

104TH CONGRESS
2D SESSION

S. 1583

To establish the Lower Eastern Shore American Heritage Area, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 29 (legislative day, FEBRUARY 28), 1996

Mr. SARBANES introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish the Lower Eastern Shore American 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 “Lower Eastern Shore
5 American Heritage Area Act of 1996”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) COORDINATING ENTITY.—The term “co-
9 ordinating entity” means the Lower Eastern Shore

1 Heritage Committee, Inc., a nonprofit corporation
2 organized under the laws of Maryland.

3 (2) HERITAGE AREA.—The term “Heritage
4 Area” means the Lower Eastern Shore American
5 Heritage Area established under section 5.

6 (3) PARTICIPATING PARTNER.—The term “par-
7 ticipating partner” means a county that has entered
8 into the compact under section 6.

9 (4) SECRETARY.—The term “Secretary” means
10 the Secretary of the Interior.

11 **SEC. 3. FINDINGS.**

12 Congress finds that—

13 (1) the Lower Eastern Shore possesses impor-
14 tant historical, cultural, and natural resources, rep-
15 resenting themes of settlement, migration, transpor-
16 tation, commerce, and natural resource uses, as de-
17 scribed in the Lower Eastern Shore Heritage Plan
18 (1992), endorsed by local governments, and in the
19 draft report, Investing in a Special Place: A Report
20 by the National Park Service to Congress and the
21 Public on Resources, Accomplishments, and Oppor-
22 tunities for Conservation and Sustainable Develop-
23 ment: Lower Eastern Shore, Maryland (1995);

1 (2) the Lower Eastern Shore played an impor-
2 tant role in the history of the American Revolution
3 and the Civil War;

4 (3) the Lower Eastern Shore gave birth to the
5 uniquely American art form of decoy-carving
6 through the internationally recognized work of
7 Lemuel and Steve Ward and played a central role in
8 the recognition of the aesthetic value of waterfowl
9 habitat and landscapes;

10 (4) the skipjack, a popular symbol of the
11 Chesapeake Bay designed and used in Maryland for
12 harvesting oysters, is the last commercial sailing ves-
13 sel still used in North America;

14 (5) the Lower Eastern Shore played an impor-
15 tant role in the evolution of the colonial and Amer-
16 ican agricultural, timbering, shipping, and seafood
17 industries in the 17th through 20th centuries, exem-
18 plified in many structures and landscapes, including
19 farms and plantations, railroad towns, seafood proc-
20 essing industries, docks, and what was once the larg-
21 est cannery in the United States;

22 (6) the Lower Eastern Shore rural townscapes
23 and landscapes—

24 (A) display exceptional surviving physical
25 resources illustrating the themes of the Lower

1 Eastern Shore and the social, industrial, and
2 cultural history of the 17th through the early
3 20th centuries; and

4 (B) include many national historic sites
5 and landmarks;

6 (7) the Lower Eastern Shore is the home of
7 traditions and research efforts associated with native
8 American, African-American, and European-Amer-
9 ican settlements dating to periods before, during,
10 and after European contact, and retains physical,
11 social, and cultural evidence of the traditions; and

12 (8) the State of Maryland has established a
13 structure to enable Lower Eastern Shore commu-
14 nities to join together to preserve, conserve, and
15 manage the Lower Eastern Shore's resources
16 through the Maryland Greenways Commission, river
17 conservation, trail development, and other means.

18 **SEC. 4. PURPOSES.**

19 The purposes of this Act are to—

20 (1) recognize the importance of the history, cul-
21 ture, and living resources of the Lower Eastern
22 Shore to the United States;

23 (2) assist the State of Maryland and the com-
24 munities of the Lower Eastern Shore in protecting,
25 restoring, and interpreting the Lower Eastern

1 Shore's resources for the benefit of the United
2 States; and

3 (3) authorize Federal financial and technical
4 assistance to serve the purposes stated in paragraph
5 (1) and (2).

6 **SEC. 5. LOWER EASTERN SHORE AMERICAN HERITAGE**
7 **AREA.**

8 (a) ESTABLISHMENT.—The Secretary shall establish
9 a Lower Eastern Shore American Heritage Area.

10 (b) INITIAL GEOGRAPHIC SCOPE.—

11 (1) IN GENERAL.—Except as otherwise pro-
12 vided in this subsection, the Heritage Area shall con-
13 sist of the Maryland counties of Somerset,
14 Wicomico, and Worcester.

15 (2) LOCAL AGREEMENT TO PARTICIPATE.—The
16 government of each county listed under paragraph
17 (1) and each municipality in a county listed under
18 paragraph (1) shall become a participating partner
19 by entering into the compact under section 6.

20 (3) ADDITIONAL PARTNERS.—The Secretary
21 may include a county or municipality other than
22 those listed in paragraph (1) to be part of the Herit-
23 age Area if the county becomes a participating part-
24 ner by entering into the compact under section 6.

1 (4) COORDINATION.—The Secretary may co-
2 ordinate with or allow participation by any county,
3 city, town, or village in the Lower Eastern Shore.

4 **SEC. 6. COMPACT.**

5 (a) IN GENERAL.—To carry out the purposes of this
6 Act, the Secretary shall enter into a compact with the
7 State of Maryland, the coordinating entity, and any coun-
8 ty eligible to be a participating partner under section 5.

9 (b) INFORMATION.—The compact shall include infor-
10 mation relating to the objectives and management of Her-
11 itage Area programs, including—

12 (1) a discussion of the goals and objectives of
13 Heritage Area programs, including an explanation of
14 a proposed approach to conservation and interpreta-
15 tion and a general outline of the measures commit-
16 ted to by the parties to the compact;

17 (2) a description of the respective roles of the
18 participating partners;

19 (3) a list of the initial partners to be involved
20 in developing and implementing a management plan
21 for the Heritage Area and a statement of the finan-
22 cial commitment of the partners; and

23 (4) a description of the role of the State of
24 Maryland.

1 **SEC. 7. MANAGEMENT PLAN.**

2 (a) IN GENERAL.—The coordinating entity and the
3 participating partners shall develop a management plan
4 for the Heritage Area that presents comprehensive rec-
5 ommendations for conservation, program funding, man-
6 agement, and development.

7 (b) PLAN REQUIREMENTS.—The management plan
8 shall—

9 (1) be consistent with State and local plans in
10 existence prior to development of the management
11 plan;

12 (2) involve residents, public agencies, univer-
13 sities, and private organizations working in the Her-
14 itage Area;

15 (3) specify the existing and potential sources of
16 funding to protect, manage, and develop the Herit-
17 age Area; and

18 (4) include—

19 (A) a description of actions to be under-
20 taken by units of government and private orga-
21 nizations;

22 (B) an inventory of the resources con-
23 tained in the Heritage Area, including a list of
24 any property in the Heritage Area that is relat-
25 ed to the themes of the Heritage Area and that
26 should be preserved, restored, managed, devel-

1 oped, or maintained because of the property's
2 natural, cultural, historical, recreational, or sce-
3 nic significance;

4 (C) a recommendation of policies for re-
5 source management that considers and details
6 application of appropriate land and water man-
7 agement techniques, including the development
8 of intergovernmental cooperative agreements to
9 protect the Heritage Area's historical, cultural,
10 recreational, and natural resources in a manner
11 that is consistent with supporting appropriate
12 and compatible economic viability;

13 (D) a program for implementation of the
14 management plan, including plans for restora-
15 tion and construction, and specific commit-
16 ments of the participating partners for the first
17 5 years of operation;

18 (E) an analysis of ways in which Federal,
19 State, and local programs may best be coordi-
20 nated to promote the purposes of this Act; and

21 (F) an interpretation plan for the Heritage
22 Area.

23 (c) TIME LIMIT FOR SUBMISSION OF A MANAGE-
24 MENT PLAN.—If the Secretary has not approved a man-
25 agement plan by the date that is 2 years after the date

1 of enactment of this Act, the Heritage Area shall be ineli-
 2 gible for Federal funding until a management plan is ap-
 3 proved.

4 **SEC. 8. THE COORDINATING ENTITY AND PARTICIPATING**
 5 **PARTNERS.**

6 (a) DUTIES OF THE COORDINATING ENTITY AND
 7 PARTICIPATING PARTNERS.—The coordinating entity and
 8 participating partners shall—

9 (1) develop and submit to the Secretary for ap-
 10 proval a management plan pursuant to section 7 not
 11 later than the date that is 2 years after the date of
 12 enactment of this Act;

13 (2) give priority to implementing actions set
 14 forth in the compact and the management plan, in-
 15 cluding taking steps to—

16 (A) assist units of government, regional
 17 planning organizations, and nonprofit organiza-
 18 tions in—

19 (i) preserving the Heritage Area;

20 (ii) establishing and maintaining in-
 21 terpretive exhibits in the Heritage Area;

22 (iii) developing recreational resources
 23 in the Heritage Area;

24 (iv) increasing public awareness of
 25 and appreciation for the natural, historical,

1 and architectural resources and sites in the
2 Heritage Area; and

3 (v) restoring any historic building re-
4 lating to the themes of the Heritage Area;

5 (B) encourage by appropriate means eco-
6 nomic vitality in the area consistent with the
7 management plan for the Heritage Area;

8 (C) encourage local governments to adopt
9 policies consistent with the management of the
10 Heritage Area and the goals of the plan; and

11 (D) assist units of government, regional
12 planning organizations, businesses, and non-
13 profit organizations to ensure that clear, con-
14 sistent, and environmentally appropriate signs
15 identifying access points and sites of interest
16 are put in place throughout the Heritage Area;

17 (3) consider the interests of diverse govern-
18 mental, business, and nonprofit groups within the
19 Heritage Area;

20 (4) conduct public meetings not less frequently
21 than quarterly regarding the implementation of the
22 management plan;

23 (5) submit substantial changes (including any
24 increase of more than 20 percent in the cost esti-

1 mates for implementation) to the management plan
2 to the Secretary for approval;

3 (6) for any year in which Federal funds have
4 been received under this Act, submit an annual re-
5 port to the Secretary setting forth the accomplish-
6 ments and expenses and income of the coordinating
7 entity and the participating partners and the entity
8 to which any loans and grants were made during the
9 year for which the report is made; and

10 (7) for any year in which Federal funds have
11 been received under this Act, make available for
12 audit all records pertaining to the expenditure of the
13 Federal funds and any matching funds and require,
14 for all agreements authorizing expenditure of Fed-
15 eral funds by other organizations, that the receiving
16 organizations make available for audit all records
17 pertaining to the expenditure of the funds.

18 (b) FEDERAL FUNDING.—

19 (1) OPERATIONS.—The Federal contribution to
20 the operations of the coordinating entity and partici-
21 pating partners shall not exceed 50 percent of the
22 annual operating cost of the entity and partners as-
23 sociated with carrying out this Act.

24 (2) IMPLEMENTATION.—A grant to the coordi-
25 nating entity or a participating partner for imple-

1 mentation of this Act may not exceed 75 percent of
2 the cost of the entity and partners for implementing
3 this Act.

4 (c) PROHIBITION OF ACQUISITION OF REAL PROP-
5 ERTY.—The coordinating entity may not use Federal
6 funds received under this Act to acquire real property or
7 an interest in real property.

8 (d) ELIGIBILITY TO RECEIVE FINANCIAL ASSIST-
9 ANCE.—

10 (1) ELIGIBILITY.—Except as provided in para-
11 graph (2), the coordinating entity shall be eligible to
12 receive funds to carry out this Act for a period of
13 10 years after the date on which the compact under
14 section 6 is signed by the Secretary and the coordi-
15 nating entity.

16 (2) EXCEPTION.—The coordinating entity may
17 receive funding under this Act for a period of not
18 more than 5 additional years, if—

19 (A) the coordinating entity determines that
20 the extension is necessary in order to carry out
21 the purposes of this Act and the coordinating
22 entity notifies the Secretary of the determina-
23 tion not later than 180 days prior to the termi-
24 nation date;

1 (B) not later than 180 days prior to the
2 termination date, the coordinating entity pre-
3 sents to the Secretary a plan of activities for
4 the period of the extension, including a plan for
5 becoming independent of the funds made avail-
6 able through this Act; and

7 (C) the Secretary, in consultation with the
8 Governor of Maryland, approves the extension
9 of funding.

10 (e) OTHER FEDERAL FUNDS.—Nothing in this Act
11 shall affect the use of Federal funds received by the co-
12 ordinating entity or a participating partner under any
13 other Act.

14 **SEC. 9. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.**

15 (a) DUTIES AND AUTHORITIES OF THE SEC-
16 RETARY.—

17 (1) GRANTS TO THE COORDINATING ENTITY
18 AND PARTICIPATING PARTNERS.—The Secretary
19 shall make grants available to the coordinating en-
20 tity and the participating partners to carry out this
21 Act.

22 (2) TECHNICAL AND FINANCIAL ASSISTANCE.—

23 (A) IN GENERAL.—On request of the co-
24 ordinating entity, the Secretary may provide
25 technical and financial assistance to the coordi-

1 nating entity and participating partners to de-
2 velop and implement the management plan.

3 (B) PRIORITY.—In assisting the coordinat-
4 ing entity and participating partners, the Sec-
5 retary shall give priority to actions that—

6 (i) conserve the significant natural,
7 historic, and cultural resources of the Her-
8 itage Area; and

9 (ii) provide educational, interpretive,
10 and recreational opportunities consistent
11 with the resources and associated values of
12 the Heritage Area.

13 (B) EXPENDITURES FOR NONFEDERALLY
14 OWNED PROPERTY.—The Secretary may expend
15 Federal funds on nonfederally owned property
16 to further the purposes of this Act, including
17 assisting units of government in appropriate
18 treatment of districts, sites, buildings, struc-
19 tures, and objects listed or eligible for listing on
20 the National Register of Historic Places.

21 (2) APPROVAL AND DISAPPROVAL OF COMPACTS
22 AND MANAGEMENT PLANS.—

23 (A) IN GENERAL.—The Secretary, in con-
24 sultation with the Governor of Maryland, shall
25 approve or disapprove a compact or manage-

1 ment plan submitted under this Act not later
2 than 90 days after receiving the compact or
3 management plan.

4 (B) ACTION FOLLOWING DISAPPROVAL.—

5 (i) IN GENERAL.—If the Secretary
6 disapproves a compact or management
7 plan, the Secretary shall advise the coordi-
8 nating entity in writing of the reasons for
9 rejecting the compact or plan and shall
10 make recommendations for revisions in the
11 compact or plan.

12 (ii) APPROVAL OF REVISION.—The
13 Secretary shall approve or disapprove a
14 proposed revision not later than 90 days
15 after the date the revision is submitted.

16 (3) APPROVING AMENDMENTS.—

17 (A) IN GENERAL.—The Secretary shall re-
18 view substantial amendments to the manage-
19 ment plan for the Heritage Area.

20 (B) FUNDS FOR AMENDMENT.—Funds
21 made available under this Act may not be ex-
22 pended to implement a substantial amendment
23 to the management plan until the Secretary ap-
24 proves the amendment.

1 (4) ISSUING REGULATIONS.—The Secretary
2 shall issue such regulations as are necessary to carry
3 out this Act.

4 (b) DUTIES OF FEDERAL ENTITIES.—A Federal en-
5 tity conducting or supporting an activity directly affecting
6 the Heritage Area, and any unit of government acting pur-
7 suant to a grant of Federal funds or a Federal permit
8 or agreement conducting or supporting an activity directly
9 affecting the Heritage Area, shall, to the maximum extent
10 practicable—

11 (1) consult with the Secretary and the coordi-
12 nating entity with respect to the activity;

13 (2) cooperate with the Secretary and the coordi-
14 nating entity in carrying out the duties of the Sec-
15 retary and the coordinating entity under this Act;
16 and

17 (3) conduct or support the activity in a manner
18 consistent with the management plan.

19 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated such sums
21 as are necessary to carry out this Act.

○