

**AMENDMENT TO H.R. 2406, AS REPORTED  
OFFERED BY MR. GARAMENDI OF CALIFORNIA**

At the end of the bill, add the following:

1 **TITLE XVII—SACRAMENTO-SAN**  
2 **JOAQUIN DELTA NATIONAL**  
3 **HERITAGE AREA ESTABLISH-**  
4 **MENT**

5 **SEC. 1701. SHORT TITLE.**

6 This title may be cited as the “Sacramento-San Joa-  
7 quin Delta National Heritage Area Establishment Act”.

8 **SEC. 1702. DEFINITIONS.**

9 In this title:

10 (1) HERITAGE AREA.—The term “Heritage  
11 Area” means the Sacramento-San Joaquin Delta  
12 Heritage Area established by section 1703(a).

13 (2) HERITAGE AREA MANAGEMENT PLAN.—The  
14 term “Heritage Area management plan” means the  
15 plan developed and adopted by the local coordinating  
16 entity under this title.

17 (3) LOCAL COORDINATING ENTITY.—The term  
18 “local coordinating entity” means the local coordi-  
19 nating entity for the Heritage Area designated by  
20 section 1703(d).

1           (4) SECRETARY.—The term “Secretary” means  
2           the Secretary of the Interior.

3           (5) STATE.—The term “State” means the State  
4           of California.

5 **SEC. 1703. SACRAMENTO-SAN JOAQUIN DELTA HERITAGE**  
6           **AREA.**

7           (a) ESTABLISHMENT.—There is established the  
8           “Sacramento-San Joaquin Delta Heritage Area” in the  
9           State.

10          (b) BOUNDARIES.—The boundaries of the Heritage  
11          Area shall be in the counties of Contra Costa, Sacramento,  
12          San Joaquin, Solano, and Yolo in the State of California,  
13          as generally depicted on the map entitled “Sacramento-  
14          San Joaquin Delta National Heritage Area Proposed  
15          Boundary”, numbered T27/105,030, and dated October  
16          2012.

17          (c) AVAILABILITY OF MAP.—The map described in  
18          subsection (b) shall be on file and available for public in-  
19          spection in the appropriate offices of the National Park  
20          Service and the Delta Protection Commission.

21          (d) LOCAL COORDINATING ENTITY.—The local co-  
22          ordinating entity for the Heritage Area shall be the Delta  
23          Protection Commission established by section 29735 of  
24          the California Public Resources Code.

25          (e) ADMINISTRATION.—

1           (1) AUTHORITIES.—For purposes of carrying  
2 out the Heritage Area management plan, the Sec-  
3 retary, acting through the local coordinating entity,  
4 may use amounts made available under this title  
5 to—

6           (A) make grants to the State or a political  
7 subdivision of the State, nonprofit organiza-  
8 tions, and other persons;

9           (B) enter into cooperative agreements  
10 with, or provide technical assistance to, the  
11 State or a political subdivision of the State,  
12 nonprofit organizations, and other interested  
13 parties;

14           (C) hire and compensate staff, which shall  
15 include individuals with expertise in natural,  
16 cultural, and historical resources protection,  
17 and heritage programming;

18           (D) obtain money or services from any  
19 source including any that are provided under  
20 any other Federal law or program;

21           (E) contract for goods or services; and

22           (F) undertake to be a catalyst for any  
23 other activity that furthers the Heritage Area  
24 and is consistent with the approved Heritage  
25 Area management plan.

1           (2) DUTIES.—The local coordinating entity  
2 shall—

3           (A) in accordance with subsection (f), pre-  
4 pare and submit a Heritage Area management  
5 plan to the Secretary;

6           (B) assist units of local government, re-  
7 gional planning organizations, and nonprofit or-  
8 ganizations in carrying out the approved Herit-  
9 age Area management plan by—

10           (i) carrying out programs and projects  
11 that recognize, protect, and enhance im-  
12 portant resource values in the Heritage  
13 Area;

14           (ii) establishing and maintaining in-  
15 terpretive exhibits and programs in the  
16 Heritage Area;

17           (iii) developing recreational and edu-  
18 cational opportunities in the Heritage  
19 Area;

20           (iv) increasing public awareness of,  
21 and appreciation for, natural, historical,  
22 scenic, and cultural resources of the Herit-  
23 age Area;

24           (v) protecting and restoring historic  
25 sites and buildings in the Heritage Area

1           that are consistent with Heritage Area  
2           themes;

3                 (vi) ensuring that clear, consistent,  
4           and appropriate signs identifying points of  
5           public access, and sites of interest are  
6           posted throughout the Heritage Area; and

7                 (vii) promoting a wide range of part-  
8           nerships among governments, organiza-  
9           tions, and individuals to further the Herit-  
10          age Area;

11                (C) consider the interests of diverse units  
12          of government, businesses, organizations, and  
13          individuals in the Heritage Area in the prepara-  
14          tion and implementation of the Heritage Area  
15          management plan;

16                (D) conduct meetings open to the public at  
17          least semiannually regarding the development  
18          and implementation of the Heritage Area man-  
19          agement plan;

20                (E) for any year that Federal funds have  
21          been received under this title—

22                   (i) submit an annual report to the  
23          Secretary that describes the activities, ex-  
24          penses, and income of the local coordi-  
25          nating entity (including grants to any

1 other entities during the year that the re-  
2 port is made);

3 (ii) make available to the Secretary  
4 for audit all records relating to the expend-  
5 iture of the funds and any matching funds;  
6 and

7 (iii) require, with respect to all agree-  
8 ments authorizing expenditure of Federal  
9 funds by other organizations, that the or-  
10 ganizations receiving the funds make avail-  
11 able to the Secretary for audit all records  
12 concerning the expenditure of the funds;  
13 and

14 (F) encourage by appropriate means eco-  
15 nomic viability that is consistent with the Herit-  
16 age Area.

17 (3) PROHIBITION ON THE ACQUISITION OF  
18 REAL PROPERTY.—The local coordinating entity  
19 shall not use Federal funds made available under  
20 this title to acquire real property or any interest in  
21 real property.

22 (4) COST-SHARING REQUIREMENT.—The Fed-  
23 eral share of the cost of any activity carried out  
24 using any assistance made available under this title  
25 shall be 50 percent.

1 (f) HERITAGE AREA MANAGEMENT PLAN.—

2 (1) IN GENERAL.—Not later than 3 years after  
3 the date of enactment of this Act, the local coordi-  
4 nating entity shall submit to the Secretary for ap-  
5 proval a proposed Heritage Area management plan.

6 (2) REQUIREMENTS.—The Heritage Area man-  
7 agement plan shall—

8 (A) incorporate an integrated and coopera-  
9 tive approach to agricultural resources and ac-  
10 tivities, flood protection facilities, and other  
11 public infrastructure;

12 (B) emphasize the importance of the re-  
13 sources described in subparagraph (A);

14 (C) take into consideration State and local  
15 plans;

16 (D) include—

17 (i) an inventory of—

18 (I) the resources located in the  
19 core area described in subsection (b);  
20 and

21 (II) any other property in the  
22 core area that—

23 (aa) is related to the themes  
24 of the Heritage Area; and

1 (bb) should be preserved, re-  
2 stored, managed, or maintained  
3 because of the significance of the  
4 property;

5 (ii) comprehensive policies, strategies  
6 and recommendations for conservation,  
7 funding, management, and development of  
8 the Heritage Area;

9 (iii) a description of actions that gov-  
10 ernments, private organizations, and indi-  
11 viduals have agreed to take to protect the  
12 natural, historical and cultural resources of  
13 the Heritage Area;

14 (iv) a program of implementation for  
15 the Heritage Area management plan by  
16 the local coordinating entity that includes  
17 a description of—

18 (I) actions to facilitate ongoing  
19 collaboration among partners to pro-  
20 mote plans for resource protection,  
21 restoration, and construction; and

22 (II) specific commitments for im-  
23 plementation that have been made by  
24 the local coordinating entity or any  
25 government, organization, or indi-



1                   vidual for the first 5 years of oper-  
2                   ation;

3                   (v) the identification of sources of  
4                   funding for carrying out the Heritage Area  
5                   management plan;

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

12                  (vii) an interpretive plan for the Her-  
13                  itage Area; and

14                  (E) recommend policies and strategies for  
15                  resource management that consider and detail  
16                  the application of appropriate land and water  
17                  management techniques, including the develop-  
18                  ment of intergovernmental and interagency co-  
19                  operative agreements to protect the natural,  
20                  historical, cultural, educational, scenic, and rec-  
21                  reational resources of the Heritage Area.

22                  (3) RESTRICTIONS.—The Heritage Area man-  
23                  agement plan submitted under this subsection  
24                  shall—

1           (A) ensure participation by appropriate  
2           Federal, State, tribal, and local agencies, in-  
3           cluding the Delta Stewardship Council, special  
4           districts, natural and historical resource protec-  
5           tion and agricultural organizations, educational  
6           institutions, businesses, recreational organiza-  
7           tions, community residents, and private prop-  
8           erty owners; and

9           (B) not be approved until the Secretary  
10          has received certification from the Delta Protec-  
11          tion Commission that the Delta Stewardship  
12          Council has reviewed the Heritage Area man-  
13          agement plan for consistency with the plan  
14          adopted by the Delta Stewardship Council pur-  
15          suant to State law.

16          (4) DEADLINE.—If a proposed Heritage Area  
17          management plan is not submitted to the Secretary  
18          by the date that is 3 years after the date of enact-  
19          ment of this Act, the local coordinating entity shall  
20          be ineligible to receive additional funding under this  
21          title until the date that the Secretary receives and  
22          approves the Heritage Area management plan.

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

1 (A) IN GENERAL.—Not later than 180  
2 days after the date of receipt of the Heritage  
3 Area management plan under paragraph (1),  
4 the Secretary, in consultation with the State,  
5 shall approve or disapprove the Heritage Area  
6 management plan.

7 (B) CRITERIA FOR APPROVAL.—In deter-  
8 mining whether to approve the Heritage Area  
9 management plan, the Secretary shall consider  
10 whether—

11 (i) the local coordinating entity is rep-  
12 resentative of the diverse interests of the  
13 Heritage Area, including governments, nat-  
14 ural and historic resource protection orga-  
15 nizations, educational institutions, busi-  
16 nesses, and recreational organizations;

17 (ii) the local coordinating entity has  
18 afforded adequate opportunity, including  
19 public hearings, for public and govern-  
20 mental involvement in the preparation of  
21 the Heritage Area management plan; and

22 (iii) the resource protection and inter-  
23 pretation strategies contained in the Herit-  
24 age Area management plan, if imple-  
25 mented, would adequately protect the nat-

1                   ural, historical, and cultural resources of  
2                   the Heritage Area.

3                   (C) ACTION FOLLOWING DISAPPROVAL.—If  
4                   the Secretary disapproves the Heritage Area  
5                   management plan under subparagraph (A), the  
6                   Secretary shall—

7                   (i) advise the local coordinating entity  
8                   in writing of the reasons for the dis-  
9                   approval;

10                  (ii) make recommendations for revi-  
11                  sions to the Heritage Area management  
12                  plan; and

13                  (iii) not later than 180 days after the  
14                  receipt of any proposed revision of the  
15                  Heritage Area management plan from the  
16                  local coordinating entity, approve or dis-  
17                  approve the proposed revision.

18                  (D) AMENDMENTS.—

19                  (i) IN GENERAL.—The Secretary shall  
20                  approve or disapprove each amendment to  
21                  the Heritage Area management plan that  
22                  the Secretary determines makes a substan-  
23                  tial change to the Heritage Area manage-  
24                  ment plan.

1                   (ii) USE OF FUNDS.—The local co-  
2                   ordinating entity shall not use Federal  
3                   funds authorized by this title to carry out  
4                   any amendments to the Heritage Area  
5                   management plan until the Secretary has  
6                   approved the amendments.

7           (g) RELATIONSHIP TO OTHER FEDERAL AGEN-  
8           CIES.—

9                   (1) IN GENERAL.—Nothing in this title affects  
10                  the authority of a Federal agency to provide tech-  
11                  nical or financial assistance under any other law.

12                  (2) CONSULTATION AND COORDINATION.—The  
13                  head of any Federal agency planning to conduct ac-  
14                  tivities that may have an impact on the Heritage  
15                  Area is encouraged to consult and coordinate the ac-  
16                  tivities with the Secretary and the local coordinating  
17                  entity to the maximum extent practicable.

18                  (3) OTHER FEDERAL AGENCIES.—Nothing in  
19                  this title—

20                         (A) modifies, alters, or amends any law or  
21                         regulation authorizing a Federal agency to  
22                         manage Federal land under the jurisdiction of  
23                         the Federal agency;

24                         (B) limits the discretion of a Federal land  
25                         manager to implement an approved land use

1 plan within the boundaries of the Heritage  
2 Area; or

3 (C) modifies, alters, or amends any author-  
4 ized use of Federal land under the jurisdiction  
5 of a Federal agency.

6 (h) PRIVATE PROPERTY AND REGULATORY PROTEC-  
7 TIONS.—

8 (1) IN GENERAL.—Subject to paragraph (2),  
9 nothing in this title—

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

15 (B) requires any property owner to permit  
16 public access (including access by Federal,  
17 State, or local agencies) to the property of the  
18 property owner, or to modify public access or  
19 use of property of the property owner under  
20 any other Federal, State, or local law;

21 (C) alters any duly adopted land use regu-  
22 lation, approved land use plan, or other regu-  
23 latory authority of any Federal, State or local  
24 agency, or conveys any land use or other regu-  
25 latory authority to the local coordinating entity;

1 (D) authorizes or implies the reservation  
2 or appropriation of water or water rights;

3 (E) diminishes the authority of the State  
4 to manage fish and wildlife, including the regu-  
5 lation of fishing and hunting within the Herit-  
6 age Area; or

7 (F) creates any liability, or affects any li-  
8 ability under any other law, of any private  
9 property owner with respect to any person in-  
10 jured on the private property.

11 (2) OPT OUT.—An owner of private property  
12 within the Heritage Area may opt out of partici-  
13 pating in any plan, project, program, or activity car-  
14 ried out within the Heritage Area under this title,  
15 if the property owner provides written notice to the  
16 local coordinating entity.

17 (i) EVALUATION; REPORT.—

18 (1) IN GENERAL.—Not later than 3 years be-  
19 fore the date on which authority for Federal funding  
20 terminates for the Heritage Area, the Secretary  
21 shall—

22 (A) conduct an evaluation of the accom-  
23 plishments of the Heritage Area; and

24 (B) prepare a report in accordance with  
25 paragraph (3).

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

3           (A) assess the progress of the local coordi-  
4 nating entity with respect to—

5                 (i) accomplishing the purposes of this  
6 title for the Heritage Area; and

7                 (ii) achieving the goals and objectives  
8 of the approved Heritage Area manage-  
9 ment plan;

10           (B) analyze the Federal, State, local, and  
11 private investments in the Heritage Area to de-  
12 termine the leverage and impact of the invest-  
13 ments; and

14           (C) review the management structure,  
15 partnership relationships, and funding of the  
16 Heritage Area for purposes of identifying the  
17 critical components for sustainability of the  
18 Heritage Area.

19           (3) REPORT.—

20           (A) IN GENERAL.—Based on the evalua-  
21 tion conducted under paragraph (1)(A), the  
22 Secretary shall prepare a report that includes  
23 recommendations for the future role of the Na-  
24 tional Park Service, if any, with respect to the  
25 Heritage Area.



1 (B) REQUIRED ANALYSIS.—If the report  
2 prepared under subparagraph (A) recommends  
3 that Federal funding for the Heritage Area be  
4 reauthorized, the report shall include an anal-  
5 ysis of—

6 (i) ways in which Federal funding for  
7 the Heritage Area may be reduced or  
8 eliminated; and

9 (ii) the appropriate time period nec-  
10 essary to achieve the recommended reduc-  
11 tion or elimination.

12 (C) SUBMISSION TO CONGRESS.—On com-  
13 pletion of the report, the Secretary shall submit  
14 the report to—

15 (i) the Committee on Energy and  
16 Natural Resources of the Senate; and

17 (ii) the Committee on Natural Re-  
18 sources of the House of Representatives.

19 (j) EFFECT OF DESIGNATION.—Nothing in this  
20 title—

21 (1) precludes the local coordinating entity from  
22 using Federal funds made available under other laws  
23 for the purposes for which those funds were author-  
24 ized; or

25 (2) affects any water rights or contracts.

1 **SEC. 1704. AUTHORIZATION OF APPROPRIATIONS.**

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

6 (b) COST-SHARING REQUIREMENT.—The Federal  
7 share of the total cost of any activity under this title shall  
8 be determined by the Secretary, but shall be not more than  
9 50 percent.

10 (c) NON-FEDERAL SHARE.—The non-Federal share  
11 of the total cost of any activity under this title may be  
12 in the form of in-kind contributions of goods or services.

13 **SEC. 1705. TERMINATION OF AUTHORITY.**

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

18 (b) FUNDING AUTHORITY.—The authority of the  
19 Secretary to provide assistance under this title terminates  
20 on the date that is 15 years after the date of enactment  
21 of this Act.

