

109TH CONGRESS
1ST 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.

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

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.

○