

109TH CONGRESS
1ST SESSION

S. 429

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 SENATE OF THE UNITED STATES

FEBRUARY 17, 2005

Mr. LIEBERMAN (for himself, Mr. DODD, Mr. KENNEDY, and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Upper Housatonic Val-
5 ley National Heritage Area Act”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) The upper Housatonic Valley, encompassing
9 29 towns in the hilly terrain of western Massachu-

setts and northwestern Connecticut, is a singular geographical and cultural region that has made significant national contributions through its literary, artistic, musical, and architectural achievements, its iron, paper, and electrical equipment industries, and its scenic beautification and environmental conservation efforts.

(2) The upper Housatonic Valley has 139 properties and historic districts listed on the National Register of Historic Places including—

(A) five National Historic Landmarks—

(i) Edith Wharton's home, The Mount, Lenox, Massachusetts;

(ii) Herman Melville's home, Arrowhead, Pittsfield, Massachusetts;

(iii) W.E.B. DuBois' Boyhood Home-site, Great Barrington, Massachusetts;

(iv) Mission House, Stockbridge, Massachusetts; and

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

(B) four National Natural Landmarks—

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

1 (ii) Beckley Bog, Norfolk, Con-
 2 necticut;

3 (iii) Bingham Bog, Salisbury, Con-
 4 necticut; and

5 (iv) Cathedral Pines, Cornwall, Con-
 6 necticut.

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

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

19 (5) The upper Housatonic Valley is noted for
 20 its pioneering achievements in the iron, paper, and
 21 electrical generation industries and has cultural re-
 22 sources to interpret those industries.

23 (6) The region became a national leader in sce-
 24 nic beautification and environmental conservation ef-
 25 forts following the era of industrialization and defor-

1 estation and maintains a fabric of significant con-
2 servation areas including the meandering
3 Housatonic River.

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

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

12 (9) The Upper Housatonic Valley National
13 Heritage Area has been proposed in order to height-
14 en appreciation of the region, preserve its natural
15 and historical resources, and improve the quality of
16 life and economy of the area.

17 (b) PURPOSES.—The purposes of this Act are as fol-
18 lows:

19 (1) To establish the Upper Housatonic Valley
20 National Heritage Area in the State of Connecticut
21 and the Commonwealth of Massachusetts.

22 (2) To implement the national heritage area al-
23 ternative as described in the document entitled
24 “Upper Housatonic Valley National Heritage Area
25 Feasibility Study, 2003”.

1 (3) To provide a management framework to
 2 foster a close working relationship with all levels of
 3 government, the private sector, and the local com-
 4 munities in the upper Housatonic Valley region to
 5 conserve the region’s heritage while continuing to
 6 pursue compatible economic opportunities.

7 (4) To assist communities, organizations, and
 8 citizens in the State of Connecticut and the Com-
 9 monwealth of Massachusetts in identifying, pre-
 10 serving, interpreting, and developing the historical,
 11 cultural, scenic, and natural resources of the region
 12 for the educational and inspirational benefit of cur-
 13 rent and future generations.

14 **SEC. 3. DEFINITIONS.**

15 In this Act:

16 (1) HERITAGE AREA.—The term “Heritage
 17 Area” means the Upper Housatonic Valley National
 18 Heritage Area, established in section 4.

19 (2) MANAGEMENT ENTITY.—The term “Man-
 20 agement Entity” means the management entity for
 21 the Heritage Area designated by section 4(d).

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

1 (4) MAP.—The term “map” means the map en-
 2 titled “Boundary Map Upper Housatonic Valley Na-
 3 tional Heritage Area”, numbered P17/80,000, and
 4 dated February 2003.

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

7 (6) STATE.—The term “State” means the State
 8 of Connecticut and the Commonwealth of Massachu-
 9 setts.

10 **SEC. 4. UPPER HOUSATONIC VALLEY NATIONAL HERITAGE**
 11 **AREA.**

12 (a) ESTABLISHMENT.—There is established the
 13 Upper Housatonic Valley National Heritage Area.

14 (b) BOUNDARIES.—The Heritage Area shall be com-
 15 prised of—

16 (1) part of the Housatonic River’s watershed,
 17 which extends 60 miles from Lanesboro, Massachu-
 18 setts to Kent, Connecticut;

19 (2) the towns of Canaan, Colebrook, Cornwall,
 20 Kent, Norfolk, North Canaan, Salisbury, Sharon,
 21 and Warren in Connecticut;

22 (3) the towns of Alford, Becket, Dalton,
 23 Egremont, Great Barrington, Hancock, Hinsdale,
 24 Lanesboro, Lee, Lenox, Monterey, Mount Wash-
 25 ington, New Marlboro, Pittsfield, Richmond, Shef-

1 field, Stockbridge, Tyringham, Washington, and
 2 West Stockbridge in Massachusetts; and

3 (4) the land and water within the boundaries of
 4 the Heritage Area, as depicted on the map.

5 (c) AVAILABILITY OF MAP.—The map shall be on file
 6 and available for public inspection in the appropriate of-
 7 fices of the National Park Service, Department of the In-
 8 terior.

9 (d) MANAGEMENT ENTITY.—The Upper Housatonic
 10 Valley National Heritage Area, Inc. shall be the manage-
 11 ment entity for the Heritage Area.

12 **SEC. 5. AUTHORITIES, PROHIBITIONS AND DUTIES OF THE**
 13 **MANAGEMENT ENTITY.**

14 (a) DUTIES OF THE MANAGEMENT ENTITY.—To fur-
 15 ther the purposes of the Heritage Area, the management
 16 entity shall—

17 (1) prepare and submit a management plan for
 18 the Heritage Area to the Secretary in accordance
 19 with section 6;

20 (2) assist units of local government, regional
 21 planning organizations, and nonprofit organizations
 22 in implementing the approved management plan
 23 by—

1 (A) carrying out programs and projects
2 that recognize, protect and enhance important
3 resource values within the Heritage Area;

4 (B) establishing and maintaining interpre-
5 tive exhibits and programs within the Heritage
6 Area;

7 (C) developing recreational and educational
8 opportunities in the Heritage Area;

9 (D) increasing public awareness of and ap-
10 preciation for natural, historical, scenic, and
11 cultural resources of the Heritage Area;

12 (E) protecting and restoring historic sites
13 and buildings in the Heritage Area that are
14 consistent with heritage area themes;

15 (F) ensuring that clear, consistent, and ap-
16 propriate signs identifying points of public ac-
17 cess and sites of interest are posted throughout
18 the Heritage Area; and

19 (G) promoting a wide range of partner-
20 ships among governments, organizations and in-
21 dividuals to further the purposes of the Herit-
22 age Area;

23 (3) consider the interests of diverse units of
24 government, businesses, organizations and individ-

1 uals in the Heritage Area in the preparation and im-
2 plementation of the management plan;

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

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

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

21 (7) encourage by appropriate means economic
22 viability that is consistent with the purposes of the
23 Heritage Area.

24 (b) AUTHORITIES.—The management entity may, for
25 the purposes of preparing and implementing the manage-

1 ment plan for the Heritage Area, use Federal funds made
 2 available through this Act to—

3 (1) make grants to the State of Connecticut
 4 and the Commonwealth of Massachusetts, their po-
 5 litical subdivisions, nonprofit organizations and other
 6 persons;

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

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

16 (4) obtain money or services from any source
 17 including any that are provided under any other
 18 Federal law or program;

19 (5) contract for goods or services; and

20 (6) undertake to be a catalyst for any other ac-
 21 tivity that furthers the purposes of the Heritage
 22 Area and is consistent with the approved manage-
 23 ment plan.

24 (c) PROHIBITIONS ON THE ACQUISITION OF REAL
 25 PROPERTY.—The management entity may not use Fed-

1 eral funds received under this Act to acquire real property,
2 but may use any other source of funding, including other
3 Federal funding outside this authority, intended for the
4 acquisition of real property.

5 **SEC. 6. MANAGEMENT PLAN.**

6 (a) IN GENERAL.—The management plan for the
7 Heritage Area shall—

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

11 (2) take into consideration existing State, coun-
12 ty, and local plans in the development of the man-
13 agement plan and its implementation;

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

18 (4) specify the existing and potential sources of
19 funding to protect, manage, and develop the Herit-
20 age Area in the first 5 years of implementation;

21 (5) include an inventory of the natural, histor-
22 ical, cultural, educational, scenic, and recreational
23 resources of the Heritage Area related to the themes
24 of the Heritage Area that should be preserved, re-
25 stored, managed, developed, or maintained;

1 (6) recommend policies and strategies for re-
2 source management that consider and detail the ap-
3 plication of appropriate land and water management
4 techniques including, but not limited to, the develop-
5 ment of intergovernmental and interagency coopera-
6 tive agreements to protect the Heritage Area's nat-
7 ural, historical, cultural, educational, scenic and rec-
8 reational resources;

9 (7) describe a program of implementation for
10 the management plan including plans for resource
11 protection, restoration, construction, and specific
12 commitments for implementation that have been
13 made by the management entity or any government,
14 organization, or individual for the first 5 years of
15 implementation;

16 (8) include an analysis and recommendations
17 for ways in which local, State, and Federal pro-
18 grams, including the role of the National Park Serv-
19 ice in the Heritage Area, may best be coordinated to
20 further the purposes of this Act; and

21 (9) include an interpretive plan for the Heritage
22 Area.

23 (b) DEADLINE AND TERMINATION OF FUNDING.—

24 (1) DEADLINE.—The management entity shall
25 submit the management plan to the Secretary for

1 approval within 3 years after funds are made avail-
 2 able for this Act.

3 (2) TERMINATION OF FUNDING.—If the man-
 4 agement plan is not submitted to the Secretary in
 5 accordance with this subsection, the management en-
 6 tity shall not qualify for Federal funding under this
 7 Act until such time as the management plan is sub-
 8 mitted to and approved by the Secretary.

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

10 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—

11 (1) IN GENERAL.—The Secretary may, upon
 12 the request of the management entity, provide tech-
 13 nical assistance on a reimbursable or non-reimburs-
 14 able basis and financial assistance to the Heritage
 15 Area to develop and implement the approved man-
 16 agement plan. The Secretary is authorized to enter
 17 into cooperative agreements with the management
 18 entity and other public or private entities for this
 19 purpose. In assisting the Heritage Area, the Sec-
 20 retary shall give priority to actions that in general
 21 assist in—

22 (A) conserving the significant natural, his-
 23 torical, cultural, and scenic resources of the
 24 Heritage Area; and

1 (B) providing educational, interpretive, and
2 recreational opportunities consistent with the
3 purposes of the Heritage Area.

4 (2) SPENDING FOR NON-FEDERALLY OWNED
5 PROPERTY.—The Secretary may spend Federal
6 funds directly on non-federally owned property to
7 further the purposes of this Act, especially in assist-
8 ing units of government in appropriate treatment of
9 districts, sites, buildings, structures, and objects list-
10 ed or eligible for listing on the National Register of
11 Historic Places.

12 (b) APPROVAL AND DISAPPROVAL OF MANAGEMENT
13 PLAN.—

14 (1) IN GENERAL.—The Secretary shall approve
15 or disapprove the management plan not later than
16 90 days after receiving the management plan.

17 (2) CRITERIA FOR APPROVAL.—In determining
18 the approval of the management plan, the Secretary
19 shall consider whether—

20 (A) the management entity is representa-
21 tive of the diverse interests of the Heritage
22 Area including governments, natural and his-
23 toric resource protection organizations, edu-
24 cational institutions, businesses, and rec-
25 reational organizations;

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

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

10 (D) the Secretary has received adequate
11 assurances from the appropriate State and local
12 officials whose support is needed to ensure the
13 effective implementation of the State and local
14 aspects of the management plan.

15 (3) ACTION FOLLOWING DISAPPROVAL.—If the
16 Secretary disapproves the management plan, the
17 Secretary shall advise the management entity in
18 writing of the reasons therefore and shall make rec-
19 ommendations for revisions to the management plan.
20 The Secretary shall approve or disapprove a pro-
21 posed revision within 60 days after the date it is
22 submitted.

23 (4) APPROVAL OF AMENDMENTS.—Substantial
24 amendments to the management plan shall be re-
25 viewed by the Secretary and approved in the same

1 manner as provided for the original management
2 plan. The management entity shall not use Federal
3 funds authorized by this Act to implement any
4 amendments until the Secretary has approved the
5 amendments.

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

7 Any Federal agency conducting or supporting activi-
8 ties directly affecting the Heritage Area shall—

9 (1) consult with the Secretary and the manage-
10 ment entity with respect to such activities;

11 (2) cooperate with the Secretary and the man-
12 agement entity in carrying out their duties under
13 this Act and, to the maximum extent practicable, co-
14 ordinate such activities with the carrying out of such
15 duties; and,

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

20 **SEC. 9. 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. 10. 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 enactment of the Act.

○