

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

# H. R. 938

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IN THE SENATE OF THE UNITED STATES

MAY 17, 2005

Received; read twice and referred to the Committee on Energy and Natural  
Resources

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## AN ACT

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,*

**1 SECTION 1. TABLE OF CONTENTS.**

**2** The table of contents for this Act is as follows:

Sec. 1. Table of contents.

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AREA**

- Sec. 101. Short title.
- Sec. 102. Findings and purposes.
- Sec. 103. Definitions.
- Sec. 104. Upper Housatonic Valley National Heritage Area.
- Sec. 105. Authorities, prohibitions, and duties of the management entity.
- Sec. 106. Management plan.
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**TITLE II—ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE  
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- Sec. 201. Short title.
- Sec. 202. Transition and provisions for new management entity.
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- Sec. 204. Technical amendments.

**TITLE III—ST. CROIX NATIONAL HERITAGE AREA STUDY**

- Sec. 301. St. Croix National Heritage Area study.

**TITLE IV—NORTHERN RIO GRANDE NATIONAL HERITAGE AREA**

- Sec. 401. Short title.
- Sec. 402. Congressional findings.
- Sec. 403. Definitions.
- Sec. 404. Northern Rio Grande National Heritage Area.
- Sec. 405. Authority and duties of the management entity.
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1 **TITLE I—UPPER HOUSATONIC**  
2 **VALLEY NATIONAL HERITAGE**  
3 **AREA**

4 **SEC. 101. SHORT TITLE.**

5 This title may be cited as the “Upper Housatonic  
6 Valley National Heritage Area Act”.

7 **SEC. 102. FINDINGS AND PURPOSES.**

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

9 (1) The upper Housatonic Valley, encompassing  
10 29 towns in the hilly terrain of western Massachu-  
11 setts and northwestern Connecticut, is a singular  
12 geographical and cultural region that has made sig-  
13 nificant national contributions through its literary,  
14 artistic, musical, and architectural achievements, its  
15 iron, paper, and electrical equipment industries, and  
16 its scenic beautification and environmental conserva-  
17 tion efforts.

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

21 (A) five National Historic Landmarks—

22 (i) Edith Wharton’s home, The  
23 Mount, Lenox, Massachusetts;

24 (ii) Herman Melville’s home, Arrow-  
25 head, Pittsfield, Massachusetts;

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

3 (iv) Mission House, Stockbridge, Mas-  
4 sachusetts; and

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

8 (B) four National Natural Landmarks—

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

11 (ii) Beckley Bog, Norfolk, Con-  
12 necticut;

13 (iii) Bingham Bog, Salisbury, Con-  
14 necticut; and

15 (iv) Cathedral Pines, Cornwall, Con-  
16 necticut.

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

21 (4) The upper Housatonic Valley has made sig-  
22 nificant national cultural contributions through such  
23 writers as Herman Melville, Nathaniel Hawthorne,  
24 Edith Wharton, and W.E.B. DuBois, artists Daniel  
25 Chester French and Norman Rockwell, and the per-

1 forming arts centers of Tanglewood, Music Moun-  
2 tain, Norfolk (Connecticut) Chamber Music Festival,  
3 Jacob's Pillow, and Shakespeare & Company.

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

8 (6) The region became a national leader in sce-  
9 nic beautification and environmental conservation ef-  
10 forts following the era of industrialization and defor-  
11 estation and maintains a fabric of significant con-  
12 servation areas including the meandering  
13 Housatonic River.

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

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

22 (9) The Upper Housatonic Valley National  
23 Heritage Area has been proposed in order to height-  
24 en appreciation of the region, preserve its natural

1 and historical resources, and improve the quality of  
2 life and economy of the area.

3 (b) PURPOSES.—The purposes of this title are as fol-  
4 lows:

5 (1) To establish the Upper Housatonic Valley  
6 National Heritage Area in the State of Connecticut  
7 and the Commonwealth of Massachusetts.

8 (2) To implement the national heritage area al-  
9 ternative as described in the document entitled  
10 “Upper Housatonic Valley National Heritage Area  
11 Feasibility Study, 2003”.

12 (3) To provide a management framework to  
13 foster a close working relationship with all levels of  
14 government, the private sector, and the local com-  
15 munities in the upper Housatonic Valley region to  
16 conserve the region’s heritage while continuing to  
17 pursue compatible economic opportunities.

18 (4) To assist communities, organizations, and  
19 citizens in the State of Connecticut and the Com-  
20 monwealth of Massachusetts in identifying, pre-  
21 serving, interpreting, and developing the historical,  
22 cultural, scenic, and natural resources of the region  
23 for the educational and inspirational benefit of cur-  
24 rent and future generations.

1 **SEC. 103. DEFINITIONS.**

2 In this title:

3 (1) HERITAGE AREA.—The term “Heritage  
4 Area” means the Upper Housatonic Valley National  
5 Heritage Area, established in section 104.

6 (2) MANAGEMENT ENTITY.—The term “Man-  
7 agement Entity” means the management entity for  
8 the Heritage Area designated by section 104(d).

9 (3) MANAGEMENT PLAN.—The term “Manage-  
10 ment Plan” means the management plan for the  
11 Heritage Area specified in section 106.

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

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

18 (6) STATE.—The term “State” means the State  
19 of Connecticut and the Commonwealth of Massachu-  
20 setts.

21 **SEC. 104. UPPER HOUSATONIC VALLEY NATIONAL HERIT-  
22 AGE AREA.**

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

25 (b) BOUNDARIES.—The Heritage Area shall be com-  
26 prised of—

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

4 (2) the towns of Canaan, Colebrook, Cornwall,  
5 Kent, Norfolk, North Canaan, Salisbury, Sharon,  
6 and Warren in Connecticut; and

7 (3) the towns of Alford, Becket, Dalton,  
8 Egremont, Great Barrington, Hancock, Hinsdale,  
9 Lanesboro, Lee, Lenox, Monterey, Mount Wash-  
10 ington, New Marlboro, Pittsfield, Richmond, Shef-  
11 field, Stockbridge, Tyringham, Washington, and  
12 West Stockbridge in Massachusetts.

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

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

20 **SEC. 105. AUTHORITIES, PROHIBITIONS, AND DUTIES OF**  
21 **THE MANAGEMENT ENTITY.**

22 (a) DUTIES OF THE MANAGEMENT ENTITY.—To fur-  
23 ther the purposes of the Heritage Area, the management  
24 entity shall—



1           (1) prepare and submit a management plan for  
2 the Heritage Area to the Secretary in accordance  
3 with section 106;

4           (2) assist units of local government, regional  
5 planning organizations, and nonprofit organizations  
6 in implementing the approved management plan  
7 by—

8                   (A) carrying out programs and projects  
9 that recognize, protect and enhance important  
10 resource values within the Heritage Area;

11                   (B) establishing and maintaining interpre-  
12 tive exhibits and programs within the Heritage  
13 Area;

14                   (C) developing recreational and educational  
15 opportunities in the Heritage Area;

16                   (D) increasing public awareness of and ap-  
17 preciation for natural, historical, scenic, and  
18 cultural resources of the Heritage Area;

19                   (E) protecting and restoring historic sites  
20 and buildings in the Heritage Area that are  
21 consistent with heritage area themes;

22                   (F) ensuring that signs identifying points  
23 of public access and sites of interest are posted  
24 throughout the Heritage Area; and

1           (G) promoting a wide range of partner-  
2           ships among governments, organizations and in-  
3           dividuals to further the purposes of the Herit-  
4           age Area;

5           (3) consider the interests of diverse units of  
6           government, businesses, organizations and individ-  
7           uals in the Heritage Area in the preparation and im-  
8           plementation of the management plan;

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

12          (5) submit an annual report to the Secretary  
13          for any fiscal year in which the management entity  
14          receives Federal funds under this title, setting forth  
15          its accomplishments, expenses, and income, includ-  
16          ing grants to any other entities during the year for  
17          which the report is made;

18          (6) make available for audit for any fiscal year  
19          in which it receives Federal funds under this title,  
20          all information pertaining to the expenditure of such  
21          funds and any matching funds, and require in all  
22          agreements authorizing expenditures of Federal  
23          funds by other organizations, that the receiving or-  
24          ganizations make available for such audit all records

1 and other information pertaining to the expenditure  
2 of such funds; and

3 (7) encourage by appropriate means economic  
4 development that is consistent with the purposes of  
5 the Heritage Area.

6 (b) AUTHORITIES.—The management entity may, for  
7 the purposes of preparing and implementing the manage-  
8 ment plan for the Heritage Area, use Federal funds made  
9 available through this title to—

10 (1) make grants to the State of Connecticut  
11 and the Commonwealth of Massachusetts, their po-  
12 litical subdivisions, nonprofit organizations and other  
13 persons;

14 (2) enter into cooperative agreements with or  
15 provide technical assistance to the State of Con-  
16 necticut and the Commonwealth of Massachusetts,  
17 their subdivisions, nonprofit organizations, and other  
18 interested parties;

19 (3) hire and compensate staff, which shall in-  
20 clude individuals with expertise in natural, cultural,  
21 and historical resources protection, and heritage pro-  
22 gramming;

23 (4) obtain money or services from any source  
24 including any that are provided under any other  
25 Federal law or program;

1 (5) contract for goods or services; and

2 (6) undertake to be a catalyst for any other ac-  
3 tivity that furthers the purposes of the Heritage  
4 Area and is consistent with the approved manage-  
5 ment plan.

6 (c) PROHIBITIONS ON THE ACQUISITION OF REAL  
7 PROPERTY.—The management entity may not use Fed-  
8 eral funds received under this title to acquire real prop-  
9 erty, but may use any other source of funding, including  
10 other Federal funding outside this authority, intended for  
11 the acquisition of real property.

12 **SEC. 106. MANAGEMENT PLAN.**

13 (a) IN GENERAL.—The management plan for the  
14 Heritage Area shall—

15 (1) include comprehensive policies, strategies  
16 and recommendations for conservation, funding,  
17 management and development of the Heritage Area;

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

21 (3) include a description of actions that govern-  
22 ments, private organizations, and individuals have  
23 agreed to take to protect the natural, historical and  
24 cultural resources of the Heritage Area;

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

4           (5) include an inventory of the natural, histor-  
5 ical, cultural, educational, scenic, and recreational  
6 resources of the Heritage Area related to the themes  
7 of the Heritage Area that should be preserved, re-  
8 stored, managed, developed, or maintained;

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

16           (7) include an interpretive plan for the Heritage  
17 Area.

18       (b) DEADLINE AND TERMINATION OF FUNDING.—

19           (1) DEADLINE.—The management entity shall  
20 submit the management plan to the Secretary for  
21 approval within 3 years after funds are made avail-  
22 able for this title.

23           (2) TERMINATION OF FUNDING.—If the man-  
24 agement plan is not submitted to the Secretary in  
25 accordance with this subsection, the management en-

1       tity shall not qualify for Federal funding under this  
2       title until such time as the management plan is sub-  
3       mitted to the Secretary.

4 **SEC. 107. DUTIES AND AUTHORITIES OF THE SECRETARY.**

5       (a) **TECHNICAL AND FINANCIAL ASSISTANCE.**—The  
6 Secretary may, upon the request of the management enti-  
7 ty, provide technical assistance on a reimbursable or non-  
8 reimbursable basis and financial assistance to the Herit-  
9 age Area to develop and implement the approved manage-  
10 ment plan. The Secretary is authorized to enter into coop-  
11 erative agreements with the management entity and other  
12 public or private entities for this purpose. In assisting the  
13 Heritage Area, the Secretary shall give priority to actions  
14 that in general assist in—

15           (1) conserving the significant natural, histor-  
16 ical, cultural, and scenic resources of the Heritage  
17 Area; and

18           (2) providing educational, interpretive, and rec-  
19 reational opportunities consistent with the purposes  
20 of the Heritage Area.

21       (b) **APPROVAL AND DISAPPROVAL OF MANAGEMENT**  
22 **PLAN.**—

23           (1) **IN GENERAL.**—The Secretary shall approve  
24 or disapprove the management plan not later than  
25 90 days after receiving the management plan.

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

4           (A) the management entity is representa-  
5 tive of the diverse interests of the Heritage  
6 Area, including governments, natural and his-  
7 toric resource protection organizations, edu-  
8 cational institutions, businesses, and rec-  
9 reational organizations;

10           (B) the management entity has afforded  
11 adequate opportunity, including public hearings,  
12 for public and governmental involvement in the  
13 preparation of the management plan;

14           (C) the resource protection and interpreta-  
15 tion strategies contained in the management  
16 plan, if implemented, would adequately protect  
17 the natural, historical, and cultural resources of  
18 the Heritage Area; and

19           (D) the management plan is supported by  
20 the appropriate State and local officials whose  
21 cooperation is needed to ensure the effective im-  
22 plementation of the State and local aspects of  
23 the management plan.

24           (3) ACTION FOLLOWING DISAPPROVAL.—If the  
25 Secretary disapproves the management plan, the

1 Secretary shall advise the management entity in  
2 writing of the reasons therefore and shall make rec-  
3 ommendations for revisions to the management plan.  
4 The Secretary shall approve or disapprove a pro-  
5 posed revision within 60 days after the date it is  
6 submitted.

7 (4) APPROVAL OF AMENDMENTS.—Substantial  
8 amendments to the management plan shall be re-  
9 viewed by the Secretary and approved in the same  
10 manner as provided for the original management  
11 plan. The management entity shall not use Federal  
12 funds authorized by this title to implement any  
13 amendments until the Secretary has approved the  
14 amendments.

15 **SEC. 108. DUTIES OF OTHER FEDERAL AGENCIES.**

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

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

20 (2) cooperate with the Secretary and the man-  
21 agement entity in carrying out their duties under  
22 this title and, to the maximum extent practicable,  
23 coordinate such activities with the carrying out of  
24 such duties; and





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

4           (b) LIABILITY.—Designation of the Heritage Area  
5           shall not be considered to create any liability, or to have  
6           any effect on any liability under any other law, of any pri-  
7           vate property owner with respect to any persons injured  
8           on such private property.

9           (c) RECOGNITION OF AUTHORITY TO CONTROL LAND  
10          USE.—Nothing in this title shall be construed to modify  
11          the authority of Federal, State, or local governments to  
12          regulate land use.

13          (d) PARTICIPATION OF PRIVATE PROPERTY OWNERS  
14          IN HERITAGE AREA.—Nothing in this title shall be con-  
15          strued to require the owner of any private property located  
16          within the boundaries of the Heritage Area to participate  
17          in or be associated with the Heritage Area.

18          (e) EFFECT OF ESTABLISHMENT.—The boundaries  
19          designated for the Heritage Area represent the area within  
20          which Federal funds appropriated for the purpose of this  
21          title may be expended. The establishment of the Heritage  
22          Area and its boundaries shall not be construed to provide  
23          any nonexisting regulatory authority on land use within  
24          the Heritage Area or its viewshed by the Secretary, the  
25          National Park Service, or the management entity.

1 **SEC. 111. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—There is authorized to be appro-  
3 priated for the purposes of this title not more than  
4 \$1,000,000 for any fiscal year. Not more than a total of  
5 \$10,000,000 may be appropriated for the Heritage Area  
6 under this title.

7 (b) MATCHING FUNDS.—Federal funding provided  
8 under this title may not exceed 50 percent of the total  
9 cost of any assistance or grant provided or authorized  
10 under this title.

11 **SEC. 112. SUNSET.**

12 The authority of the Secretary to provide assistance  
13 under this title shall terminate on the day occurring 15  
14 years after the date of the enactment of this title.

15 **TITLE II—ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR ACT AMENDMENTS**

16 **SEC. 201. SHORT TITLE.**

17 This title may be cited as the “Illinois and Michigan  
18 Canal National Heritage Corridor Act Amendments of  
19 2005”.

1 **SEC. 202. TRANSITION AND PROVISIONS FOR NEW MANAGE-**  
2 **MENT ENTITY.**

3 The Illinois and Michigan Canal National Heritage  
4 Corridor Act of 1984 (Public Law 98–398; 16 U.S.C. 461  
5 note) is amended as follows:

6 (1) In section 103—

7 (A) in paragraph (8), by striking “and”;

8 (B) in paragraph (9), by striking the pe-  
9 riod and inserting “; and”; and

10 (C) by adding at the end the following:

11 “(10) the term ‘Association’ means the Canal  
12 Corridor Association (an organization described  
13 under section 501(e)(3) of the Internal Revenue  
14 Code of 1986 and exempt from taxation under sec-  
15 tion 501(a) of such Code).”.

16 (2) By adding at the end of section 112 the fol-  
17 lowing new paragraph:

18 “(7) The Secretary shall enter into a memo-  
19 randum of understanding with the Association to  
20 help ensure appropriate transition of the manage-  
21 ment entity to the Association and coordination with  
22 the Association regarding that role.”.

23 (3) By adding at the end the following new sec-  
24 tions:

1 **“SEC. 119. ASSOCIATION AS MANAGEMENT ENTITY.**

2 “Upon the termination of the Commission, the man-  
3 agement entity for the corridor shall be the Association.

4 **“SEC. 120. DUTIES AND AUTHORITIES OF ASSOCIATION.**

5 “For purposes of preparing and implementing the  
6 management plan developed under section 121, the Asso-  
7 ciation may use Federal funds made available under this  
8 title—

9 “(1) to make loans and grants to, and enter  
10 into cooperative agreements with, States and their  
11 political subdivisions, private organizations, or any  
12 person;

13 “(2) to hire, train, and compensate staff; and

14 “(3) to enter into contracts for goods and serv-  
15 ices.

16 **“SEC. 121. DUTIES OF THE ASSOCIATION.**

17 “The Association shall—

18 “(1) develop and submit to the Secretary for  
19 approval under section 123 a proposed management  
20 plan for the corridor not later than 2 years after  
21 Federal funds are made available for this purpose;

22 “(2) give priority to implementing actions set  
23 forth in the management plan, including taking  
24 steps to assist units of local government, regional  
25 planning organizations, and other organizations—

26 “(A) in preserving the corridor;

1           “(B) in establishing and maintaining inter-  
2           pretive exhibits in the corridor;

3           “(C) in developing recreational resources  
4           in the corridor;

5           “(D) in increasing public awareness of and  
6           appreciation for the natural, historical, and ar-  
7           chitectural resources and sites in the corridor;  
8           and

9           “(E) in facilitating the restoration of any  
10          historic building relating to the themes of the  
11          corridor;

12          “(3) encourage by appropriate means economic  
13          viability in the corridor consistent with the goals of  
14          the management plan;

15          “(4) consider the interests of diverse govern-  
16          mental, business, and other groups within the cor-  
17          ridor;

18          “(5) conduct public meetings at least quarterly  
19          regarding the implementation of the management  
20          plan;

21          “(6) submit substantial changes (including any  
22          increase of more than 20 percent in the cost esti-  
23          mates for implementation) to the management plan  
24          to the Secretary; and

1           “(7) for any year in which Federal funds have  
2           been received under this title—

3                   “(A) submit an annual report to the Sec-  
4                   retary setting forth the Association’s accom-  
5                   plishments, expenses and income, and the iden-  
6                   tity of each entity to which any loans and  
7                   grants were made during the year for which the  
8                   report is made;

9                   “(B) make available for audit all records  
10                  pertaining to the expenditure of such funds and  
11                  any matching funds; and

12                  “(C) require, for all agreements author-  
13                  izing expenditure of Federal funds by other or-  
14                  ganizations, that the receiving organizations  
15                  make available for audit all records pertaining  
16                  to the expenditure of such funds.

17 **“SEC. 122. USE OF FEDERAL FUNDS.**

18           “(a) IN GENERAL.—The Association shall not use  
19           Federal funds received under this title to acquire real  
20           property or an interest in real property.

21           “(b) OTHER SOURCES.—Nothing in this title pre-  
22           cludes the Association from using Federal funds from  
23           other sources for authorized purposes.

1 **“SEC. 123. MANAGEMENT PLAN.**

2 “(a) PREPARATION OF MANAGEMENT PLAN.—Not  
3 later than 2 years after the date that Federal funds are  
4 made available for this purpose, the Association shall sub-  
5 mit to the Secretary for approval a proposed management  
6 plan that shall—

7 “(1) take into consideration State and local  
8 plans and involve residents, local governments and  
9 public agencies, and private organizations in the cor-  
10 ridor;

11 “(2) present comprehensive recommendations  
12 for the corridor’s conservation, funding, manage-  
13 ment, and development;

14 “(3) include actions proposed to be undertaken  
15 by units of government and nongovernmental and  
16 private organizations to protect the resources of the  
17 corridor;

18 “(4) specify the existing and potential sources  
19 of funding to protect, manage, and develop the cor-  
20 ridor; and

21 “(5) include—

22 “(A) identification of the geographic  
23 boundaries of the corridor;

24 “(B) a brief description and map of the  
25 corridor’s overall concept or vision that show



1 key sites, visitor facilities and attractions, and  
2 physical linkages;

3 “(C) identification of overall goals and the  
4 strategies and tasks intended to reach them,  
5 and a realistic schedule for completing the  
6 tasks;

7 “(D) a listing of the key resources and  
8 themes of the corridor;

9 “(E) identification of parties proposed to  
10 be responsible for carrying out the tasks;

11 “(F) a financial plan and other informa-  
12 tion on costs and sources of funds;

13 “(G) a description of the public participa-  
14 tion process used in developing the plan and a  
15 proposal for public participation in the imple-  
16 mentation of the management plan;

17 “(H) a mechanism and schedule for updat-  
18 ing the plan based on actual progress;

19 “(I) a bibliography of documents used to  
20 develop the management plan; and

21 “(J) a discussion of any other relevant  
22 issues relating to the management plan.

23 “(b) DISQUALIFICATION FROM FUNDING.—If a pro-  
24 posed management plan is not submitted to the Secretary  
25 within 2 years after the date that Federal funds are made

1 available for this purpose, the Association shall be ineli-  
2 gible to receive additional funds under this title until the  
3 Secretary receives a proposed management plan from the  
4 Association.

5       “(c) APPROVAL OF MANAGEMENT PLAN.—The Sec-  
6 retary shall approve or disapprove a proposed manage-  
7 ment plan submitted under this title not later than 180  
8 days after receiving such proposed management plan. If  
9 action is not taken by the Secretary within the time period  
10 specified in the preceding sentence, the management plan  
11 shall be deemed approved. The Secretary shall consult  
12 with the local entities representing the diverse interests  
13 of the corridor including governments, natural and historic  
14 resource protection organizations, educational institutions,  
15 businesses, recreational organizations, community resi-  
16 dents, and private property owners prior to approving the  
17 management plan. The Association shall conduct semi-an-  
18 nual public meetings, workshops, and hearings to provide  
19 adequate opportunity for the public and local and govern-  
20 mental entities to review and to aid in the preparation and  
21 implementation of the management plan.

22       “(d) EFFECT OF APPROVAL.—Upon the approval of  
23 the management plan as provided in subsection (c), the  
24 management plan shall supersede the conceptual plan con-  
25 tained in the National Park Service report.

1       “(e) ACTION FOLLOWING DISAPPROVAL.—If the Sec-  
2 retary disapproves a proposed management plan within  
3 the time period specified in subsection (c), the Secretary  
4 shall advise the Association in writing of the reasons for  
5 the disapproval and shall make recommendations for revi-  
6 sions to the proposed management plan.

7       “(f) APPROVAL OF AMENDMENTS.—The Secretary  
8 shall review and approve all substantial amendments (in-  
9 cluding any increase of more than 20 percent in the cost  
10 estimates for implementation) to the management plan.  
11 Funds made available under this title may not be ex-  
12 pended to implement any changes made by a substantial  
13 amendment until the Secretary approves that substantial  
14 amendment.

15 **“SEC. 124. TECHNICAL AND FINANCIAL ASSISTANCE;**  
16 **OTHER FEDERAL AGENCIES.**

17       “(a) TECHNICAL AND FINANCIAL ASSISTANCE.—  
18 Upon the request of the Association, the Secretary may  
19 provide technical assistance, on a reimbursable or non-  
20 reimbursable basis, and financial assistance to the Asso-  
21 ciation to develop and implement the management plan.  
22 The Secretary is authorized to enter into cooperative  
23 agreements with the Association and other public or pri-  
24 vate entities for this purpose. In assisting the Association,

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

3 “(1) conserving the significant natural, historic,  
4 cultural, and scenic resources of the corridor; and

5 “(2) providing educational, interpretive, and  
6 recreational opportunities consistent with the pur-  
7 poses of the corridor.

8 “(b) DUTIES OF OTHER FEDERAL AGENCIES.—Any  
9 Federal agency conducting or supporting activities directly  
10 affecting the corridor shall—

11 “(1) consult with the Secretary and the Asso-  
12 ciation with respect to such activities;

13 “(2) cooperate with the Secretary and the Asso-  
14 ciation in carrying out their duties under this title;

15 “(3) to the maximum extent practicable, coordi-  
16 nate such activities with the carrying out of such du-  
17 ties; and

18 “(4) to the maximum extent practicable, con-  
19 duct or support such activities in a manner which  
20 the Association determines is not likely to have an  
21 adverse effect on the corridor.

22 **“SEC. 125. AUTHORIZATION OF APPROPRIATIONS.**

23 “(a) IN GENERAL.—To carry out this title there is  
24 authorized to be appropriated \$10,000,000, except that

1 not more than \$1,000,000 may be appropriated to carry  
2 out this title for any fiscal year.

3 “(b) 50 PERCENT MATCH.—The Federal share of the  
4 cost of activities carried out using any assistance or grant  
5 under this title shall not exceed 50 percent of that cost.

6 **“SEC. 126. SUNSET.**

7 “The authority of the Secretary to provide assistance  
8 under this title terminates on the date that is 15 years  
9 after the date of the enactment of this section.”.

10 **SEC. 203. PRIVATE PROPERTY PROTECTION.**

11 The Illinois and Michigan Canal National Heritage  
12 Corridor Act of 1984 is further amended by adding after  
13 section 126 (as added by section 202) the following new  
14 sections:

15 **“SEC. 127. REQUIREMENTS FOR INCLUSION OF PRIVATE**  
16 **PROPERTY.**

17 “(a) NOTIFICATION AND CONSENT OF PROPERTY  
18 OWNERS REQUIRED.—No privately owned property shall  
19 be preserved, conserved, or promoted by the management  
20 plan for the corridor until the owner of that private prop-  
21 erty has been notified in writing by the Association and  
22 has given written consent for such preservation, conserva-  
23 tion, or promotion to the Association.

24 “(b) LANDOWNER WITHDRAW.—Any owner of pri-  
25 vate property included within the boundary of the corridor,

1 and not notified under subsection (a), shall have their  
2 property immediately removed from the boundary of the  
3 corridor by submitting a written request to the Associa-  
4 tion.

5 **“SEC. 128. PRIVATE PROPERTY PROTECTION.**

6 “(a) ACCESS TO PRIVATE PROPERTY.—Nothing in  
7 this title shall be construed to—

8 “(1) require any private property owner to  
9 allow public access (including Federal, State, or local  
10 government access) to such private property; or

11 “(2) modify any provision of Federal, State, or  
12 local law with regard to public access to or use of  
13 private property.

14 “(b) LIABILITY.—Designation of the corridor shall  
15 not be considered to create any liability, or to have any  
16 effect on any liability under any other law, of any private  
17 property owner with respect to any persons injured on  
18 such private property.

19 “(c) RECOGNITION OF AUTHORITY TO CONTROL  
20 LAND USE.—Nothing in this title shall be construed to  
21 modify the authority of Federal, State, or local govern-  
22 ments to regulate land use.

23 “(d) PARTICIPATION OF PRIVATE PROPERTY OWN-  
24 ERS IN CORRIDOR.—Nothing in this title shall be con-  
25 strued to require the owner of any private property located

1 within the boundaries of the corridor to participate in or  
2 be associated with the corridor.

3 “(e) EFFECT OF ESTABLISHMENT.—The boundaries  
4 designated for the corridor represent the area within  
5 which Federal funds appropriated for the purpose of this  
6 title may be expended. The establishment of the corridor  
7 and its boundaries shall not be construed to provide any  
8 nonexisting regulatory authority on land use within the  
9 corridor or its viewshed by the Secretary, the National  
10 Park Service, or the Association.”.

11 **SEC. 204. TECHNICAL AMENDMENTS.**

12 Section 116 of Illinois and Michigan Canal National  
13 Heritage Corridor Act of 1984 is amended—

14 (1) by striking subsection (b); and

15 (2) in subsection (a)—

16 (A) by striking “(a)” and all that follows  
17 through “For each” and inserting “(a) For  
18 each”;

19 (B) by striking “Commission” and insert-  
20 ing “Association”;

21 (C) by striking “Commission’s” and insert-  
22 ing “Association’s”;

23 (D) by redesignating paragraph (2) as sub-  
24 section (b); and

1 (E) by redesignating subparagraphs (A)  
2 and (B) as paragraphs (1) and (2), respectively.

3 **TITLE III—ST. CROIX NATIONAL**  
4 **HERITAGE AREA STUDY**

5 **SEC. 301. ST. CROIX NATIONAL HERITAGE AREA STUDY.**

6 (a) **SHORT TITLE.**—This section may be cited as the  
7 “St. Croix National Heritage Area Study Act”.

8 (b) **STUDY.**—The Secretary of the Interior, in con-  
9 sultation with appropriate State historic preservation offi-  
10 cers, States historical societies, and other appropriate or-  
11 ganizations, shall conduct a study regarding the suitability  
12 and feasibility of designating the island of St. Croix as  
13 the St. Croix National Heritage Area. The study shall in-  
14 clude analysis, documentation, and determination regard-  
15 ing whether the island of St. Croix—

16 (1) has an assemblage of natural, historic, and  
17 cultural resources that together represent distinctive  
18 aspects of American heritage worthy of recognition,  
19 conservation, interpretation, and continuing use, and  
20 are best managed through partnerships among pub-  
21 lic and private entities and by combining diverse and  
22 sometimes noncontiguous resources and active com-  
23 munities;

24 (2) reflects traditions, customs, beliefs, and  
25 folklife that are a valuable part of the national story;



1           (3) provides outstanding opportunities to con-  
2           serve natural, historic, cultural, or scenic features;

3           (4) provides outstanding recreational and edu-  
4           cational opportunities;

5           (5) contains resources important to the identi-  
6           fied theme or themes of the island of St. Croix that  
7           retain a degree of integrity capable of supporting in-  
8           terpretation;

9           (6) includes residents, business interests, non-  
10          profit organizations, and local and State govern-  
11          ments that are involved in the planning, have devel-  
12          oped a conceptual financial plan that outlines the  
13          roles of all participants (including the Federal Gov-  
14          ernment), and have demonstrated support for the  
15          concept of a national heritage area;

16          (7) has a potential management entity to work  
17          in partnership with residents, business interests,  
18          nonprofit organizations, and local and State govern-  
19          ments to develop a national heritage area consistent  
20          with continued local and State economic activity;  
21          and

22          (8) has a conceptual boundary map that is sup-  
23          ported by the public.

24          (c) REPORT.—Not later than 3 fiscal years after the  
25          date on which funds are first made available for this sec-

1 tion, the Secretary of the Interior shall submit to the Com-  
2 mittee on Resources of the House of Representatives and  
3 the Committee on Energy and Natural Resources of the  
4 Senate a report on the findings, conclusions, and rec-  
5 ommendations of the study.

6 (d) PRIVATE PROPERTY.—In conducting the study  
7 required by this section, the Secretary of the Interior shall  
8 analyze the potential impact that designation of the area  
9 as a national heritage area is likely to have on land within  
10 the proposed area or bordering the proposed area that is  
11 privately owned at the time that the study is conducted.

12 **TITLE IV—NORTHERN RIO**  
13 **GRANDE NATIONAL HERIT-**  
14 **AGE AREA**

15 **SEC. 401. SHORT TITLE.**

16 This title may be cited as the “Northern Rio Grande  
17 National Heritage Area Act”.

18 **SEC. 402. CONGRESSIONAL FINDINGS.**

19 The Congress finds that—

20 (1) northern New Mexico encompasses a mosaic  
21 of cultures and history, including 8 Pueblos and the  
22 descendants of Spanish ancestors who settled in the  
23 area in 1598;

1           (2) the combination of cultures, languages, folk  
2           arts, customs, and architecture make northern New  
3           Mexico unique;

4           (3) the area includes spectacular natural, sce-  
5           nic, and recreational resources;

6           (4) there is broad support from local govern-  
7           ments and interested individuals to establish a Na-  
8           tional Heritage Area to coordinate and assist in the  
9           preservation and interpretation of these resources;

10          (5) in 1991, the National Park Service study  
11          Alternative Concepts for Commemorating Spanish  
12          Colonization identified several alternatives consistent  
13          with the establishment of a National Heritage Area,  
14          including conducting a comprehensive archaeological  
15          and historical research program, coordinating a com-  
16          prehensive interpretation program, and interpreting  
17          a cultural heritage scene; and

18          (6) establishment of a National Heritage Area  
19          in northern New Mexico would assist local commu-  
20          nities and residents in preserving these unique cul-  
21          tural, historical and natural resources.

22 **SEC. 403. DEFINITIONS.**

23          As used in this title—

24               (1) the term “heritage area” means the North-  
25               ern Rio Grande Heritage Area; and

1           (2) the term “Secretary” means the Secretary  
2           of the Interior.

3 **SEC. 404. NORTHERN RIO GRANDE NATIONAL HERITAGE**  
4           **AREA.**

5           (a) ESTABLISHMENT.—There is hereby established  
6 the Northern Rio Grande National Heritage Area in the  
7 State of New Mexico.

8           (b) BOUNDARIES.—The heritage area shall include  
9 the counties of Santa Fe, Rio Arriba, and Taos.

10          (c) MANAGEMENT ENTITY.—

11           (1) The Northern Rio Grande National Herit-  
12 age Area, Inc., a non-profit corporation chartered in  
13 the State of New Mexico, shall serve as the manage-  
14 ment entity for the heritage area.

15           (2) The Board of Directors for the management  
16 entity shall include representatives of the State of  
17 New Mexico, the counties of Santa Fe, Rio Arriba  
18 and Taos, tribes and pueblos within the heritage  
19 area, the cities of Santa Fe, Espanola and Taos, and  
20 members of the general public. The total number of  
21 Board members and the number of Directors rep-  
22 resenting State, local and tribal governments and in-  
23 terested communities shall be established to ensure  
24 that all parties have appropriate representation on  
25 the Board.

1 **SEC. 405. AUTHORITY AND DUTIES OF THE MANAGEMENT**  
2 **ENTITY.**

3 (a) MANAGEMENT PLAN.—

4 (1) Not later than 3 years after the date of en-  
5 actment of this Act, the management entity shall de-  
6 velop and forward to the Secretary a management  
7 plan for the heritage area.

8 (2) The management entity shall develop and  
9 implement the management plan in cooperation with  
10 affected communities, tribal and local governments  
11 and shall provide for public involvement in the devel-  
12 opment and implementation of the management  
13 plan.

14 (3) The management plan shall, at a min-  
15 imum—

16 (A) provide recommendations for the con-  
17 servation, funding, management, and develop-  
18 ment of the resources of the heritage area;

19 (B) identify sources of funding;

20 (C) include an inventory of the cultural,  
21 historical, archaeological, natural, and rec-  
22 reational resources of the heritage area;

23 (D) provide recommendations for edu-  
24 cational and interpretive programs to inform  
25 the public about the resources of the heritage  
26 area; and

1           (E) include an analysis of ways in which  
2           local, State, Federal, and tribal programs may  
3           best be coordinated to promote the purposes of  
4           this title.

5           (4) If the management entity fails to submit a  
6           management plan to the secretary as provided in  
7           paragraph (1), the heritage area shall no longer be  
8           eligible to receive Federal funding under this title  
9           until such time as a plan is submitted to the Sec-  
10          retary.

11          (5) The Secretary shall approve or disapprove  
12          the management plan within 90 days after the date  
13          of submission. If the Secretary disapproves the man-  
14          agement plan, the Secretary shall advise the man-  
15          agement entity in writing of the reasons therefore  
16          and shall make recommendations for revisions to the  
17          plan.

18          (6) The management entity shall periodically  
19          review the management plan and submit to the Sec-  
20          retary any recommendations for proposed revisions  
21          to the management plan. Any major revisions to the  
22          management plan must be approved by the Sec-  
23          retary.

24          (b) **AUTHORITY.**—The management entity may make  
25          grants and provide technical assistance to tribal and local

1 governments, and other public and private entities to carry  
2 out the management plan.

3 (c) DUTIES.—The management entity shall—

4 (1) give priority in implementing actions set  
5 forth in the management plan;

6 (2) encourage by appropriate means economic  
7 viability in the heritage area consistent with the  
8 goals of the management plan; and

9 (3) assist local and tribal governments and non-  
10 profit organizations in—

11 (A) establishing and maintaining interpre-  
12 tive exhibits in the heritage area;

13 (B) developing recreational resources in  
14 the heritage area;

15 (C) increasing public awareness of, and ap-  
16 preciation for, the cultural, historical, archae-  
17 ological and natural resources and sits in the  
18 heritage area;

19 (D) the restoration of historic structures  
20 related to the heritage area; and

21 (E) carrying out other actions that the  
22 management entity determines appropriate to  
23 fulfill the purposes of this title, consistent with  
24 the management plan.

1 (d) PROHIBITION ON ACQUIRING REAL PROPERTY.—

2 The management entity may not use Federal funds re-  
3 ceived under this title to acquire real property or an inter-  
4 est in real property.

5 (e) PUBLIC MEETINGS.—The management entity  
6 shall hold public meetings at least annually regarding the  
7 implementation of the management plan.

8 (f) ANNUAL REPORTS AND AUDITS.—

9 (1) For any year in which the management en-  
10 tity receives Federal funds under this title, the man-  
11 agement entity shall submit an annual report to the  
12 Secretary setting forth accomplishments, expenses  
13 and income, and each entity to which any grant was  
14 made by the management entity.

15 (2) The management entity shall make avail-  
16 able to the Secretary for audit all records relating to  
17 the expenditure of Federal funds and any matching  
18 funds. The management entity shall also require, for  
19 all agreements authorizing expenditure of Federal  
20 funds by other organizations, that the receiving or-  
21 ganization make available to the Secretary for audit  
22 all records concerning the expenditure of those  
23 funds.



1 **SEC. 406. DUTIES OF THE SECRETARY.**

2 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—The  
3 Secretary may, upon request of the management entity,  
4 provide technical and financial assistance to develop and  
5 implement the management plan.

6 (b) PRIORITY.—In providing assistance under sub-  
7 section (a), the Secretary shall give priority to actions that  
8 facilitate—

9 (1) the conservation of the significant natural,  
10 cultural, historical, archaeological, scenic, and rec-  
11 reational resources of the heritage area; and

12 (2) the provision of educational, interpretive,  
13 and recreational opportunities consistent with the re-  
14 sources and associated values of the heritage area.

15 **SEC. 407. PRIVATE PROPERTY PROTECTIONS; SAVINGS**  
16 **PROVISIONS.**

17 (a) PRIVATE PROPERTY PROTECTION.—

18 (1) NOTIFICATION AND CONSENT OF PROPERTY  
19 OWNERS REQUIRED.—No privately owned property  
20 shall be preserved, conserved, or promoted by the  
21 management plan for the Heritage Area until the  
22 owner of that private property has been notified in  
23 writing by the management entity and has given  
24 written consent for such preservation, conservation  
25 or promotion to the management entity.

1           (2) LANDOWNER WITHDRAWAL.—Any owner of  
2 private property included within the boundary of the  
3 heritage area, shall have their property immediately  
4 removed from within the boundary by submitting a  
5 written request to the management entity.

6           (3) ACCESS TO PRIVATE PROPERTY.—Nothing  
7 in this title shall be construed to require any private  
8 property owner to permit public access (including  
9 Federal, State, or local government access) to such  
10 private property. Nothing in this title shall be con-  
11 strued to modify any provision of Federal, State, or  
12 local law with regard to public access to or use of  
13 private lands.

14           (4) LIABILITY.—Designation of the heritage  
15 area shall not be considered to create any liability,  
16 or to have any effect on any liability under any other  
17 law, of any private property owner with respect to  
18 any persons injured on such private property.

19           (5) RECOGNITION OF AUTHORITY TO CONTROL  
20 LAND USE.—Nothing in this title shall be construed  
21 to modify any authority of Federal, State, or local  
22 governments to regulate land use.

23           (6) PARTICIPATION OF PRIVATE PROPERTY  
24 OWNERS IN HERITAGE AREA.—Nothing in this title  
25 shall be construed to require the owner of any pri-

1       vate property located within the boundaries of the  
2       heritage area to participate in or be associated with  
3       the heritage area.

4       (b) EFFECT OF ESTABLISHMENT.—The boundaries  
5       designated for the heritage area represent the area within  
6       which Federal funds appropriated for the purpose of this  
7       title shall be expended. The establishment of the heritage  
8       area and its boundaries shall not be construed to provide  
9       any nonexisting regulatory authority on land use within  
10      the heritage area or its viewshed by the Secretary, the Na-  
11      tional Park Service, or the management entity.

12      (c) TRIBAL LANDS.—Nothing in this title shall re-  
13      strict or limit a tribe from protecting cultural or religious  
14      sites on tribal lands.

15      (d) TRUST RESPONSIBILITIES.—Nothing in this title  
16      shall diminish the Federal Government’s trust responsibil-  
17      ities or government-to-government obligations to any fed-  
18      erally recognized Indian tribe.

19      **SEC. 408. SUNSET.**

20      The authority of the Secretary to provide assistance  
21      under this title terminates on the date that is 15 years  
22      after the date of enactment of this Act.

23      **SEC. 409. AUTHORIZATION OF APPROPRIATIONS.**

24      (a) IN GENERAL.—There are authorized to be appro-  
25      priated to carry out this title \$10,000,000, of which not

1 more than \$1,000,000 may be authorized to be appro-  
2 priated for any fiscal year.

3 (b) COST-SHARING REQUIREMENT.—The Federal  
4 share of the total cost of any activity assisted under this  
5 title shall be not more than 50 percent.

Passed the House of Representatives May 16, 2005.

Attest:

JEFF TRANDAHL,

*Clerk.*