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H. R. 5311

IN THE SENATE OF THE UNITED STATES

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AN ACT

To establish the Upper Housatonic Valley 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,*

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 Massachu-
8 setts and northwestern Connecticut, is a singular
9 geographical and cultural region that has made sig-
10 nificant national contributions through its literary,
11 artistic, musical, and architectural achievements, its
12 iron, paper, and electrical equipment industries, and
13 its scenic beautification and environmental conserva-
14 tion 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
20 Mount, 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;
3 and

4 (B) four National Natural Landmarks—

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

7 (ii) Beckley Bog, Norfolk, Con-
8 necticut;

9 (iii) Bingham Bog, Salisbury, Con-
10 necticut; and

11 (iv) Cathedral Pines, Cornwall, Con-
12 necticut.

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

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

1 (5) The upper Housatonic Valley is noted for
2 its pioneering achievements in the iron, paper, and
3 electrical generation industries and has cultural re-
4 sources to interpret those industries.

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

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

15 (8) The region had an American Indian pres-
16 ence going back 10,000 years and Mohicans had a
17 formative role in contact with Europeans during the
18 seventeenth and eighteenth centuries.

19 (9) The Upper Housatonic Valley National
20 Heritage Area has been proposed in order to height-
21 en appreciation of the region, preserve its natural
22 and historical resources, and improve the quality of
23 life and economy of the area.

24 (b) Purposes.—The purposes of this Act are as fol-
25 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
9 foster a close working relationship with all levels of
10 government, the private sector, and the local com-
11 munities in the upper Housatonic Valley region to
12 conserve the region’s heritage while continuing to
13 pursue compatible economic opportunities.

14 (4) To assist communities, organizations, and
15 citizens in the State of Connecticut and the Com-
16 monwealth of Massachusetts in identifying, pre-
17 serving, interpreting, and developing the historical,
18 cultural, scenic, and natural resources of the region
19 for the educational and inspirational benefit of cur-
20 rent and future 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 “Man-
2 agement Entity” means the management entity for
3 the Heritage Area designated by section 4(d).

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

7 (4) MAP.—The term “map” means the map en-
8 titled “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
19 Upper 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, Massachu-
24 setts to Kent, Connecticut;

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

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

(1) prepare and submit a management plan for the Heritage Area to the Secretary in accordance with 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
18 consistent 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 partner-
23 ships among governments, organizations and in-
24 dividuals to further the purposes of the Herit-
25 age Area;

1 (3) consider the interests of diverse units of
2 government, businesses, organizations and individ-
3 uals in the Heritage Area in the preparation and im-
4 plementation 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
9 for any fiscal year in which the management entity
10 receives Federal funds under this Act, setting forth
11 its accomplishments, expenses, and income, includ-
12 ing grants to any other entities during the year for
13 which 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
19 funds by other organizations, that the receiving or-
20 ganizations make available for such audit all records
21 and other information pertaining to the expenditure
22 of 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
6 and the Commonwealth of Massachusetts, their po-
7 litical subdivisions, nonprofit organizations and other
8 persons;

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
19 including any that are provided under any other
20 Federal 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
24 Area and is consistent with the approved manage-
25 ment plan.

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

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

8 (a) IN GENERAL.—The management plan for the
9 Heritage Area shall—

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

13 (2) take into consideration existing State, coun-
14 ty, and local plans in the development of the man-
15 agement 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 Herit-
22 age Area in the first 5 years of implementation;

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

1 of the Heritage Area that should be preserved, re-
2 stored, managed, developed, or maintained;

3 (6) describe a program of implementation for
4 the management plan including plans for resource
5 protection, restoration, construction, and specific
6 commitments for implementation that have been
7 made by the management entity or any government,
8 organization, or individual for the first 5 years of
9 implementation; 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
15 approval within 3 years after funds are made avail-
16 able for this Act.

17 (2) TERMINATION OF FUNDING.—If the man-
18 agement plan is not submitted to the Secretary in
19 accordance with this subsection, the management en-
20 tity shall not qualify for Federal funding under this
21 Act until such time as the management plan is sub-
22 mitted 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 enti-

1 ty, provide technical assistance on a reimbursable or non-
2 reimbursable basis and financial assistance to the Herit-
3 age Area to develop and implement the approved manage-
4 ment plan. The Secretary is authorized to enter into coop-
5 erative agreements with the management entity and other
6 public or private entities for this purpose. In assisting the
7 Heritage Area, the Secretary shall give priority to actions
8 that in general assist in—

9 (1) conserving the significant natural, histor-
10 ical, cultural, and scenic resources of the Heritage
11 Area; and

12 (2) providing educational, interpretive, and rec-
13 reational opportunities consistent with the purposes
14 of 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
19 90 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 representa-
24 tive of the diverse interests of the Heritage
25 Area, including governments, natural and his-

1 toric resource protection organizations, edu-
2 cational institutions, businesses, and rec-
3 reational organizations;

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
17 the management plan.

18 (3) ACTION FOLLOWING DISAPPROVAL.—If the
19 Secretary disapproves the management plan, the
20 Secretary shall advise the management entity in
21 writing of the reasons therefore and shall make rec-
22 ommendations for revisions to the management plan.
23 The Secretary shall approve or disapprove a pro-
24 posed revision within 60 days after the date it is
25 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
16 this Act and, to the maximum extent practicable, co-
17 ordinate such activities with the carrying out of such
18 duties; 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**
2 **PROPERTY.**

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

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

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

16 (a) ACCESS TO PRIVATE PROPERTY.—Nothing in
17 this 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
23 private 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
5 the authority of Federal, State, or local governments to
6 regulate 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 nonexistent regulatory authority on land use within
18 the Heritage Area or its viewshed by the Secretary, the
19 National 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
4 this 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 the date of the enactment of this Act.

Passed the House of Representatives May 9, 2006.

Attest:

KAREN L. HAAS,

Clerk.

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Heritage Area.

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