

Calendar No. 803

110TH CONGRESS
2D SESSION

S. 2604

[Report No. 110-371]

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

JUNE 16, 2008

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The City of Baltimore contains 24 National
4 Historic Landmarks, 53,000 buildings listed in 52
5 National Register Historic Districts, 8,000 buildings
6 in 30 local historic districts, and 12 Chesapeake Bay
7 Gateways, nestled in an unparalleled system of parks
8 and waterways, and connected by 5 Maryland Scenic
9 Byways and an All-American Road.

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

16 (3) The proposed Baltimore National Heritage
17 Area will tell 2 of the most significant national herit-
18 age stories at the locus of black history and the
19 transformative effects of education, which are the
20 following:

21 (A) Frederick Douglass, who while as a
22 slave learned to read in Baltimore and credited
23 his time in the city as the foundation for his ac-
24 accomplishments; and

25 (B) Thurgood Marshall, whose public
26 school education in Baltimore led directly to his

1 unparalleled contributions to civil rights as an
2 attorney in Baltimore and as a United States
3 Supreme Court Justice.

4 (4) Between the early 1800s and the mid
5 1900s, about 2,000,000 immigrants landed in Balti-
6 more, second only to New York, as a major port of
7 entry into the United States.

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

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

18 (7) Although Baltimore is a largely urban envi-
19 ronment, a number of important natural and rec-
20 reational resources can be found within the proposed
21 National Heritage Area boundaries. Beginning with
22 the first city park in 1827, Patterson Park, the
23 city's natural and recreational resources enjoy a
24 noteworthy history. Most remarkable is the city's ac-
25 quisition, beginning in 1860, of 7 large estates that

1 created the base for the current park system, includ-
 2 ing Leakin Park that is one of the largest urban wil-
 3 derness parks remaining on the East Coast.

4 (8) The Baltimore City Heritage Area is a
 5 State heritage area designated by the State of Mary-
 6 land in 2001.

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

12 **SEC. 3. DEFINITIONS.**

13 In this Act:

14 (1) HERITAGE AREA.—The term “Heritage
 15 Area” means the Baltimore National Heritage Area,
 16 established in section 4.

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

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

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

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

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

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

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

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

13 (1) The area encompassing the Baltimore City
 14 Heritage Area certified by the Maryland Heritage
 15 Areas Authority in October 2001 as part of the Bal-
 16 timore City Heritage Area Management Action Plan.

17 (2) The Mount Auburn Cemetery.

18 (3) The Cylburn Arboretum.

19 (4) The Middle Branch of the Patapasco River
 20 and surrounding shoreline, including—

21 (A) the Cruise Maryland Terminal;

22 (B) new marina construction;

23 (C) the National Aquarium Aquatic Life
 24 Center;

25 (D) the Westport Redevelopment;

- 1 ~~(E)~~ the Gwynns Falls Trail;
 2 ~~(F)~~ the Baltimore Rowing Club; and
 3 ~~(G)~~ the Masonville Cove Environmental
 4 Center.

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

9 ~~(d)~~ LOCAL COORDINATING ENTITY.—The Baltimore
 10 Heritage Area Association shall be the local coordinating
 11 entity for the Heritage Area.

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

14 ~~(a)~~ DUTIES OF THE LOCAL COORDINATING ENTI-
 15 TY.—To further the purposes of the Heritage Area, the
 16 local coordinating entity shall—

17 ~~(1)~~ prepare and submit a management plan for
 18 the Heritage Area to the Secretary in accordance
 19 with section 6;

20 ~~(2)~~ assist units of local government, regional
 21 planning organizations, and nonprofit organizations
 22 in implementing the approved management plan
 23 by—

1 (A) carrying out programs and projects
2 that recognize, protect, and enhance important
3 resource values within the Heritage Area;

4 (B) establishing and maintaining interpre-
5 tive exhibits and programs within the Heritage
6 Area;

7 (C) developing recreational and educational
8 opportunities in the Heritage Area;

9 (D) increasing public awareness of and ap-
10 preciation for natural, historical, scenic, and
11 cultural resources of the Heritage Area;

12 (E) protecting and restoring historic sites
13 and buildings in the Heritage Area that are
14 consistent with heritage area themes;

15 (F) ensuring that signs identifying points
16 of public access and sites of interest are posted
17 throughout the Heritage Area; and

18 (G) promoting a wide range of partner-
19 ships among governments, organizations, and
20 individuals to further the purposes of the Herit-
21 age Area;

22 (H) consider the interests of diverse units of
23 government, businesses, organizations, and individ-
24 uals in the Heritage Area in the preparation and im-
25 plementation of the management plan;

1 (4) conduct meetings open to the public at least
2 semi-annually regarding the development and imple-
3 mentation of the management plan;

4 (5) submit an annual report to the Secretary
5 for any fiscal year in which the local coordinating
6 entity receives Federal funds under this Act, setting
7 forth its accomplishments, expenses, and income,
8 amounts and sources of matching funds, amounts le-
9 veraged with Federal funds and sources of such
10 leveraging, and grants made to any other entities
11 during the year for which the report is made;

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

21 (7) encourage, by appropriate means, economic
22 development that is consistent with the purposes of
23 the Heritage Area.

24 (b) **AUTHORITIES.**—The local coordinating entity
25 may, subject to the prior approval of the Secretary, for

1 the purposes of preparing and implementing the manage-
 2 ment plan for the Heritage Area, use Federal funds made
 3 available through this Act to—

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

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

10 (3) hire and compensate staff;

11 (4) obtain money or services from any source
 12 including any that are provided under any other
 13 Federal law or program;

14 (5) contract for goods or services; and

15 (6) support activities of partners and any other
 16 activities that further the purposes of the Heritage
 17 Area and are consistent with the approved manage-
 18 ment plan.

19 (c) ~~PROHIBITION ON THE ACQUISITION OF REAL~~
 20 PROPERTY.—The local coordinating entity may not use
 21 Federal funds received under this Act to acquire real prop-
 22 erty.

23 **SEC. 6. MANAGEMENT PLAN.**

24 (a) ~~IN GENERAL.~~—The management plan for the
 25 Heritage Area shall—

1 (1) describe comprehensive policies, goals, strat-
2 egies, and recommendations for telling the story of
3 the region's heritage and encouraging long-term re-
4 source protection, enhancement, interpretation,
5 funding, management, and development of the Her-
6 itage Area;

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

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

15 (4) specify existing and potential sources of
16 funding or economic development strategies to pro-
17 tect, enhance, interpret, fund, manage, and develop
18 the Heritage Area;

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

24 (6) recommend policies and strategies for re-
25 source management including, the development of

1 intergovernmental and interagency agreements to
2 protect the Heritage Area's natural, historical, cul-
3 tural, educational, scenic, and recreational resources;

4 (7) describe a program of implementation for
5 the management plan, including—

6 (A) performance goals;

7 (B) plans for resource protection, enhance-
8 ment, interpretation; and

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

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

19 (9) include an interpretive plan for the Heritage
20 Area; and

21 (10) include a business plan that—

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

1 ~~(B)~~ provides adequate assurances that the
 2 local coordinating entity has the partnerships
 3 and financial and other resources necessary to
 4 implement the management plan for the Herit-
 5 age Area.

6 ~~(b) DEADLINE AND TERMINATION OF FUNDING.—~~

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

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

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

19 ~~(a) TECHNICAL AND FINANCIAL ASSISTANCE.—~~

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

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

4 (A) conserving the significant natural, his-
 5 torical, cultural, and scenic resources of the
 6 Heritage Area; and

7 (B) providing educational, interpretive, and
 8 recreational opportunities consistent with the
 9 purposes of the Heritage Area.

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

15 (b) APPROVAL OF MANAGEMENT PLAN.—

16 (1) REVIEW.—The Secretary shall approve or
 17 disapprove the management plan not later than 180
 18 days after receiving the management plan.

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

23 (3) CRITERIA FOR APPROVAL.—In determining
 24 the approval of the management plan, the Secretary
 25 shall consider whether—

1 (A) the local coordinating entity will be
2 representative of the diverse interests of the
3 Heritage Area, including governments, natural
4 and historic resource protection organizations,
5 educational institutions, businesses, community
6 residents, and recreational organizations;

7 (B) the local coordinating entity has af-
8 farded adequate opportunity for public and gov-
9 ernmental involvement, including workshops
10 and public meetings, in the preparation of the
11 management plan;

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

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

21 (E) the Secretary has received adequate
22 assurances from the appropriate State, Tribal,
23 and local officials whose support is needed to
24 ensure the effective implementation of the

1 State, Tribal, and local aspects of the manage-
2 ment plan; and

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

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

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

21 (c) EVALUATION.—

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

1 Heritage Area and prepare a report with rec-
2 ommendations for the National Park Service's fu-
3 ture role, if any, with respect to the Heritage Area.

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

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

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

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

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

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

23 (3) RECOMMENDATIONS.—Based upon the eval-
24 uation under paragraph (1), the Secretary shall pre-
25 pare a report with recommendations for the National

1 Park Service's future role, if any, with respect to the
2 Heritage Area. If the report recommends that Fed-
3 eral funding for the Heritage Area be reauthorized,
4 the report shall include an analysis of—

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

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

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

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

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

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

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

22 (b) CONSULTATION AND COORDINATION.—The head
23 of any Federal agency planning to conduct activities that
24 may have an impact on the Heritage Area is encouraged

1 to consult and coordinate the activities with the Secretary
 2 and the local coordinating entity to the extent practicable.

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

5 (1) modifies, alters, or amends any law or regula-
 6 tion authorizing a Federal agency to manage Fed-
 7 eral land under the jurisdiction of the Federal agen-
 8 cy;

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

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

15 **SEC. 9. PROPERTY OWNERS AND REGULATORY PROTEC-**
 16 **TIONS.**

17 Nothing in this Act shall be construed to—

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

22 (2) require any property owner to permit public
 23 access (including Federal, Tribal, State, or local gov-
 24 ernment access) to such property or to modify any

1 provisions of Federal, Tribal, State, or local law with
2 regard to public access or use of private lands;

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

9 ~~(4)~~ authorize or imply the reservation or appro-
10 priation of water or water rights;

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

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

18 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

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

23 (b) **MATCHING FUNDS.**—Federal funding provided
24 under this Act may not exceed 50 percent of the total cost

1 of any assistance or grant provided or authorized under
 2 this Act. Recipient matching funds—

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

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

6 **SEC. 11. SUNSET.**

7 The authority of the Secretary to provide financial
 8 assistance under this Act shall terminate 15 years after
 9 the date of enactment of the Act.

10 **SECTION 1. SHORT TITLE.**

11 *This Act may be cited as the “Baltimore National Her-
 12 itage Area Act”.*

13 **SEC. 2. DEFINITIONS.**

14 *In this Act:*

15 (1) *HERITAGE AREA.*—*The term “Heritage
 16 Area” means the Baltimore National Heritage Area,
 17 established by section 3(a).*

18 (2) *LOCAL COORDINATING ENTITY.*—*The term
 19 “local coordinating entity” means the local coordi-
 20 nating entity for the Heritage Area designated by sec-
 21 tion 3(d).*

22 (3) *MANAGEMENT PLAN.*—*The term “manage-
 23 ment plan” means the management plan for the Her-
 24 itage Area required under section 4(a)(1).*

1 (4) *MAP.*—*The term “map” means the map enti-*
 2 *tled “Baltimore National Heritage Area”, numbered*
 3 *T10/80,000, and dated October 2007.*

4 (5) *SECRETARY.*—*The term “Secretary” means*
 5 *the Secretary of the Interior.*

6 (6) *STATE.*—*The term “State” means the State*
 7 *of Maryland.*

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

9 (a) *ESTABLISHMENT.*—*There is established the Balti-*
 10 *more National Heritage Area in the State.*

11 (b) *BOUNDARIES.*—*The Heritage Area shall be com-*
 12 *prised of the following areas, as described on the map:*

13 (1) *The area encompassing the Baltimore City*
 14 *Heritage Area certified by the Maryland Heritage*
 15 *Areas Authority in October 2001 as part of the Balti-*
 16 *more City Heritage Area Management Action Plan.*

17 (2) *The Mount Auburn Cemetery.*

18 (3) *The Cylburn Arboretum.*

19 (4) *The Middle Branch of the Patapsco River*
 20 *and surrounding shoreline, including—*

21 (A) *the Cruise Maryland Terminal;*

22 (B) *new marina construction;*

23 (C) *the National Aquarium Aquatic Life*
 24 *Center;*

25 (D) *the Westport Redevelopment;*

- 1 (E) the Gwynns Falls Trail;
 2 (F) the Baltimore Rowing Club; and
 3 (G) the Masonville Cove Environmental
 4 Center.

5 (c) *AVAILABILITY OF MAP.*—The map shall be on file
 6 and available for public inspection in the appropriate of-
 7 fices of the National Park Service and the Baltimore Herit-
 8 age Area Association.

9 (d) *LOCAL COORDINATING ENTITY.*—The Baltimore
 10 Heritage Area Association shall be the local coordinating
 11 entity for the Heritage Area.

12 **SEC. 4. DUTIES AND AUTHORITIES OF LOCAL COORDI-**
 13 **NATING ENTITY.**

14 (a) *DUTIES OF THE LOCAL COORDINATING ENTITY.*—
 15 To further the purposes of the Heritage Area, the local co-
 16 ordinating entity shall—

17 (1) prepare, and submit to the Secretary, in ac-
 18 cordance with section 5, a management plan for the
 19 Heritage Area;

20 (2) assist units of local government, regional
 21 planning organizations, and nonprofit organizations
 22 in implementing the approved management plan
 23 by—

1 (A) carrying out programs and projects
2 that recognize, protect, and enhance important
3 resource values within the *Heritage Area*;

4 (B) establishing and maintaining interpre-
5 tive exhibits and programs within the *Heritage*
6 *Area*;

7 (C) developing recreational and educational
8 opportunities in the *Heritage Area*;

9 (D) increasing public awareness of, and ap-
10 preciation for, natural, historic, scenic, and cul-
11 tural resources of the *Heritage Area*;

12 (E) protecting and restoring historic sites
13 and buildings in the *Heritage Area* that are con-
14 sistent with the themes of the *Heritage Area*;

15 (F) ensuring that signs identifying points
16 of public access and sites of interest are posted
17 throughout the *Heritage Area*; and

18 (G) promoting a wide range of partnerships
19 among governments, organizations, and individ-
20 uals to further the purposes of the *Heritage Area*;

21 (3) consider the interests of diverse units of gov-
22 ernment, businesses, organizations, and individuals
23 in the *Heritage Area* in the preparation and imple-
24 mentation of the management plan;

1 (4) *conduct meetings open to the public at least*
2 *semiannually regarding the development and imple-*
3 *mentation of the management plan;*

4 (5) *submit an annual report to the Secretary for*
5 *each fiscal year for which the local coordinating enti-*
6 *ty receives Federal funds under this Act specifying—*

7 (A) *the accomplishments of the local coordi-*
8 *nating entity;*

9 (B) *the expenses and income of the local co-*
10 *ordinating entity;*

11 (C) *the amounts and sources of matching*
12 *funds;*

13 (D) *the amounts leveraged with Federal*
14 *funds and sources of the leveraged funds; and*

15 (E) *grants made to any other entities dur-*
16 *ing the fiscal year;*

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

22 (7) *require in all agreements authorizing expend-*
23 *itures of Federal funds by other organizations, that*
24 *the receiving organizations make available for audit*

1 *all records and other information pertaining to the*
2 *expenditure of the funds; and*

3 *(8) encourage, by appropriate means, economic*
4 *development that is consistent with the purposes of*
5 *the Heritage Area.*

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

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

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

17 *(3) hire and compensate staff;*

18 *(4) obtain funds or services from any source, in-*
19 *cluding funds and services provided under any other*
20 *Federal law or program;*

21 *(5) contract for goods or services; and*

22 *(6) support activities of partners and any other*
23 *activities that further the purposes of the Heritage*
24 *Area and are consistent with the approved manage-*
25 *ment plan.*

1 (c) *PROHIBITION ON ACQUISITION OF REAL PROP-*
2 *ERTY.*—*The local coordinating entity may not use Federal*
3 *funds received under this Act to acquire any interest in real*
4 *property.*

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

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

11 (b) *REQUIREMENTS.*—*The management plan for the*
12 *Heritage Area shall—*

13 (1) *describe comprehensive policies, goals, strate-*
14 *gies, and recommendations for telling the story of the*
15 *heritage of the region and encouraging long-term re-*
16 *source protection, enhancement, interpretation, fund-*
17 *ing, management, and development of the Heritage*
18 *Area;*

19 (2) *take into consideration existing State, coun-*
20 *ty, and local plans in the development and implemen-*
21 *tation of the management plan;*

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

1 *pret 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 protect,*
5 *enhance, interpret, fund, manage, and develop the*
6 *Heritage Area;*

7 *(5) include an inventory of the natural, historic,*
8 *cultural, educational, scenic, and recreational re-*
9 *sources of the Heritage Area relating to the stories*
10 *and themes of the region that should be protected, en-*
11 *hanced, managed, or developed;*

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

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

19 *(A) performance goals;*

20 *(B) plans for resource protection, enhance-*
21 *ment, and interpretation; and*

22 *(C) specific commitments for implementa-*
23 *tion that have been made by the local coordi-*
24 *nating entity or any government, organization,*
25 *business, or individual;*

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

7 (9) *include an interpretive plan for the Heritage*
8 *Area; and*

9 (10) *include a business plan that—*

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

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

19 (c) *TERMINATION OF FUNDING.—If the management*
20 *plan is not submitted to the Secretary in accordance with*
21 *this section, the local coordinating entity shall not qualify*
22 *for additional financial assistance under this Act until the*
23 *management plan is submitted to, and approved by, the*
24 *Secretary.*

25 (d) *APPROVAL OF MANAGEMENT PLAN.—*

1 (1) *REVIEW.*—Not later than 180 days after the
2 date on which the Secretary receives the management
3 plan, the Secretary shall approve or disapprove the
4 management plan.

5 (2) *CONSULTATION REQUIRED.*—The Secretary
6 shall consult with the Governor of the State and any
7 tribal government in which the Heritage Area is lo-
8 cated before approving the management plan.

9 (3) *CRITERIA FOR APPROVAL.*—In determining
10 whether to approve the management plan, the Sec-
11 retary shall consider whether—

12 (A) the local coordinating entity represents
13 the diverse interests of the Heritage Area, includ-
14 ing governments, natural and historic resource
15 protection organizations, educational institu-
16 tions, businesses, community residents, and rec-
17 reational organizations;

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

23 (C) the resource protection and interpreta-
24 tion strategies described in the management
25 plan, if implemented, would adequately protect

1 *the natural, historic, and cultural resources of*
2 *the Heritage Area;*

3 *(D) the management plan would not ad-*
4 *versely affect any activities authorized on Fed-*
5 *eral or tribal land under applicable laws or land*
6 *use plans;*

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

12 *(F) the local coordinating entity has dem-*
13 *onstrated the financial capability, in partner-*
14 *ship with others, to carry out the management*
15 *plan.*

16 (4) *ACTION FOLLOWING DISAPPROVAL.—*

17 (A) *IN GENERAL.—If the Secretary dis-*
18 *approves the management plan, the Secretary—*

19 (i) *shall advise the local coordinating*
20 *entity in writing of the reasons for the dis-*
21 *approval; and*

22 (ii) *may make recommendations to the*
23 *local coordinating entity for revisions to the*
24 *management plan.*

1 (B) *DEADLINE.*—Not later than 180 days
2 after receiving a revised management plan, the
3 Secretary shall approve or disapprove the revised
4 management plan.

5 (5) *AMENDMENTS.*—

6 (A) *IN GENERAL.*—An amendment to the
7 management plan that substantially alters the
8 purposes of the Heritage Area shall be reviewed
9 by the Secretary and approved or disapproved in
10 the same manner as the original management
11 plan.

12 (B) *IMPLEMENTATION.*—The local coordi-
13 nating entity shall not use Federal funds author-
14 ized to be appropriated by this Act to implement
15 an amendment to the management plan until the
16 Secretary approves the amendment.

17 **SEC. 6. DUTIES AND AUTHORITIES OF THE SECRETARY.**

18 (a) *TECHNICAL AND FINANCIAL ASSISTANCE.*—

19 (1) *IN GENERAL.*—On the request of the local co-
20 ordinating entity, the Secretary may provide tech-
21 nical and financial assistance, on a reimbursable or
22 nonreimbursable basis (as determined by the Sec-
23 retary), to the local coordinating entity to develop
24 and implement the management plan.

1 (2) *COOPERATIVE AGREEMENTS.*—*The Secretary*
2 *may enter into cooperative agreements with the local*
3 *coordinating entity and other public or private enti-*
4 *ties to provide technical or financial assistance under*
5 *paragraph (1).*

6 (3) *PRIORITY.*—*In assisting the Heritage Area,*
7 *the Secretary shall give priority to actions that assist*
8 *in—*

9 (A) *conserving the significant natural, his-*
10 *toric, cultural, and scenic resources of the Herit-*
11 *age Area; and*

12 (B) *providing educational, interpretive, and*
13 *recreational opportunities consistent with the*
14 *purposes of the Heritage Area.*

15 (b) *EVALUATION; REPORT.*—

16 (1) *IN GENERAL.*—*Not later than 3 years before*
17 *the date on which authority for Federal funding ter-*
18 *minates for the Heritage Area under section 10, the*
19 *Secretary shall—*

20 (A) *conduct an evaluation of the accom-*
21 *plishments of the Heritage Area; and*

22 (B) *prepare a report with recommendations*
23 *for the future role of the National Park Service,*
24 *if any, with respect to the Heritage Area, in ac-*
25 *cordance with paragraph (3).*

1 (2) *EVALUATION.*—An evaluation conducted
2 under paragraph (1)(A) shall—

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

5 (i) accomplishing the purposes of this
6 Act for the Heritage Area; and

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

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

14 (C) review the management structure, part-
15 nership relationships, and funding of the Herit-
16 age Area for purposes of identifying the critical
17 components for sustainability of the Heritage
18 Area.

19 (3) *REPORT.*—

20 (A) *IN GENERAL.*—Based on the evaluation
21 conducted under paragraph (1)(A), the Secretary
22 shall prepare a report that includes rec-
23 ommendations for the future role of the National
24 Park Service, if any, with respect to the Heritage
25 Area.

1 (B) *REQUIRED ANALYSIS.*—If the report
2 prepared under this paragraph recommends that
3 Federal funding for the Heritage Area be reau-
4 thorized, the report shall include an analysis
5 of—

6 (i) ways in which Federal funding for
7 the Heritage Area may be reduced or elimi-
8 nated; and

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

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

15 (i) the Committee on Energy and Nat-
16 ural Resources of the Senate; and

17 (ii) the Committee on Natural Re-
18 sources of the House of Representatives.

19 **SEC. 7. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

20 (a) *IN GENERAL.*—Nothing in this Act affects the au-
21 thority of a Federal agency to provide technical or financial
22 assistance under any other law.

23 (b) *CONSULTATION AND COORDINATION.*—To the max-
24 imum extent practicable, the head of any Federal agency
25 planning to conduct activities that may have an impact

1 *on the Heritage Area is encouraged to consult and coordi-*
 2 *nate the activities with the Secretary and the local coordi-*
 3 *nating entity.*

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

6 (1) *modifies, alters, or amends any laws (includ-*
 7 *ing regulations) authorizing a Federal agency to*
 8 *manage Federal land under the jurisdiction of the*
 9 *Federal agency;*

10 (2) *limits the discretion of a Federal land man-*
 11 *ager to implement an approved land use plan within*
 12 *the boundaries of the Heritage Area; or*

13 (3) *modifies, alters, or amends any authorized*
 14 *use of Federal land under the jurisdiction of a Fed-*
 15 *eral agency.*

16 **SEC. 8. PROPERTY OWNERS AND REGULATORY PROTEC-**
 17 **TIONS.**

18 *Nothing in this Act—*

19 (1) *abridges the rights of any owner of public or*
 20 *private property, including the right to refrain from*
 21 *participating in any plan, project, program, or activ-*
 22 *ity conducted within the Heritage Area;*

23 (2) *requires any property owner to—*

1 (A) permit public access (including Federal,
2 tribal, State, or local government access) to the
3 property; or

4 (B) modify any provisions of Federal, trib-
5 al, State, or local law with regard to public ac-
6 cess or use of private land;

7 (3) alters any duly adopted land use regulations,
8 approved land use plan, or any other regulatory au-
9 thority of any Federal, State, or local agency, or trib-
10 al government;

11 (4) conveys any land use or other regulatory au-
12 thority to the local coordinating entity;

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

15 (6) diminishes the authority of the State to man-
16 age fish and wildlife, including the regulation of fish-
17 ing and hunting within the Heritage Area; or

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

22 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) *IN GENERAL.*—There is authorized to be appro-
24 priated to carry out this Act \$10,000,000, of which not more
25 than \$1,000,000 may be made available for any fiscal year.

1 **(b) COST-SHARING REQUIREMENT.—**

2 **(1) IN GENERAL.—***The Federal share of the total*
3 *cost of any activity under this Act shall be not more*
4 *than 50 percent.*

5 **(2) FORM.—***The non-Federal contribution—*

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

7 **(B)** *may be in the form of in-kind contribu-*
8 *tions of goods or services fairly valued.*

9 **SEC. 10. TERMINATION OF FINANCIAL ASSISTANCE.**

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

Calendar No. 803

110TH CONGRESS
2^D SESSION

S. 2604

[Report No. 110-371]

A BILL

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

JUNE 16, 2008

Reported with an amendment