

110TH CONGRESS
1ST SESSION

H. R. 1885

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 2007

Mr. GRIJALVA (for himself and Ms. GIFFORDS) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To establish the Santa Cruz Valley National Heritage Area in the State of Arizona, 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 “Santa Cruz Valley Na-
5 tional Heritage Area Act”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act include the following:

8 (1) To establish the Santa Cruz Valley National
9 Heritage Area in the State of Arizona.

1 (2) To implement the recommendations of the
2 “Alternative Concepts for Commemorating Spanish
3 Colonization” study completed by the National Park
4 Service in 1991, and the “Feasibility Study for the
5 Santa Cruz Valley National Heritage Area” pre-
6 pared by the Center for Desert Archaeology in July
7 2005.

8 (3) To provide a management framework to
9 foster a close working relationship with all levels of
10 government, the private sector, and the local com-
11 munities in the region and to conserve the region’s
12 heritage while continuing to pursue compatible eco-
13 nomic opportunities.

14 (4) To assist communities, organizations, and
15 citizens in the State of Arizona in identifying, pre-
16 serving, interpreting, and developing the historical,
17 cultural, scenic, and natural resources of the region
18 for the educational and inspirational benefit of cur-
19 rent and future generations.

20 (5) To provide appropriate linkages between
21 units of the National Park System and communities,
22 governments, and organizations within the Heritage
23 Area.

24 **SEC. 3. DEFINITIONS.**

25 In this Act:

1 (1) HERITAGE AREA.—The term “Heritage
2 Area” means the Santa Cruz Valley National Herit-
3 age Area, established in section 4.

4 (2) MANAGEMENT ENTITY.—The term “Man-
5 agement Entity” means the management entity for
6 the Heritage Area designated by section 4(d).

7 (3) MANAGEMENT PLAN.—The term “Manage-
8 ment Plan” means the management plan for the
9 Heritage Area specified in section 6.

10 (4) MAP.—The term “map” means the map ti-
11 tled “Boundary Map Santa Cruz Valley National
12 Heritage Area”, numbered _____, and
13 dated _____.

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

16 (6) STATE.—The term “State” means the State
17 of Arizona.

18 **SEC. 4. SANTA CRUZ VALLEY NATIONAL HERITAGE AREA.**

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

22 (b) BOUNDARIES.—The Heritage Area shall include
23 the portions of the counties of Santa Cruz and Pima, as
24 identified on the map.

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 Management entity.

5 (d) MANAGEMENT ENTITY.—The Santa Cruz Valley
6 Heritage Alliance, Inc., shall be the management entity
7 for the Heritage Area.

8 **SEC. 5. AUTHORITIES, PROHIBITIONS, AND DUTIES OF THE**
9 **MANAGEMENT ENTITY.**

10 (a) DUTIES OF THE MANAGEMENT ENTITY.—To fur-
11 ther the purposes of the Heritage Area, the management
12 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 and tribal governments,
17 regional planning organizations, non-profit organiza-
18 tions, private land-owners, and other entities by—

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

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

1 (C) developing recreational, educational,
2 and economic, and community development op-
3 portunities within the Heritage Area;

4 (D) increasing public awareness of, and
5 appreciation for, the natural, cultural, histor-
6 ical, archaeological, scenic, and outdoor rec-
7 reational resources and sites in the Heritage
8 Area;

9 (E) protecting and restoring historic sites
10 and structures, archaeological sites, and natural
11 resources related to the Heritage Area;

12 (F) ensuring that signs identifying points
13 of public access and sites of interest are posted
14 throughout the Heritage Area;

15 (G) promoting cultural, traditional, and
16 nature-themed events and attractions in the
17 Heritage Area; and

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

22 (3) coordinate with tribal and local governments
23 to better enable them to participate in ways con-
24 sistent with the goals of the management plan;

1 (4) consider the interests of diverse units of
2 government, businesses, organizations and individ-
3 uals in the Heritage Area in the preparation and im-
4 plementation of the management plan;

5 (5) conduct meetings open to the public at least
6 semi-annually regarding the development and imple-
7 mentation of the management plan;

8 (6) submit an annual report to the Secretary
9 for any fiscal year in which the management entity
10 receives Federal funds under this Act, setting forth
11 its accomplishments, expenses, and income, includ-
12 ing grants to any other entities during the year for
13 which the report is made;

14 (7) make available for audit for any fiscal year
15 in which it receives Federal funds under this Act, all
16 information pertaining to the expenditure of such
17 funds and any matching funds; and

18 (8) encourage by appropriate means economic
19 development that is consistent with the purposes of
20 the Heritage Area.

21 (b) AUTHORITIES.—The management entity may, for
22 the purposes of preparing and implementing the manage-
23 ment plan for the Heritage Area, use Federal funds made
24 available under this Act to—

1 (1) make grants to the State of Arizona, its po-
2 litical subdivisions, nonprofit organizations, tribes,
3 and other entities;

4 (2) enter into cooperative agreements with or
5 provide technical assistance to the State of Arizona
6 its political subdivisions, nonprofit organizations,
7 tribes, Federal agencies, and other entities;

8 (3) hire and compensate staff, including individ-
9 uals with expertise in natural cultural, and historical
10 resources protection, economic and community devel-
11 opment, and heritage programming;

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

15 (5) contract for goods or services; and

16 (6) undertake to be a catalyst for any other ac-
17 tivity that furthers the purposes of the Heritage
18 Area and is consistent with the approved manage-
19 ment plan.

20 (c) PROHIBITIONS ON THE ACQUISITION OF REAL
21 PROPERTY.—The management entity may not use Fed-
22 eral funds received under this Act to acquire real property,
23 but may use any other source of funding, including other
24 Federal funding outside this authority, intended for the
25 acquisition of real property.

1 **SEC. 6. MANAGEMENT PLAN.**

2 (a) **REQUIREMENTS.**—The management plan for the
3 Heritage Area shall—

4 (1) describe comprehensive policies, goals, strat-
5 egies, and recommendations for telling the story of
6 the heritage of the area covered by the Heritage
7 Area and encourage long-term resource protection,
8 enhancement, interpretation, funding, management,
9 and development of the Heritage Area;

10 (2) include a description of actions and commit-
11 ments that governments, private organizations, and
12 citizens will take to protect, enhance, interpret, fund,
13 manage, and develop the natural, historical, cultural,
14 educational, scenic, and recreational resources of the
15 Heritage Area;

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

20 (4) include an inventory of the natural, histor-
21 ical, cultural, educational, scenic, and recreational
22 resources of the Heritage Area related to the na-
23 tional importance and themes of the Heritage Area
24 that should be protected, enhanced, interpreted,
25 managed, funded, and developed;

1 (5) recommend policies and strategies for re-
2 source management, including the development of
3 intergovernmental and interagency agreements to
4 protect, enhance, interpret, fund, manage, and de-
5 velop the natural, historical, cultural, educational,
6 scenic, and recreational resources of the Heritage
7 Area;

8 (6) describe a program for implementation for
9 the management plan, including—

10 (A) performance goals;

11 (B) plans for resource protection, enhance-
12 ment, interpretation, funding, management, and
13 development; and

14 (C) specific commitments for implementa-
15 tion that have been made by the local coordi-
16 nating entity or any government agency, organi-
17 zation, business, or individual;

18 (7) include an analysis of, and recommenda-
19 tions for, means by which Federal, State, and local
20 programs may best be coordinated (including the
21 role of the National Park Service and other Federal
22 agencies associated with the Heritage Area) to fur-
23 ther the purposes of this Act; and

24 (8) include a business plan that—

1 (A) describes the role, operation, financing,
2 and functions of the local coordinating entity
3 and of each of the major activities contained in
4 the management plan; and

5 (B) provides adequate assurances that the
6 local coordinating entity has the partnerships
7 and financial and other resources necessary to
8 implement the management plan for the Herit-
9 age Area.

10 (b) DEADLINE.—

11 (1) IN GENERAL.—Not later than 3 years after
12 the date on which funds are first made available to
13 develop the management plan after designation as a
14 National Heritage Area, the local coordinating entity
15 shall submit the management plan to the Secretary
16 for approval.

17 (2) TERMINATION OF FUNDING.—If the man-
18 agement plan is not submitted to the Secretary in
19 accordance with paragraph (1), the local coordi-
20 nating entity shall not qualify for any additional fi-
21 nancial assistance under this Act until such time as
22 the management plan is submitted to and approved
23 by the Secretary.

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

2 (a) **TECHNICAL AND FINANCIAL ASSISTANCE.**—The
3 Secretary may, upon the request of the management enti-
4 ty, provide technical assistance on a reimbursable or non-
5 reimbursable basis and financial assistance to the Herit-
6 age Area to develop and implement the approved manage-
7 ment plan. The Secretary is authorized to enter into coop-
8 erative agreements with the management entity and other
9 public or private entities for this purpose. In assisting the
10 Heritage Area, the Secretary shall give priority to actions
11 that in general assist in—

12 (1) conserving the significant natural, historical
13 cultural, and scenic resources of the Heritage Area;
14 and

15 (2) providing educational, interpretive, and rec-
16 reational opportunities consistent with the purposes
17 of the Heritage Area.

18 (b) **APPROVAL AND DISAPPROVAL OF MANAGEMENT**
19 **PLAN.**—

20 (1) **IN GENERAL.**—The Secretary shall approve
21 or disapprove the management plan not later than
22 180 days after receiving the management plan.

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

1 (A) the management entity is representa-
2 tive of the diverse interests of the Heritage
3 Area, including governments, natural and his-
4 toric resource protection organizations, edu-
5 cational institutions, businesses, and rec-
6 reational organizations;

7 (B) the management entity has afforded
8 adequate opportunity, including public hearings,
9 for public and governmental involvement in the
10 preparation of the management plan;

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

16 (D) the management plan is supported by
17 the appropriate State and local officials whose
18 cooperation is needed to ensure the effective im-
19 plementation of the State and local aspects of
20 the management plan.

21 (3) CRITERIA FOR APPROVAL.—In determining
22 whether to approve a management plan for the Her-
23 itage Area, the Secretary shall consider whether—

24 (A) the local coordinating entity represents
25 the diverse interests of the Heritage Area, in-

1 including governments, natural, and historic re-
2 source protection organizations, educational in-
3 stitutions, businesses, recreational organiza-
4 tions, community residents, and private prop-
5 erty owners;

6 (B) the local coordinating entity—

7 (i) has afforded adequate opportunity
8 for public and governmental involvement
9 (including through workshops and hear-
10 ings) in the preparation of the manage-
11 ment plan; and

12 (ii) provides for at least semiannual
13 public meetings to ensure adequate imple-
14 mentation of the management plan;

15 (C) the resource protection, enhancement,
16 interpretation, funding, management, and de-
17 velopment strategies described in the manage-
18 ment plan, if implemented, would adequately
19 protect, enhance, interpret, fund, manage, and
20 develop the natural, historic, cultural, edu-
21 cational, scenic, and recreational resources of
22 the Heritage Area;

23 (D) the management plan would not ad-
24 versely affect any activities authorized on Fed-

1 eral land under public land laws or land use
2 plans;

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

6 (F) the Secretary has received adequate
7 assurances from the appropriate State and local
8 officials whose support is needed to ensure the
9 effective implementation of the State and local
10 elements of the management plan; and

11 (G) the management plan demonstrates
12 partnerships among the local coordinating enti-
13 ty, Federal, State, and local governments, re-
14 gional planning organizations, nonprofit organi-
15 zations, or private sector parties for implemen-
16 tation of the management plan.

17 (4) APPROVAL OF AMENDMENTS.—Substantial
18 amendments to the management plan shall be re-
19 viewed by the Secretary and approved in the same
20 manner as provided for the original management
21 plan. The management entity shall not use Federal
22 funds authorized by this Act to implement any
23 amendments until such amendments have been ap-
24 proved by the Secretary.

1 **SEC. 8. DUTIES OF OTHER FEDERAL AGENCIES.**

2 Any Federal agency conducting or supporting activi-
3 ties directly affecting the Heritage Area is encouraged
4 to—

5 (1) consult with the Secretary and the manage-
6 ment entity with respect to such activities;

7 (2) cooperate with the Secretary and the man-
8 agement entity in carrying out their duties under
9 this Act and, to the maximum extent practicable, co-
10 ordinate such activities with the carrying out of such
11 duties; and

12 (3) to the maximum extent practicable, conduct
13 or support such activities in a manner which will not
14 have adverse effects on the Heritage Area.

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

17 Nothing in this Act—

18 (1) abridges the rights of any property owner
19 (whether public or private), including the right to re-
20 frain from participating in any plan, project, pro-
21 gram, or activity conducted within the Heritage
22 Area;

23 (2) requires any property owner to permit pub-
24 lic access (including access by Federal, State, or
25 local agencies) to the property of the property
26 owner, or to modify public access or use of property

1 of the property owner under any other Federal,
2 State, or local law;

3 (3) alters any duly adopted land use regulation,
4 approved land use plan, or other regulatory author-
5 ity of any Federal, State or local agency, or conveys
6 any land use or other regulatory authority to any
7 local coordinating entity;

8 (4) authorizes or implies the reservation or ap-
9 propriation of water or water rights;

10 (5) diminishes the authority of the State to
11 manage fish and wildlife, including the regulation of
12 fishing and hunting within the Heritage Area; or

13 (6) creates any liability, or affects any liability
14 under any other law, of any private property owner
15 with respect to any person injured on the private
16 property.

17 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

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

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

1 **SEC. 11. SUNSET.**

2 The authority of the Secretary to provide assistance
3 under this Act shall terminate on the day occurring 15
4 years after the date of the enactment of this Act.

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