

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

# H. R. 2266

To establish the Hudson River Valley American Heritage Area.

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 6, 1995

Mr. HINCHEY (for himself, Mr. GILMAN, and Mrs. LOWEY) introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To establish the Hudson River Valley American Heritage Area.

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 “Hudson River Valley  
5        American Heritage Area Act of 1995”.

6        **SEC. 2. FINDINGS.**

7        The Congress finds the following:

8            (1) The Hudson River Valley between Yonkers,  
9        New York, and Troy, New York, possesses impor-  
10        tant historical, cultural, and natural resources, rep-

1       resenting themes of settlement and migration, trans-  
2       portation, and commerce.

3               (2) The Hudson River Valley played an impor-  
4       tant role in the military history of the American  
5       Revolution.

6               (3) The Hudson River Valley gave birth to im-  
7       portant movements in American art and architecture  
8       through the work of Andrew Jackson Downing, Al-  
9       exander Jackson Davis, Thomas Cole, and their as-  
10      sociates, and played a central role in the recognition  
11      of the esthetic value of the landscape and the devel-  
12      opment of an American esthetic ideal.

13              (4) The Hudson River Valley played an impor-  
14      tant role in the development of the iron, textile, and  
15      collar and cuff industries in the 19th century, exem-  
16      plified in surviving structures such as the Harmony  
17      Mills complex at Cohoes, and in the development of  
18      early men’s and women’s labor and cooperative orga-  
19      nizations, and is the home of the first women’s labor  
20      union and the first women’s secondary school.

21              (5) The Hudson River Valley, in its cities and  
22      towns and in its rural landscapes—

23                      (A) displays exceptional surviving physical  
24      resources illustrating these themes and the so-

1           cial, industrial, and cultural history of the 19th  
2           and early 20th centuries; and

3                   (B) includes many National Historic Sites  
4           and Landmarks.

5           (6) The Hudson River Valley is the home of  
6           traditions associated with Dutch and Huguenot set-  
7           tlements dating to the 17th and 18th centuries, was  
8           the locus of characteristic American stories such as  
9           “Rip Van Winkle” and the “Legend of Sleepy Hol-  
10          low”, and retains physical social, and cultural evi-  
11          dence of these traditions and the traditions of other  
12          more recent ethnic and social groups.

13           (7) New York State has established a structure  
14          for the Hudson River Valley communities to join to-  
15          gether to preserve, conserve, and manage these re-  
16          sources, and to link them through trails and other  
17          means, in the Hudson River Greenway Communities  
18          Council and the Greenway Conservancy.

19 **SEC. 3. PURPOSES.**

20          The purposes of this Act are the following:

21                   (1) To recognize the importance of the history  
22                   and the resources of the Hudson River Valley to the  
23                   Nation.

24                   (2) To assist the State of New York and the  
25                   communities of the Hudson River Valley in preserv-

1 ing, protecting, and interpreting these resources for  
2 the benefit of the Nation.

3 (3) To authorize Federal financial and technical  
4 assistance to serve these purposes.

5 **SEC. 4. HUDSON RIVER VALLEY AMERICAN HERITAGE**  
6 **AREA.**

7 (a) ESTABLISHMENT.—There is hereby established a  
8 Hudson River Valley American Heritage Area (in this Act  
9 referred to as the “Heritage Area”).

10 (b) BOUNDARIES.—

11 (1) IN GENERAL.—Except as otherwise pro-  
12 vided in paragraph (2), the Heritage Area shall be  
13 comprised of the counties of Albany, Rensselaer, Co-  
14 lumbia, Greene, Ulster, Dutchess, Orange, Putnam,  
15 Westchester, and Rockland, New York, and the Vil-  
16 lage of Waterford in Saratoga County, New York.

17 (2) LOCAL AGREEMENT TO INCLUSION.—Each  
18 of the following counties, cities, and towns in the  
19 State of New York shall not be included within the  
20 boundaries of the Heritage Area unless the govern-  
21 ment of such county, city, or town agrees to be so  
22 included and submits notification of such agreement  
23 to the Secretary:

24 (A) The counties of Greene and Columbia.

1 (B) Any city or town within the county of  
2 Greene or Columbia.

3 (C) The counties of Rensselaer and  
4 Dutchess.

5 (D) Any city or town (except the town of  
6 Hyde Park) within the county of Rensselaer or  
7 Dutchess and located entirely within the 22d  
8 Congressional District of New York.

9 (c) MANAGEMENT ENTITIES.—The management en-  
10 tities for the Heritage Area shall be the Hudson River Val-  
11 ley Greenway Communities Council and the Greenway  
12 Conservancy (agencies established by the State of New  
13 York in its Hudson River Greenway Act of 1991, in the  
14 Act referred to as the “management entities”). The man-  
15 agement entities shall jointly establish a Heritage Area  
16 Committee to manage the Heritage Area.

17 **SEC. 5. COMPACT.**

18 To carry out the purposes of this Act, the Secretary  
19 of the Interior (in this Act referred to as the Secretary)  
20 shall enter into a compact with the management entities.  
21 The compact shall include information relating to the ob-  
22 jectives and management of the area, including the follow-  
23 ing:

24 (1) A discussion of the goals and objectives of  
25 the Heritage Area, including an explanation of a

1 proposed approach to conservation and interpreta-  
2 tion, and a general outline of the protection meas-  
3 ures committed to by the parties to the compact.

4 (2) A description of the respective roles of the  
5 management entities.

6 (3) A list of the initial partners to be involved  
7 in developing and implementing a management plan  
8 for the Heritage Area, and a statement of the finan-  
9 cial commitment of such partners.

10 (4) A description of the role of the State of  
11 New York.

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

13 The management entities shall develop a manage-  
14 ment plan for the Heritage Area that presents comprehen-  
15 sive recommendations for the Heritage Area's conserva-  
16 tion, funding, management and development. Such plan  
17 shall take into consideration existing State, county, and  
18 local plans and involve residents, public agencies, and pri-  
19 vate organizations working in the Heritage Area. It shall  
20 include actions to be undertaken by units of government  
21 and private organizations to protect the resources of the  
22 Heritage Area. It shall specify the existing and potential  
23 sources of funding to protect, manage and develop the  
24 Heritage Area. Such plan shall include specifically as ap-  
25 propriate the following:

1           (1) An inventory of the resources contained in  
2           the Heritage Area, including a list of any property  
3           in the Heritage Area that is related to the themes  
4           of the Heritage Area and that should be preserved,  
5           restored, managed, developed, or maintained because  
6           of its natural, cultural, historic, recreational, or sce-  
7           nic significance.

8           (2) A recommendation of policies for resource  
9           management which consider and detail application of  
10          appropriate land and water management techniques,  
11          including but not limited to, the development of  
12          intergovernmental cooperative agreements to protect  
13          the Heritage Area's historical, cultural, recreational,  
14          and natural resources in a manner consistent with  
15          supporting appropriate and compatible economic via-  
16          bility.

17          (3) A program for implementation of the man-  
18          agement plan by the management entities, including  
19          plans for restoration and construction, and specific  
20          commitments of the identified partners for the first  
21          5 years of operation.

22          (4) An analysis of ways in which local, State,  
23          and Federal programs may best be coordinated to  
24          promote the purposes of the Act.



1           (A) assist units of government, regional  
2           planning organizations, and nonprofit organiza-  
3           tions in preserving the Heritage Area;

4           (B) assist units of government, regional  
5           planning organizations, and nonprofit organiza-  
6           tions in establishing, and maintaining interpre-  
7           tive exhibits in the Heritage Area;

8           (C) assist units of government, regional  
9           planning organizations, and nonprofit organiza-  
10          tions in developing recreational resources in the  
11          Heritage Area;

12          (D) assist units of government, regional  
13          planning organizations, and nonprofit organiza-  
14          tions in increasing public awareness of and ap-  
15          preciation for the natural, historical and archi-  
16          tectural resources and sites in the Heritage  
17          Area;

18          (E) assist units of government, regional  
19          planning organizations and nonprofit organiza-  
20          tions in the restoration of any historic building  
21          relating to the themes of the Heritage Area;

22          (F) encourage by appropriate means eco-  
23          nomic viability in the corridor consistent with  
24          the goals of the Plan;

1 (G) encourage local governments to adopt  
2 land use policies consistent with the manage-  
3 ment of the Heritage Area and the goals of the  
4 plan; and

5 (H) assist units of government, regional  
6 planning organizations and nonprofit organiza-  
7 tions to ensure that clear, consistent, and envi-  
8 ronmentally appropriate signs identifying access  
9 points and sites of interest are put in place  
10 throughout the Heritage Area;

11 (3) consider the interests of diverse govern-  
12 mental, business, and nonprofit groups within the  
13 Heritage Area;

14 (4) conduct public meetings at least quarterly  
15 regarding the implementation of the management  
16 plan;

17 (5) submit substantial changes (including any  
18 increase of more than 20 percent in the cost esti-  
19 mates for implementation) to the management plan  
20 to the Secretary for the Secretary's approval;

21 (6) for any year in which Federal funds have  
22 been received under this Act, submit an annual re-  
23 port to the Secretary setting forth its accomplish-  
24 ments, its expenses and income, and the entities to

1 which any loans and grants were made during the  
2 year for which the report is made; and

3 (7) for any year in which Federal funds have  
4 been received under this Act, make available for  
5 audit all records pertaining to the expenditure of  
6 such funds and any matching funds, and require, for  
7 all agreements authorizing expenditure of Federal  
8 funds by other organizations, that the receiving or-  
9 ganizations make available for audit all records per-  
10 taining to the expenditure of such funds.

11 If a management plan is not submitted to the Secretary  
12 as required under paragraph (1) within the specified time,  
13 the Heritage Area shall no longer qualify for Federal  
14 funding.

15 (c) PROHIBITION ON THE ACQUISITION OF REAL  
16 PROPERTY.—The management entities may not use Fed-  
17 eral funds received under this Act to acquire real property  
18 or an interest in real property. Nothing in this Act shall  
19 preclude any management entity from using Federal funds  
20 from other sources for their permitted purposes.

21 (d) ELIGIBILITY FOR RECEIVING FINANCIAL ASSIST-  
22 ANCE.—

23 (1) ELIGIBILITY.—The management entities  
24 shall be eligible to receive funds appropriated  
25 through this Act for a period of 10 years after the

1 day on which the compact under section 5 is signed  
2 by the Secretary and the management entities, ex-  
3 cept as provided in paragraph (2).

4 (2) EXCEPTION.—The management entities' eli-  
5 gibility for funding under this Act may be extended  
6 for a period of not more than 5 additional years,  
7 if—

8 (A) the management entities determine  
9 such extension is necessary in order to carry  
10 out the purposes of this Act and notify the Sec-  
11 retary not later than 180 days prior to the ter-  
12 mination date;

13 (B) the management entities, not later  
14 than 180 days prior to the termination date,  
15 present to the Secretary a plan of their activi-  
16 ties for the period of the extension, including  
17 provisions for becoming independent of the  
18 funds made available through this Act; and

19 (C) the Secretary, with the advice of the  
20 Governor of New York approves such extension  
21 of funding.

22 **SEC. 8. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.**

23 (a) DUTIES AND AUTHORITIES OF THE SEC-  
24 RETARY.—

25 (1) TECHNICAL AND FINANCIAL ASSISTANCE.—

1 (A) IN GENERAL.—The Secretary may,  
2 upon request of the management entities, pro-  
3 vide technical and financial assistance to the  
4 Heritage Area to develop and implement the  
5 management plan. In assisting the Heritage  
6 Area, the Secretary shall give priority to actions  
7 that in general assist in—

8 (i) conserving the significant natural,  
9 historic, and cultural resources which sup-  
10 port its themes; and

11 (ii) providing educational, interpretive,  
12 and recreational opportunities consistent  
13 with its resources and associated values.

14 (B) SPENDING FOR NONFEDERALLY  
15 OWNED PROPERTY.—The Secretary may spend  
16 Federal funds directly on nonfederally owned  
17 property to further the purposes of this Act, es-  
18 pecially in assisting units of government in ap-  
19 propriate treatment of districts, sites, buildings,  
20 structures, and objects listed or eligible for list-  
21 ing on the National Register of Historic Places.

22 (2) APPROVAL AND DISAPPROVAL OF COM-  
23 PACTS, AND MANAGEMENT PLANS.—

24 (A) IN GENERAL.—The Secretary, in con-  
25 sultation with the Governor of New York, shall

1 approve or disapprove a compact or manage-  
2 ment plan submitted under this Act not later  
3 than 90 days after receiving such compact or  
4 management plan.

5 (B) ACTION FOLLOWING DISAPPROVAL.—

6 If the Secretary disapproves a submitted com-  
7 pact or management plan, the Secretary shall  
8 advise the management entities in writing of  
9 the reasons therefor and shall make rec-  
10 ommendations for revisions in the compact or  
11 plan. The Secretary shall approve or disapprove  
12 a proposed revision within 90 days after the  
13 date it is submitted.

14 (3) APPROVING AMENDMENTS.—The Secretary  
15 shall review substantial amendments to the manage-  
16 ment plan for the Heritage Area. Funds appro-  
17 priated pursuant to this Act may not be expended to  
18 implement the changes until the Secretary approves  
19 the amendments.

20 (4) PROMULGATING REGULATIONS.—The Sec-  
21 retary shall promulgate such regulations as are nec-  
22 essary to carry out the purposes of this Act.

23 (b) DUTIES OF FEDERAL ENTITIES.—Any Federal  
24 entity conducting or supporting activities directly affecting  
25 the Heritage Area, and any unit of government acting pur-

1 suant to a grant of Federal funds or a Federal permit  
2 or agreement conducting or supporting such activities,  
3 shall to the maximum extent practicable—

4 (1) consult with the Secretary and the manage-  
5 ment entities with respect to such activities;

6 (2) cooperate with the Secretary and the man-  
7 agement entities in carrying out their duties under  
8 this Act and coordinate such activities with the car-  
9 rying out of such duties; and

10 (3) conduct or support such activities in a man-  
11 ner consistent with the management plan unless the  
12 Federal entity, after consultation with the manage-  
13 ment entities, determines there is no practicable al-  
14 ternative.

15 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) COMPACTS AND MANAGEMENT PLAN.—From the  
17 amounts made available to carry out the National Historic  
18 Preservation Act, there is authorized to be appropriated  
19 to the Secretary, for grants for developing a compact  
20 under section 5 and providing assistance for a manage-  
21 ment plan under section 6, not more than \$300,000, to  
22 remain available until expended, subject to the following  
23 conditions:

1           (1) No grant for a compact or management  
2           plan may exceed 75 percent of the grantee's cost for  
3           such study, plan, or early action.

4           (2) The total amount of Federal funding for the  
5           compact for the Heritage Area may not exceed  
6           \$150,000.

7           (3) The total amount of Federal funding for a  
8           management plan for the Heritage Area may not ex-  
9           ceed \$150,000.

10          (b) MANAGEMENT ENTITY OPERATIONS.—From the  
11         amounts made available to carry out the National Historic  
12         Preservation Act, there is authorized to be appropriated  
13         to the Secretary for the management entities, amounts as  
14         follows:

15                 (1) For the operating costs of each manage-  
16                 ment entity, pursuant to section 7, not more than  
17                 \$250,000 annually.

18                 (2) For technical assistance pursuant to section  
19                 8, not more than \$50,000 annually.

20         The Federal contribution to the operations of the manage-  
21         ment entities shall not exceed 50 percent of the annual  
22         operating costs of the entities.

23          (c) IMPLEMENTATION.—From the amounts made  
24         available to carry out the National Historic Preservation  
25         Act, there is authorized to be appropriated to the Sec-

1 retary, for grants and the administration thereof for the  
2 implementation of the management plans for the Heritage  
3 Area pursuant to section 8, not more than \$10,000,000,  
4 to remain available until expended, subject to the following  
5 conditions:

6 (1) No grant for implementation may exceed 50  
7 percent of the grantee's cost of implementation.

8 (2) Any payment made shall be subject to an  
9 agreement that conversion, use, or disposal of the  
10 project so assisted for purposes contrary to the pur-  
11 poses of this Act, as determined by the Secretary,  
12 shall result in a right of the United States of reim-  
13 bursement of all funds made available to such  
14 project or the proportion of the increased value of  
15 the project attributable to such funds as determined  
16 at the time of such conversion, use, or disposal,  
17 whichever is greater.

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