

103^D CONGRESS
2^D SESSION

H. R. 4720

To establish the Hudson River Valley American Heritage Area.

IN THE HOUSE OF REPRESENTATIVES

JULY 12, 1994

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

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 1994”.

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.—The Heritage Area shall be com-
11 prised of the counties of Albany, Rensselaer, Columbia,
12 Greene, Ulster, Dutchess, Orange, Putnam, Westchester,
13 and Rockland, New York, and the Village of Waterford
14 in Saratoga County, New York.

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

23 **SEC. 5. COMPACT.**

24 To carry out the purposes of this Act, the Secretary
25 of the Interior (in this Act referred to as the “Secretary”)

1 shall enter into a compact with the management entities.
2 The compact shall include information relating to the ob-
3 jectives and management of the area, including the follow-
4 ing:

5 (1) A discussion of the goals and objectives of
6 the Heritage Area, including an explanation of a
7 proposed approach to conservation and interpreta-
8 tion, and a general outline of the protection meas-
9 ures committed to by the parties to the compact.

10 (2) A description of the respective roles of the
11 management entities.

12 (3) A list of the initial partners to be involved
13 in developing and implementing a management plan
14 for the Heritage Area, and a statement of the finan-
15 cial commitment of such partners.

16 (4) A description of the role of the State of
17 New York.

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

19 The management entities shall develop a manage-
20 ment plan for the Heritage Area that presents comprehen-
21 sive recommendations for the Heritage Area's conserva-
22 tion, funding, management and development. Such plan
23 shall take into consideration existing State, county, and
24 local plans and involve residents, public agencies, and pri-
25 vate organizations working in the Heritage Area. It shall

1 include actions to be undertaken by units of government
2 and private organizations to protect the resources of the
3 Heritage Area. It shall specify the existing and potential
4 sources of funding to protect, manage and develop the
5 Heritage Area. Such plan shall include specifically as ap-
6 propriate the following:

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

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

23 (3) A program for implementation of the man-
24 agement plan by the management entities, including
25 plans for restoration and construction, and specific

1 commitments of the identified partners for the first
2 5 years of operation.

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

6 (5) An interpretation plan for the Heritage
7 Area.

8 **SEC. 7. AUTHORITIES AND DUTIES OF MANAGEMENT**
9 **ENTITIES.**

10 (a) **AUTHORITIES OF THE MANAGEMENT ENTI-**
11 **TIES.**—The management entities may, for purposes of pre-
12 paring and implementing the management plan under sec-
13 tion 6, use Federal funds made available through this
14 Act—

15 (1) to make loans and grants to, and enter into
16 cooperative agreements with, States and their politi-
17 cal subdivisions, private organizations, or any per-
18 son; and

19 (2) to hire and compensate staff.

20 (b) **DUTIES OF THE MANAGEMENT ENTITIES.**—The
21 management entities shall—

22 (1) develop and submit to the Secretary for ap-
23 proval a management plan as described in section 6
24 within 5 years after the date of the enactment of
25 this Act;

1 (2) give priority to implementing actions as set
2 forth in the compact and the management plan, in-
3 cluding taking steps to—

4 (A) assist units of government, regional
5 planning organizations, and nonprofit organiza-
6 tions in preserving the Heritage Area;

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

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

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

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

1 (F) encourage by appropriate means eco-
2 nomic viability in the corridor consistent with
3 the goals of the Plan;

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

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

14 (3) consider the interests of diverse govern-
15 mental, business, and nonprofit groups within the
16 Heritage Area;

17 (4) conduct public meetings at least quarterly
18 regarding the implementation of the management
19 plan;

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

24 (6) for any year in which Federal funds have
25 been received under this Act, submit an annual re-

1 port to the Secretary setting forth its accomplish-
2 ments, its expenses and income, and the entities to
3 which any loans and grants were made during the
4 year for which the report is made; and

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

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

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

23 (d) ELIGIBILITY FOR RECEIVING FINANCIAL ASSIST-
24 ANCE.—

1 (1) ELIGIBILITY.—The management entities
2 shall be eligible to receive funds appropriated
3 through this Act for a period of 10 years after the
4 day on which the compact under section 5 is signed
5 by the Secretary and the management entities, ex-
6 cept as provided in paragraph (2).

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

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

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

22 (C) the Secretary, with the advice of the
23 Governor of New York approves such extension
24 of funding.

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

2 (a) DUTIES AND AUTHORITIES OF THE SEC-
3 RETARY.—

4 (1) TECHNICAL AND FINANCIAL ASSISTANCE.—

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

12 (i) conserving the significant natural,
13 historic, and cultural resources which sup-
14 port its themes; and

15 (ii) providing educational, interpretive,
16 and recreational opportunities consistent
17 with its resources and associated values.

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

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

3 (A) IN GENERAL.—The Secretary, in con-
4 sultation with the Governor of New York, shall
5 approve or disapprove a compact or manage-
6 ment plan submitted under this Act not later
7 than 90 days after receiving such compact or
8 management plan.

9 (B) ACTION FOLLOWING DISAPPROVAL.—
10 If the Secretary disapproves a submitted com-
11 pact or management plan, the Secretary shall
12 advise the management entities in writing of
13 the reasons therefor and shall make rec-
14 ommendations for revisions in the compact or
15 plan. The Secretary shall approve or disapprove
16 a proposed revision within 90 days after the
17 date it is submitted.

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

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

4 (b) DUTIES OF FEDERAL ENTITIES.—Any Federal
5 entity conducting or supporting activities directly affecting
6 the Heritage Area, and any unit of government acting pur-
7 suant to a grant of Federal funds or a Federal permit
8 or agreement conducting or supporting such activities,
9 shall to the maximum extent practicable—

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

12 (2) cooperate with the Secretary and the man-
13 agement entities in carrying out their duties under
14 this Act and coordinate such activities with the car-
15 rying out of such duties; and

16 (3) conduct or support such activities in a man-
17 ner consistent with the management plan unless the
18 Federal entity, after consultation with the manage-
19 ment entities, determines there is no practicable al-
20 ternative.

21 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

22 (a) COMPACTS AND MANAGEMENT PLAN.—From the
23 amounts made available to carry out the National Historic
24 Preservation Act, there is authorized to be appropriated
25 to the Secretary, for grants for developing a compact

1 under section 5 and providing assistance for a manage-
2 ment plan under section 6, not more than \$300,000, to
3 remain available until expended, subject to the following
4 conditions:

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

8 (2) The total amount of Federal funding for the
9 compact for the Heritage Area may not exceed
10 \$150,000.

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

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

19 (1) For the operating costs of each manage-
20 ment entity, pursuant to section 7, not more than
21 \$250,000 annually.

22 (2) For technical assistance pursuant to section
23 8, not more than \$50,000 annually.

1 The Federal contribution to the operations of the manage-
2 ment entities shall not exceed 50 percent of the annual
3 operating costs of the entities.

4 (c) IMPLEMENTATION.—From the amounts made
5 available to carry out the National Historic Preservation
6 Act, there is authorized to be appropriated to the Sec-
7 retary, for grants and the administration thereof for the
8 implementation of the management plans for the Heritage
9 Area pursuant to section 8, not more than \$10,000,000,
10 to remain available until expended, subject to the following
11 conditions:

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

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

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