

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 938

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

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2005

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

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## 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-

1       setts and northwestern Connecticut, is a singular  
2       geographical and cultural region that has made sig-  
3       nificant national contributions through its literary,  
4       artistic, musical, and architectural achievements, its  
5       iron, paper, and electrical equipment industries, and  
6       its scenic beautification and environmental conserva-  
7       tion efforts.

8               (2) The upper Housatonic Valley has 139 prop-  
9       erties and historic districts listed on the National  
10      Register of Historic Places, including—

11                   (A) five National Historic Landmarks—

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

14                           (ii) Herman Melville's home, Arrow-  
15                           head, Pittsfield, Massachusetts;

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

18                           (iv) Mission House, Stockbridge, Mas-  
19                           sachusetts; and

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

22                           and

23                   (B) four National Natural Landmarks—

24                           (i) Bartholomew's Cobble, Sheffield,  
25                           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; and

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.

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, Department of the In-  
6 terior.

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

10 **SEC. 5. AUTHORITIES, PROHIBITIONS, AND DUTIES OF THE**  
11 **MANAGEMENT ENTITY.**

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

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

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, protect and enhance important  
24 resource 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, historical, scenic, and  
8 cultural resources of the Heritage Area;

9 (E) protecting and restoring historic sites  
10 and buildings in the Heritage Area that are  
11 consistent with heritage area themes;

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

15 (G) promoting a wide range of partner-  
16 ships among governments, organizations and in-  
17 dividuals to further the purposes of the Herit-  
18 age Area;

19 (3) consider the interests of diverse units of  
20 government, businesses, organizations and individ-  
21 uals in the Heritage Area in the preparation and im-  
22 plementation of the management plan;

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

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

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

16          (7) encourage by appropriate means economic  
17          development that is consistent with the purposes of  
18          the Heritage Area.

19          (b) AUTHORITIES.—The management entity may, for  
20          the purposes of preparing and implementing the manage-  
21          ment plan for the Heritage Area, use Federal funds made  
22          available through this Act to—

23                 (1) make grants to the State of Connecticut  
24                 and the Commonwealth of Massachusetts, their po-

1        litical subdivisions, nonprofit organizations and other  
2        persons;

3            (2) enter into cooperative agreements with or  
4        provide technical assistance to the State of Con-  
5        necticut and the Commonwealth of Massachusetts,  
6        their subdivisions, nonprofit organizations, and other  
7        interested parties;

8            (3) hire and compensate staff, which shall in-  
9        clude individuals with expertise in natural, cultural,  
10       and historical resources protection, and heritage pro-  
11       gramming;

12           (4) obtain money or services from any source  
13       including any that are provided under any other  
14       Federal law or program;

15           (5) contract for goods or services; and

16           (6) undertake to be a catalyst for any other ac-  
17       tivity that furthers the purposes of the Heritage  
18       Area and is consistent with the approved manage-  
19       ment plan.

20        (c) PROHIBITIONS ON THE ACQUISITION OF REAL  
21        PROPERTY.—The management entity may not use Fed-  
22        eral funds received under this Act to acquire real property,  
23        but may use any other source of funding, including other  
24        Federal funding outside this authority, intended for the  
25        acquisition of real property.

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

2 (a) IN GENERAL.—The management plan for the  
3 Heritage Area shall—

4 (1) include comprehensive policies, strategies  
5 and recommendations for conservation, funding,  
6 management and development of the Heritage Area;

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

10 (3) include a description of actions that govern-  
11 ments, private organizations, and individuals have  
12 agreed to take to protect the natural, historical and  
13 cultural resources of the Heritage Area;

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

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

22 (6) describe a program of implementation for  
23 the management plan including plans for resource  
24 protection, restoration, construction, and specific  
25 commitments for implementation that have been  
26 made by the management entity or any government,

1 organization, or individual for the first 5 years of  
2 implementation; and

3 (7) include an interpretive plan for the Heritage  
4 Area.

5 (b) DEADLINE AND TERMINATION OF FUNDING.—

6 (1) DEADLINE.—The management entity shall  
7 submit the management plan to the Secretary for  
8 approval within 3 years after funds are made avail-  
9 able for this Act.

10 (2) TERMINATION OF FUNDING.—If the man-  
11 agement plan is not submitted to the Secretary in  
12 accordance with this subsection, the management en-  
13 tity shall not qualify for Federal funding under this  
14 Act until such time as the management plan is sub-  
15 mitted to the Secretary.

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

17 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—The  
18 Secretary may, upon the request of the management enti-  
19 ty, provide technical assistance on a reimbursable or non-  
20 reimbursable basis and financial assistance to the Herit-  
21 age Area to develop and implement the approved manage-  
22 ment plan. The Secretary is authorized to enter into coop-  
23 erative agreements with the management entity and other  
24 public or private entities for this purpose. In assisting the

1 Heritage Area, the Secretary shall give priority to actions  
2 that in general assist in—

3 (1) conserving the significant natural, histor-  
4 ical, cultural, and scenic resources of the Heritage  
5 Area; and

6 (2) providing educational, interpretive, and rec-  
7 reational opportunities consistent with the purposes  
8 of the Heritage Area.

9 (b) APPROVAL AND DISAPPROVAL OF MANAGEMENT  
10 PLAN.—

11 (1) IN GENERAL.—The Secretary shall approve  
12 or disapprove the management plan not later than  
13 90 days after receiving the management plan.

14 (2) CRITERIA FOR APPROVAL.—In determining  
15 the approval of the management plan, the Secretary  
16 shall consider whether—

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

23 (B) the management entity has afforded  
24 adequate opportunity, including public hearings,

1 for public and governmental involvement in the  
2 preparation of the management plan;

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

8 (D) the management plan is supported by  
9 the appropriate State and local officials whose  
10 cooperation is needed to ensure the effective im-  
11 plementation of the State and local aspects of  
12 the management plan.

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

21 (4) APPROVAL OF AMENDMENTS.—Substantial  
22 amendments to the management plan shall be re-  
23 viewed by the Secretary and approved in the same  
24 manner as provided for the original management  
25 plan. The management entity shall not use Federal

1 funds authorized by this Act to implement any  
2 amendments until the Secretary has approved the  
3 amendments.

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

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

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

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

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

18 **SEC. 9. REQUIREMENTS FOR INCLUSION OF PRIVATE**  
19 **PROPERTY.**

20 (a) NOTIFICATION AND CONSENT OF PROPERTY  
21 OWNERS REQUIRED.—No privately owned property shall  
22 be preserved, conserved, or promoted by the management  
23 plan for the Heritage Area until the owner of that private  
24 property has been notified in writing by the management

1 entity and has given written consent for such preservation,  
2 conservation, or promotion to the management entity.

3 (b) LANDOWNER WITHDRAW.—Any owner of private  
4 property included within the boundary of the Heritage  
5 Area shall have their property immediately removed from  
6 the boundary by submitting a written request to the man-  
7 agement entity.

8 **SEC. 10. PRIVATE PROPERTY PROTECTION.**

9 (a) ACCESS TO PRIVATE PROPERTY.—Nothing in  
10 this Act shall be construed to—

11 (1) require any private property owner to allow  
12 public access (including Federal, State, or local gov-  
13 ernment access) to such private property; or

14 (2) modify any provision of Federal, State, or  
15 local law with regard to public access to or use of  
16 private property.

17 (b) LIABILITY.—Designation of the Heritage Area  
18 shall not be considered to create any liability, or to have  
19 any effect on any liability under any other law, of any pri-  
20 vate property owner with respect to any persons injured  
21 on such private property.

22 (c) RECOGNITION OF AUTHORITY TO CONTROL LAND  
23 USE.—Nothing in this Act shall be construed to modify  
24 the authority of Federal, State, or local governments to  
25 regulate land use.

1 (d) PARTICIPATION OF PRIVATE PROPERTY OWNERS  
2 IN HERITAGE AREA.—Nothing in this Act shall be con-  
3 strued to require the owner of any private property located  
4 within the boundaries of the Heritage Area to participate  
5 in or be associated with the Heritage Area.

6 (e) EFFECT OF ESTABLISHMENT.—The boundaries  
7 designated for the Heritage Area represent the area within  
8 which Federal funds appropriated for the purpose of this  
9 Act may be expended. The establishment of the Heritage  
10 Area and its boundaries shall not be construed to provide  
11 any nonexisting regulatory authority on land use within  
12 the Heritage Area or its viewshed by the Secretary, the  
13 National Park Service, or the management entity.

14 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) IN GENERAL.—There is authorized to be appro-  
16 priated for the purposes of this Act not more than  
17 \$1,000,000 for any fiscal year. Not more than a total of  
18 \$10,000,000 may be appropriated for the Heritage Area  
19 under this Act.

20 (b) MATCHING FUNDS.—Federal funding provided  
21 under this Act may not exceed 50 percent of the total cost  
22 of any assistance or grant provided or authorized under  
23 this Act.

1 **SEC. 12. SUNSET.**

2       The authority of the Secretary to provide assistance  
3 under this Act shall terminate on the day occurring 15  
4 years after funds are first made available for this Act.

○