

116TH CONGRESS
1ST SESSION

H. R. 4542

To establish the Nation’s Oldest Port National Heritage Area in the State of Florida, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2019

Mr. RUTHERFORD (for himself, Mr. WALTZ, and Mr. LAWSON of Florida) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To establish the Nation’s Oldest Port National Heritage Area in the State of Florida, 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 “Nation’s Oldest Port
5 National Heritage Area Act”.

6 **SEC. 2. CONGRESSIONAL FINDINGS.**

7 Congress finds the following:

8 (1) The Nation’s Oldest Port region of north-
9 east Florida holds a mosaic of cultures and maritime
10 heritage that includes Native Americans, whose her-

1 itage reaches back some 9,000 years, and the de-
2 scendants of European and American explorers and
3 settlers, who shaped the region, its land, customs,
4 and traditions from 1513 to the present day and
5 have made indelible contributions to American and
6 World history.

7 (2) The Nation's Oldest Port region expresses
8 a combination of cultures, maritime heritage, Atlan-
9 tic and World history, cultural diversity, traditions,
10 arts, architecture, transportation corridors, and
11 coastal and ocean resources that makes this geo-
12 graphic area a unique and distinctive coastal land-
13 scape in the United States.

14 (3) The area contains the Nation's Oldest Port,
15 and a series of interconnected waterways that in-
16 clude the St. Mary's River, the St. Johns River,
17 Tolomato and Matanzas Rivers, Pellicer Creek wa-
18 tershed, and the numerous diverse and spectacular
19 historic, cultural, natural, scenic and recreational re-
20 sources, including the designated national treasures
21 of Timucuan Ecological and Historical Preserve,
22 Guana Tolomato Matanzas National Estuarine Re-
23 search Reserve, the Castillo de San Marcos National
24 Monument, and Fort Matanzas National Monument.

1 (4) There is broad support expressed as resolu-
2 tions, letters, and in public meetings from local gov-
3 ernments, State parks, and many local planning and
4 community groups, chambers of commerce, business
5 associations, museums, historical societies and asso-
6 ciations, nature conservation groups, agricultural in-
7 terests, private property owners, and other inter-
8 ested individuals to establish a National Heritage
9 Area to coordinate and to assist in the preservation,
10 interpretation, promotion, and enjoyment of these
11 resources.

12 (5) Establishment of a National Heritage Area
13 in northeast Florida would assist local communities,
14 residents, and property owners in preserving these
15 unique and nationally distinctive cultural, historical,
16 and natural resources.

17 **SEC. 3. DEFINITIONS.**

18 As used in this Act:

19 (1) **HERITAGE AREA.**—The term “heritage
20 area” means the Nation’s Oldest Port National Her-
21 itage Area.

22 (2) **SECRETARY.**—The term “Secretary” means
23 the Secretary of the Interior.

1 (3) COORDINATING ENTITY.—The term “co-
2 ordinating entity” means the Nation’s Oldest Port
3 Heritage Area Alliance, Inc.

4 **SEC. 4. NATION’S OLDEST PORT NATIONAL HERITAGE**
5 **AREA.**

6 (a) ESTABLISHMENT.—There is hereby established
7 the Nation’s Oldest Port National Heritage Area in the
8 State of Florida.

9 (b) BOUNDARIES.—The heritage area shall include
10 natural watersheds in Nassau, Duval, St. Johns, and
11 Flagler counties, Florida, as depicted on the map, entitled
12 “Nation’s Oldest Port National Heritage Area,” num-
13 bered _____ and dated _____.

14 (c) COORDINATING ENTITY.—

15 (1) IN GENERAL.—The Nation’s Oldest Port
16 Heritage Area Alliance, Inc., a nonprofit organiza-
17 tion which is exempt from taxation under section
18 501(c)(3) of the Internal Revenue Code of 1986,
19 chartered in the State of Florida, shall serve as the
20 coordinating entity for the heritage area.

21 (2) BOARD OF DIRECTORS.—The board of di-
22 rectors of the coordinating entity shall be—

23 (A) selected in accordance with the bylaws
24 of the coordinating entity, which have been ap-
25 proved by the heritage area working group; and

1 (B) responsible for planning, fundraising,
2 staff oversight, and final selection of projects
3 and programs supported by the heritage area.

4 (3) COMMITTEES.—The board of directors may
5 establish committees to—

6 (A) advise and assist the board of directors
7 of the coordinating entity;

8 (B) represent a broad range of local inter-
9 ests, such as municipalities, culture, arts, archi-
10 tecture, agriculture, archaeology, historic pres-
11 ervation, maritime heritage, nature conserva-
12 tion, education, parks, outdoor recreation, tour-
13 ism, economic development, lodging, res-
14 taurants, transportation, private landowners,
15 and water quality;

16 (C) review and suggest projects and pro-
17 grams for funding and other assistance from
18 the heritage area; and

19 (D) identify potential partnerships between
20 the heritage area and government agencies,
21 nonprofits, the private sector, and other local
22 stakeholders to help achieve long-term goals.

23 (d) AUTHORITIES OF LOCAL COORDINATING ENTI-
24 TY.—The local coordinating entity may, for purposes of
25 preparing and implementing the management plan—

1 (1) prepare reports, studies, interpretive exhib-
2 its and programs, historic preservation projects, and
3 other activities recommended in the management
4 plan for the Heritage Area;

5 (2) make grants to the State, political subdivi-
6 sions of the State, nonprofit organizations, and
7 other persons;

8 (3) enter into cooperative agreements with the
9 State, political subdivisions of the State, nonprofit
10 organizations, and other organizations;

11 (4) hire and compensate staff;

12 (5) obtain funds or services from any source,
13 including funds and services provided under any
14 Federal program or law, in which case the Federal
15 share of the cost of any activity assisted using Fed-
16 eral funds provided for National Heritage Areas
17 shall not be more than 50 percent; and

18 (6) contract for goods and services.

19 **SEC. 5. AUTHORITY AND DUTIES OF THE COORDINATING**
20 **ENTITY.**

21 (a) **MANAGEMENT PLAN.**—

22 (1) **REQUIREMENT FOR PLAN.**—Not later than
23 3 years after the date on which funds are first made
24 available to carry out this Act, the coordinating enti-
25 ty shall develop and forward to the Secretary a man-

1 agement plan for the heritage area. The manage-
2 ment plan shall, at a minimum—

3 (A) provide recommendations for the con-
4 servation, funding, management, and develop-
5 ment of the resources of the heritage area;

6 (B) identify sources of funding for the her-
7 itage area;

8 (C) include an inventory of the cultural,
9 historical, archaeological, natural, and rec-
10 reational resources of the heritage area;

11 (D) provide recommendations for edu-
12 cational and interpretive programs to inform
13 the public about the resources of the heritage
14 area; and

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

19 (2) FISCAL AGENT.—The St. Augustine Light-
20 house and Museum has been designated as the fiscal
21 agent for the heritage area. As such, the St. Augus-
22 tine Lighthouse and Museum shall receive 10 per-
23 cent of funding received by the heritage area for the
24 initial 5 years of the existence of the heritage area
25 to partially offset costs incurred by the St Augustine

1 Lighthouse and Museum during the formation of the
2 heritage area.

3 (3) COOPERATIVE DEVELOPMENT AND IMPLE-
4 MENTATION.—The coordinating entity shall develop
5 and implement the management plan in cooperation
6 with affected communities and local governments
7 and shall provide for public involvement in the devel-
8 opment and implementation of the management
9 plan.

10 (4) EFFECT OF NONCOMPLIANCE.—If the co-
11 ordinating entity fails to submit a management plan
12 to the Secretary as required by paragraph (1), the
13 heritage area shall no longer be eligible to receive
14 Federal funding under this Act until such time as a
15 plan is submitted to the Secretary.

16 (5) TIMELINE FOR APPROVAL OF PLAN.—The
17 Secretary shall approve or disapprove the manage-
18 ment plan not later than 180 days after the date of
19 its submission. If the Secretary disapproves the
20 management plan, the Secretary shall advise the co-
21 ordinating entity in writing of the reasons therefore
22 and shall make recommendations for revisions to the
23 plan.

24 (6) REVISIONS TO PLAN.—The coordinating en-
25 tity shall periodically review the management plan

1 and submit to the Secretary any recommendations
2 for proposed revisions to the management plan. Any
3 major revisions to the management plan must be ap-
4 proved by the Secretary.

5 (7) APPROVAL OF REVISIONS.—The Secretary
6 shall review and approve or disapprove substantial
7 amendments to the management plan in accordance
8 with paragraph (5).

9 (b) AUTHORITY TO PROVIDE ASSISTANCE.—The co-
10 ordinating entity may make grants and provide technical
11 assistance to local governments, and other public and pri-
12 vate entities to carry out the management plan.

13 (c) DUTIES.—The coordinating entity shall—

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

16 (2) coordinate with Tribal and local govern-
17 ments to better enable them to adopt policies con-
18 sistent with the goals of the management plan;

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

22 (4) assist Tribal and local governments, non-
23 profit organizations, and private landowners in—

24 (A) establishing and maintaining interpre-
25 tive exhibits in the heritage area;

1 (B) developing outdoor recreational re-
2 sources in the heritage area;

3 (C) increasing public awareness of, and ap-
4 preciation for, the natural, cultural, historical,
5 archaeological, scenic, and outdoor recreational
6 resources and sites in the heritage area;

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

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

13 (F) carrying out other actions that the co-
14 ordinating entity determines appropriate to ful-
15 fill the purposes of this Act, consistent with the
16 management plan.

17 (d) PROHIBITION ON ACQUIRING REAL PROPERTY.—
18 The coordinating entity may not use Federal funds re-
19 ceived under this Act to acquire real property or an inter-
20 est in real property.

21 (e) PUBLIC MEETINGS.—The coordinating entity
22 shall hold public meetings at least annually regarding the
23 implementation of the management plan.

24 (f) ANNUAL REPORTS AND AUDITS.—

1 (1) ANNUAL REPORTS.—For any year in which
2 the management entity receives Federal funds under
3 this Act, the coordinating entity shall submit an an-
4 nual report to the Secretary setting forth accom-
5 plishments, expenses and income, and each entity to
6 which any grant was made by the management enti-
7 ty.

8 (2) AUDIT.—The management entity shall
9 make available to the Secretary for audit all records
10 relating to the expenditure of Federal funds and any
11 matching funds. The management entity shall also
12 require, for all agreements authorizing expenditure
13 of Federal funds by other organizations, that the re-
14 ceiving organization make available to the Secretary
15 for audit all records concerning the expenditure of
16 those funds.

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

18 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—The
19 Secretary may, upon request of the coordinating entity,
20 provide technical and financial assistance to develop and
21 implement the management plan.

22 (b) PRIORITY.—In providing assistance under sub-
23 section (a), the Secretary shall give priority to actions that
24 facilitate—

1 (1) the conservation and promotion of the sig-
2 nificant natural, cultural, historical, archaeological,
3 scenic, and outdoor recreational resources of the her-
4 itage area; and

5 (2) the provision of educational, interpretive,
6 and recreational opportunities consistent with the re-
7 sources and associated values of the heritage area.

8 **SEC. 7. PRIVATE PROPERTY PROTECTION.**

9 (a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in
10 this Act shall be construed to—

11 (1) require any private property owner to per-
12 mit public access, including Federal, State, or local
13 government access, to such private property; or

14 (2) modify any provision of Federal, State, or
15 local law with regard to public access to or use of
16 private lands.

17 (b) **LIABILITY.**—Designation of the heritage area
18 shall not be considered to create any liability, or to have
19 any effect on any liability under any other law, of any pri-
20 vate property owner with respect to any persons injured
21 on such private property.

22 (c) **RECOGNITION OF AUTHORITY TO CONTROL**
23 **LAND USE.**—Nothing in this Act shall be construed to
24 modify, enlarge, or diminish any authority of Federal,
25 State, Tribal, or local governments to regulate land use.

1 (d) TRUST RESPONSIBILITIES.—Nothing in this Act
2 shall diminish the Federal Government’s trust responsibil-
3 ities or government-to-government obligations to a feder-
4 ally recognized Indian Tribe.

5 (e) TRIBAL LANDS.—Nothing in this Act shall re-
6 strict or limit a federally recognized Indian Tribe from
7 protecting cultural or religious sites on tribal lands.

8 (f) PARTICIPATION OF PRIVATE PROPERTY OWNERS
9 IN HERITAGE AREA.—Nothing in this Act shall be con-
10 strued to require the owner of any private property located
11 within the boundaries of the heritage area to participate
12 in or be associated with the heritage area.

13 (g) EFFECT OF ESTABLISHMENT.—The boundaries
14 designated for the heritage area represent the area within
15 which Federal funds appropriated for the purpose of this
16 Act shall be expended. The establishment of the heritage
17 area and its boundaries shall not be construed to provide
18 any non-existing regulatory authority on land use or water
19 use within the heritage area or its viewshed by the Sec-
20 retary or the coordinating entity.

21 (h) NOTIFICATION AND CONSENT OF PROPERTY
22 OWNERS REQUIRED.—No privately owned property shall
23 be preserved, conserved, or promoted by the management
24 plan for the heritage area until the owner of that private
25 property has been notified in writing by the coordinating

1 entity and has given written consent for such preservation,
2 conservation, or promotion to the coordinating entity.

3 (i) LANDOWNER WITHDRAWAL.—Any owner of pri-
4 vate property located within the boundary of the heritage
5 area shall have their property immediately removed from
6 inclusion in the heritage area by submitting a written re-
7 quest to the coordinating entity.

8 **SEC. 8. SUNSET.**

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

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