

110TH CONGRESS
2D SESSION

S. 2604

To establish the Baltimore National Heritage Area in the State of Maryland,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7 (legislative day, FEBRUARY 6), 2008

Ms. MIKULSKI (for herself and Mr. CARDIN) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

A BILL

To establish the Baltimore National Heritage Area in the
State of Maryland, 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 “Baltimore National
5 Heritage Area Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The City of Baltimore contains 24 National
9 Historic Landmarks, 53,000 buildings listed in 52
10 National Register Historic Districts, 8,000 buildings

1 in 30 local historic districts, and 12 Chesapeake Bay
2 Gateways, nestled in an unparalleled system of parks
3 and waterways, and connected by 5 Maryland Scenic
4 Byways and an All-American Road.

5 (2) The Battle of Baltimore represented the de-
6 finitive end of the American Revolution, secured
7 United States sovereignty, and gave the country 2
8 enduring symbols: the United States flag and the
9 poem by Francis Scott Key that became our national
10 anthem, “The Star-Spangled Banner”.

11 (3) The proposed Baltimore National Heritage
12 Area will tell 2 of the most significant national herit-
13 age stories at the locus of black history and the
14 transformative effects of education, which are the
15 following:

16 (A) Frederick Douglass, who while as a
17 slave learned to read in Baltimore and credited
18 his time in the city as the foundation for his ac-
19 complishments; and

20 (B) Thurgood Marshall, whose public
21 school education in Baltimore led directly to his
22 unparalleled contributions to civil rights as an
23 attorney in Baltimore and as a United States
24 Supreme Court Justice.

1 (4) Between the early 1800s and the mid
2 1900s, about 2,000,000 immigrants landed in Balti-
3 more, second only to New York, as a major port of
4 entry into the United States.

5 (5) In 1811, the Nation's first federally funded
6 interstate transportation route, the National Road,
7 began its journey from Baltimore to the west.

8 (6) Baltimore is the farthest inland east coast
9 port, closest to the Nation's interior. The Ches-
10 apeake Bay, the continent's largest estuary, is a mag-
11 nificent, fertile, natural resource. This special mix
12 gave rise to the largest city in the 6 States of the
13 Chesapeake region, with a cultural landscape unique
14 among world port cities.

15 (7) Although Baltimore is a largely urban envi-
16 ronment, a number of important natural and rec-
17 reational resources can be found within the proposed
18 National Heritage Area boundaries. Beginning with
19 the first city park in 1827, Patterson Park, the
20 city's natural and recreational resources enjoy a
21 noteworthy history. Most remarkable is the city's ac-
22 quisition, beginning in 1860, of 7 large estates that
23 created the base for the current park system, includ-
24 ing Leakin Park that is one of the largest urban wil-
25 derness parks remaining on the East Coast.

1 (8) The Baltimore City Heritage Area is a
2 State heritage area designated by the State of Mary-
3 land in 2001.

4 (9) The “Feasibility Study for a Baltimore Na-
5 tional Heritage Area”, dated December 2006, found
6 that the proposed area met the National Park Serv-
7 ice’s interim criteria for national heritage area des-
8 ignation.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

11 (1) HERITAGE AREA.—The term “Heritage
12 Area” means the Baltimore National Heritage Area,
13 established in section 4.

14 (2) LOCAL COORDINATING ENTITY.—The term
15 “local coordinating entity” means the local coordi-
16 nating entity for the Heritage Area designated by
17 section 4(d).

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

21 (4) MAP.—The term “map” means the map ti-
22 tled “Baltimore National Heritage Area”, numbered
23 T10/80,000, and dated October 2007.

24 (5) SECRETARY.—The term “Secretary” means
25 the Secretary of the Interior.

1 (6) STATE.—The term “State” means the State
2 of Maryland.

3 **SEC. 4. BALTIMORE NATIONAL HERITAGE AREA.**

4 (a) ESTABLISHMENT.—There is established the Bal-
5 timore National Heritage Area in the State.

6 (b) BOUNDARIES.—The Heritage Area shall be com-
7 prised of the following, as depicted on the map:

8 (1) The area encompassing the Baltimore City
9 Heritage Area certified by the Maryland Heritage
10 Areas Authority in October 2001 as part of the Bal-
11 timore City Heritage Area Management Action Plan.

12 (2) The Mount Auburn Cemetery.

13 (3) The Cylburn Arboretum.

14 (4) The Middle Branch of the Patapsco River
15 and surrounding shoreline, including—

16 (A) the Cruise Maryland Terminal;

17 (B) new marina construction;

18 (C) the National Aquarium Aquatic Life
19 Center;

20 (D) the Westport Redevelopment;

21 (E) the Gwynns Falls Trail;

22 (F) the Baltimore Rowing Club; and

23 (G) the Masonville Cove Environmental
24 Center.

1 (c) AVAILABILITY OF MAP.—The map shall be on file
 2 and available for public inspection in the appropriate of-
 3 fices of the National Park Service, Department of the In-
 4 terior, and the Baltimore Heritage Area Association.

5 (d) LOCAL COORDINATING ENTITY.—The Baltimore
 6 Heritage Area Association shall be the local coordinating
 7 entity for the Heritage Area.

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

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

13 (1) prepare and submit a management plan for
 14 the Heritage Area to the Secretary in accordance
 15 with section 6;

16 (2) assist units of local government, regional
 17 planning organizations, and nonprofit organizations
 18 in implementing the approved management plan
 19 by—

20 (A) carrying out programs and projects
 21 that recognize, protect, and enhance important
 22 resource values within the Heritage Area;

23 (B) establishing and maintaining interpre-
 24 tive exhibits and programs within the Heritage
 25 Area;

1 (C) developing recreational and educational
2 opportunities in the Heritage Area;

3 (D) increasing public awareness of and ap-
4 preciation for natural, historical, scenic, and
5 cultural resources of the Heritage Area;

6 (E) protecting and restoring historic sites
7 and buildings in the Heritage Area that are
8 consistent with heritage area themes;

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

12 (G) promoting a wide range of partner-
13 ships among governments, organizations, and
14 individuals to further the purposes of the Herit-
15 age Area;

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

20 (4) conduct meetings open to the public at least
21 semi-annually regarding the development and imple-
22 mentation of the management plan;

23 (5) submit an annual report to the Secretary
24 for any fiscal year in which the local coordinating
25 entity receives Federal funds under this Act, setting

1 forth its accomplishments, expenses, and income,
2 amounts and sources of matching funds, amounts le-
3 veraged with Federal funds and sources of such
4 leveraging, and grants made to any other entities
5 during the year for which the report is made;

6 (6) make available for audit for any fiscal year
7 in which it receives Federal funds under this Act, all
8 information pertaining to the expenditure of such
9 funds and any matching funds, and require in all
10 agreements authorizing expenditures of Federal
11 funds by other organizations, that the receiving or-
12 ganizations make available for such audit all records
13 and other information pertaining to the expenditure
14 of such funds; and

15 (7) encourage, by appropriate means, economic
16 development that is consistent with the purposes of
17 the Heritage Area.

18 (b) AUTHORITIES.—The local coordinating entity
19 may, subject to the prior approval of the Secretary, for
20 the purposes of preparing and implementing the manage-
21 ment plan for the Heritage Area, use Federal funds made
22 available through this Act to—

23 (1) make grants to the State, its political sub-
24 divisions, nonprofit organizations, and other persons;

1 (2) enter into cooperative agreements with or
2 provide technical assistance to the State, its subdivi-
3 sions, nonprofit organizations, Federal agencies, and
4 other interested parties;

5 (3) hire and compensate staff;

6 (4) obtain money or services from any source
7 including any that are provided under any other
8 Federal law or program;

9 (5) contract for goods or services; and

10 (6) support activities of partners and any other
11 activities that further the purposes of the Heritage
12 Area and are consistent with the approved manage-
13 ment plan.

14 (c) PROHIBITION ON THE ACQUISITION OF REAL
15 PROPERTY.—The local coordinating entity may not use
16 Federal funds received under this Act to acquire real prop-
17 erty.

18 **SEC. 6. MANAGEMENT PLAN.**

19 (a) IN GENERAL.—The management plan for the
20 Heritage Area shall—

21 (1) describe comprehensive policies, goals, strat-
22 egies, and recommendations for telling the story of
23 the region’s heritage and encouraging long-term re-
24 source protection, enhancement, interpretation,

1 funding, management, and development of the Her-
2 itage Area;

3 (2) take into consideration existing State, coun-
4 ty, and local plans in the development of the man-
5 agement plan and its implementation;

6 (3) include a description of actions and commit-
7 ments that governments, private organizations, and
8 citizens plan to take to protect, enhance, and inter-
9 pret the natural, historic, scenic, and cultural re-
10 sources of the Heritage Area;

11 (4) specify existing and potential sources of
12 funding or economic development strategies to pro-
13 tect, enhance, interpret, fund, manage, and develop
14 the Heritage Area;

15 (5) include an inventory of the natural, histor-
16 ical, cultural, educational, scenic, and recreational
17 resources of the Heritage Area related to the stories
18 and themes of the region that should be protected,
19 enhanced, managed, or developed;

20 (6) recommend policies and strategies for re-
21 source management including, the development of
22 intergovernmental and interagency agreements to
23 protect the Heritage Area's natural, historical, cul-
24 tural, educational, scenic, and recreational resources;

1 (7) describe a program of implementation for
2 the management plan, including—

3 (A) performance goals;

4 (B) plans for resource protection, enhance-
5 ment, interpretation; and

6 (C) specific commitments for implementa-
7 tion that have been made by the local coordi-
8 nating entity or any government, organization,
9 business, or individual;

10 (8) include an analysis and recommendations
11 for ways in which local, State, Tribal, and Federal
12 programs may best be coordinated, including the
13 role of the National Park Service and other Federal
14 agencies associated with the Heritage Area, to fur-
15 ther the purposes of this Act;

16 (9) include an interpretive plan for the Heritage
17 Area; and

18 (10) include a business plan that—

19 (A) describes the role, operation, financing,
20 and functions of the local coordinating entity
21 and of each of the major activities contained in
22 the management plan; and

23 (B) provides adequate assurances that the
24 local coordinating entity has the partnerships
25 and financial and other resources necessary to

1 implement the management plan for the Herit-
2 age Area.

3 (b) DEADLINE AND TERMINATION OF FUNDING.—

4 (1) DEADLINE.—The local coordinating entity
5 shall submit the management plan to the Secretary
6 for approval not later than 3 years after the date on
7 which any funds are made available for this purpose
8 after designation as a Heritage Area.

9 (2) TERMINATION OF FUNDING.—If the man-
10 agement plan is not submitted to the Secretary in
11 accordance with this subsection, the local coordi-
12 nating entity shall not qualify for additional finan-
13 cial assistance under this Act until the management
14 plan is submitted to and approved by the Secretary.

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

16 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—

17 (1) IN GENERAL.—The Secretary may, upon
18 the request of the local coordinating entity, provide
19 technical and financial assistance on a reimbursable
20 or non-reimbursable basis (as determined by the
21 Secretary) to the Heritage Area to develop and im-
22 plement the management plan.

23 (2) PRIORITY ACTIONS.—In assisting the Herit-
24 age Area, the Secretary shall give priority to actions
25 that in general assist in—

1 (A) conserving the significant natural, his-
2 torical, cultural, and scenic resources of the
3 Heritage Area; and

4 (B) providing educational, interpretive, and
5 recreational opportunities consistent with the
6 purposes of the Heritage Area.

7 (3) COOPERATIVE AGREEMENTS.—The Sec-
8 retary is authorized to enter into cooperative agree-
9 ments with the local coordinating entity and other
10 public or private entities to carry out this sub-
11 section.

12 (b) APPROVAL OF MANAGEMENT PLAN.—

13 (1) REVIEW.—The Secretary shall approve or
14 disapprove the management plan not later than 180
15 days after receiving the management plan.

16 (2) CONSULTATION.—The Secretary shall con-
17 sult with the Governor of any State and Tribal gov-
18 ernment in which the Heritage Area is located prior
19 to approving any management plan.

20 (3) CRITERIA FOR APPROVAL.—In determining
21 the approval of the management plan, the Secretary
22 shall consider whether—

23 (A) the local coordinating entity will be
24 representative of the diverse interests of the
25 Heritage Area, including governments, natural

1 and historic resource protection organizations,
2 educational institutions, businesses, community
3 residents, and recreational organizations;

4 (B) the local coordinating entity has af-
5 forded adequate opportunity for public and gov-
6 ernmental involvement, including workshops
7 and public meetings, in the preparation of the
8 management plan;

9 (C) the resource protection and interpreta-
10 tion strategies contained in the management
11 plan, if implemented, would adequately protect
12 the natural, historical, and cultural resources of
13 the Heritage Area;

14 (D) the management plan would not ad-
15 versely affect any activities authorized on Fed-
16 eral or Tribal lands under applicable laws or
17 pursuant to land use plans;

18 (E) the Secretary has received adequate
19 assurances from the appropriate State, Tribal,
20 and local officials whose support is needed to
21 ensure the effective implementation of the
22 State, Tribal, and local aspects of the manage-
23 ment plan; and

1 (F) the local coordinating entity has dem-
2 onstrated the financial capability, in partner-
3 ship with others, to carry out the plan.

4 (4) ACTION FOLLOWING DISAPPROVAL.—If the
5 Secretary disapproves the management plan, the
6 Secretary shall advise the local coordinating entity in
7 writing of the reasons and may make recommenda-
8 tions for revisions to the management plan. The Sec-
9 retary shall approve or disapprove a proposed revi-
10 sion not later than 180 days after it is resubmitted.

11 (5) APPROVAL OF AMENDMENTS.—Substantial
12 amendments to the management plan shall be re-
13 viewed by the Secretary and approved in the same
14 manner as provided for the original management
15 plan. The local coordinating entity may not use Fed-
16 eral funds authorized by this Act to implement any
17 amendments until the Secretary has approved the
18 amendments.

19 (c) EVALUATION.—

20 (1) IN GENERAL.—Not later than 3 years be-
21 fore the date on which authority for Federal funding
22 terminates for the Heritage Area, the Secretary shall
23 conduct an evaluation of the accomplishments of the
24 Heritage Area and prepare a report with rec-

1 ommendations for the National Park Service’s fu-
2 ture role, if any, with respect to the Heritage Area.

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

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

7 (i) accomplishing the purposes of the
8 authorizing legislation for the Heritage
9 Area; and

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

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

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

22 (3) RECOMMENDATIONS.—Based upon the eval-
23 uation under paragraph (1), the Secretary shall pre-
24 pare a report with recommendations for the National
25 Park Service’s future role, if any, with respect to the

1 Heritage Area. If the report recommends that Fed-
2 eral funding for the Heritage Area be reauthorized,
3 the report shall include an analysis of—

4 (A) ways in which Federal funding for the
5 Heritage Area may be reduced or eliminated;
6 and

7 (B) the appropriate time period necessary
8 to achieve the recommended reduction or elimi-
9 nation.

10 (4) SUBMISSION TO CONGRESS.—On completion
11 of a report under paragraph (3), the Secretary shall
12 submit the report to—

13 (A) the Committee on Energy and Natural
14 Resources of the Senate; and

15 (B) the Committee on Natural Resources
16 of the House of Representatives.

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

18 (a) IN GENERAL.—This Act shall not affect the au-
19 thority of any Federal official to provide technical or fi-
20 nancial assistance under any other law.

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

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

3 (1) modifies, alters, or amends any law or regu-
4 lation authorizing a Federal agency to manage Fed-
5 eral land under the jurisdiction of the Federal agen-
6 cy;

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

10 (3) modifies, alters, or amends any authorized
11 use of Federal land under the jurisdiction of a Fed-
12 eral agency.

13 **SEC. 9. PROPERTY OWNERS AND REGULATORY PROTEC-**
14 **TIONS.**

15 Nothing in this Act shall be construed to—

16 (1) abridge the rights of any property owner,
17 public or private, including the right to refrain from
18 participating in any plan, project, program, or activ-
19 ity conducted within the Heritage Area;

20 (2) require any property owner to permit public
21 access (including Federal, Tribal, State, or local gov-
22 ernment access) to such property or to modify any
23 provisions of Federal, Tribal, State, or local law with
24 regard to public access or use of private lands;

1 (3) alter any duly adopted land use regulations
2 or approved land use plan or any other regulatory
3 authority of any Federal, State, or local agency, or
4 Tribal government or to convey any land use or
5 other regulatory authority to any local coordinating
6 entity;

7 (4) authorize or imply the reservation or appro-
8 priation of water or water rights;

9 (5) diminish the authority of the State to man-
10 age fish and wildlife, including the regulation of fish-
11 ing and hunting within the Heritage Area; or

12 (6) create any liability, or affect any liability
13 under any other law, of any private property owner
14 with respect to any persons injured on such private
15 property.

16 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) IN GENERAL.—There is authorized to be appro-
18 priated for the purposes of this Act \$10,000,000, of which
19 not more than \$1,000,000 shall be made available for any
20 fiscal year.

21 (b) MATCHING FUNDS.—Federal funding provided
22 under this Act may not exceed 50 percent of the total cost
23 of any assistance or grant provided or authorized under
24 this Act. Recipient matching funds—

25 (1) must be from non-Federal sources; and

1 (2) may be made in the form of in-kind con-
2 tributions of goods and services fairly valued.

3 **SEC. 11. SUNSET.**

4 The authority of the Secretary to provide financial
5 assistance under this Act shall terminate 15 years after
6 the date of enactment of the Act.

○