

National Heritage Area Act (Introduced in House)

109th CONGRESS

2nd Session

H. R. _____

To establish the Santa Cruz Valley National Heritage Area in the State of Arizona, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Date: _____

Mr. _____ of Arizona introduced the following bill; which was referred to the Committee on Resources

A BILL

To establish the Santa Cruz Valley National Heritage Area in the State of Arizona, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Santa Cruz Valley National Heritage Area Act'.

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that--

- (1) the Santa Cruz River Valley of southern Arizona shares a border with Mexico and encompasses a mosaic of cultures and borderland histories that includes multiple American Indian tribes, whose heritage reaches back some 13,000 years, and the descendants of Spanish, Mexican and American Territorial settlers, who shaped the region, its land, customs, and traditions from the 1690s to the present day;
- (2) the Santa Cruz Valley expresses a combination of cultures, border history, cultural diversity, languages, traditions, folk arts, customs, architecture, and traditional land uses that makes this watershed a unique and distinctive landscape in the United States;
- (3) the area contains the Santa Cruz River and numerous diverse and spectacular natural, scenic, cultural, and recreational resources, including the designated national treasures of Saguaro National Park, Tumacacori National Historical Park, the Juan Bautista de Anza National Historic Trail, Las Cienegas National Conservation Area, the San Xavier Mission, Guevavi, and Calabazas National Historic Landmarks, the Desert Laboratory National Historic Landmark, the Titan Missile Silo National Historic

Landmark, the Patagonia-Sonoita Creek and Canelo Hills Cienega National Natural Landmarks, and the Pennington and Binghampton National Rural Historic Landscapes.

(4) there is broad support expressed as resolutions, letters, and in public meetings from all local governments, tribes and state parks, and many local planning and community groups, chambers of commerce, business associations, ranching and agricultural interests, private property owners, and other interested individuals to establish a National Heritage Area to coordinate and to assist in the preservation, interpretation, and enjoyment of these resources;

(5) in 1991, the National Park Service study *Alternative Concepts for Commemorating Spanish Colonization* identified several alternatives consistent with the establishment of a National Heritage Area, including conducting a comprehensive archaeological and historical research program, coordinating a comprehensive interpretation program, and interpreting a cultural heritage scene; and

(6) establishment of a National Heritage Area in southern Arizona would assist local communities, residents, and property owners in preserving these unique and nationally distinctive cultural, historical, and natural resources.

SEC. 3. DEFINITIONS.

As used in this Act--

(1) the term `heritage area' means the Santa Cruz Valley National Heritage Area; and

(2) the term `Secretary' means the Secretary of the Interior.

(3) the `management entity` means the Santa Cruz Valley Heritage Alliance, Inc.

SEC. 4. SANTA CRUZ VALLEY NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT- There is hereby established the Santa Cruz Valley National Heritage Area in the State of Arizona.

(b) BOUNDARIES- The heritage area shall include the Santa Cruz River Valley natural watershed within portions of the counties of Santa Cruz and Pima, as identified on the map, entitled "Santa Cruz Valley National Heritage Area," numbered _____ and dated _____.

(c) MANAGEMENT ENTITY-

(1) The Santa Cruz Valley Heritage Alliance, Inc., a private, non-profit 501(c)3 corporation chartered in the State of Arizona, shall serve as the management entity for the heritage area.

(2) The Board of Directors of the management entity will include a representative of the National Park Service (the Superintendent of Tumacácori National Historical Park, serving in an ex-officio role as the local partner of the National Heritage Area), a representative of the State of Arizona (appointed by the Arizona State Parks department), representatives of both counties (appointed by the county Boards of Supervisors), and a set of at-large members that equitably represents the residents and various stakeholder groups of the counties of Pima and Santa Cruz. The Board of Directors will be responsible for planning, fundraising, staff hiring, and final selection of projects and programs that will be supported by the National Heritage Area.

(3) The Board of Directors of the management entity will be advised and assisted by a Partnership Council that will represent a broad range of local interests, such as

municipalities, Native American tribes, ranching, agriculture, historic preservation, nature conservation, culture/arts, education, parks, outdoor recreation, tourism/economic development, lodging, restaurants, transportation, private landowners, and others. Representatives of local units of the National Park Service, the National Forest Service, and the Bureau of Land Management will serve in non-voting, advisory roles. The Partnership Council will review and recommend projects and programs for funding and other assistance from the National Heritage Area, and will identify potential partnerships between the National Heritage Area and government agencies, nonprofits, and other local stakeholders to help achieve long-term goals

SEC. 5. AUTHORITY AND DUTIES OF THE MANAGEMENT ENTITY.

(a) MANAGEMENT PLAN-

(1) No later than 3 years after the date of enactment of this Act, the management entity shall develop and forward to the Secretary a management plan for the heritage area.

(2) The management entity shall develop and implement the management plan in cooperation with affected communities, tribal and local governments and shall provide for public involvement in the development and implementation of the management plan.

(3) The management plan shall, at a minimum--

(A) provide recommendations for the conservation, funding, management, and development of the resources of the heritage area;

(B) identify sources of funding.

(C) include an inventory of the cultural, historical, archaeological, natural, and recreational resources of the heritage area;

(D) provide recommendations for educational and interpretive programs to inform the public about the resources of the heritage area; and

(E) include an analysis of ways in which local, State, Federal, and tribal programs may best be coordinated to promote the purposes of this Act.

(4) If the management entity fails to submit a management plan to the secretary as provided in paragraph (1), the heritage area shall no longer be eligible to receive Federal funding under this Act until such time as a plan is submitted to the Secretary.

(5) The Secretary shall approve or disapprove the management plan within 90 days after the date of submission. If the Secretary disapproves the management plan, the Secretary shall advise the management entity in writing of the reasons therefore and shall make recommendations for revisions to the plan.

(6) The management entity shall periodically review the management plan and submit to the Secretary any recommendations for proposed revisions to the management plan.

Any major revisions to the management plan must be approved by the Secretary.

(b) **AUTHORITY-** The management entity may make grants and provide technical assistance to tribal and local governments, and other public and private entities to carry out the management plan.

(c) **DUTIES-** The management entity shall--

(1) give priority in implementing actions set forth in the management plan;

(2) coordinate with tribal and local governments to better enable them to adopt policies consistent with the goals of the management plan;

(3) encourage by appropriate means economic viability in the heritage area consistent with the goals of the management plan; and

(4) assist local and tribal governments, non-profit organizations, and private land-owners in--

(A) establishing and maintaining interpretive exhibits in the heritage area;

(B) developing outdoor recreational resources in the heritage area;

(C) increasing public awareness of, and appreciation for, the natural, cultural, historical, archaeological, scenic, and outdoor recreational resources and sites in the heritage area;

(D) the preservation and rehabilitation of historic structures, archaeological sites, and natural resources related to the heritage area;

(E) promoting cultural, traditional, and nature-themed events and attractions in the heritage area; and

(F) carrying out other actions that the management entity determines appropriate to fulfill the purposes of this Act, consistent with the management plan.

(d) PROHIBITION ON ACQUIRING REAL PROPERTY- The management entity may not use Federal funds received under this Act to acquire real property or an interest in real property.

(e) PUBLIC MEETINGS- The management entity shall hold public meetings at least annually regarding the implementation of the management plan.

(f) ANNUAL REPORTS AND AUDITS-

(1) For any year in which the management entity receives Federal funds under this Act, the management entity shall submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each entity to which any grant was made by the management entity.

(2) The management entity shall make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds. The management entity shall also require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organization make available to the Secretary for audit all records concerning the expenditure of those funds.

SEC. 6. DUTIES OF THE SECRETARY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE- The Secretary may, upon request of the management entity, provide technical and financial assistance to develop and implement the management plan.

(b) PRIORITY- In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate--

(1) the conservation and promotion of the significant natural, cultural, historical, archaeological, scenic, and outdoor recreational resources of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities consistent with the resources and associated values of the heritage area.

SEC. 7. PRIVATE PROPERTY PROTECTION.

- (a) **ACCESS TO PRIVATE PROPERTY** - Nothing in this Act shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this Act shall be construed to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.
- (b) **LIABILITY** - Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.
- (c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE** - Nothing in this Act shall be construed to modify, enlarge, or diminish any authority of Federal, State, tribal, or local governments to regulate land use.
- (d) **TRUST RESPONSIBILITIES**- Nothing in this Act shall diminish the Federal Government's trust responsibilities or government-to-government obligations to any federally recognized Indian tribe.
- (e) **TRIBAL LANDS**- Nothing in this Act shall restrict or limit a tribe from protecting cultural or religious sites on tribal lands.
- (f) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA** - Nothing in this Act shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.
- (g) **EFFECT OF ESTABLISHMENT**- The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this Act shall be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any non-existing regulatory authority on land use within the Heritage Area or its viewshed by the Secretary or the management entity.
- (h) **NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED** - No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.
- (i) **LANDOWNER WITHDRAWAL** - Any owner of private property located within the boundary of the Heritage Area shall have their property immediately removed from inclusion in the Heritage Area by submitting a written request to the management entity.

SEC. 8. SUNSET.

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.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL- There are authorized to be appropriated to carry out this Act \$10,000,000, of which not more than \$1,000,000 may be authorized to be appropriated for any fiscal year.

(b) COST-SHARING REQUIREMENT- The Federal share of the total cost of any activity assisted under this Act shall be not more than 50 percent.