

Union Calendar No. 215

108TH CONGRESS
1ST SESSION

H. R. 1798

[Report No. 108–365]

To establish the Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 11, 2003

Mrs. JOHNSON of Connecticut (for herself and Mr. OLVER) introduced the following bill; which was referred to the Committee on Resources

NOVEMBER 17, 2003

Additional sponsor: Mr. PETERSON of Pennsylvania

NOVEMBER 17, 2003

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on April 11, 2003]

A BILL

To establish the Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Upper Housatonic Val-*
 3 *ley National Heritage Area Act”.*

4 **SEC. 2. FINDINGS AND PURPOSES.**

5 (a) *FINDINGS.*—Congress finds the following:

6 (1) *The upper Housatonic Valley, encompassing*
 7 *29 towns in the hilly terrain of western Massachusetts*
 8 *and northwestern Connecticut, is a singular geo-*
 9 *graphical and cultural region that has made signifi-*
 10 *cant national contributions through its literary, artis-*
 11 *tic, musical, and architectural achievements, its iron,*
 12 *paper, and electrical equipment industries, and its*
 13 *scenic beautification and environmental conservation*
 14 *efforts.*

15 (2) *The upper Housatonic Valley has 139 prop-*
 16 *erties and historic districts listed on the National*
 17 *Register of Historic Places including—*

18 (A) *five National Historic Landmarks—*

19 (i) *Edith Wharton’s home, The Mount,*
 20 *Lenox, Massachusetts;*

21 (ii) *Herman Melville’s home, Arrow-*
 22 *head, Pittsfield, Massachusetts;*

23 (iii) *W.E.B. DuBois’ Boyhood Home-*
 24 *site, Great Barrington, Massachusetts;*

25 (iv) *Mission House, Stockbridge, Mas-*
 26 *sachusetts; and*

1 (v) *Crane and Company Old Stone*
 2 *Mill Rag Room, Dalton, Massachusetts; and*

3 (B) *four National Natural Landmarks—*

4 (i) *Bartholomew's Cobble, Sheffield,*
 5 *Massachusetts, and Salisbury, Connecticut;*

6 (ii) *Beckley Bog, Norfolk, Connecticut;*

7 (iii) *Bingham Bog, Salisbury, Con-*
 8 *necticut; and*

9 (iv) *Cathedral Pines, Cornwall, Con-*
 10 *necticut.*

11 (3) *Writers, artists, musicians, and vacationers*
 12 *have visited the region for more than 150 years to*
 13 *enjoy its scenic wonders, making it one of the coun-*
 14 *try's leading cultural resorts.*

15 (4) *The upper Housatonic Valley has made sig-*
 16 *nificant national cultural contributions through such*
 17 *writers as Herman Melville, Nathaniel Hawthorne,*
 18 *Edith Wharton, and W.E.B. DuBois, artists Daniel*
 19 *Chester French and Norman Rockwell, and the per-*
 20 *forming arts centers of Tanglewood, Music Mountain,*
 21 *Norfolk (Connecticut) Chamber Music Festival, Ja-*
 22 *cob's Pillow, and Shakespeare & Company.*

23 (5) *The upper Housatonic Valley is noted for its*
 24 *pioneering achievements in the iron, paper, and elec-*

1 *trical generation industries and has cultural resources*
2 *to interpret those industries.*

3 (6) *The region became a national leader in sce-*
4 *nic beautification and environmental conservation ef-*
5 *forts following the era of industrialization and defor-*
6 *estation and maintains a fabric of significant con-*
7 *servation areas including the meandering Housatonic*
8 *River.*

9 (7) *Important historical events related to the*
10 *American Revolution, Shays' Rebellion, and early*
11 *civil rights took place in the upper Housatonic Val-*
12 *ley.*

13 (8) *The region had an American Indian presence*
14 *going back 10,000 years and Mohicans had a forma-*
15 *tive role in contact with Europeans during the seven-*
16 *teenth and eighteenth centuries.*

17 (9) *The Upper Housatonic Valley National Her-*
18 *itage Area has been proposed in order to heighten ap-*
19 *preciation of the region, preserve its natural and his-*
20 *torical resources, and improve the quality of life and*
21 *economy of the area.*

22 (b) *PURPOSES.—The purposes of this Act are as fol-*
23 *lows:*

1 (1) *To establish the Upper Housatonic Valley*
2 *National Heritage Area in the State of Connecticut*
3 *and the Commonwealth of Massachusetts.*

4 (2) *To implement the national heritage area al-*
5 *ternative as described in the document entitled*
6 *“Upper Housatonic Valley National Heritage Area*
7 *Feasibility Study, 2003”.*

8 (3) *To provide a management framework to fos-*
9 *ter a close working relationship with all levels of gov-*
10 *ernment, the private sector, and the local communities*
11 *in the upper Housatonic Valley region to conserve the*
12 *region’s heritage while continuing to pursue compat-*
13 *ible economic opportunities.*

14 (4) *To assist communities, organizations, and*
15 *citizens in the State of Connecticut and the Common-*
16 *wealth of Massachusetts in identifying, preserving, in-*
17 *terpreting, and developing the historical, cultural, sce-*
18 *nic, and natural resources of the region for the edu-*
19 *cational and inspirational benefit of current and fu-*
20 *ture generations.*

21 **SEC. 3. DEFINITIONS.**

22 *In this Act:*

23 (1) *HERITAGE AREA.*—*The term “Heritage*
24 *Area” means the Upper Housatonic Valley National*
25 *Heritage Area, established in section 4.*

1 (2) *MANAGEMENT ENTITY.*—*The term “Manage-*
 2 *ment Entity” means the management entity for the*
 3 *Heritage Area designated by section 4(d).*

4 (3) *MANAGEMENT PLAN.*—*The term “Manage-*
 5 *ment Plan” means the management plan for the Her-*
 6 *itage Area specified in section 6.*

7 (4) *MAP.*—*The term “map” means the map enti-*
 8 *tled “Boundary Map Upper Housatonic Valley Na-*
 9 *tional Heritage Area”, numbered P17/80,000, and*
 10 *dated February 2003.*

11 (5) *SECRETARY.*—*The term “Secretary” means*
 12 *the Secretary of the Interior.*

13 (6) *STATE.*—*The term “State” means the State*
 14 *of Connecticut and the Commonwealth of Massachu-*
 15 *setts.*

16 **SEC. 4. UPPER HOUSATONIC VALLEY NATIONAL HERITAGE**
 17 **AREA.**

18 (a) *ESTABLISHMENT.*—*There is established the Upper*
 19 *Housatonic Valley National Heritage Area.*

20 (b) *BOUNDARIES.*—*The Heritage Area shall be com-*
 21 *prised of—*

22 (1) *part of the Housatonic River’s watershed,*
 23 *which extends 60 miles from Lanesboro, Massachusetts*
 24 *to Kent, Connecticut;*

1 (2) *the towns of Canaan, Colebrook, Cornwall,*
 2 *Kent, Norfolk, North Canaan, Salisbury, Sharon, and*
 3 *Warren in Connecticut; and*

4 (3) *the towns of Alford, Becket, Dalton,*
 5 *Egremont, Great Barrington, Hancock, Hinsdale,*
 6 *Lanesboro, Lee, Lenox, Monterey, Mount Washington,*
 7 *New Marlboro, Pittsfield, Richmond, Sheffield, Stock-*
 8 *bridge, Tyringham, Washington, and West Stock-*
 9 *bridge in Massachusetts.*

10 (c) *AVAILABILITY OF MAP.*—*The map shall be on file*
 11 *and available for public inspection in the appropriate of-*
 12 *fices of the National Park Service, Department of the Inte-*
 13 *rior.*

14 (d) *MANAGEMENT ENTITY.*—*The Upper Housatonic*
 15 *Valley National Heritage Area, Inc. shall be the manage-*
 16 *ment entity for the Heritage Area.*

17 **SEC. 5. AUTHORITIES, PROHIBITIONS AND DUTIES OF THE**
 18 **MANAGEMENT ENTITY.**

19 (a) *DUTIES OF THE MANAGEMENT ENTITY.*—*To fur-*
 20 *ther the purposes of the Heritage Area, the management en-*
 21 *tity shall—*

22 (1) *prepare and submit a management plan for*
 23 *the Heritage Area to the Secretary in accordance with*
 24 *section 6;*

1 (2) *assist units of local government, regional*
2 *planning organizations, and nonprofit organizations*
3 *in implementing the approved management plan*
4 *by—*

5 (A) *carrying out programs and projects*
6 *that recognize, protect and enhance important*
7 *resource values within the Heritage Area;*

8 (B) *establishing and maintaining interpre-*
9 *tive exhibits and programs within the Heritage*
10 *Area;*

11 (C) *developing recreational and educational*
12 *opportunities in the Heritage Area;*

13 (D) *increasing public awareness of and ap-*
14 *preciation for natural, historical, scenic, and*
15 *cultural resources of the Heritage Area;*

16 (E) *protecting and restoring historic sites*
17 *and buildings in the Heritage Area that are con-*
18 *sistent with heritage area themes;*

19 (F) *ensuring that signs identifying points*
20 *of public access and sites of interest are posted*
21 *throughout the Heritage Area; and*

22 (G) *promoting a wide range of partnerships*
23 *among governments, organizations and individ-*
24 *uals to further the purposes of the Heritage Area;*

1 (3) consider the interests of diverse units of gov-
2 ernment, businesses, organizations and individuals in
3 the Heritage Area in the preparation and implemen-
4 tation of the management plan;

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

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

14 (6) make available for audit for any fiscal year
15 in which it receives Federal funds under this Act, all
16 information pertaining to the expenditure of such
17 funds and any matching funds, and require in all
18 agreements authorizing expenditures of Federal funds
19 by other organizations, that the receiving organiza-
20 tions make available for such audit all records and
21 other information pertaining to the expenditure of
22 such funds; and

23 (7) encourage by appropriate means economic
24 development that is consistent with the purposes of
25 the Heritage Area.

1 (b) *AUTHORITIES.*—*The management entity may, for*
2 *the purposes of preparing and implementing the manage-*
3 *ment plan for the Heritage Area, use Federal funds made*
4 *available through this Act to—*

5 (1) *make grants to the State of Connecticut and*
6 *the Commonwealth of Massachusetts, their political*
7 *subdivisions, nonprofit organizations and other per-*
8 *sons;*

9 (2) *enter into cooperative agreements with or*
10 *provide technical assistance to the State of Con-*
11 *necticut and the Commonwealth of Massachusetts,*
12 *their subdivisions, nonprofit organizations, and other*
13 *interested parties;*

14 (3) *hire and compensate staff, which shall in-*
15 *clude individuals with expertise in natural, cultural,*
16 *and historical resources protection, and heritage pro-*
17 *gramming;*

18 (4) *obtain money or services from any source in-*
19 *cluding any that are provided under any other Fed-*
20 *eral law or program;*

21 (5) *contract for goods or services; and*

22 (6) *undertake to be a catalyst for any other ac-*
23 *tivity that furthers the purposes of the Heritage Area*
24 *and is consistent with the approved management*
25 *plan.*

1 (c) *PROHIBITIONS ON THE ACQUISITION OF REAL*
 2 *PROPERTY.*—*The management entity may not use Federal*
 3 *funds received under this Act to acquire real property, but*
 4 *may use any other source of funding, including other Fed-*
 5 *eral funding outside this authority, intended for the acqui-*
 6 *sition of real property.*

7 **SEC. 6. MANAGEMENT PLAN.**

8 (a) *IN GENERAL.*—*The management plan for the Her-*
 9 *itage Area shall—*

10 (1) *include comprehensive policies, strategies and*
 11 *recommendations for conservation, funding, manage-*
 12 *ment and development of the Heritage Area;*

13 (2) *take into consideration existing State, coun-*
 14 *ty, and local plans in the development of the manage-*
 15 *ment plan and its implementation;*

16 (3) *include a description of actions that govern-*
 17 *ments, private organizations, and individuals have*
 18 *agreed to take to protect the natural, historical and*
 19 *cultural resources of the Heritage Area;*

20 (4) *specify the existing and potential sources of*
 21 *funding to protect, manage, and develop the Heritage*
 22 *Area in the first 5 years of implementation;*

23 (5) *include an inventory of the natural, histor-*
 24 *ical, cultural, educational, scenic, and recreational re-*
 25 *sources of the Heritage Area related to the themes of*

1 *the Heritage Area that should be preserved, restored,*
 2 *managed, developed, or maintained;*

3 *(6) describe a program of implementation for the*
 4 *management plan including plans for resource protec-*
 5 *tion, restoration, construction, and specific commit-*
 6 *ments for implementation that have been made by the*
 7 *management entity or any government, organization,*
 8 *or individual for the first 5 years of implementation;*
 9 *and*

10 *(7) include an interpretive plan for the Heritage*
 11 *Area.*

12 *(b) DEADLINE AND TERMINATION OF FUNDING.—*

13 *(1) DEADLINE.—The management entity shall*
 14 *submit the management plan to the Secretary for ap-*
 15 *proval within 3 years after funds are made available*
 16 *for this Act.*

17 *(2) TERMINATION OF FUNDING.—If the manage-*
 18 *ment plan is not submitted to the Secretary in ac-*
 19 *cordance with this subsection, the management entity*
 20 *shall not qualify for Federal funding under this Act*
 21 *until such time as the management plan is submitted*
 22 *to the Secretary.*

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

24 *(a) TECHNICAL AND FINANCIAL ASSISTANCE.—The*
 25 *Secretary may, upon the request of the management entity,*

1 *provide technical assistance on a reimbursable or non-reim-*
 2 *bursable basis and financial assistance to the Heritage Area*
 3 *to develop and implement the approved management plan.*
 4 *The Secretary is authorized to enter into cooperative agree-*
 5 *ments with the management entity and other public or pri-*
 6 *vate entities for this purpose. In assisting the Heritage*
 7 *Area, the Secretary shall give priority to actions that in*
 8 *general assist in—*

9 (1) *conserving the significant natural, historical,*
 10 *cultural, and scenic resources of the Heritage Area;*
 11 *and*

12 (2) *providing educational, interpretive, and rec-*
 13 *reational opportunities consistent with the purposes of*
 14 *the Heritage Area.*

15 (b) *APPROVAL AND DISAPPROVAL OF MANAGEMENT*
 16 *PLAN.—*

17 (1) *IN GENERAL.—The Secretary shall approve*
 18 *or disapprove the management plan not later than 90*
 19 *days after receiving the management plan.*

20 (2) *CRITERIA FOR APPROVAL.—In determining*
 21 *the approval of the management plan, the Secretary*
 22 *shall consider whether—*

23 (A) *the management entity is representative*
 24 *of the diverse interests of the Heritage Area in-*
 25 *cluding governments, natural and historic re-*

1 source protection organizations, educational in-
2 stitutions, businesses, and recreational organiza-
3 tions;

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

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

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

18 (3) ACTION FOLLOWING DISAPPROVAL.—If the
19 Secretary disapproves the management plan, the Sec-
20 retary shall advise the management entity in writing
21 of the reasons therefore and shall make recommenda-
22 tions for revisions to the management plan. The Sec-
23 retary shall approve or disapprove a proposed revi-
24 sion within 60 days after the date it is submitted.

1 (4) *APPROVAL OF AMENDMENTS.*—*Substantial*
2 *amendments to the management plan shall be re-*
3 *viewed by the Secretary and approved in the same*
4 *manner as provided for the original management*
5 *plan. The management entity shall not use Federal*
6 *funds authorized by this Act to implement any*
7 *amendments until the Secretary has approved the*
8 *amendments.*

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

10 *Any Federal agency conducting or supporting activi-*
11 *ties directly affecting the Heritage Area shall—*

12 (1) *consult with the Secretary and the manage-*
13 *ment entity with respect to such activities;*

14 (2) *cooperate with the Secretary and the man-*
15 *agement entity in carrying out their duties under this*
16 *Act and, to the maximum extent practicable, coordi-*
17 *nate such activities with the carrying out of such du-*
18 *ties; and,*

19 (3) *to the maximum extent practicable, conduct*
20 *or support such activities in a manner which the*
21 *management entity determines will not have an ad-*
22 *verse effect on the Heritage Area.*

1 **SEC. 9. REQUIREMENTS FOR INCLUSION OF PRIVATE PROP-**
 2 **ERTY.**

3 (a) *NOTIFICATION AND CONSENT OF PROPERTY OWN-*
 4 *ERS REQUIRED.*—No privately owned property shall be pre-
 5 served, conserved, or promoted by the management plan for
 6 the Heritage Area until the owner of that private property
 7 has been notified in writing by the management entity and
 8 has given written consent for such preservation, conserva-
 9 tion, or promotion to the management entity.

10 (b) *LANDOWNER WITHDRAW.*—Any owner of private
 11 property included within the boundary of the Heritage Area
 12 shall have their property immediately removed from the
 13 boundary by submitting a written request to the manage-
 14 ment entity.

15 **SEC. 10. PRIVATE PROPERTY PROTECTION.**

16 (a) *ACCESS TO PRIVATE PROPERTY.*—Nothing in this
 17 Act shall be construed to—

18 (1) *require any private property owner to allow*
 19 *public access (including Federal, State, or local gov-*
 20 *ernment access) to such private property; or*

21 (2) *modify any provision of Federal, State, or*
 22 *local law with regard to public access to or use of pri-*
 23 *ivate property.*

24 (b) *LIABILITY.*—Designation of the Heritage Area
 25 shall not be considered to create any liability, or to have
 26 any effect on any liability under any other law, of any pri-

1 vate property owner with respect to any persons injured
 2 on such private property.

3 (c) *RECOGNITION OF AUTHORITY TO CONTROL LAND*
 4 *USE.*—Nothing in this Act shall be construed to modify the
 5 authority of Federal, State, or local governments to regulate
 6 land use.

7 (d) *PARTICIPATION OF PRIVATE PROPERTY OWNERS*
 8 *IN HERITAGE AREA.*—Nothing in this Act shall be con-
 9 strued to require the owner of any private property located
 10 within the boundaries of the Heritage Area to participate
 11 in or be associated with the Heritage Area.

12 (e) *EFFECT OF ESTABLISHMENT.*—The boundaries
 13 designated for the Heritage Area represent the area within
 14 which Federal funds appropriated for the purpose of this
 15 Act may be expended. The establishment of the Heritage
 16 Area and its boundaries shall not be construed to provide
 17 any nonexisting regulatory authority on land use within
 18 the Heritage Area or its viewshed by the Secretary, the Na-
 19 tional Park Service, or the management entity.

20 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) *IN GENERAL.*—There is authorized to be appro-
 22 priated for the purposes of this Act not more than
 23 \$1,000,000 for any fiscal year. Not more than a total of
 24 \$10,000,000 may be appropriated for the Heritage Area
 25 under this Act.

1 (b) *MATCHING FUNDS.*—*Federal funding provided*
2 *under this Act may not exceed 50 percent of the total cost*
3 *of any assistance or grant provided or authorized under this*
4 *Act.*

5 ***SEC. 12. SUNSET.***

6 *The authority of the Secretary to provide assistance*
7 *under this Act shall terminate on the day occurring 15*
8 *years after funds are first made available for this Act.*

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