

Calendar No. 785

110TH CONGRESS
2D SESSION**S. 827****[Report No. 110–353]**

To establish the Freedom’s Way National Heritage Area in the States of
Massachusetts and New Hampshire, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 8, 2007

Mr. KERRY (for himself, Mr. KENNEDY, and Mr. SUNUNU) introduced the fol-
lowing bill; which was read twice and referred to the Committee on En-
ergy and Natural Resources

JUNE 16, 2008

Reported by Mr. BINGAMAN, with an amendment

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

A BILL

To establish the Freedom’s Way National Heritage Area
in the States of Massachusetts and New Hampshire,
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 “Freedom’s Way Na-
5 tional Heritage Area Act”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 ~~(a) FINDINGS.~~—Congress finds as follows:

3 ~~(1) The cultural and natural legacies of an area~~
4 ~~encompassing 37 communities in Massachusetts and~~
5 ~~8 communities in New Hampshire have made impor-~~
6 ~~tant and distinctive contributions to the national~~
7 ~~character of America.~~

8 ~~(2) Recognizing and protecting those legacies~~
9 ~~will help sustain the quality of life in the future.~~

10 ~~(3) Significant legacies of the area include—~~

11 ~~(A) the early settlement of the United~~
12 ~~States and the early evolution of democratic~~
13 ~~forms of government;~~

14 ~~(B) the development of intellectual tradi-~~
15 ~~tions of the philosophies of freedom, democracy,~~
16 ~~and conservation;~~

17 ~~(C) the evolution of social ideas and reli-~~
18 ~~gious freedom;~~

19 ~~(D) the role of immigrants and industry in~~
20 ~~contributing to ethnic diversity;~~

21 ~~(E) Native American and African Amer-~~
22 ~~ican resources; and~~

23 ~~(F) the role of innovation and invention in~~
24 ~~cottage industries.~~

25 ~~(4) The communities in the area know the value~~
26 ~~of the legacies but need a cooperative framework~~

1 and technical assistance to achieve important goals
2 by working together.

3 (5) There is a Federal interest in supporting
4 the development of a regional framework to assist
5 the States, local governments, local organizations,
6 and other persons in the region with conserving, pro-
7 tecting, and bringing recognition to the heritage of
8 the area for the educational and recreational benefit
9 of future generations of Americans.

10 (6) Significant examples of the area's resources
11 include—

12 (A) Walden Pond State Reservation in
13 Concord, Massachusetts;

14 (B) Minute Man National Historical Park
15 in the State of Massachusetts;

16 (C) Shaker Villages in Shirley and Har-
17 vard in the State of Massachusetts;

18 (D) Wachusett Mountain State Reserva-
19 tion, Fitchburg Art Museum, and Barrett
20 House in New Ipswich, New Hampshire; and

21 (E) Beaver Brook Farms and Lost City of
22 Monson in Hollis, New Hampshire.

23 (7) The study entitled "Freedom's Way Herit-
24 age Area Feasibility Study", prepared by the Free-
25 dom's Way Heritage Association, Inc., and the Mas-

1 sachusetts Department of Environmental Manage-
 2 ment, demonstrates that there are sufficient nation-
 3 ally distinctive historical resources necessary to es-
 4 tablish the Freedom's Way National Heritage Area.

5 (8) The Freedom's Way Heritage Association,
 6 Inc., should oversee the development of the Free-
 7 dom's Way National Heritage Area.

8 (b) PURPOSES.—The purposes of this Act are—

9 (1) to foster a close working relationship be-
 10 tween the Secretary and all levels of government, the
 11 private sector, and local communities in the States
 12 of Massachusetts and New Hampshire;

13 (2) to assist the entities referred to in para-
 14 graph (1) in preserving the special historic identity
 15 of the Heritage Area; and

16 (3) to manage, preserve, protect, and interpret
 17 the cultural, historical, and natural resources of the
 18 Heritage Area for the educational and inspirational
 19 benefit of future generations.

20 **SEC. 3. DEFINITIONS.**

21 In this Act:

22 (1) HERITAGE AREA.—The term “Heritage
 23 Area” means the Freedom's Way National Heritage
 24 Area established by section 4(a).

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 developed under section 5.

7 (4) MAP.—The term “Map” means the map en-
8 titled “_____”, numbered
9 _____ and dated
10 _____.

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

13 **SEC. 4. FREEDOM’S WAY NATIONAL HERITAGE AREA.**

14 (a) ESTABLISHMENT.—There is established the Free-
15 dom’s Way National Heritage Area in the States of Mas-
16 sachusetts and New Hampshire.

17 (b) BOUNDARIES.—

18 (1) IN GENERAL.—The Heritage Area shall
19 consist of the land within the boundaries of the Her-
20 itage Area, as depicted on the Map.

21 (2) REVISION.—The boundaries of the Heritage
22 Area may be revised if the revision is—

23 (A) proposed in the management plan;

24 (B) approved by the Secretary in accord-
25 ance with section 5(c); and

1 (C) placed on file in accordance with sub-
2 section (c).

3 (c) MAP AND LEGAL DESCRIPTION.—

4 (1) IN GENERAL.—As soon as practicable after
5 the date of the enactment of this Act, the Secretary
6 shall publish in the Federal Register a legal descrip-
7 tion of the Heritage Area.

8 (2) AVAILABILITY.—The Map shall be on file
9 and available for public inspection in the appropriate
10 offices of the National Park Service.

11 (d) MANAGEMENT ENTITY.—The Freedom's Way
12 Heritage Association, Inc. shall serve as the management
13 entity for the Heritage Area.

14 **SEC. 5. MANAGEMENT PLAN.**

15 (a) IN GENERAL.—Not later than 3 years after the
16 date of the enactment of this Act, the management entity
17 shall develop and submit to the Secretary for approval a
18 management plan for the Heritage Area that presents
19 comprehensive recommendations and strategies for the
20 conservation, funding, management, and development of
21 the Heritage Area.

22 (b) REQUIREMENTS.—The management plan shall—

23 (1) take into consideration and coordinate Fed-
24 eral, State, and local plans to present a unified his-
25 toric preservation and interpretation plan;

1 (2) involve residents, public agencies, and pri-
2 vate organizations in the Heritage Area;

3 (3) describe actions that units of government
4 and private organizations recommend for the protec-
5 tion of the resources of the Heritage Area;

6 (4) identify existing and potential sources of
7 Federal and non-Federal funding for the conserva-
8 tion, management, and development of the Heritage
9 Area; and

10 (5) include—

11 (A) an inventory of the cultural, historic,
12 natural, or recreational resources contained in
13 the Heritage Area, including a list of property
14 that—

15 (i) is related to the themes of the
16 Heritage Area; and

17 (ii) should be conserved, restored,
18 managed, developed, or maintained;

19 (B) a recommendation of policies for re-
20 source management and protection that—

21 (i) apply appropriate land and water
22 management techniques;

23 (ii) develop intergovernmental cooper-
24 ative agreements to manage and protect
25 the cultural, historic, and natural resources

1 and recreation opportunities of the Herit-
2 age Area; and

3 (iii) support economic revitalization
4 efforts;

5 (C) a program of strategies and actions to
6 implement the management plan that—

7 (i) identifies the roles of agencies and
8 organizations that are involved in the im-
9 plementation of the management plan and
10 the role of the management entity; and

11 (ii) includes—

12 (I) restoration and construction
13 plans or goals;

14 (II) a program of public involve-
15 ment;

16 (III) annual work plans; and

17 (IV) annual reports;

18 (D) an analysis of ways in which Federal,
19 State, and local programs may best be coordi-
20 nated to promote the purposes of this Act;

21 (E) an interpretive and educational plan
22 for the Heritage Area;

23 (F) any revisions proposed by the manage-
24 ment entity to the boundaries of the Heritage

1 Area and requested by the affected local gov-
 2 ernment; and

3 ~~(G)~~ a process to provide public access to
 4 the management entity for the purpose of at-
 5 tempting to resolve informally any disputes
 6 arising from the management plan.

7 ~~(c) FAILURE TO SUBMIT.~~—If the management entity
 8 fails to submit the management plan to the Secretary in
 9 accordance with subsection (a), the Heritage Area shall
 10 no longer qualify for Federal funding.

11 ~~(d) APPROVAL OR DISAPPROVAL OF MANAGEMENT~~
 12 ~~PLAN.~~—

13 ~~(1) IN GENERAL.~~—Not later than 90 days after
 14 receipt of the management plan under subsection
 15 (a), the Secretary shall approve or disapprove the
 16 management plan.

17 ~~(2) CRITERIA.~~—In determining whether to ap-
 18 prove the management plan, the Secretary shall con-
 19 sider whether—

20 ~~(A)~~ the management entity afforded ade-
 21 quate opportunity, including public hearings,
 22 for public and governmental involvement in the
 23 preparation of the management plan;

24 ~~(B)~~ the resource protection and interpreta-
 25 tion strategies contained in the management

1 plan would adequately protect the cultural and
 2 historic resources of the Heritage Area; and

3 ~~(C) the Secretary has received adequate~~
 4 ~~assurances from the appropriate State and local~~
 5 ~~officials whose support is needed to ensure the~~
 6 ~~effective implementation of the State and local~~
 7 ~~aspects of the management plan.~~

8 ~~(3) ACTION FOLLOWING DISAPPROVAL.—If the~~
 9 ~~Secretary disapproves the management plan under~~
 10 ~~paragraph (1), the Secretary shall—~~

11 ~~(A) advise the management entity in writ-~~
 12 ~~ing of the reasons for the disapproval;~~

13 ~~(B) make recommendations for revisions to~~
 14 ~~the management plan; and~~

15 ~~(C) not later than 60 days after the receipt~~
 16 ~~of any proposed revision of the management~~
 17 ~~plan from the management entity; approve or~~
 18 ~~disapprove the proposed revision.~~

19 ~~(e) AMENDMENTS.—~~

20 ~~(1) IN GENERAL.—In accordance with sub-~~
 21 ~~section (b), the Secretary shall approve or dis-~~
 22 ~~approve each amendment to the management plan~~
 23 ~~that the Secretary determines may make a substan-~~
 24 ~~tial change to the management plan.~~

1 (2) ~~USE OF FUNDS.~~—Funds made available
 2 under this Act shall not be expended by the manage-
 3 ment entity to implement an amendment described
 4 in paragraph (1) until the Secretary approves the
 5 amendment.

6 **SEC. 6. AUTHORITIES, DUTIES, AND PROHIBITIONS OF THE**
 7 **MANAGEMENT ENTITY.**

8 (a) ~~AUTHORITIES.~~—The Management Entity may,
 9 for purposes of preparing and implementing the manage-
 10 ment plan, use funds made available under this Act to—

11 (1) make grants to, and enter into cooperative
 12 agreements with, the States of Massachusetts and
 13 New Hampshire (including a political subdivision), a
 14 nonprofit organization, or any person;

15 (2) hire and compensate staff;

16 (3) obtain funds from any source (including a
 17 program that has a cost-sharing requirement); and

18 (4) contract for goods and services.

19 (b) ~~DUTIES OF THE MANAGEMENT ENTITY.~~—In ad-
 20 dition to developing the management plan, the manage-
 21 ment entity shall—

22 (1) give priority to the implementation of ac-
 23 tions, goals, and strategies set forth in the manage-
 24 ment plan, including assisting units of government
 25 and other persons in—

1 (A) carrying out the programs that recog-
2 nize and protect important resource values in
3 the Heritage Area;

4 (B) encouraging economic viability in the
5 Heritage Area in accordance with the goals of
6 the management plan;

7 (C) establishing and maintaining interpre-
8 tive exhibits in the Heritage Area;

9 (D) developing recreational and edu-
10 cational opportunities in the Heritage Area;

11 (E) increasing public awareness of and ap-
12 preciation for the cultural, historical, and nat-
13 ural resources of the Heritage Area;

14 (F) restoring historic buildings that are—

15 (i) located in the Heritage Area; and

16 (ii) relate to the themes of the Herit-
17 age Area; and

18 (G) installing throughout the Heritage
19 Area clear, consistent, and appropriate signs
20 identifying public access points and sites of in-
21 terest;

22 (2) prepare and implement the management
23 plan while considering the interests of diverse units
24 of government, businesses, private property owners,
25 and nonprofit groups within the Heritage Area;

1 ~~(3)~~ conduct public meetings at least quarterly
 2 regarding the development and implementation of
 3 the management plan;

4 ~~(4)~~ for any fiscal year for which Federal funds
 5 are received under this Act—

6 ~~(A)~~ submit to the Secretary a report that
 7 describes, for the year—

8 (i) the accomplishments of the man-
 9 agement entity;

10 (ii) the expenses and income of the
 11 management entity; and

12 (iii) each entity to which a grant was
 13 made;

14 ~~(B)~~ make available for audit by Congress,
 15 the Secretary, and appropriate units of govern-
 16 ment, all records pertaining to the expenditure
 17 of the funds and any matching funds; and

18 ~~(C)~~ require, for all agreements authorizing
 19 expenditure of Federal funds by any entity,
 20 that the receiving entity make available for
 21 audit all records pertaining to the expenditure
 22 of the funds.

23 ~~(e) PROHIBITION ON THE ACQUISITION OF REAL~~
 24 ~~PROPERTY.—~~The management entity shall not use Fed-

1 eral funds made available under this Act to acquire real
 2 property or any interest in real property.

3 **SEC. 7. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER**
 4 **FEDERAL AGENCIES.**

5 ~~(a) TECHNICAL AND FINANCIAL ASSISTANCE.—~~

6 ~~(1) IN GENERAL.—~~On the request of the man-
 7 agement entity, the Secretary may provide technical
 8 and financial assistance for the development and im-
 9 plementation of the management plan.

10 ~~(2) PRIORITY FOR ASSISTANCE.—~~In providing
 11 assistance under paragraph (1), the Secretary shall
 12 give priority to actions that assist in—

13 ~~(A) conserving the significant cultural, his-~~
 14 ~~toric, and natural resources of the Heritage~~
 15 ~~Area; and~~

16 ~~(B) providing educational, interpretive, and~~
 17 ~~recreational opportunities consistent with the~~
 18 ~~purposes of the Heritage Area.~~

19 ~~(3) SPENDING FOR NON-FEDERAL PROPERTY.—~~

20 The management entity may expend Federal funds
 21 made available under this Act on nonfederally owned
 22 property that is—

23 ~~(A) identified in the management plan; or~~

24 ~~(B) listed or eligible for listing on the Na-~~
 25 ~~tional Register of Historic Places.~~

1 (4) OTHER ASSISTANCE.—The Secretary may
 2 enter into cooperative agreements with public and
 3 private organizations to carry out this subsection.

4 (b) OTHER FEDERAL AGENCIES.—Any Federal enti-
 5 ty conducting or supporting an activity that directly af-
 6 fects the Heritage Area shall—

7 (1) consider the potential effect of the activity
 8 on the purposes of the Heritage Area and the man-
 9 agement plan;

10 (2) consult with the management entity regard-
 11 ing the activity; and

12 (3) to the maximum extent practicable, conduct
 13 or support the activity to avoid adverse effects on
 14 the Heritage Area.

15 **SEC. 8. LAND USE REGULATION; APPLICABILITY OF FED-**
 16 **ERAL LAW.**

17 (a) LAND USE REGULATION.—

18 (1) IN GENERAL.—The management entity
 19 shall provide assistance and encouragement to State
 20 and local governments, private organizations, and
 21 persons to protect and promote the resources and
 22 values of the Heritage Area.

23 (2) EFFECT.—Nothing in this Act—

1 ~~(A)~~ affects the authority of the State or
 2 local governments to regulate under law any use
 3 of land; or

4 ~~(B)~~ grants any power of zoning or land use
 5 to the management entity.

6 ~~(b) PRIVATE PROPERTY.—~~

7 ~~(1) IN GENERAL.—~~The management entity
 8 shall be an advocate for land management practices
 9 consistent with the purposes of the Heritage Area.

10 ~~(2) EFFECT.—~~Nothing in this Act—

11 ~~(A)~~ abridges the rights of any person with
 12 regard to private property;

13 ~~(B)~~ affects the authority of the State or
 14 local government regarding private property; or

15 ~~(C)~~ imposes any additional burden on any
 16 property owner.

17 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

18 ~~(a) IN GENERAL.—~~There is authorized to be appro-
 19 priated to carry out this Act \$10,000,000, of which not
 20 more than \$1,000,000 may be authorized to be appro-
 21 priated for any fiscal year.

22 ~~(b) COST-SHARING REQUIREMENT.—~~The Federal
 23 share of the total cost of any activity assisted under this
 24 Act shall be not more than 50 percent.

1 **SEC. 10. TERMINATION OF AUTHORITY.**

2 The authority of the Secretary to provide assistance
3 under this Act terminates on the date that is 15 years
4 after the date of the enactment of this Act.

5 **SECTION 1. SHORT TITLE.**

6 *This Act may be cited as the “Freedom’s Way National*
7 *Heritage Area Act”.*

8 **SEC. 2. PURPOSES.**

9 *The purposes of this Act are—*

10 *(1) to foster a close working relationship between*
11 *the Secretary and all levels of government, the private*
12 *sector, and local communities in the States of Massa-*
13 *chusetts and New Hampshire;*

14 *(2) to assist the entities described in paragraph*
15 *(1) to preserve the special historic identity of the Her-*
16 *itage Area; and*

17 *(3) to manage, preserve, protect, and interpret*
18 *the cultural, historic, and natural resources of the*
19 *Heritage Area for the educational and inspirational*
20 *benefit of future generations.*

21 **SEC. 3. DEFINITIONS.**

22 *In this Act:*

23 *(1) HERITAGE AREA.—The term “Heritage*
24 *Area” means the Freedom’s Way National Heritage*
25 *Area established by section 4(a).*

1 (2) *LOCAL COORDINATING ENTITY.*—*The term*
 2 *“local coordinating entity” means the local coordi-*
 3 *nating entity for the Heritage Area designated by sec-*
 4 *tion 4(d).*

5 (3) *MANAGEMENT PLAN.*—*The term “manage-*
 6 *ment plan” means the management plan for the Her-*
 7 *itage Area required under section 5(a)(1).*

8 (4) *MAP.*—*The term “map” means the map enti-*
 9 *tled “Freedom’s Way National Heritage Area”, num-*
 10 *bered T04/80,000, and dated July 2007.*

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

13 ***SEC. 4. ESTABLISHMENT.***

14 (a) *IN GENERAL.*—*There is established the Freedom’s*
 15 *Way National Heritage Area in the States of Massachusetts*
 16 *and New Hampshire.*

17 (b) *BOUNDARIES.*—

18 (1) *IN GENERAL.*—*The boundaries of the Herit-*
 19 *age Area shall be as generally depicted on the map.*

20 (2) *REVISION.*—*The boundaries of the Heritage*
 21 *Area may be revised if the revision is—*

22 (A) *proposed in the management plan;*

23 (B) *approved by the Secretary in accord-*
 24 *ance with section 6(d); and*

1 (C) placed on file in accordance with sub-
2 section (c).

3 (c) *AVAILABILITY OF MAP.*—The map shall be on file
4 and available for public inspection in the appropriate of-
5 fices of the National Park Service and the local coordi-
6 nating entity.

7 (d) *LOCAL COORDINATING ENTITY.*—The Freedom's
8 Way Heritage Association, Inc., shall be the local coordi-
9 nating entity for the Heritage Area.

10 **SEC. 5. DUTIES AND AUTHORITIES OF LOCAL COORDI-**
11 **NATING ENTITY.**

12 (a) *DUTIES OF THE LOCAL COORDINATING ENTITY.*—
13 To further the purposes of the Heritage Area, the local co-
14 ordinating entity shall—

15 (1) prepare, and submit to the Secretary, in ac-
16 cordance with section 6, a management plan for the
17 Heritage Area;

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

22 (A) carrying out programs and projects
23 that recognize and protect important resource
24 values within the Heritage Area;

1 (B) establishing and maintaining interpre-
2 tive exhibits and programs within the Heritage
3 Area;

4 (C) developing recreational and educational
5 opportunities in the Heritage Area;

6 (D) increasing public awareness of, and ap-
7 preciation for, natural, historic, and cultural re-
8 sources of the Heritage Area;

9 (E) protecting and restoring historic build-
10 ings in the Heritage Area that are consistent
11 with the themes of the Heritage Area; and

12 (F) ensuring that signs identifying points
13 of public access and sites of interest are posted
14 throughout the Heritage Area;

15 (3) consider the interests of diverse units of gov-
16 ernment, businesses, organizations, and individuals
17 in the Heritage Area in the preparation and imple-
18 mentation of the management plan;

19 (4) conduct meetings open to the public at least
20 quarterly regarding the development and implementa-
21 tion of the management plan;

22 (5) submit an annual report to the Secretary for
23 each fiscal year for which the local coordinating enti-
24 ty receives Federal funds under this Act specifying—

1 (A) the accomplishments of the local coordi-
 2 nating entity;

3 (B) the expenses and income of the local co-
 4 ordinating entity;

5 (C) the amounts and sources of matching
 6 funds;

7 (D) the amounts leveraged with Federal
 8 funds and sources of the leveraged funds; and

9 (E) grants made to any other entities dur-
 10 ing the fiscal year;

11 (6) make available for audit for each fiscal year
 12 for which the local coordinating entity receives Fed-
 13 eral funds under this Act, all information pertaining
 14 to the expenditure of the funds and any matching
 15 funds;

16 (7) require in all agreements authorizing expend-
 17 itures of Federal funds by other organizations, that
 18 the receiving organizations make available for audit
 19 all records and other information pertaining to the
 20 expenditure of the funds; and

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

24 (b) *AUTHORITIES.*—The local coordinating entity
 25 may, subject to the prior approval of the Secretary, for the

1 purposes of preparing and implementing the management
 2 plan, use Federal funds made available under this Act to—

3 (1) make grants to the States of Massachusetts
 4 and New Hampshire, political subdivisions of the
 5 States, nonprofit organizations, and other persons;

6 (2) enter into cooperative agreements with, or
 7 provide technical assistance to, the States of Massa-
 8 chusetts and New Hampshire, political subdivisions of
 9 the States, nonprofit organizations, Federal agencies,
 10 and other interested parties;

11 (3) hire and compensate staff;

12 (4) obtain funds or services from any source, in-
 13 cluding funds and services provided under any other
 14 Federal law or program;

15 (5) contract for goods or services; and

16 (6) support activities of partners and any other
 17 activities that further the purposes of the Heritage
 18 Area and are consistent with the approved manage-
 19 ment plan.

20 (c) *PROHIBITION ON ACQUISITION OF REAL PROP-*
 21 *ERTY.*—The local coordinating entity may not use Federal
 22 funds received under this Act to acquire any interest in real
 23 property.

24 (d) *USE OF FUNDS FOR NON-FEDERAL PROPERTY.*—
 25 The local coordinating entity may use Federal funds made

1 *available under this Act to assist non-Federal property that*
 2 *is—*

3 *(1) described in the management plan; or*

4 *(2) listed, or eligible for listing, on the National*
 5 *Register of Historic Places.*

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

7 *(a) IN GENERAL.—Not later than 3 years after the*
 8 *date on which funds are made available to develop the man-*
 9 *agement plan, the local coordinating entity shall submit to*
 10 *the Secretary for approval a proposed management plan*
 11 *for the Heritage Area.*

12 *(b) REQUIREMENTS.—The management plan for the*
 13 *Heritage Area shall—*

14 *(1) describe comprehensive policies, goals, strate-*
 15 *gies, and recommendations for the conservation, fund-*
 16 *ing, management, and development of the Heritage*
 17 *Area;*

18 *(2) take into consideration existing State, coun-*
 19 *ty, and local plans in the development and implemen-*
 20 *tation of the management plan;*

21 *(3) provide a framework for coordination of the*
 22 *plans considered under paragraph (2) to present a*
 23 *unified historic preservation and interpretation plan;*

1 (4) contain the contributions of residents, public
2 agencies, and private organizations within the Herit-
3 age Area;

4 (5) include a description of actions and commit-
5 ments that governments, private organizations, and
6 citizens plan to take to protect, enhance, and inter-
7 pret the natural, historic, scenic, and cultural re-
8 sources of the Heritage Area;

9 (6) specify existing and potential sources of
10 funding or economic development strategies to con-
11 serve, manage, and develop the Heritage Area;

12 (7) include an inventory of the natural, historic,
13 and recreational resources of the Heritage Area, in-
14 cluding a list of properties that—

15 (A) are related to the themes of the Heritage
16 Area; and

17 (B) should be conserved, restored, managed,
18 developed, or maintained;

19 (8) recommend policies and strategies for re-
20 source management that—

21 (A) apply appropriate land and water
22 management techniques;

23 (B) include the development of intergovern-
24 mental and interagency agreements to protect the

1 *natural, historic, and cultural resources of the*
2 *Heritage Area; and*

3 *(C) support economic revitalization efforts;*

4 *(9) describe a program for implementation of the*
5 *management plan, including—*

6 *(A) restoration and construction plans or*
7 *goals;*

8 *(B) a program of public involvement;*

9 *(C) annual work plans; and*

10 *(D) annual reports;*

11 *(10) include an analysis of, and recommenda-*
12 *tions for, ways in which Federal, State, tribal, and*
13 *local programs may best be coordinated (including*
14 *the role of the National Park Service and other Fed-*
15 *eral agencies associated with the Heritage Area) to*
16 *further the purposes of this Act;*

17 *(11) include an interpretive plan for the Herit-*
18 *age Area; and*

19 *(12) include a business plan that—*

20 *(A) describes the role, operation, financing,*
21 *and functions of the local coordinating entity*
22 *and of each of the major activities described in*
23 *the management plan; and*

24 *(B) provides adequate assurances that the*
25 *local coordinating entity has the partnerships*

1 *and financial and other resources necessary to*
 2 *implement the management plan for the Herit-*
 3 *age Area.*

4 *(c) TERMINATION OF FUNDING.—If the management*
 5 *plan is not submitted to the Secretary in accordance with*
 6 *this section, the local coordinating entity shall not qualify*
 7 *for additional financial assistance under this Act until the*
 8 *management plan is submitted to, and approved by, the*
 9 *Secretary.*

10 *(d) APPROVAL OF MANAGEMENT PLAN.—*

11 *(1) REVIEW.—Not later than 180 days after the*
 12 *date on which the Secretary receives the management*
 13 *plan, the Secretary shall approve or disapprove the*
 14 *management plan.*

15 *(2) CRITERIA FOR APPROVAL.—In determining*
 16 *whether to approve the management plan, the Sec-*
 17 *retary shall consider whether—*

18 *(A) the local coordinating entity represents*
 19 *the diverse interests of the Heritage Area, includ-*
 20 *ing governments, natural and historic resource*
 21 *protection organizations, educational institu-*
 22 *tions, businesses, community residents, and rec-*
 23 *reational organizations;*

24 *(B) the local coordinating entity has af-*
 25 *forded adequate opportunity for public and gov-*

ernmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(C) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historic, and cultural resources of the Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(E) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(F) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(3) ACTION FOLLOWING DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

1 (i) shall advise the local coordinating
2 entity in writing of the reasons for the dis-
3 approval; and

4 (ii) may make recommendations to the
5 local coordinating entity for revisions to the
6 management plan.

7 (B) *DEADLINE.*—Not later than 180 days
8 after receiving a revised management plan, the
9 Secretary shall approve or disapprove the revised
10 management plan.

11 (4) *AMENDMENTS.*—

12 (A) *IN GENERAL.*—An amendment to the
13 management plan that substantially alters the
14 purposes of the Heritage Area shall be reviewed
15 by the Secretary and approved or disapproved in
16 the same manner as the original management
17 plan.

18 (B) *IMPLEMENTATION.*—The local coordi-
19 nating entity shall not use Federal funds author-
20 ized to be appropriated by this Act to implement
21 an amendment to the management plan until the
22 Secretary approves the amendment.

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

24 (a) *TECHNICAL AND FINANCIAL ASSISTANCE.*—

1 (1) *IN GENERAL.*—*On the request of the local co-*
 2 *ordinating entity, the Secretary may provide tech-*
 3 *nical and financial assistance, on a reimbursable or*
 4 *nonreimbursable basis (as determined by the Sec-*
 5 *retary), to the local coordinating entity to develop*
 6 *and implement the management plan.*

7 (2) *COOPERATIVE AGREEMENTS.*—*The Secretary*
 8 *may enter into cooperative agreements with the local*
 9 *coordinating entity and other public or private enti-*
 10 *ties to provide technical or financial assistance under*
 11 *paragraph (1).*

12 (3) *PRIORITY.*—*In assisting the Heritage Area,*
 13 *the Secretary shall give priority to actions that assist*
 14 *in—*

15 (A) *conserving the significant natural, his-*
 16 *toric, and cultural resources of the Heritage*
 17 *Area; and*

18 (B) *providing educational, interpretive, and*
 19 *recreational opportunities consistent with the*
 20 *purposes of the Heritage Area.*

21 (b) *EVALUATION; REPORT.*—

22 (1) *IN GENERAL.*—*Not later than 3 years before*
 23 *the date on which authority for Federal funding ter-*
 24 *minates for the Heritage Area under section 11, the*
 25 *Secretary shall—*

1 (A) *conduct an evaluation of the accom-*
 2 *plishments of the Heritage Area; and*

3 (B) *prepare a report with recommendations*
 4 *for the future role of the National Park Service,*
 5 *if any, with respect to the Heritage Area, in ac-*
 6 *cordance with paragraph (3).*

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

9 (A) *assess the progress of the local coordi-*
 10 *nating entity with respect to—*

11 (i) *accomplishing the purposes of this*
 12 *Act for the Heritage Area; and*

13 (ii) *achieving the goals and objectives*
 14 *of the approved management plan for the*
 15 *Heritage Area;*

16 (B) *analyze the Federal, State, local, and*
 17 *private investments in the Heritage Area to de-*
 18 *termine the leverage and impact of the invest-*
 19 *ments; and*

20 (C) *review the management structure, part-*
 21 *nership relationships, and funding of the Herit-*
 22 *age Area for purposes of identifying the critical*
 23 *components for sustainability of the Heritage*
 24 *Area.*

25 (3) *REPORT.—*

1 (A) *IN GENERAL.*—Based on the evaluation
2 conducted under paragraph (1)(A), the Secretary
3 shall prepare a report that includes rec-
4 ommendations for the future role of the National
5 Park Service, if any, with respect to the Heritage
6 Area.

7 (B) *REQUIRED ANALYSIS.*—If the report
8 prepared under this paragraph recommends that
9 Federal funding for the Heritage Area be reau-
10 thorized, the report shall include an analysis
11 of—

12 (i) ways in which Federal funding for
13 the Heritage Area may be reduced or elimi-
14 nated; and

15 (ii) the appropriate time period nec-
16 essary to achieve the recommended reduc-
17 tion or elimination.

18 (C) *SUBMISSION TO CONGRESS.*—On com-
19 pletion of a report under this paragraph, the
20 Secretary shall submit the report to—

21 (i) the Committee on Energy and Nat-
22 ural Resources of the Senate; and

23 (ii) the Committee on Natural Re-
24 sources of the House of Representatives.

1 **SEC. 8. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

2 (a) *IN GENERAL.*—*Nothing in this Act affects the au-*
 3 *thority of a Federal agency to provide technical or financial*
 4 *assistance under any other law.*

5 (b) *CONSULTATION AND COORDINATION.*—*To the max-*
 6 *imum extent practicable, the head of any Federal agency*
 7 *planning to conduct activities that may have an impact*
 8 *on the Heritage Area is encouraged to consult and coordi-*
 9 *nate the activities with the Secretary and the local coordi-*
 10 *nating entity.*

11 (c) *OTHER FEDERAL AGENCIES.*—*Nothing in this*
 12 *Act—*

13 (1) *modifies, alters, or amends any laws (includ-*
 14 *ing regulations) authorizing a Federal agency to*
 15 *manage Federal land under the jurisdiction of the*
 16 *Federal agency;*

17 (2) *limits the discretion of a Federal land man-*
 18 *ager to implement an approved land use plan within*
 19 *the boundaries of the Heritage Area; or*

20 (3) *modifies, alters, or amends any authorized*
 21 *use of Federal land under the jurisdiction of a Fed-*
 22 *eral agency.*

23 **SEC. 9. PROPERTY OWNERS AND REGULATORY PROTEC-**
 24 **TIONS.**

25 *Nothing in this Act—*

1 (1) abridges the rights of any owner of public or
2 private property, including the right to refrain from
3 participating in any plan, project, program, or activ-
4 ity conducted within the Heritage Area;

5 (2) requires any property owner to—

6 (A) permit public access (including Federal,
7 tribal, State, or local government access) to the
8 property; or

9 (B) modify any provisions of Federal, trib-
10 al, State, or local law with regard to public ac-
11 cess or use of private land;

12 (3) alters any duly adopted land use regulations,
13 approved land use plan, or any other regulatory au-
14 thority of any Federal, State, or local agency, or trib-
15 al government;

16 (4) conveys any land use or other regulatory au-
17 thority to the local coordinating entity;

18 (5) authorizes or implies the reservation or ap-
19 propriation of water or water rights;

20 (6) diminishes the authority of the States of
21 Massachusetts and New Hampshire to manage fish
22 and wildlife, including the regulation of fishing and
23 hunting within the Heritage Area; or

24 (7) creates any liability, or affects any liability
25 under any other law, of any private property owner

1 *with respect to any person injured on the private*
2 *property.*

3 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

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

7 *(b) AVAILABILITY.—Funds made available under sub-*
8 *section (a) shall remain available until expended.*

9 *(c) COST-SHARING REQUIREMENT.—*

10 *(1) IN GENERAL.—The Federal share of the total*
11 *cost of any activity under this Act shall be not more*
12 *than 50 percent.*

13 *(2) FORM.—The non-Federal contribution may*
14 *be in the form of in-kind contributions of goods or*
15 *services fairly valued.*

16 **SEC. 11. TERMINATION OF FINANCIAL ASSISTANCE.**

17 *The authority of the Secretary to provide financial as-*
18 *sistance under this Act terminates on the date that is 15*
19 *years after the date of enactment of this Act.*

Calendar No. 785

110TH CONGRESS
2^D Session

S. 827

[Report No. 110-353]

A BILL

To establish the Freedom's Way National Heritage
Area in the States of Massachusetts and New
Hampshire, and for other purposes.

JUNE 16, 2008

Reported with an amendment