

104TH CONGRESS  
1ST SESSION

# S. 1476

To establish the Boston Harbor Islands National Recreation Area, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 13, 1995

Mr. KERRY (for himself and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To establish the Boston Harbor Islands National Recreation Area, 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. FINDINGS AND PURPOSES.**

4       (a) FINDINGS.—Congress finds that—

5               (1) Boston is the economic and cultural center  
6               of New England and a city of national and inter-  
7               national significance;

8               (2) the Boston metropolitan region plays a  
9               leadership role in the areas of higher education,

1 technology, health care, transportation, and national  
2 and international trade;

3 (3) Boston and the immediate region contain  
4 some of the oldest, most valuable, and most visited  
5 historic sites in the Nation, dating from precolonial  
6 times;

7 (4) factors such as open space, parks, rec-  
8 reational opportunities, and natural and cultural re-  
9 source preservation will help determine the region's  
10 success and long-term economic and social viability  
11 into the 21st century;

12 (5) Boston Harbor has been a major factor in  
13 shaping Boston's growth, development, and sus-  
14 tained influence and significance in New England  
15 and the Nation;

16 (6) years of neglect and overuse of Boston Har-  
17 bor resulted in a serious decline in its water quality,  
18 but a major cleanup effort is fostering the Harbor's  
19 renewal and revitalization, making the Harbor once  
20 again a focal point for the city and region;

21 (7) the Boston Harbor Islands support inval-  
22 uable natural resources, rare in urban settings, that  
23 include fresh and salt water marshes, dunes, wood-  
24 lands, ledges and cliffs, and habitat for wildlife and  
25 numerous bird species;

1           (8) Boston Harbor and its islands, containing  
2           many fortifications and other sites related to coastal  
3           defense, played an important role in United States  
4           military and maritime history from the colonial era  
5           to the Cold War;

6           (9) Boston Harbor and its islands contain im-  
7           portant archaeological sites and underwater archaee-  
8           ological resources that chronicle the use and settle-  
9           ment of the Harbor by Native Americans from at  
10          least 9,000 years ago until the 17th century;

11          (10) the Boston Harbor Islands offer abundant  
12          opportunities for public education on the attempts of  
13          society to deal with urban problems and to protect  
14          the ecological health of the Harbor;

15          (11) the Boston Harbor Islands offer opportu-  
16          nities for recreation, education, and public use and  
17          enjoyment in a maritime setting that is in close  
18          proximity to a large urban population;

19          (12) the Boston Harbor Islands are located in  
20          a mixed use area, including an active commercial  
21          seaport and the region's busiest airport, the present  
22          and future operation of which are essential for the  
23          economic stability of the region;

24          (13) the Boston Harbor Islands possess out-  
25          standing natural, historical, scenic, recreational, and

1 educational values, and there is a national interest  
2 in protecting and preserving those values for resi-  
3 dents and visitors of the area; and

4 (14) a partnership among Federal, State, and  
5 local governments and nonprofit organizations offers  
6 the best opportunity for the enhancement and man-  
7 agement of the Boston Harbor Islands.

8 (b) PURPOSES.—The purposes of this Act are—

9 (1) to preserve for public use and enjoyment  
10 the lands and waters that comprise the Boston Har-  
11 bor Islands National Recreation Area;

12 (2) to manage the recreation area in partner-  
13 ship with the private sector, the Commonwealth of  
14 Massachusetts, municipalities surrounding Massa-  
15 chusetts Bay and Cape Cod Bay, the Thompson Is-  
16 land Outward Bound Education Center, and The  
17 Trustees of Reservations and with historical, busi-  
18 ness, cultural, civic, recreational, and tourism orga-  
19 nizations; and

20 (3) to improve access to the Boston Harbor Is-  
21 lands through the use of public water transportation.

22 **SEC. 2. DEFINITIONS.**

23 In this Act:

1           (1) **ADVISORY COUNCIL.**—The term “advisory  
2 council” means the Boston Harbor Islands Advisory  
3 Council established under section 8.

4           (2) **MANAGEMENT PLAN.**—The term “manage-  
5 ment plan” means the management plan for the  
6 recreation area approved under section 7.

7           (3) **PARTNERSHIP.**—The term “Partnership”  
8 means the Boston Harbor Islands Partnership es-  
9 tablished by section 5.

10          (4) **RECREATION AREA.**—The term “recreation  
11 area” means the Boston Harbor Islands National  
12 Recreation Area established by section 3.

13          (5) **SECRETARY.**—The term “Secretary” means  
14 the Secretary of the Interior.

15 **SEC. 3. BOSTON HARBOR ISLANDS NATIONAL RECREATION**  
16 **AREA.**

17          (a) **ESTABLISHMENT.**—In order to preserve for the  
18 benefit and inspiration of the people of the United States  
19 as a national recreation area certain lands located in Mas-  
20 sachusetts Bay, there is established as a unit of the Na-  
21 tional Park System the Boston Harbor Islands National  
22 Recreation Area.

23          (b) **BOUNDARIES.**—

24           (1) **IN GENERAL.**—The recreation area shall—

1 (A) be comprised of the lands, waters, and  
2 submerged lands generally depicted on the map  
3 entitled “Proposed Boston Harbor Islands  
4 NRA”, numbered BOHA 80001, and dated Au-  
5 gust 1995; and

6 (B) include landside points required for ac-  
7 cess, visitor services, and administration—

8 (i) in the city of Boston along the  
9 Harborwalk and at Long Wharf, Castle Is-  
10 land, Fan Pier, the John F. Kennedy Li-  
11 brary, and the Custom House;

12 (ii) at Charlestown Navy Yard;

13 (iii) at the old Northern Avenue  
14 Bridge;

15 (iv) in the city of Quincy at Squantum  
16 Point/Marina Bay, the Fore River Ship-  
17 yard, and Town River;

18 (v) in the town of Hingham at Hew-  
19 itt’s Cove;

20 (vi) in the town of Hull;

21 (vii) in the city of Salem at Salem  
22 National Historic Site; and

23 (viii) in the city of Lynn at Heritage  
24 State Park.

1           (2) PUBLIC AVAILABILITY OF MAP.—The map  
2           described in paragraph (1) shall be on file and avail-  
3           able for public inspection in the appropriate offices  
4           of the National Park Service.

5           (3) MINOR REVISIONS.—After advising the  
6           Committee on Resources of the House of Represent-  
7           atives and the Committee on Energy and Natural  
8           Resources of the Senate in writing, the Secretary  
9           may make minor revisions to the boundaries of the  
10          recreation area by publication of a revised drawing  
11          or other boundary description in the Federal Reg-  
12          ister.

13 **SEC. 4. ADMINISTRATION OF RECREATION AREA.**

14          (a) IN GENERAL.—The recreation area shall be ad-  
15          ministered by the Secretary in accordance with this Act.

16          (b) FEDERAL LAND.—The land in the recreation  
17          area that is owned by the United States, acting through  
18          the Secretary, shall be administered in accordance with  
19          the law generally applicable to units of the National Park  
20          System, including the Act entitled “An Act to establish  
21          a National Park Service, and for other purposes”, ap-  
22          proved August 25, 1916 (39 Stat. 535, chapter 408; 16  
23          U.S.C. 1 et seq.), and the Act of August 21, 1935 (49  
24          Stat. 666, chapter 593; 16 U.S.C. 461 et seq.).

1           (c) STATE AND LOCAL JURISDICTION.—Nothing in  
2 this Act diminishes, enlarges, or modifies any right of the  
3 Commonwealth of Massachusetts or any political subdivi-  
4 sion of the Commonwealth to exercise civil and criminal  
5 jurisdiction or to carry out State laws in the recreation  
6 area, including laws relating to fish and wildlife and laws  
7 relating to the taxation of persons or property in the recre-  
8 ation area.

9           (d) COOPERATIVE AGREEMENTS.—The Secretary  
10 may consult and enter into cooperative agreements with  
11 such persons or entities as the Secretary determines to  
12 be appropriate for the preservation, interpretation, man-  
13 agement, and provision of educational and recreational  
14 uses for the properties in the recreation area.

15           (e) ACQUISITION OF REAL AND PERSONAL PROP-  
16 erty AND SERVICES.—

17           (1) IN GENERAL.—The Secretary may acquire  
18 for purposes of the recreation area, by donation, ex-  
19 change, or lease or purchase with donated or appro-  
20 priated funds, personal property and lands and im-  
21 provements in the recreation area.

22           (2) LIMITATION.—The Secretary may not ac-  
23 quire an interest in real property in the recreation  
24 area without the consent of the owner.

1 (f) OTHER PROPERTY, FUNDS, AND SERVICES.—The  
2 Secretary may accept and use donated funds, property,  
3 and services to carry out this Act.

4 (g) RELATIONSHIP OF RECREATION AREA TO BOS-  
5 TON-LOGAN INTERNATIONAL AIRPORT.—With respect to  
6 the recreation area, the maintenance, operation, improve-  
7 ment, and use of Logan International Airport and associ-  
8 ated flight patterns from time to time in effect shall not  
9 be considered to constitute the use of publicly owned land  
10 of a public park, recreation area, or other resource within  
11 the meaning of section 303(c) of title 49, United States  
12 Code, or to have a significant effect on natural, scenic,  
13 and recreation assets within the meaning of section  
14 47101(h)(2) of title 49, United States Code.

15 **SEC. 5. BOSTON HARBOR ISLANDS PARTNERSHIP.**

16 (a) ESTABLISHMENT.—There is established in the ex-  
17 ecutive branch the Boston Harbor Islands Partnership,  
18 the purpose of which shall be to coordinate the activities  
19 of Federal, State, and local authorities and the private  
20 sector in the development and implementation of an inte-  
21 grated resource management plan for the recreation area.

22 (b) MEMBERSHIP.—The Partnership shall be com-  
23 posed of 13 members, including—

24 (1) 1 individual appointed by the Secretary to  
25 represent the National Park Service;

1           (2) 1 individual appointed by the Secretary of  
2           Transportation to represent the United States Coast  
3           Guard;

4           (3) 2 individuals appointed by the Secretary,  
5           after consideration of recommendations by the Gov-  
6           ernor of Massachusetts, to represent the Department  
7           of Environmental Management and the Metropolitan  
8           District Commission;

9           (4) 1 individual appointed by the Secretary,  
10          after consideration of recommendations by the chair-  
11          person of the Massachusetts Port Authority, to rep-  
12          resent the Massachusetts Port Authority;

13          (5) 1 individual appointed by the Secretary,  
14          after consideration of recommendations by the chair-  
15          person of the Massachusetts Water Resources Au-  
16          thority, to represent the Massachusetts Water Re-  
17          sources Authority;

18          (6) 1 individual appointed by the Secretary,  
19          after consideration of recommendations by the  
20          mayor of Boston, to represent the Office of Environ-  
21          mental Services of the city of Boston;

22          (7) 1 individual appointed by the Secretary,  
23          after consideration of recommendations by the chair-  
24          person of the Boston Redevelopment Authority, to  
25          represent the Boston Redevelopment Authority;

1           (8) 1 individual appointed by the Secretary,  
2 after consideration of recommendations by the presi-  
3 dent of the Thompson Island Outward Bound Edu-  
4 cation Center, to represent the Center Thompson Is-  
5 land Outward Bound Education;

6           (9) 1 individual appointed by the Secretary,  
7 after consideration of recommendations by the chair-  
8 person of The Trustees of Reservations, to represent  
9 The Trustees of Reservations;

10          (10) 1 individual appointed by the Secretary,  
11 after consideration of recommendations of the presi-  
12 dent of the Island Alliance, to represent the Island  
13 Alliance, a nonprofit organization the sole purpose of  
14 which is to provide financial support for the recre-  
15 ation area; and

16          (11) 2 individuals appointed by the Secretary to  
17 represent the advisory council.

18 (c) TERMS OF OFFICE; REAPPOINTMENT.—

19          (1) IN GENERAL.—Each member of the Part-  
20 nership shall appointed for a term of 3 years.

21          (2) REAPPOINTMENT.—Any member may be  
22 reappointed for 1 additional 3-year term.

23          (3) INITIAL MEMBERS.—The Secretary shall  
24 appoint the first members of the Partnership not  
25 later than 30 days after the date on which the Sec-

1       retary has received all of the recommendations for  
2       appointment under paragraphs (3) through (10) of  
3       subsection (b).

4               (4) EXTENDED SERVICE.—A member of the  
5       Partnership may serve after the expiration of the  
6       member's term until a successor has been appointed.

7       (d) COMPENSATION.—A member of the Partnership  
8       shall serve without pay, but while away from the member's  
9       home or regular place of business in the performance of  
10      services for the Partnership, a member shall be allowed  
11      travel expenses, including per diem in lieu of subsistence,  
12      in the same manner as a person employed intermittently  
13      in the Government service is allowed expenses under sec-  
14      tion 5703 of title 5, United States Code.

15      (e) ELECTION OF OFFICERS.—

16               (1) IN GENERAL.—The Partnership shall elect  
17      1 of its members as Chairperson and 1 as Vice  
18      Chairperson.

19               (2) TERMS.—The term of office of the Chair-  
20      person and Vice Chairperson shall each be 1 year.

21               (3) ABSENCE OF CHAIRPERSON.—The Vice  
22      Chairperson shall serve as chairperson in the ab-  
23      sence of the Chairperson.

1 (f) VACANCY.—A vacancy in the Partnership shall be  
2 filled in the same manner in which the original appoint-  
3 ment was made.

4 (g) MEETINGS.—The Partnership shall meet at the  
5 call of the Chairperson or a majority of its members.

6 (h) QUORUM.—A majority of the Partnership shall  
7 constitute a quorum.

8 (i) STAFFING.—

9 (1) PROVISION BY THE SECRETARY.—The Sec-  
10 retary shall provide the Partnership with such staff  
11 and technical assistance as the Secretary, after con-  
12 sultation with the Partnership, considers appropriate  
13 to enable the Partnership to carry out its duties.

14 (2) PERSONNEL ON DETAIL.—To assist the  
15 Partnership, the Secretary may accept the services  
16 of personnel detailed from the Commonwealth of  
17 Massachusetts, a political subdivision of the Com-  
18 monwealth, or an entity represented in the Partner-  
19 ship.

20 (j) NATURE OF PARTNERSHIP.—The members of the  
21 Partnership and the entities represented in the Partner-  
22 ship shall not be treated as partners in a legal sense.

23 **SEC. 6. POWERS OF THE PARTNERSHIP.**

24 (a) HEARINGS.—The Partnership may hold such  
25 hearings, sit and act at such times and places, take such

1 testimony, and receive such evidence as the Partnership  
2 considers appropriate.

3 (b) DONATIONS.—Notwithstanding any other provi-  
4 sion of law, the Partnership may seek and accept dona-  
5 tions of funds, property, or services from individuals, foun-  
6 dations, corporations, and other private and public entities  
7 for the purpose of carrying out this Act.

8 (c) USE OF FUNDS TO OBTAIN MONEY.—The Part-  
9 nership may use its funds to obtain money from any  
10 source under any program or law requiring the recipient  
11 of the money to make a contribution in order to receive  
12 the money.

13 (d) MAILS.—The Partnership may use the United  
14 States mails in the same manner and on the same condi-  
15 tions as other departments and agencies of the United  
16 States.

17 (e) ACQUISITION OF PROPERTY.—The Partnership  
18 may acquire by purchase, rental, donation, or otherwise,  
19 such property, facilities, and services as may be needed  
20 to carry out its duties, except that the Partnership may  
21 not acquire any real property or interest in real property.

22 (f) COOPERATIVE AGREEMENTS.—For purposes of  
23 carrying out the management plan, the Partnership may  
24 enter into cooperative agreements with the Commonwealth

1 of Massachusetts, a political subdivision of the Common-  
2 wealth, or a private person or organization.

3 **SEC. 7. INTEGRATED RESOURCE MANAGEMENT PLAN.**

4 (a) IN GENERAL.—Not later than 3 years after the  
5 date of enactment of this Act, the Partnership shall de-  
6 velop and submit to the Secretary a management plan for  
7 the recreation area to be implemented by the Partnership.

8 (b) CONTENTS.—The management plan shall in-  
9 clude—

10 (1) a program providing for coordinated admin-  
11 istration of the recreation area with proposed assign-  
12 ment of responsibilities to the appropriate govern-  
13 mental unit at the Federal, State, and local levels,  
14 and nonprofit organizations, including—

15 (A) a program to finance and support the  
16 public improvements and services recommended  
17 in the plan, including allocation of the non-Fed-  
18 eral matching requirement in accordance with  
19 section 9 and a delineation of private sector  
20 roles and responsibilities; and

21 (B) a program for the coordination and  
22 consolidation, to the extent feasible, of activities  
23 that may be carried out by Federal, State, and  
24 local agencies having jurisdiction over lands and

1 waters in the recreation area, including plan-  
2 ning and regulatory responsibilities;

3 (2) policies and programs for—

4 (A) enhancing public outdoor recreational  
5 opportunities in the recreation area;

6 (B) conserving, protecting, and maintain-  
7 ing the scenic, historical, cultural, natural, and  
8 scientific values of the recreation area;

9 (C) developing educational opportunities in  
10 the recreation area;

11 (D) enhancing public access to the Boston  
12 Harbor Islands, including development of trans-  
13 portation networks; and

14 (E) identifying potential sources of revenue  
15 from programs or activities carried out within  
16 the recreation area; and

17 (3) a policy statement that recognizes economic  
18 activities in the recreation area being conducted on  
19 the date of enactment of this Act.

20 (c) DEVELOPMENT.—In developing the management  
21 plan, the Partnership shall—

22 (1) consult on a regular basis with appropriate  
23 officials of any local government or Federal or State  
24 agency that has jurisdiction over lands and waters in  
25 the recreation area;

1           (2) consult with interested conservation, busi-  
2           ness, professional, and citizen organizations; and

3           (3) conduct public hearings or meetings for the  
4           purposes of providing interested persons with the op-  
5           portunity to testify with respect to matters to be ad-  
6           dressed by the management plan.

7           (d) APPROVAL.—

8           (1) SUBMISSION TO GOVERNOR.—The Partner-  
9           ship shall submit the management plan to the Gov-  
10          ernor of Massachusetts for review.

11          (2) CONSIDERATION BY GOVERNOR.—The Gov-  
12          ernor shall have 90 days in which to review and  
13          make recommendations regarding the management  
14          plan.

15          (3) SUBMISSION TO THE SECRETARY.—After  
16          considering the Governor's recommendations, the  
17          Partnership shall submit the management plan to  
18          the Secretary, who shall approve or disapprove the  
19          plan not later than 90 days after submission.

20          (4) CONSIDERATIONS.—In reviewing the man-  
21          agement plan, the Secretary shall consider—

22                  (A) the adequacy of public participation;

23                  (B) assurances of plan implementation  
24                  from State and local officials; and

1 (C) the adequacy of regulatory and finan-  
2 cial tools that are in place to implement the  
3 plan.

4 (5) DISAPPROVAL.—

5 (A) NOTICE.—If the Secretary disapproves  
6 the management plan, the Secretary shall notify  
7 the Partnership in writing of the reasons for  
8 the disapproval and make recommendations for  
9 revision.

10 (B) RESUBMISSION.—Not later than 90  
11 days after receipt of a notice of disapproval, the  
12 Partnership shall revise and resubmit the man-  
13 agement plan to the Secretary, who shall ap-  
14 prove or disapprove the revised management  
15 plan within 60 days after submission.

16 (e) INTERIM PROGRAM.—Prior to approval of the  
17 management plan, the Secretary and the Partnership shall  
18 assist the owners and managers of lands and waters in  
19 the recreation area to ensure that existing programs, serv-  
20 ices, and activities that promote the purposes of this Act  
21 are supported.

22 **SEC. 8. BOSTON HARBOR ISLANDS ADVISORY COUNCIL.**

23 (a) ESTABLISHMENT.—The Secretary, acting  
24 through the Director of the National Park Service, shall

1 establish an advisory committee to be known as the “Boston Harbor Islands Advisory Council”.

3 (b) PURPOSES.—The purposes of the advisory council  
4 shall be—

5 (1) to represent various groups with interests in  
6 the recreation area; and

7 (2) to make recommendations to the Partnership on issues related to the development and implementation of the management plan.

10 (c) MEMBERSHIP.—

11 (1) IN GENERAL.—The advisory council shall  
12 consist of not fewer than 15 individuals, to be appointed by the Secretary, acting through the Director of the National Park Service.

15 (2) REPRESENTATION.—The Secretary shall  
16 appoint no fewer than 3 individuals to represent  
17 each of the following categories of entities:

18 (A) Municipalities.

19 (B) Educational and cultural institutions.

20 (C) Environmental organizations.

21 (D) Business and commercial entities, including those related to transportation, tourism,  
22 and the maritime industry.

24 (E) Boston Harbor-related advocacy organizations.  
25

1 (d) COMMITTEES.—

2 (1) IN GENERAL.—The advisory council shall be  
3 encouraged to establish committees relating to spe-  
4 cific recreation area management issues, including  
5 education, tourism, transportation, natural re-  
6 sources, cultural and historical resources, and reve-  
7 nue raising.

8 (2) PARTICIPATION.—Participation on a com-  
9 mittee under paragraph (1) shall not be limited to  
10 members of the advisory council.

11 (e) MEETINGS.—Meetings of the advisory council and  
12 committees established by the advisory council shall be  
13 open to the public.

14 (f) FACCA.—Section 14 of the Federal Advisory Com-  
15 mittee Act (5 U.S.C. App.) shall not apply to the advisory  
16 council.

17 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) IN GENERAL.—There are authorized to be appro-  
19 priated such sums as are necessary to carry out this Act.

20 (b) MATCHING REQUIREMENT.—

21 (1) IN GENERAL.—Amounts appropriated to  
22 carry out this Act for any fiscal year may be ex-  
23 pended only on a matching basis in a ratio of at  
24 least 3 non-Federal dollars to each Federal dollar.

1           (2) FORM.—The non-Federal share of the  
2           match may be in the form of cash, services, or in-  
3           kind contributions, fairly valued.

○

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