



- **Board of Directors**
Legislation Committee

3/8/2011 Board Meeting

8-3

Subject

Express Support for S.29 (Feinstein, D-CA) and H.R. 486 (Garamendi, D-CA) - Sacramento-San Joaquin Delta National Heritage Area Establishment Act

Description

The Delta Reform Act of 2009, SB X7-1 (Simitian, D – Palo Alto), part of the landmark legislative water package enacted by the California Legislature that year, directed the Delta Protection Commission ("Commission") to develop a plan to establish state and federal designation of the Delta as a place of special significance, including a federal designation as a National Heritage Area. The Commission has not yet developed the plan or applied for federal designation. However, Senator Dianne Feinstein and Representative John Garamendi have taken the initiative to propose federal legislation—S. 29 ([Attachment 1](#)) and H.R. 486 ([Attachment 2](#))—to establish a Sacramento-San Joaquin River Delta National Heritage Area ("Heritage Area").

Commission and Management Plan. Each identical bill would establish the Heritage Area within portions of the five counties in and surrounding the Delta and designate the Commission as the "management entity" for the Heritage Area. The Commission would be required to submit to the Secretary of the Interior ("Secretary") within three years of enactment a Heritage Area management plan containing specified elements. The elements include an inventory of resources in the area; policies, strategies and recommendations for conservation, management and development; a description of actions public and private entities have agreed to take to protect the areas' resources; identification of funding sources to carry out the management plan; recommendations for cooperation and coordination of actions; and recommended policies and strategies for resource management that consider application of appropriate land and water management techniques. The Commission would be required to submit annual reports to the Secretary describing its activities and providing records relating to the expenditure of funds. The Commission is prohibited from using federal funds provided under the bills to acquire interests in real property.

Authority of the Secretary. The Secretary may approve the management plan, in consultation with the State, only if the Delta Stewardship Council certifies that the management plan is consistent with the Stewardship Council's Delta Plan. Upon approval, the Secretary is authorized to use amounts made available by the bills to make grants, enter into cooperative agreements and provide assistance, hire and employ staff and "undertake to be a catalyst for any other activity that furthers the Heritage Area." The Secretary is required to prepare within three years of enactment a report evaluating the Commission's progress in accomplishing the purposes of the bills, reviewing expenditures and making recommendations regarding federal funding. Federal agencies planning to conduct activities that could impact the Heritage Area must consult and coordinate with the Secretary and the Commission to the maximum extent practicable.

Limitations on Authority. The bills provide that they do not abridge any property rights, require a property owner to permit public access (including access by federal, state or local agencies) or modify public use or access, alter any land use regulation, convey any land use or other regulatory authority to the Commission, authorize or imply a reservation or appropriation of water or affect the liability of a property owner with respect to any person injured on the property. The bills specifically provide that they do not affect any water rights or contracts. An

owner of private property may opt out of participating in any activity carried out under the bills. With respect to the authority or jurisdiction of federal agencies, the bills provide that they do not amend any law or regulation authorizing a federal agency to manage federal land, limit the discretion of a federal land manager to implement an approved land use plan or modify any authorized use of federal land.

Funding. There is authorized to be appropriated \$10 million to carry out the bills, of which no more than \$1 million may be made available in any one year. The federal share of any activity carried out under the bills would be 50 percent. The non-federal share of the costs of any activity may be in-kind contributions.

Recommend Position. Metropolitan supported the legislative water package of 2009 and its co-equal goals of restoring the State's water supply reliability and protecting the Bay-Delta ecosystem. The designation of the Delta as a Natural Heritage Area was established in that legislation as an important step in the process. These bills will help contribute to cooperation among relevant federal, state and local agencies towards meeting the goals while making available important federal funding to carry out activities in support of those goals. In addition, the bills specifically provide that neither they nor any actions carried out under them will affect private property rights in the Delta including water rights, expand the existing authority of any federal agencies or otherwise affect the scope of those agencies' current authority.

Policy

The Board's Delta Policies, including:

Minute Item 46637, dated April 11, 2006, adopting a set of Delta policy principles ensuring a foundation for development of future positions and provide guidance to staff.

Minute Item 47115, dated May 25, 2007, supporting in principle the proposed Delta Action Plan as set forth in a letter signed by the General Manager.

Minute Item 47232, dated August 19, 2008, approving Delta Governance Principles as outlined in a letter signed by the General Manager.

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The proposed action is not defined as a project under CEQA because it involves continuing administrative activities, such as general policy and procedure making (Section 15378(b)(2) of the State CEQA Guidelines). In addition, where it can be seen with certainty that there is no possibility that the proposed action in question may have a significant effect on the environment, the proposed action is not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines).

The CEQA determination is: Determine that the proposed action is not subject to CEQA pursuant to Sections 15378(b)(2) and 15061(b)(3) of the State CEQA Guidelines.

CEQA determination for Option #2:

None required

Board Options

Option #1

Adopt the CEQA determination and express support for S. 29 and H. R. 486.

Fiscal Impact: None

Business Analysis: Could facilitate improvement in the Delta and help achieve the goals of the Delta Reform Act.

Option #2


Take no position on S. 29 or H.R. 486.

Fiscal Impact: None

Business Analysis: Minimal impact on Metropolitan, but could hamper improvement to the Delta.

Staff Recommendation

Option #1



Linda Waade
Deputy General Manager, External Affairs

2/24/2011

Date



Jeffrey Kightlinger
General Manager

2/24/2011

Date

Attachment 1 – S.29 (Feinstein, D-CA)

Attachment 2 – H.R. 486 (Garamendi, D-CA)

Ref# 12610944

II

112TH CONGRESS
1ST SESSION

S. 29

To establish the Sacramento-San Joaquin Delta National Heritage Area.

IN THE SENATE OF THE UNITED STATES

JANUARY 25 (legislative day, JANUARY 5), 2011

Mr. REID for Mrs. FEINSTEIN (for herself and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish the Sacramento-San Joaquin Delta National Heritage Area.

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 “Sacramento-San Joa-
5 quin Delta National Heritage Area Establishment Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) HERITAGE AREA.—The term “Heritage
9 Area” means the Sacramento-San Joaquin Delta
10 Heritage Area established by section 3(a).

1 spection in the appropriate offices of the National Park
2 Service and the Delta Protection Commission.

3 (d) MANAGEMENT ENTITY.—The management entity
4 for the Heritage Area shall be the Delta Protection Com-
5 mission established by section 29735 of the California
6 Public Resources Code.

7 (e) ADMINISTRATION.—

8 (1) AUTHORITIES.—For purposes of carrying
9 out the Heritage Area management plan, the Sec-
10 retary, acting through the management entity, may
11 use amounts made available under this Act to—

12 (A) make grants to the State or a political
13 subdivision of the State, nonprofit organiza-
14 tions, and other persons;

15 (B) enter into cooperative agreements
16 with, or provide technical assistance to, the
17 State or a political subdivision of the State,
18 nonprofit organizations, and other interested
19 parties;

20 (C) hire and compensate staff, which shall
21 include individuals with expertise in natural,
22 cultural, and historical resources protection,
23 and heritage programming;

1 (D) obtain money or services from any
2 source including any that are provided under
3 any other Federal law or program;

4 (E) contract for goods or services; and

5 (F) undertake to be a catalyst for any
6 other activity that furthers the Heritage Area
7 and is consistent with the approved Heritage
8 Area management plan.

9 (2) DUTIES.—The management entity shall—

10 (A) in accordance with subsection (f), pre-
11 pare and submit a Heritage Area management
12 plan to the Secretary;

13 (B) assist units of local government, re-
14 gional planning organizations, and nonprofit or-
15 ganizations in carrying out the approved Herit-
16 age Area management plan by—

17 (i) carrying out programs and projects
18 that recognize, protect, and enhance im-
19 portant resource values in the Heritage
20 Area;

21 (ii) establishing and maintaining in-
22 terpretive exhibits and programs in the
23 Heritage Area;

- 1 (iii) developing recreational and edu-
2 cational opportunities in the Heritage
3 Area;
- 4 (iv) increasing public awareness of,
5 and appreciation for, natural, historical,
6 scenic, and cultural resources of the Herit-
7 age Area;
- 8 (v) protecting and restoring historic
9 sites and buildings in the Heritage Area
10 that are consistent with Heritage Area
11 themes;
- 12 (vi) ensuring that clear, consistent,
13 and appropriate signs identifying points of
14 public access, and sites of interest are
15 posted throughout the Heritage Area; and
- 16 (vii) promoting a wide range of part-
17 nerships among governments, organiza-
18 tions, and individuals to further the Herit-
19 age Area;
- 20 (C) consider the interests of diverse units
21 of government, businesses, organizations, and
22 individuals in the Heritage Area in the prepara-
23 tion and implementation of the Heritage Area
24 management plan;

1 (D) conduct meetings open to the public at
2 least semiannually regarding the development
3 and implementation of the Heritage Area man-
4 agement plan;

5 (E) for any year that Federal funds have
6 been received under this Act—

7 (i) submit an annual report to the
8 Secretary that describes the activities, ex-
9 penses, and income of the management en-
10 tity (including grants to any other entities
11 during the year that the report is made);

12 (ii) make available to the Secretary
13 for audit all records relating to the expend-
14 iture of the funds and any matching funds;

15 (iii) require, with respect to all agree-
16 ments authorizing expenditure of Federal
17 funds by other organizations, that the or-
18 ganizations receiving the funds make avail-
19 able to the Secretary for audit all records
20 concerning the expenditure of the funds;
21 and

22 (F) encourage by appropriate means eco-
23 nomic viability that is consistent with the Herit-
24 age Area.

1 (3) PROHIBITION ON THE ACQUISITION OF
2 REAL PROPERTY.—The management entity shall not
3 use Federal funds made available under this Act to
4 acquire real property or any interest in real prop-
5 erty.

6 (4) COST-SHARING REQUIREMENT.—The Fed-
7 eral share of the cost of any activity carried out
8 using any assistance made available under this Act
9 shall be 50 percent.

10 (f) HERITAGE AREA MANAGEMENT PLAN.—

11 (1) IN GENERAL.—Not later than 3 years after
12 the date of enactment of this Act, the management
13 entity shall submit to the Secretary for approval a
14 proposed Heritage Area management plan.

15 (2) REQUIREMENTS.—The Heritage Area man-
16 agement plan shall—

17 (A) incorporate an integrated and coopera-
18 tive approach to agricultural resources and ac-
19 tivities, flood protection facilities, and other
20 public infrastructure;

21 (B) emphasizes the importance of the re-
22 sources described in subparagraph (A);

23 (C) take into consideration State and local
24 plans;

25 (D) include—

- 1 (i) an inventory of—
 - 2 (I) the resources located in the
 - 3 core area described in subsection (b);
 - 4 and
 - 5 (II) any other property in the
 - 6 core area that—
 - 7 (aa) is related to the themes
 - 8 of the Heritage Area; and
 - 9 (bb) should be preserved, re-
 - 10 stored, managed, or maintained
 - 11 because of the significance of the
 - 12 property;
 - 13 (ii) comprehensive policies, strategies
 - 14 and recommendations for conservation,
 - 15 funding, management, and development of
 - 16 the Heritage Area;
 - 17 (iii) a description of actions that gov-
 - 18 ernments, private organizations, and indi-
 - 19 viduals have agreed to take to protect the
 - 20 natural, historical and cultural resources of
 - 21 the Heritage Area;
 - 22 (iv) a program of implementation for
 - 23 the Heritage Area management plan by
 - 24 the management entity that includes a de-
 - 25 scription of—

1 (I) actions to facilitate ongoing
2 collaboration among partners to pro-
3 mote plans for resource protection,
4 restoration, and construction; and

5 (II) specific commitments for im-
6 plementation that have been made by
7 the management entity or any govern-
8 ment, organization, or individual for
9 the first 5 years of operation;

10 (v) the identification of sources of
11 funding for carrying out the Heritage Area
12 management plan;

13 (vi) analysis and recommendations for
14 means by which local, State, and Federal
15 programs, including the role of the Na-
16 tional Park Service in the Heritage Area,
17 may best be coordinated to carry out this
18 Act; and

19 (vii) an interpretive plan for the Her-
20 itage Area; and

21 (E) recommend policies and strategies for
22 resource management that consider and detail
23 the application of appropriate land and water
24 management techniques, including the develop-
25 ment of intergovernmental and interagency co-

1 operative agreements to protect the natural,
2 historical, cultural, educational, scenic, and rec-
3 reational resources of the Heritage Area.

4 (3) RESTRICTIONS.—The Heritage Area man-
5 agement plan submitted under this subsection
6 shall—

7 (A) ensure participation by appropriate
8 Federal, State, tribal, and local agencies, in-
9 cluding the Delta Stewardship Council, special
10 districts, natural and historical resource protec-
11 tion and agricultural organizations, educational
12 institutions, businesses, recreational organiza-
13 tions, community residents, and private prop-
14 erty owners; and

15 (B) not be approved until the Secretary
16 has received certification from the Delta Protec-
17 tion Commission that the Delta Stewardship
18 Council has reviewed the Heritage Area man-
19 agement plan for consistency with the plan
20 adopted by the Delta Stewardship Council pur-
21 suant to State law.

22 (4) DEADLINE.—If a proposed Heritage Area
23 management plan is not submitted to the Secretary
24 by the date that is 3 years after the date of enact-
25 ment of this Act, the management entity shall be in-

1 eligible to receive additional funding under this Act
2 until the date that the Secretary receives and ap-
3 proves the Heritage Area management plan.

4 (5) APPROVAL OR DISAPPROVAL OF HERITAGE
5 AREA MANAGEMENT PLAN.—

6 (A) IN GENERAL.—Not later than 180
7 days after the date of receipt of the Heritage
8 Area management plan under paragraph (1),
9 the Secretary, in consultation with the State,
10 shall approve or disapprove the Heritage Area
11 management plan.

12 (B) CRITERIA FOR APPROVAL.—In deter-
13 mining whether to approve the Heritage Area
14 management plan, the Secretary shall consider
15 whether—

16 (i) the management entity is rep-
17 resentative of the diverse interests of the
18 Heritage Area, including governments, nat-
19 ural and historic resource protection orga-
20 nizations, educational institutions, busi-
21 nesses, and recreational organizations;

22 (ii) the management entity has af-
23 farded adequate opportunity, including
24 public hearings, for public and govern-

1 mental involvement in the preparation of
2 the Heritage Area management plan; and
3 (iii) the resource protection and inter-
4 pretation strategies contained in the Herit-
5 age Area management plan, if imple-
6 mented, would adequately protect the nat-
7 ural, historical, and cultural resources of
8 the Heritage Area.

9 (C) ACTION FOLLOWING DISAPPROVAL.—If
10 the Secretary disapproves the Heritage Area
11 management plan under subparagraph (A), the
12 Secretary shall—

13 (i) advise the management entity in
14 writing of the reasons for the disapproval;

15 (ii) make recommendations for revi-
16 sions to the Heritage Area management
17 plan; and

18 (iii) not later than 180 days after the
19 receipt of any proposed revision of the
20 Heritage Area management plan from the
21 management entity, approve or disapprove
22 the proposed revision.

23 (D) AMENDMENTS.—

24 (i) IN GENERAL.—The Secretary shall
25 approve or disapprove each amendment to

1 the Heritage Area management plan that
 2 the Secretary determines make a substan-
 3 tial change to the Heritage Area manage-
 4 ment plan.

5 (ii) USE OF FUNDS.—The manage-
 6 ment entity shall not use Federal funds
 7 authorized by this Act to carry out any
 8 amendments to the Heritage Area manage-
 9 ment plan until the Secretary has approved
 10 the amendments.

11 (g) RELATIONSHIP TO OTHER FEDERAL AGEN-
 12 CIES.—

13 (1) IN GENERAL.—Nothing in this Act affects
 14 the authority of a Federal agency to provide tech-
 15 nical or financial assistance under any other law.

16 (2) CONSULTATION AND COORDINATION.—The
 17 head of any Federal agency planning to conduct ac-
 18 tivities that may have an impact on the Heritage
 19 Area is encouraged to consult and coordinate the ac-
 20 tivities with the Secretary and the management enti-
 21 ty to the maximum extent practicable.

22 (3) OTHER FEDERAL AGENCIES.—Nothing in
 23 this Act—

24 (A) modifies, alters, or amends any law or
 25 regulation authorizing a Federal agency to

1 manage Federal land under the jurisdiction of
2 the Federal agency;

3 (B) limits the discretion of a Federal land
4 manager to implement an approved land use
5 plan within the boundaries of the Heritage
6 Area; or

7 (C) modifies, alters, or amends any author-
8 ized use of Federal land under the jurisdiction
9 of a Federal agency.

10 (h) PRIVATE PROPERTY AND REGULATORY PROTEC-
11 TIONS.—

12 (1) IN GENERAL.—Subject to paragraph (2),
13 nothing in this Act—

14 (A) abridges the rights of any property
15 owner (whether public or private), including the
16 right to refrain from participating in any plan,
17 project, program, or activity conducted within
18 the Heritage Area;

19 (B) requires any property owner to permit
20 public access (including access by Federal,
21 State, or local agencies) to the property of the
22 property owner, or to modify public access or
23 use of property of the property owner under
24 any other Federal, State, or local law;

1 (C) alters any duly adopted land use regu-
2 lation, approved land use plan, or other regu-
3 latory authority of any Federal, State or local
4 agency, or conveys any land use or other regu-
5 latory authority to the management entity;

6 (D) authorizes or implies the reservation
7 or appropriation of water or water rights;

8 (E) diminishes the authority of the State
9 to manage fish and wildlife, including the regu-
10 lation of fishing and hunting within the Herit-
11 age Area; or

12 (F) creates any liability, or affects any li-
13 ability under any other law, of any private
14 property owner with respect to any person in-
15 jured on the private property.

16 (2) OPT OUT.—An owner of private property
17 within the Heritage Area may opt out of partici-
18 pating in any plan, project, program, or activity car-
19 ried out within the Heritage Area under this Act, if
20 the property owner provides written notice to the
21 management entity.

22 (i) EVALUATION; REPORT.—

23 (1) IN GENERAL.—Not later than 3 years be-
24 fore the date on which authority for Federal funding

1 terminates for the Heritage Area, the Secretary
2 shall—

3 (A) conduct an evaluation of the accom-
4 plishments of the Heritage Area; and

5 (B) prepare a report in accordance with
6 paragraph (3).

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

9 (A) assess the progress of the management
10 entity with respect to—

11 (i) accomplishing the purposes of this
12 Act for the Heritage Area; and

13 (ii) achieving the goals and objectives
14 of the approved Heritage Area manage-
15 ment plan;

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

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

25 (3) REPORT.—

1 (A) IN GENERAL.—Based on the evalua-
2 tion conducted under paragraph (1)(A), the
3 Secretary shall prepare a report that includes
4 recommendations for the future role of the Na-
5 tional Park Service, if any, with respect to the
6 Heritage Area.

7 (B) REQUIRED ANALYSIS.—If the report
8 prepared under subparagraph (A) recommends
9 that Federal funding for the Heritage Area be
10 reauthorized, the report shall include an anal-
11 ysis of—

12 (i) ways in which Federal funding for
13 the Heritage Area may be reduced or
14 eliminated; and

15 (ii) the appropriate time period nec-
16 essary to achieve the recommended reduc-
17 tion or elimination.

18 (C) SUBMISSION TO CONGRESS.—On com-
19 pletion of the report, the Secretary shall submit
20 the report to—

21 (i) the Committee on Energy and
22 Natural Resources of the Senate; and

23 (ii) the Committee on Natural Re-
24 sources of the House of Representatives.

1 (j) EFFECT OF DESIGNATION.—Nothing in this
2 Act—

3 (1) precludes the management entity from
4 using Federal funds made available under other laws
5 for the purposes for which those funds were author-
6 ized; or

7 (2) affects any water rights or contracts.

8 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) IN GENERAL.—There is authorized to be appro-
10 priated to carry out this Act \$10,000,000, of which not
11 more than \$1,000,000 may be made available for any fis-
12 cal year.

13 (b) COST-SHARING REQUIREMENT.—The Federal
14 share of the total cost of any activity under this Act shall
15 be determined by the Secretary, but shall be not more than
16 50 percent.

17 (c) NON-FEDERAL SHARE.—The non-Federal share
18 of the total cost of any activity under this Act may be
19 in the form of in-kind contributions of goods or services.

20 **SEC. 5. TERMINATION OF AUTHORITY.**

21 (a) IN GENERAL.—If a proposed Heritage Area man-
22 agement plan has not been submitted to the Secretary by
23 the date that is 5 years after the date of enactment of
24 this Act, the Heritage Area designation shall be rescinded.

1 (b) FUNDING AUTHORITY.—The authority of the
2 Secretary to provide assistance under this Act terminates
3 on the date that is 15 years after the date of enactment
4 of this Act.

○

112TH CONGRESS
1ST SESSION

H. R. 486

To establish the Sacramento-San Joaquin Delta National Heritage Area.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 2011

Mr. GARAMENDI (for himself, Ms. MATSUI, Mr. MCNERNEY, Mr. GEORGE MILLER of California, and Mr. THOMPSON of California) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To establish the Sacramento-San Joaquin Delta National Heritage Area.

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 “Sacramento-San Joa-
5 quin Delta National Heritage Area Establishment Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) HERITAGE AREA.—The term “Heritage
9 Area” means the Sacramento-San Joaquin Delta
10 Heritage Area established by section 3(a).

1 spection in the appropriate offices of the National Park
2 Service and the Delta Protection Commission.

3 (d) MANAGEMENT ENTITY.—The management entity
4 for the Heritage Area shall be the Delta Protection Com-
5 mission established by section 29735 of the California
6 Public Resources Code.

7 (e) ADMINISTRATION.—

8 (1) AUTHORITIES.—For purposes of carrying
9 out the Heritage Area management plan, the Sec-
10 retary, acting through the management entity, may
11 use amounts made available under this Act to—

12 (A) make grants to the State or a political
13 subdivision of the State, nonprofit organiza-
14 tions, and other persons;

15 (B) enter into cooperative agreements
16 with, or provide technical assistance to, the
17 State or a political subdivision of the State,
18 nonprofit organizations, and other interested
19 parties;

20 (C) hire and compensate staff, which shall
21 include individuals with expertise in natural,
22 cultural, and historical resources protection,
23 and heritage programming;

1 (D) obtain money or services from any
2 source including any that are provided under
3 any other Federal law or program;

4 (E) contract for goods or services; and

5 (F) undertake to be a catalyst for any
6 other activity that furthers the Heritage Area
7 and is consistent with the approved Heritage
8 Area management plan.

9 (2) DUTIES.—The management entity shall—

10 (A) in accordance with subsection (f), pre-
11 pare and submit a Heritage Area management
12 plan to the Secretary;

13 (B) assist units of local government, re-
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15 ganizations in carrying out the approved Herit-
16 age Area management plan by—

17 (i) carrying out programs and projects
18 that recognize, protect, and enhance im-
19 portant resource values in the Heritage
20 Area;

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22 terpretive exhibits and programs in the
23 Heritage Area;

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5 and appreciation for, natural, historical,
6 scenic, and cultural resources of the Herit-
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9 sites and buildings in the Heritage Area
10 that are consistent with Heritage Area
11 themes;
- 12 (vi) ensuring that clear, consistent,
13 and appropriate signs identifying points of
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15 posted throughout the Heritage Area; and
- 16 (vii) promoting a wide range of part-
17 nerships among governments, organiza-
18 tions, and individuals to further the Herit-
19 age Area;
- 20 (C) consider the interests of diverse units
21 of government, businesses, organizations, and
22 individuals in the Heritage Area in the prepara-
23 tion and implementation of the Heritage Area
24 management plan;

1 (D) conduct meetings open to the public at
2 least semiannually regarding the development
3 and implementation of the Heritage Area man-
4 agement plan;

5 (E) for any year that Federal funds have
6 been received under this Act—

7 (i) submit an annual report to the
8 Secretary that describes the activities, ex-
9 penses, and income of the management en-
10 tity (including grants to any other entities
11 during the year that the report is made);

12 (ii) make available to the Secretary
13 for audit all records relating to the expend-
14 iture of the funds and any matching funds;

15 (iii) require, with respect to all agree-
16 ments authorizing expenditure of Federal
17 funds by other organizations, that the or-
18 ganizations receiving the funds make avail-
19 able to the Secretary for audit all records
20 concerning the expenditure of the funds;
21 and

22 (F) encourage by appropriate means eco-
23 nomic viability that is consistent with the Herit-
24 age Area.

1 (3) PROHIBITION ON THE ACQUISITION OF
2 REAL PROPERTY.—The management entity shall not
3 use Federal funds made available under this Act to
4 acquire real property or any interest in real prop-
5 erty.

6 (4) COST-SHARING REQUIREMENT.—The Fed-
7 eral share of the cost of any activity carried out
8 using any assistance made available under this Act
9 shall be 50 percent.

10 (f) HERITAGE AREA MANAGEMENT PLAN.—

11 (1) IN GENERAL.—Not later than 3 years after
12 the date of enactment of this Act, the management
13 entity shall submit to the Secretary for approval a
14 proposed Heritage Area management plan.

15 (2) REQUIREMENTS.—The Heritage Area man-
16 agement plan shall—

17 (A) incorporate an integrated and coopera-
18 tive approach to agricultural resources and ac-
19 tivities, flood protection facilities, and other
20 public infrastructure;

21 (B) emphasizes the importance of the re-
22 sources described in subparagraph (A);

23 (C) take into consideration State and local
24 plans;

25 (D) include—

- 1 (i) an inventory of—
 - 2 (I) the resources located in the
 - 3 core area described in subsection (b);
 - 4 and
 - 5 (II) any other property in the
 - 6 core area that—
 - 7 (aa) is related to the themes
 - 8 of the Heritage Area; and
 - 9 (bb) should be preserved, re-
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 - 12 property;
 - 13 (ii) comprehensive policies, strategies
 - 14 and recommendations for conservation,
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 - 16 the Heritage Area;
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 - 18 ernments, private organizations, and indi-
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7 the management entity or any govern-
8 ment, organization, or individual for
9 the first 5 years of operation;

10 (v) the identification of sources of
11 funding for carrying out the Heritage Area
12 management plan;

13 (vi) analysis and recommendations for
14 means by which local, State, and Federal
15 programs, including the role of the Na-
16 tional Park Service in the Heritage Area,
17 may best be coordinated to carry out this
18 Act; and

19 (vii) an interpretive plan for the Her-
20 itage Area; and

21 (E) recommend policies and strategies for
22 resource management that consider and detail
23 the application of appropriate land and water
24 management techniques, including the develop-
25 ment of intergovernmental and interagency co-

1 operative agreements to protect the natural,
2 historical, cultural, educational, scenic, and rec-
3 reational resources of the Heritage Area.

4 (3) RESTRICTIONS.—The Heritage Area man-
5 agement plan submitted under this subsection
6 shall—

7 (A) ensure participation by appropriate
8 Federal, State, tribal, and local agencies, in-
9 cluding the Delta Stewardship Council, special
10 districts, natural and historical resource protec-
11 tion and agricultural organizations, educational
12 institutions, businesses, recreational organiza-
13 tions, community residents, and private prop-
14 erty owners; and

15 (B) not be approved until the Secretary
16 has received certification from the Delta Protec-
17 tion Commission that the Delta Stewardship
18 Council has reviewed the Heritage Area man-
19 agement plan for consistency with the plan
20 adopted by the Delta Stewardship Council pur-
21 suant to State law.

22 (4) DEADLINE.—If a proposed Heritage Area
23 management plan is not submitted to the Secretary
24 by the date that is 3 years after the date of enact-
25 ment of this Act, the management entity shall be in-

1 eligible to receive additional funding under this Act
2 until the date that the Secretary receives and ap-
3 proves the Heritage Area management plan.

4 (5) APPROVAL OR DISAPPROVAL OF HERITAGE
5 AREA MANAGEMENT PLAN.—

6 (A) IN GENERAL.—Not later than 180
7 days after the date of receipt of the Heritage
8 Area management plan under paragraph (1),
9 the Secretary, in consultation with the State,
10 shall approve or disapprove the Heritage Area
11 management plan.

12 (B) CRITERIA FOR APPROVAL.—In deter-
13 mining whether to approve the Heritage Area
14 management plan, the Secretary shall consider
15 whether—

16 (i) the management entity is rep-
17 resentative of the diverse interests of the
18 Heritage Area, including governments, nat-
19 ural and historic resource protection orga-
20 nizations, educational institutions, busi-
21 nesses, and recreational organizations;

22 (ii) the management entity has af-
23 farded adequate opportunity, including
24 public hearings, for public and govern-

1 mental involvement in the preparation of
2 the Heritage Area management plan; and
3 (iii) the resource protection and inter-
4 pretation strategies contained in the Herit-
5 age Area management plan, if imple-
6 mented, would adequately protect the nat-
7 ural, historical, and cultural resources of
8 the Heritage Area.

9 (C) ACTION FOLLOWING DISAPPROVAL.—If
10 the Secretary disapproves the Heritage Area
11 management plan under subparagraph (A), the
12 Secretary shall—

13 (i) advise the management entity in
14 writing of the reasons for the disapproval;

15 (ii) make recommendations for revi-
16 sions to the Heritage Area management
17 plan; and

18 (iii) not later than 180 days after the
19 receipt of any proposed revision of the
20 Heritage Area management plan from the
21 management entity, approve or disapprove
22 the proposed revision.

23 (D) AMENDMENTS.—

24 (i) IN GENERAL.—The Secretary shall
25 approve or disapprove each amendment to

1 the Heritage Area management plan that
2 the Secretary determines make a substan-
3 tial change to the Heritage Area manage-
4 ment plan.

5 (ii) USE OF FUNDS.—The manage-
6 ment entity shall not use Federal funds
7 authorized by this Act to carry out any
8 amendments to the Heritage Area manage-
9 ment plan until the Secretary has approved
10 the amendments.

11 (g) RELATIONSHIP TO OTHER FEDERAL AGEN-
12 CIES.—

13 (1) IN GENERAL.—Nothing in this Act affects
14 the authority of a Federal agency to provide tech-
15 nical or financial assistance under any other law.

16 (2) CONSULTATION AND COORDINATION.—The
17 head of any Federal agency planning to conduct ac-
18 tivities that may have an impact on the Heritage
19 Area is encouraged to consult and coordinate the ac-
20 tivities with the Secretary and the management enti-
21 ty to the maximum extent practicable.

22 (3) OTHER FEDERAL AGENCIES.—Nothing in
23 this Act—

24 (A) modifies, alters, or amends any law or
25 regulation authorizing a Federal agency to

1 manage Federal land under the jurisdiction of
2 the Federal agency;

3 (B) limits the discretion of a Federal land
4 manager to implement an approved land use
5 plan within the boundaries of the Heritage
6 Area; or

7 (C) modifies, alters, or amends any author-
8 ized use of Federal land under the jurisdiction
9 of a Federal agency.

10 (h) PRIVATE PROPERTY AND REGULATORY PROTEC-
11 TIONS.—

12 (1) IN GENERAL.—Subject to paragraph (2),
13 nothing in this Act—

14 (A) abridges the rights of any property
15 owner (whether public or private), including the
16 right to refrain from participating in any plan,
17 project, program, or activity conducted within
18 the Heritage Area;

19 (B) requires any property owner to permit
20 public access (including access by Federal,
21 State, or local agencies) to the property of the
22 property owner, or to modify public access or
23 use of property of the property owner under
24 any other Federal, State, or local law;

1 (C) alters any duly adopted land use regu-
2 lation, approved land use plan, or other regu-
3 latory authority of any Federal, State or local
4 agency, or conveys any land use or other regu-
5 latory authority to the management entity;

6 (D) authorizes or implies the reservation
7 or appropriation of water or water rights;

8 (E) diminishes the authority of the State
9 to manage fish and wildlife, including the regu-
10 lation of fishing and hunting within the Herit-
11 age Area; or

12 (F) creates any liability, or affects any li-
13 ability under any other law, of any private
14 property owner with respect to any person in-
15 jured on the private property.

16 (2) OPT OUT.—An owner of private property
17 within the Heritage Area may opt out of partici-
18 pating in any plan, project, program, or activity car-
19 ried out within the Heritage Area under this Act, if
20 the property owner provides written notice to the
21 management entity.

22 (i) EVALUATION; REPORT.—

23 (1) IN GENERAL.—Not later than 3 years be-
24 fore the date on which authority for Federal funding

1 terminates for the Heritage Area, the Secretary
2 shall—

3 (A) conduct an evaluation of the accom-
4 plishments of the Heritage Area; and

5 (B) prepare a report in accordance with
6 paragraph (3).

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

9 (A) assess the progress of the management
10 entity with respect to—

11 (i) accomplishing the purposes of this
12 Act for the Heritage Area; and

13 (ii) achieving the goals and objectives
14 of the approved Heritage Area manage-
15 ment plan;

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

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

25 (3) REPORT.—

1 (A) IN GENERAL.—Based on the evalua-
2 tion conducted under paragraph (1)(A), the
3 Secretary shall prepare a report that includes
4 recommendations for the future role of the Na-
5 tional Park Service, if any, with respect to the
6 Heritage Area.

7 (B) REQUIRED ANALYSIS.—If the report
8 prepared under subparagraph (A) recommends
9 that Federal funding for the Heritage Area be
10 reauthorized, the report shall include an anal-
11 ysis of—

12 (i) ways in which Federal funding for
13 the Heritage Area may be reduced or
14 eliminated; and

15 (ii) the appropriate time period nec-
16 essary to achieve the recommended reduc-
17 tion or elimination.

18 (C) SUBMISSION TO CONGRESS.—On com-
19 pletion of the report, the Secretary shall submit
20 the report to—

21 (i) the Committee on Energy and
22 Natural Resources of the Senate; and

23 (ii) the Committee on Natural Re-
24 sources of the House of Representatives.

1 (j) EFFECT OF DESIGNATION.—Nothing in this
2 Act—

3 (1) precludes the management entity from
4 using Federal funds made available under other laws
5 for the purposes for which those funds were author-
6 ized; or

7 (2) affects any water rights or contracts.

8 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) IN GENERAL.—There is authorized to be appro-
10 priated to carry out this Act \$10,000,000, of which not
11 more than \$1,000,000 may be made available for any fis-
12 cal year.

13 (b) COST-SHARING REQUIREMENT.—The Federal
14 share of the total cost of any activity under this Act shall
15 be determined by the Secretary, but shall be not more than
16 50 percent.

17 (c) NON-FEDERAL SHARE.—The non-Federal share
18 of the total cost of any activity under this Act may be
19 in the form of in-kind contributions of goods or services.

20 **SEC. 5. TERMINATION OF AUTHORITY.**

21 (a) IN GENERAL.—If a proposed Heritage Area man-
22 agement plan has not been submitted to the Secretary by
23 the date that is 5 years after the date of enactment of
24 this Act, the Heritage Area designation shall be rescinded.

1 (b) FUNDING AUTHORITY.—The authority of the
2 Secretary to provide assistance under this Act terminates
3 on the date that is 15 years after the date of enactment
4 of this Act.

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