

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 2107  
OFFERED BY MR. GRIJALVA OF ARIZONA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Nation’s Oldest Port  
3 National Heritage Area Act”.

**4 SEC. 2. DEFINITIONS.**

5       In this Act:

6           (1) NATIONAL HERITAGE AREA.—The term  
7 “National Heritage Area” means the Nation’s Old-  
8 est Port National Heritage Area established by sec-  
9 tion 3(a).

10          (2) LOCAL COORDINATING ENTITY.—The term  
11 “local coordinating entity” means the local coordi-  
12 nating entity for the National Heritage Area.

13          (3) MANAGEMENT PLAN.—The term “manage-  
14 ment plan” means the management plan for the Na-  
15 tional Heritage Area required under section 5(a).

16          (4) MAP.—The term “map” means the map en-  
17 titled “Nation’s Oldest Port National Heritage Area

1 Proposed Boundary Map”, numbered 524/173745  
2 and dated October 2020.

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

5 (6) STATE.—The term “State” means the State  
6 of Florida.

7 **SEC. 3. ESTABLISHMENT OF THE NATION’S OLDEST PORT**  
8 **NATIONAL HERITAGE AREA.**

9 (a) IN GENERAL.—There is established the Nation’s  
10 Oldest Port National Heritage Area in the State of Flor-  
11 ida, to consist of natural watersheds in Nassau, Duval,  
12 St. Johns, and Flagler counties in the State, as generally  
13 depicted on the map.

14 (b) LOCAL COORDINATING ENTITY.—The Nation’s  
15 Oldest Port Heritage Area Alliance, Inc., shall serve as  
16 the local coordinating entity for the National Heritage  
17 Area.

18 **SEC. 4. ADMINISTRATION.**

19 (a) AUTHORITIES.—For purposes of carrying out the  
20 management plan for the National Heritage Area, the Sec-  
21 retary acting through the local coordinating entity may  
22 use amounts made available under this Act—

23 (1) to make grants to the State or a political  
24 subdivision of the State, Indian Tribes, nonprofit or-  
25 ganizations, and other persons;

1           (2) to enter into cooperative agreements with,  
2           or provide technical assistance to, the State or a po-  
3           litical subdivision of the State, Indian Tribes, non-  
4           profit organizations, and other interested parties;

5           (3) to hire and compensate staff, which shall in-  
6           clude individuals with expertise in natural, cultural,  
7           and historical resources protection and heritage pro-  
8           gramming;

9           (4) to obtain money or services from any  
10          source, including any money or services that are pro-  
11          vided under any other Federal law or program;

12          (5) to contract for goods or services; and

13          (6) to undertake or be a catalyst for any other  
14          activity that furthers the purposes of the National  
15          Heritage Area and is consistent with the approved  
16          management plan.

17          (b) DUTIES.—The local coordinating entity for the  
18          National Heritage Area shall—

19                (1) in accordance with section 5, prepare and  
20                submit a management plan for the National Herit-  
21                age Area to the Secretary;

22                (2) assist Federal agencies, the State or a polit-  
23                ical subdivision of the State, Indian Tribes, regional  
24                planning organizations, nonprofit organizations, and

1 other interested parties in carrying out the approved  
2 management plan by—

3 (A) carrying out programs and projects  
4 that recognize, protect, and enhance important  
5 resource values in the National Heritage Area;

6 (B) establishing and maintaining interpre-  
7 tive exhibits and programs in the National Her-  
8 itage Area;

9 (C) developing recreational, interpretive,  
10 and educational opportunities in the National  
11 Heritage Area;

12 (D) increasing public awareness of, and  
13 appreciation for, natural, historical, scenic, and  
14 cultural resources of the National Heritage  
15 Area;

16 (E) protecting and restoring historic sites  
17 and buildings in the National Heritage Area  
18 that are consistent with the themes of the Na-  
19 tional Heritage Area;

20 (F) ensuring that clear, consistent, and ap-  
21 propriate signs identifying points of public ac-  
22 cess and sites of interest are posted throughout  
23 the National Heritage Area; and

24 (G) promoting a wide range of partner-  
25 ships among the Federal Government, State,

1 Tribal, and local governments, organizations,  
2 and individuals to further the purposes of the  
3 National Heritage Area;

4 (3) consider the interests of diverse units of  
5 government, businesses, organizations, and individ-  
6 uals in the National Heritage Area in the prepara-  
7 tion and implementation of the management plan;

8 (4) conduct meetings open to the public not less  
9 frequently than semiannually regarding the develop-  
10 ment and implementation of the management plan;  
11 and

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

14 (A) submit to the Secretary an annual re-  
15 port that describes the activities, expenses, and  
16 income of the local coordinating entity (includ-  
17 ing grants to any other entities during the year  
18 that the report is made);

19 (B) make available to the Secretary for  
20 audit all records relating to the expenditure of  
21 the funds and any matching funds; and

22 (C) encourage by appropriate means eco-  
23 nomic viability that is consistent with the Na-  
24 tional Heritage Area.

1           (c) PROHIBITION ON THE ACQUISITION OF REAL  
2 PROPERTY.—The local coordinating entity shall not use  
3 Federal funds to acquire real property or any interest in  
4 real property.

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

6           (a) IN GENERAL.—Not later than 3 years after the  
7 date of enactment of this Act, the local coordinating entity  
8 of the National Heritage Area shall submit to the Sec-  
9 retary for approval a proposed management plan for the  
10 National Heritage Area.

11           (b) REQUIREMENTS.—The management plan shall—

12                   (1) incorporate an integrated and cooperative  
13 approach for the protection, enhancement, and inter-  
14 pretation of the natural, cultural, historic, scenic,  
15 and recreational resources of the National Heritage  
16 Area;

17                   (2) take into consideration Federal, State, local,  
18 and Tribal plans and treaty rights;

19                   (3) include—

20                           (A) an inventory of—

21                                   (i) the resources located in the Na-  
22 tional Heritage Area; and

23                                   (ii) any other property in the National  
24 Heritage Area that—

1 (I) is related to the themes of the  
2 National Heritage Area; and

3 (II) should be preserved, re-  
4 stored, managed, or maintained be-  
5 cause of the significance of the prop-  
6 erty;

7 (B) comprehensive policies, strategies, and  
8 recommendations for the conservation, funding,  
9 management, and development of the National  
10 Heritage Area;

11 (C) a description of activities that the Fed-  
12 eral Government, State, Tribal, and local gov-  
13 ernments, private organizations, and individuals  
14 have agreed to carry out to protect the natural,  
15 historical, cultural, scenic, and recreational re-  
16 sources of the National Heritage Area;

17 (D) a program of implementation for the  
18 management plan by the local coordinating en-  
19 tity that includes a description of—

20 (i) actions to facilitate ongoing col-  
21 laboration among partners to promote  
22 plans for resource protection, restoration,  
23 and construction; and

24 (ii) specific commitments for imple-  
25 mentation that have been made by the

1 local coordinating entity or any unit of  
2 government, organization, or individual for  
3 the first 5 years of operation;

4 (E) the identification of sources of funding  
5 for carrying out the management plan;

6 (F) analysis and recommendations for  
7 means by which Federal, State, local, and Trib-  
8 al programs, including the role of the National  
9 Park Service in the National Heritage Area,  
10 may best be coordinated to carry out this Act;  
11 and

12 (G) an interpretive plan for the National  
13 Heritage Area; and

14 (4) recommend policies and strategies for re-  
15 source management that consider and detail the ap-  
16 plication of appropriate land and water management  
17 techniques, including the development of intergov-  
18 ernmental and interagency cooperative agreements  
19 to protect the natural, historical, cultural, edu-  
20 cational, scenic, and recreational resources of the  
21 National Heritage Area.

22 (c) DEADLINE.—If a proposed management plan is  
23 not submitted to the Secretary by the date that is 3 years  
24 after the date of enactment of this Act, the local coordi-  
25 nating entity shall be ineligible to receive additional fund-



1 ing under this Act until the date on which the Secretary  
2 approves the management plan.

3 (d) APPROVAL OR DISAPPROVAL OF MANAGEMENT  
4 PLAN.—

5 (1) IN GENERAL.—Not later than 180 days  
6 after the date of receipt of the management plan re-  
7 quired under this section, the Secretary, in consulta-  
8 tion with State and Tribal governments, shall ap-  
9 prove or disapprove the management plan.

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

13 (A) the local coordinating entity is rep-  
14 resentative of the diverse interests of the Na-  
15 tional Heritage Area, including Federal, State,  
16 Tribal, and local governments, natural and his-  
17 toric resource protection organizations, edu-  
18 cational institutions, businesses, and rec-  
19 reational organizations;

20 (B) the local coordinating entity has af-  
21 forded adequate opportunity, including public  
22 hearings, for public and governmental involve-  
23 ment in the preparation of the management  
24 plan; and

1 (C) the resource protection and interpreta-  
2 tion strategies contained in the management  
3 plan, if implemented, would adequately protect  
4 the natural, historical, and cultural resources of  
5 the National Heritage Area.

6 (3) ACTION FOLLOWING DISAPPROVAL.—If the  
7 Secretary disapproves the management plan under  
8 paragraph (1), the Secretary shall—

9 (A) advise the local coordinating entity in  
10 writing of the reasons for the disapproval;

11 (B) make recommendations for revisions to  
12 the management plan; and

13 (C) not later than 180 days after the re-  
14 ceipt of any proposed revision of the manage-  
15 ment plan from the local coordinating entity,  
16 approve or disapprove the proposed revision.

17 (4) AMENDMENTS.—

18 (A) IN GENERAL.—The Secretary shall ap-  
19 prove or disapprove each amendment of the  
20 management plan that the Secretary determines  
21 make a substantial change to the management  
22 plan.

23 (B) USE OF FUNDS.—The local coordi-  
24 nating entity shall not use Federal funds to  
25 carry out any amendment to the management

1           plan until the Secretary has approved the  
2           amendment.

3 **SEC. 6. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

4           (a) IN GENERAL.—Nothing in this Act affects the au-  
5           thority of a Federal agency to provide technical or finan-  
6           cial assistance under any other law.

7           (b) CONSULTATION AND COORDINATION.—The head  
8           of any Federal agency planning to conduct activities that  
9           may have an impact on the National Heritage Area is en-  
10          couraged to consult and coordinate the activities with the  
11          Secretary and the local coordinating entity to the max-  
12          imum extent practicable.

13          (c) OTHER FEDERAL AGENCIES.—Nothing in this  
14          Act—

15                 (1) modifies, alters, or amends any law or regu-  
16                 lations authorizing a Federal agency to manage Fed-  
17                 eral land under the jurisdiction of the Federal agen-  
18                 cy;

19                 (2) limits the discretion of a Federal land man-  
20                 ager to implement an approved land use plan within  
21                 the boundaries of the National Heritage Area; or

22                 (3) modifies, alters, or amends any authorized  
23                 use of Federal land under the jurisdiction of a Fed-  
24                 eral agency.

1 **SEC. 7. PRIVATE PROPERTY AND REGULATORY PROTEC-**  
2 **TIONS.**

3 Nothing in this Act—

4 (1) abridges the rights of any property owner  
5 (whether public or private), including the right to re-  
6 frain from participating in any plan, project, pro-  
7 gram, or activity conducted within the National Her-  
8 itage Area;

9 (2) requires any property owner—

10 (A) to permit public access (including ac-  
11 cess by Federal, State, or local agencies) to the  
12 property of the property owner; or

13 (B) to modify public access or use of prop-  
14 erty of the property owner under any other  
15 Federal, State, or local law;

16 (3) alters any duly adopted land use regulation,  
17 approved land use plan, or other regulatory author-  
18 ity of any Federal, State, Tribal, or local agency;

19 (4) conveys any land use or other regulatory  
20 authority to the local coordinating entity;

21 (5) authorizes or implies the reservation or ap-  
22 propriation of water or water rights;

23 (6) enlarges or diminishes the treaty rights of  
24 any Indian Tribe within the National Heritage Area;

25 (7) diminishes—

1 (A) the authority of the State to manage  
2 fish and wildlife, including the regulation of  
3 fishing and hunting, within the National Herit-  
4 age Area; or

5 (B) the authority of Indian Tribes to regu-  
6 late members of Indian Tribes with respect to  
7 fishing, hunting, and gathering in the exercise  
8 of treaty rights; or

9 (8) creates any liability, or affects any liability  
10 under any other law, of any private property owner  
11 with respect to any person injured on the private  
12 property.

13 **SEC. 8. EVALUATION AND REPORT.**

14 (a) IN GENERAL.—For the National Heritage Area,  
15 not later than 3 years before the date specified under sec-  
16 tion 9, the Secretary shall—

17 (1) conduct an evaluation of the accomplish-  
18 ments of the National Heritage Area; and

19 (2) prepare a report in accordance with sub-  
20 section (c).

21 (b) EVALUATION.—An evaluation conducted under  
22 subsection (a)(1) shall—

23 (1) assess the progress of the local coordinating  
24 entity with respect to—

1 (A) accomplishing the purposes of the Na-  
2 tional Heritage Area; and

3 (B) achieving the goals and objectives of  
4 the approved management plan for the National  
5 Heritage Area;

6 (2) analyze the investments of the Federal Gov-  
7 ernment, State, Tribal, and local governments, and  
8 private entities in the National Heritage Area to de-  
9 termine the impact of the investments; and

10 (3) review the management structure, partner-  
11 ship relationships, and funding of the National Her-  
12 itage Area for purposes of identifying the critical  
13 components for sustainability of the National Herit-  
14 age Area.

15 (c) REPORT.—Based on the evaluation conducted  
16 under subsection (a)(1), the Secretary shall submit to the  
17 Committee on Energy and Natural Resources of the Sen-  
18 ate and the Committee on Natural Resources of the House  
19 of Representatives a report that includes recommendations  
20 for the future role of the National Park Service, if any,  
21 with respect to the National Heritage Area.

1 **SEC. 9. TERMINATION OF AUTHORITY.**

2       The authority of the Secretary to provide assistance  
3 under this Act terminates on the date that is 15 years  
4 after the date of enactment of this Act.

