, regional planning organizations, nonprofit organizations, and other interested parties in carrying out the approved management plan by—
 - (A) carrying out programs and projects that recognize, protect, and enhance important resource values in the National Heritage Area;
 - (B) establishing and maintaining interpretive exhibits and programs in the National Heritage Area;
 - (C) developing recreational, interpretive, and educational opportunities in the National Heritage Area;
 - (D) increasing public awareness of, and appreciation for, natural, historical, scenic, and cultural resources of the National Heritage Area;
 - (E) protecting and restoring historic sites and buildings in the National Heritage Area that are consistent with the themes of the National Heritage Area;
 - (F) ensuring that clear, consistent, and appropriate signs identifying points of public access and sites of interest are posted throughout the National Heritage Area; and
 - (G) promoting a wide range of partnerships among the Federal Government, State, Tribal, and local governments, organizations, and individuals to further the purposes of the National Heritage Area;
- (3) consider the interests of diverse units of government, businesses, organizations, and individuals in the National Heritage Area in the preparation and implementation of the management plan;
- (4) conduct meetings open to the public not less frequently than semiannually regarding the development and implementation of the management plan; and
- (5) for any year that Federal funds have been received under this Act—
 - (A) submit to the Secretary an annual report that describes the activities, expenses, and income of the local coordinating entity (including grants to any other entities during the year that the report is made);
 - (B) make available to the Secretary for audit all records relating to the expenditure of the funds and any matching funds; and
 - (C) encourage by appropriate means economic viability that is consistent with the National Heritage Area.

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

SEC. 5. MANAGEMENT PLAN.

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

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

- (1) incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, and recreational resources of the National Heritage Area;

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

(3) include—

- (A) an inventory of—
 - (i) the resources located in the National Heritage Area; and
 - (ii) any other property in the National Heritage Area that—
 - (I) is related to the themes of the National Heritage Area; and
 - (II) should be preserved, restored, managed, or maintained because of the significance of the property;
- (B) comprehensive policies, strategies, and recommendations for the conservation, funding, management, and development of the National Heritage Area;
- (C) a description of activities that the Federal Government, State, Tribal, and local governments, private organizations, and individuals have agreed to carry out to protect the natural, historical, cultural, scenic, and recreational resources of the National Heritage Area;
- (D) a program of implementation for the management plan by the local coordinating entity that includes a description of—
 - (i) actions to facilitate ongoing collaboration among partners to promote plans for resource protection, restoration, and construction; and
 - (ii) specific commitments for implementation that have been made by the local coordinating entity or any unit of government, organization, or individual for the first 5 years of operation;
- (E) the identification of sources of funding for carrying out the management plan;
- (F) analysis and recommendations for means by which Federal, State, local, and Tribal programs, including the role of the National Park Service in the National Heritage Area, may best be coordinated to carry out this Act; and
- (G) an interpretive plan for the National Heritage Area; and

(4) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area.

(c) DEADLINE.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the local coordinating entity shall be ineligible to receive additional funding under this Act until the date on which the Secretary approves the management plan.

(d) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of receipt of the management plan required under this section, the Secretary, in consultation with State and Tribal governments, shall approve or disapprove the management plan.

(2) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

- (A) the local coordinating entity is representative of the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;
- (B) the local coordinating entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and
- (C) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historical, and cultural resources of the National Heritage Area.

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

- (A) advise the local coordinating entity in writing of the reasons for the disapproval;
- (B) make recommendations for revisions to the management plan; and
- (C) not later than 180 days after the receipt of any proposed revision of the management plan from the local coordinating entity, approve or disapprove the proposed revision.

(4) AMENDMENTS.—

(A) IN GENERAL.—The Secretary shall approve or disapprove each amendment of the management plan that the Secretary determines make a substantial change to the management plan.

(B) USE OF FUNDS.—The local coordinating entity shall not use Federal funds to carry out any amendment to the management plan until the Secretary has approved the amendment.

SEC. 6. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—Nothing in this Act affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on the National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

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

- (1) modifies, alters, or amends any law or regulations authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;
- (2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the National Heritage Area; or
- (3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

SEC. 7. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this Act—

- (1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;
- (2) requires any property owner—
 - (A) to permit public access (including access by Federal, State, or local agencies) to the property of the property owner; or
 - (B) to modify public access or use of property of the property owner under any other Federal, State, or local law;
- (3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, Tribal, or local agency;
- (4) conveys any land use or other regulatory authority to the local coordinating entity;
- (5) authorizes or implies the reservation or appropriation of water or water rights;
- (6) enlarges or diminishes the treaty rights of any Indian Tribe within the National Heritage Area;
- (7) diminishes—
 - (A) the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting, within the National Heritage Area; or
 - (B) the authority of Indian Tribes to regulate members of Indian Tribes with respect to fishing, hunting, and gathering in the exercise of treaty rights; or
- (8) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

SEC. 8. EVALUATION AND REPORT.

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

- (1) conduct an evaluation of the accomplishments of the National Heritage Area; and
- (2) prepare a report in accordance with subsection (c).

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

- (1) assess the progress of the local coordinating entity with respect to—
 - (A) accomplishing the purposes of the National Heritage Area; and
 - (B) achieving the goals and objectives of the approved management plan for the National Heritage Area;
- (2) analyze the investments of the Federal Government, State, Tribal, and local governments, and private entities in the National Heritage Area to determine the impact of the investments; and
- (3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

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

SEC. 9. TERMINATION OF AUTHORITY.

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

PURPOSE OF THE BILL

The purpose of H.R. 2107 is to establish the Nation's Oldest Port National Heritage Area in the State of Florida.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 2107 would establish the Nation's Oldest Port National Heritage Area in the State of Florida, including natural watersheds in Nassau, Duval, St. Johns, and Flagler counties. The bill stipulates that the Nation's Oldest Port Heritage Area Alliance, Inc., a non-profit organization, shall serve as the coordinating entity for the heritage area. The area contains the Nation's Oldest Port, a series of interconnected waterways that include the St. Mary's River, the St. Johns River, Tolomato and Matanzas Rivers, Pellicer Creek watershed, and numerous diverse and spectacular historic, cultural, natural, scenic, and recreational resources, including the designated national treasures of Timucuan Ecological and Historical Preserve, Guana Tolomato Matanzas National Estuarine Research Reserve, the Castillo de San Marcos National Monument, and Fort Matanzas National Monument.

COMMITTEE ACTION

H.R. 2107 was introduced on March 19, 2021, by Representative John H. Rutherford (R-FL). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests, and Public Lands. On June 15, 2021, the Subcommittee held a hearing on the bill. On October 13, 2021, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Chair Raúl M. Grijalva (D-AZ) offered an amendment in the nature of a substitute. Ranking Member Bruce Westerman (R-AR) offered an amendment designated Westerman #1 to the amendment in the nature of a substitute. The amendment was agreed to by unanimous consent. The Grijalva amendment in the nature of a substitute, as amended, was agreed to by unanimous consent. The bill, as amended, was adopted and ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on National Parks, Forests, and Public Lands held on June 15, 2021.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL
BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 31, 2022.

Hon. RAÚL GRIJALVA,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimates for the following bills:

- H.R. 1286, the Southern Campaign of the Revolution National Heritage Corridor Act of 2021;
- H.R. 2024, the Southern Maryland National Heritage Area Act;
- H.R. 2107, the Nation's Oldest Port National Heritage Area Act; and
- H.R. 3222, the Alabama Black Belt National Heritage Area Act.

If you wish further details on those estimates, we will be pleased to provide them. The CBO staff contact is Madeleine Fox.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

National Park Service Legislation			
As ordered reported by the House Committee on Natural Resources on October 13, 2021			
By Fiscal Year, Millions of Dollars	2022	2022-2026	2022-2031
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	1	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
The estimated effects shown in the table apply to each bill discussed below. * = between zero and \$500,000.			

On October 13, 2021, the House Committee on Natural Resources ordered reported the following bills:

- H.R. 1286, the Southern Campaign of the Revolution National Heritage Corridor Act of 2021, would establish a na-

tional heritage corridor in North Carolina and South Carolina. The bill also would designate the University of South Carolina as the local coordinating entity and would require the university to submit a management plan for the area to the National Park Service (NPS) for approval.

- H.R. 2024, the Southern Maryland National Heritage Area Act, would establish a national heritage area in St. Mary's, Calvert, Charles, and Prince George's counties in Maryland. The bill also would designate the Tri-County Council for Southern Maryland as the local coordinating entity and would require the council to submit a management plan for the area to the NPS for approval.

- H.R. 2107, the Nation's Oldest Port National Heritage Area Act, would establish a national heritage area consisting of the watersheds in Nassau, Duval, St. Johns, and Flagler counties in Florida. The bill also would designate the Nation's Oldest Port Alliance, Inc., as the local coordinating entity and would require the group to submit a management plan for the area to the NPS for approval.

- H.R. 3222, the Alabama Black Belt National Heritage Area Act, would establish a national heritage area in various counties in Alabama. The bill also would designate the Center for the Study of the Black Belt at the University of West Alabama as the local coordinating entity and would require the center to submit a management plan for the area to the NPS for approval.

The NPS provides technical and financial assistance to national heritage areas through the Heritage Partnership Program. According to the NPS, under that program the agency typically awards about \$150,000 annually to newly established national heritage areas. On that basis, CBO estimates that the cost of implementing each bill would total about \$1 million over the 2022–2026 period; such spending would be subject to the availability of appropriated funds.

The CBO staff contact for these estimates is Madeleine Fox. The estimates were reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to establish the Nation's Oldest Port National Heritage Area in the State of Florida.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

According to CBO, this bill contains no unfunded mandates as defined by the Unfunded Mandates Reform Act.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes to existing law.

SUPPLEMENTAL, MINORITY, ADDITIONAL, OR DISSENTING VIEWS

None.