

1 Title: To establish the Chesapeake National Recreation Area as a unit of the National Park
2 System, and for other purposes.
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4

5 Be it enacted by the Senate and House of Representatives of the United States of America in
6 Congress assembled,

7 SECTION 1. SHORT TITLE.

8 This Act may be cited as the “Chesapeake National Recreation Area Act”.

9 SEC. 2. DEFINITIONS.

10 In this Act:

11 (1) **ADVISORY COMMISSION.**—The term “Advisory Commission” means the Chesapeake
12 National Recreation Area Advisory Commission established under section 11(a).

13 (2) **BAY.**—The term “Bay” means—

14 (A) the Chesapeake Bay; and

15 (B) any tidal segment of a tributary of the Chesapeake Bay in any State.

16 (3) **BAY PROGRAM.**—The term “Bay Program” means the Chesapeake Bay Program
17 authorized under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267).

18 (4) **CHESAPEAKE GATEWAYS.**—The term “Chesapeake Gateways” means the Chesapeake
19 Bay Gateways and Watertrails Network authorized under section 502 of the Chesapeake
20 Bay Initiative Act of 1998 (54 U.S.C. 320101 note; Public Law 105–312).

21 (5) **MAP.**—The term “Map” means the map entitled “Chesapeake National Recreation
22 Area Proposed Boundary”, numbered [____], and dated [_____].

23 (6) **NATIONAL PARK SERVICE SITE.**—The term “National Park Service site” means a unit
24 of the National Park System that is—

25 (A) directly associated with the Bay; and

26 (B) located in 1 or more of the States in the Bay watershed.

27 (7) **PARTNER SITE.**—The term “partner site” means land that is subject to a partner site
28 agreement under section 8(b).

29 (8) **RECREATION AREA.**—The term “Recreation Area” means the Chesapeake National
30 Recreation Area established by section 4(a).

31 (9) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

32 (10) **YOUTH REPRESENTATIVE.**—The term “youth representative” means a member of the
33 Advisory Commission who—

34 (A) has not attained the age of 22 as of the date on which the member is appointed
35 or reappointed; and

36 (B) is tasked with representing the interests of children and young adults in the State

1 from which the member is appointed.

2 SEC. 3. PURPOSES.

3 The purposes of this Act are—

4 (1) to recognize the ecological, cultural, and historic diversity of the region in which the
5 Bay is located by promoting the national significance of the Bay and surrounding areas;

6 (2) to conserve and protect the significant natural, recreational, historical, and cultural
7 resources relating to the Bay;

8 (3) to facilitate public access to the Bay for—

9 (A) recreation;

10 (B) public enjoyment; and

11 (C) the enhancement of sustainable tourism that respects the health of the Bay;

12 (4) to encourage engagement and cooperation with communities that neighbor the Bay
13 and communities that include historically underserved and underrepresented populations
14 that have traditionally lacked access to the Bay;

15 (5) to promote diversity, equity, and inclusion with respect to the Bay by emphasizing the
16 vital economic, cultural, and ecological contributions of historic and current populations,
17 including, at a minimum, by providing educational and interpretive services to increase
18 public understanding of, and appreciation for—

19 (A) the natural, historical, and cultural resources of the Bay; and

20 (B) traditional practices of the individuals whose livelihoods have been dependent
21 on the land and water resources of the Bay and the surrounding area;

22 (6) to facilitate the cooperative management and stewardship of the resources of the Bay;
23 and

24 (7) to advance the conservation goals of Chesapeake Gateways and the Bay Program.

25 SEC. 4. ESTABLISHMENT AND BOUNDARIES OF 26 CHESAPEAKE NATIONAL RECREATION AREA.

27 (a) Establishment.—To preserve, protect, interpret, and provide for the public enjoyment of
28 the resources relating to the Bay and surrounding areas, there is established as a unit of the
29 National Park System the Chesapeake National Recreation Area.

30 (b) Boundary.—The boundary of the Recreation Area shall be the boundary as depicted on the
31 Map.

32 (c) Administrative Sites.—As soon as practicable after the date of enactment of this Act, the
33 Secretary shall—

34 (1) seek to enter into a cooperative agreement for administrative and visitor service uses
35 for the Recreation Area under section 8(a) or a partner site agreement under section 8(b)
36 with the City of Annapolis, Maryland, for the use of the Burtis House; and

1 (2) acquire real property for an additional administrative and visitor services center for
2 the Recreation Area, which shall be located within or in the environs of the historic
3 downtown area of the City of Annapolis, Maryland.

4 (d) Availability of Map.—The Map shall be on file and available for public inspection in the
5 appropriate offices of the National Park Service.

6 (e) Revision of Fort Monroe National Monument Boundary.—

7 (1) IN GENERAL.—The boundary of Fort Monroe National Monument, established by
8 Proclamation 8750, dated November 1, 2011 (54 U.S.C. 320301 note; 76 Fed. Reg. 68625),
9 is revised to exclude all land and interests in land within the North Beach area of the
10 Monument (as in existence on the day before the date of enactment of this Act) that are
11 identified on the Map as part of the Recreation Area.

12 (2) ADMINISTRATION.—Any reference in any law, regulation, document, record, map, or
13 other paper of the United States to the land or interests in land described in paragraph (1)
14 shall be considered to be a reference to the Recreation Area.

15 (3) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

16 (A) IN GENERAL.—Subject to subparagraph (B), the Secretary of the Army shall
17 continue to administer the land and interests in land described in paragraph (1) that
18 were under the jurisdiction of the Secretary of the Army as of the day before the date
19 of enactment of this Act until the date on which administrative jurisdiction over the
20 land and interests in land is transferred to the Secretary in accordance with—

21 (i) the memorandum of agreement between the Secretary of the Army and the
22 Secretary dated December 9, 2016; and

23 (ii) this Act.

24 (B) REQUIREMENTS.—In carrying out subparagraph (A), the Secretary of the Army
25 shall—

26 (i) consult with the Secretary; and

27 (ii) administer the land and interests in land described in paragraph (1) in a
28 manner consistent with this Act.

29 SEC. 5. ACQUISITION OF LAND FOR THE CHESAPEAKE 30 NATIONAL RECREATION AREA.

31 (a) Within Boundary.—Subject to subsection (c), the Secretary may acquire land or interests
32 in land within the boundary of the Recreation Area only by—

33 (1) donation;

34 (2) purchase from a willing seller with donated or appropriated funds;

35 (3) exchange; or

36 (4) transfer from another Federal agency.

37 (b) Outside Boundary.—

1 (1) IN GENERAL.—Subject to subsection (c), the Secretary may acquire, using the
2 methods described in subsection (a), land or interests in land located outside the boundary
3 of the Recreation Area, in consultation with the Advisory Commission as described in
4 section 11(b)(2)(B).

5 (2) INCLUSION IN RECREATION AREA.—On acquisition of land or an interest in land under
6 paragraph (1), the boundary of the Recreation Area shall be modified to reflect the
7 acquisition.

8 (c) Limitation.—Any land or interest in land owned by a State or a political subdivision of a
9 State that is within the boundary of the Recreation Area or described in subsection (b)(1) may be
10 acquired only by donation.

11 (d) Condemnation.—No land or interest in land may be acquired for the Recreation Area by
12 condemnation unless the owner of the applicable land or interest in land consents to the
13 condemnation.

14 (e) Environmental Quality Standards.—Prior to the acquisition of land or an interest in land
15 under this section, the Secretary shall ensure that the land or interest in land meets all applicable
16 environmental quality standards established by the Secretary.

17 (f) Boundary Adjustment.—As the Secretary determines to be necessary, the Secretary may
18 make minor revisions of the boundary of the Recreation Area by publishing a revised map or
19 other boundary description in the Federal Register.

20 SEC. 6. ACQUISITION OF LAND-BASED RESOURCES 21 FOR THE CHESAPEAKE NATIONAL RECREATION 22 AREA.

23 (a) In General.—Subject to subsection (b), the Secretary may acquire land-based resources,
24 including associated docks, piers, and structures extending into adjacent waters, within the
25 boundary of the Recreation Area only by—

26 (1) donation;

27 (2) purchase from a willing seller with donated or appropriated funds;

28 (3) exchange; or

29 (4) transfer from another Federal agency.

30 (b) Environmental Quality Standards.—Prior to the acquisition of a land-based resource under
31 this section, the Secretary shall ensure that the land-based resource meets all applicable
32 environmental quality standards established by the Secretary.

33 SEC. 7. ADMINISTRATION.

34 (a) In General.—The Secretary shall administer the Recreation Area in accordance with—

35 (1) this section; and

36 (2) the laws generally applicable to units of the National Park System, including title 54,
37 United States Code.

1 (b) Headquarters.—To facilitate coordination of the Recreation Area with Chesapeake
2 Gateways and the Bay Program, the headquarters of the Recreation Area shall be located at the
3 Chesapeake Bay Office of the National Park Service.

4 (c) Commercial and Recreational Fishing.—Nothing in this Act impacts or otherwise affects
5 statutory or regulatory authority with respect to navigation or regulation of commercial or
6 recreational fishing activities or shellfish aquaculture in the Chesapeake Bay or tributaries of the
7 Chesapeake Bay.

8 (d) State Jurisdiction.—Nothing in this Act enlarges or diminishes the jurisdiction of a State,
9 including the jurisdiction or authority of a State with respect to fish and wildlife management.

10 (e) Coordination.—

11 (1) IN GENERAL.—Consistent with the purposes of the Recreation Area, the Secretary
12 shall seek to coordinate the programming and management of activities of the Recreation
13 Area with the goals of Chesapeake Gateways and the Chesapeake Bay Agreement (as
14 defined in section 117(a) of the Federal Water Pollution Control Act (33 U.S.C. 1267(a))).

15 (2) COORDINATION WITH NATIONAL PARK SERVICE SITES AND PARTNER SITES.—As a
16 component of the management plan required under section 10, the Secretary shall, to the
17 maximum extent practicable, coordinate the development of an implementation plan for
18 onsite interpretation of resources and other means of enhancing public understanding of the
19 Bay at participating National Park Service sites and partner sites to tell the story of the
20 outstanding, remarkable, and nationally significant resources of the Bay.

21 SEC. 8. AGREEMENTS AND MATCHING FUNDS.

22 (a) Cooperative Agreements.—

23 (1) IN GENERAL.—To accomplish the purposes of the Recreation Area, the Secretary may
24 enter into cooperative agreements with a State, a political subdivision of a State, an
25 educational institution, a Tribal government, a nonprofit organization, or other interested
26 party that contributes to—

27 (A) the initial development of the Recreation Area; or

28 (B) the implementation of the general management plan for the Recreation Area
29 prepared under section 10(a).

30 (2) MATCHING FUNDS.—

31 (A) IN GENERAL.—The Secretary shall require that any Federal funds made available
32 under an agreement entered into under paragraph (1) shall be matched on a 1-to-1 basis
33 by non-Federal funds.

34 (B) IN-KIND CONTRIBUTION.—With the approval of the Secretary, the non-Federal
35 share required under subparagraph (A) may be in the form of property, goods, or
36 services from a non-Federal source, fairly valued.

37 (3) EFFECT.—Nothing in this subsection affects any existing cooperative agreement
38 authority applicable to Chesapeake Gateways.

39 (b) Partner Site Agreements.—

1 (1) IN GENERAL.—The Secretary, under such terms and conditions as the Secretary
2 considers to be appropriate, may enter into a partner site agreement with an eligible entity
3 described in paragraph (2) that owns or manages an eligible site described in paragraph (3),
4 which shall provide for the inclusion of the partner site in the Recreation Area.

5 (2) DESCRIPTION OF ELIGIBLE ENTITY.—An eligible entity referred to in paragraph (1)
6 is—

- 7 (A) a Federal entity;
- 8 (B) a State or local government;
- 9 (C) a Tribal government;
- 10 (D) a private nonprofit organization; or
- 11 (E) a private landowner.

12 (3) DESCRIPTION OF ELIGIBLE SITE.—An eligible site referred to in paragraph (1) is land
13 that—

- 14 (A) contains a federally designated natural, recreational, historical, or cultural
15 resource;
- 16 (B) ensures public access to the applicable resource; and
- 17 (C) significantly contributes to the purposes of the Recreation Area.

18 (4) CRITERIA FOR INCLUSION IN THE RECREATION AREA.—On the establishment of the
19 Advisory Commission, the Secretary shall establish any additional criteria for inclusion of
20 partner sites in the Recreation Area, taking into consideration the recommendations of the
21 Advisory Commission under section 11(b)(2).

22 (5) COOPERATIVE MANAGEMENT OF PARTNER SITES.—Under a partner site agreement
23 entered into under paragraph (1), the Secretary may acquire from, and provide to, the owner or
24 manager of the partner site goods and services to be used in the cooperative management of
25 the applicable partner site.

26 (6) PROHIBITION.—The Secretary may not transfer administrative responsibilities for the
27 Recreation Area to the owner or operator of a partner site.

28 (c) Terms and Conditions of Agreements.—Any agreement entered into under subsection (a)
29 or (b) shall include terms and conditions that ensure that—

30 (1) in the case of an agreement relating to a partner site, the partner site complies with the
31 terms and conditions of the applicable agreement;

32 (2) the Secretary has the right of access at all reasonable times, and as specified in the
33 applicable agreement, to all public portions of the properties covered by the agreement or
34 grant for the purposes of—

- 35 (A) conducting visitors through the properties or providing public recreational
36 access;
- 37 (B) interpreting the properties for the public; and
- 38 (C) research, inventory, monitoring, and resource management;

1 (3) no changes or alterations may be made to any properties covered by an agreement
2 entered into under subsection (a) or (b) unless the Secretary and the other party to the
3 agreement agree to the changes or alterations; and

4 (4) any conversion, use, or disposal of a project for purposes contrary to the purposes of
5 this Act, as determined by the Secretary, shall entitle the United States to reimbursement in
6 an amount equal to the greater of—

7 (A) the amounts made available to the project by the United States; and

8 (B) the portion of the increased value of the project attributable to the amounts made
9 available under this subsection, as determined at the time of the conversion or disposal.

10 SEC. 9. CHESAPEAKE GATEWAYS.

11 (a) In General.—The Secretary (acting through the Superintendent of the Chesapeake Bay
12 Office of the National Park Service) shall administer Chesapeake Gateways in coordination with
13 the Recreation Area.

14 (b) Permanent Authorization.—Section 502(c) of the Chesapeake Bay Initiative Act of 1998
15 (54 U.S.C. 320101 note; Public Law 105–312) is amended by striking “to carry out this section
16 \$3,000,000” and all that follows through the period at the end and inserting “to carry out
17 activities authorized under this section \$6,000,000 for each fiscal year.”.

18 (c) Effect.—Nothing in this section or an amendment made by this section modifies the
19 eligibility criteria developed under section 502(b)(2) of the Chesapeake Bay Initiative Act of
20 1998 (54 U.S.C. 320101 note; Public Law 105–312).

21 SEC. 10. MANAGEMENT PLAN.

22 (a) In General.—Not later than 3 years after the date on which funds are first made available
23 for the preparation of a management plan for the Recreation Area, the Secretary, in consultation
24 with the Chesapeake Executive Council (as defined in section 117(a) of the Federal Water
25 Pollution Control Act (33 U.S.C. 1267(a))) and the Advisory Commission, shall prepare a
26 management plan for the Recreation Area, in accordance with—

27 (1) section 7(e)(2); and

28 (2) section 100502 of title 54, United States Code.

29 (b) Cost Share.—The management plan prepared under subsection (a) shall include provisions
30 that identify costs to be shared by the Secretary and partner sites for necessary capital
31 improvements to, and maintenance and operations of, the Recreation Area.

32 (c) Submission to Congress.—On completion of the management plan under subsection (a),
33 the Secretary shall submit the management plan to—

34 (1) the Committee on Energy and Natural Resources of the Senate; and

35 (2) the Committee on Natural Resources of the House of Representatives.

36 SEC. 11. CHESAPEAKE NATIONAL RECREATION AREA 37 ADVISORY COMMISSION.

1 (a) Establishment.—Not later than 180 days after the date of enactment of this Act, the
2 Secretary shall establish an advisory commission, to be known as the “Chesapeake National
3 Recreation Area Advisory Commission”.

4 (b) Duties.—The Advisory Commission shall—

5 (1) advise the Secretary on the development and implementation of the management plan
6 required under section 10; and

7 (2) after consultation with the States and other interested parties, recommend to the
8 Secretary criteria and specific recommendations on the Bay for—

9 (A) partner sites; and

10 (B) properties to be added to the boundary of the Recreation Area to be managed by
11 the Secretary, including properties located outside of the existing boundaries of the
12 Recreation Area.

13 (c) Applicable Law.—Except as otherwise provided in this section, the Advisory Commission
14 shall be subject to—

15 (1) the Federal Advisory Committee Act (5 U.S.C. App.) (except section 14(b) of that
16 Act); and

17 (2) all other applicable laws (including regulations).

18 (d) Membership.—

19 (1) IN GENERAL.—The Advisory Commission shall be composed of 19 members,
20 appointed by the Secretary, of whom—

21 (A) 9 shall be appointed to represent the State of Maryland, of whom—

22 (i) 4 shall have knowledge of environmental, recreational, environmental
23 justice, cultural, or historic resources, education, or interpretation;

24 (ii) 1 shall represent commercial fishing interests on the Bay;

25 (iii) 1 shall represent agricultural interests in the watershed of the Bay;

26 (iv) 1 shall be a youth representative;

27 (v) 1 shall be selected from among individuals recommended by the Governor
28 of the State of Maryland; and

29 (vi) 1 shall be a representative of a federally recognized Indian Tribe or State-
30 recognized Indian Tribe that is traditionally associated with the Bay;

31 (B) 9 shall be appointed to represent the Commonwealth of Virginia, of whom—

32 (i) 4 shall have knowledge of environmental, recreational, environmental
33 justice, cultural, or historic resources, education, or interpretation;

34 (ii) 1 shall represent commercial fishing interests on the Bay;

35 (iii) 1 shall represent agricultural interests in the watershed of the Bay;

36 (iv) 1 shall be a youth representative;

1 (v) 1 shall be selected from among individuals recommended by the Governor
2 of the Commonwealth of Virginia; and

3 (vi) 1 shall be a representative of a federally recognized Indian Tribe or State-
4 recognized Indian Tribe that is traditionally associated with the Bay; and

5 (C) 1 shall be the Executive Director of the Chesapeake Bay Commission.

6 (2) REQUIREMENT.—In appointing the members described in subparagraphs (A)(i) and
7 (B)(i) of paragraph (1), the Secretary shall seek to ensure the broadest practicable
8 representation of the areas of knowledge described in those subparagraphs.

9 (e) Terms.—

10 (1) IN GENERAL.—A member of the Advisory Commission shall be appointed for a term
11 of 3 years.

12 (2) SUCCESSION AND REAPPOINTMENT.—On expiration of the term of a member of the
13 Advisory Commission, the member—

14 (A) shall continue to serve until a successor is appointed; and

15 (B) may be reappointed to serve an additional 3-year term.

16 (f) Vacancies.—A vacancy on the Advisory Commission shall be filled in the same manner as
17 the original appointment.

18 (g) Elected Positions.—

19 (1) CHAIRPERSON.—The Advisory Commission shall have a Chairperson who shall—

20 (A) be elected by the Advisory Commission; and

21 (B) serve for a term of 1 year, unless reelected pursuant to procedures established by
22 the Advisory Commission under subsection (h)(1).

23 (2) VICE CHAIRPERSON.—The Advisory Commission shall have a Vice Chairperson who
24 shall—

25 (A) be elected by the Advisory Commission;

26 (B) serve for a term of 1 year, unless reelected pursuant to procedures established by
27 the Advisory Commission under subsection (h)(1); and

28 (C) serve as Chairperson in the absence of the Chairperson.

29 (3) OTHER POSITIONS.—The Advisory Commission may establish other positions and
30 elect members to serve in those positions as the Advisory Commission determines to be
31 appropriate, subject to subsection (h).

32 (h) Procedures.—

33 (1) IN GENERAL.—Subject to paragraphs (2) through (6) and any applicable laws
34 (including regulations), the Advisory Commission may establish such rules and procedures
35 for conducting the affairs of the Advisory Commission as the Advisory Commission
36 determines to be necessary.

37 (2) MEETINGS.—The Advisory Commission shall meet at the call of—

1 (A) the Chairperson; or

2 (B) a majority of the appointed members.

3 (3) QUORUM.—A quorum shall consist of not less than 11 of the members of the
4 Advisory Commission.

5 (4) ACTIONS OF THE ADVISORY COMMISSION.—Any action of the Advisory Commission
6 shall require a majority vote of the members present at any meeting.

7 (5) VIRTUAL MEETINGS.—

8 (A) IN GENERAL.—Meetings of the Advisory Commission may be conducted
9 virtually, in whole or in part.

10 (B) REQUEST.—Any member of the Advisory Commission may request permission
11 from the Chairperson of the Advisory Commission to participate virtually in—

12 (i) a meeting; and

13 (ii) all activities for that meeting.

14 (6) ELECTIONS.—Not less than $\frac{3}{4}$ of the members of the Advisory Commission must
15 be present, virtually or in-person, for elections carried out under subsection (g).

16 (i) Advisory Commission Personnel Matters.—

17 (1) COMPENSATION OF MEMBERS.—

18 (A) IN GENERAL.—Members of the Advisory Commission shall serve without
19 compensation.

20 (B) TRAVEL EXPENSES.—Members of the Advisory Commission shall be allowed
21 travel expenses, including per diem in lieu of subsistence, at rates authorized for an
22 employee of an agency under subchapter 1 of chapter 57 of title 5, United States Code,
23 while away from the home or regular place of business of the member in the
24 performance of services for, or the duties of, the Commission.

25 (2) STAFF.—

26 (A) IN GENERAL.—The Secretary may provide the Advisory Commission with any
27 staff or technical assistance that the Secretary, after consultation with the Advisory
28 Commission, determines to be appropriate to enable the Advisory Commission to carry
29 out the duties of the Advisory Commission.

30 (B) DETAIL OF EMPLOYEES.—The Secretary may accept the services of personnel
31 detailed from a State or any political subdivision of a State.

32 (j) Termination.—

33 (1) IN GENERAL.—Unless extended under paragraph (2), the Advisory Commission shall
34 terminate on the date that is 10 years after the date of enactment of this Act.

35 (2) EXTENSION.—

36 (A) RECOMMENDATION.—Not later than 8 years after the date of enactment of this
37 Act, the Advisory Commission shall make a recommendation to the Secretary as to
38 whether the Advisory Commission is still necessary to advise on the development of

1 the Recreation Area.

2 (B) DETERMINATION.—

3 (i) IN GENERAL.—If, based on a recommendation under subparagraph (A), the
4 Secretary determines that the Advisory Commission is still necessary, the
5 Secretary may extend the existence of the Advisory Commission for a period of
6 not more than 10 years beyond the date described in paragraph (1).

7 (ii) TIMING.—The Secretary shall make a determination to extend the existence
8 of the Advisory Commission under clause (i) not later than 180 days before the
9 date described in paragraph (1).

10 SEC. 12. SAVINGS PROVISION.

11 Except as provided in section 4(e), nothing in this Act enlarges or diminishes the authority of
12 any official at, or transfers the administration or management of, any National Park Service site
13 or any partner site to the Recreation Area.