

109TH CONGRESS
1ST SESSION

H. R. 938

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.

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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.

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Sec. 1. Table of contents.

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AREA

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- Sec. 102. Findings and purposes.
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- Sec. 106. Management plan.
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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) 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 (3) to the maximum extent practicable, conduct
2 or support such activities in a manner which the
3 management entity determines will not have an ad-
4 verse effect on the Heritage Area.

5 **SEC. 109. REQUIREMENTS FOR INCLUSION OF PRIVATE**
6 **PROPERTY.**

7 (a) NOTIFICATION AND CONSENT OF PROPERTY
8 OWNERS REQUIRED.—No privately owned property shall
9 be preserved, conserved, or promoted by the management
10 plan for the Heritage Area until the owner of that private
11 property has been notified in writing by the management
12 entity and has given written consent for such preservation,
13 conservation, or promotion to the management entity.

14 (b) LANDOWNER WITHDRAW.—Any owner of private
15 property included within the boundary of the Heritage
16 Area shall have their property immediately removed from
17 the boundary by submitting a written request to the man-
18 agement entity.

19 **SEC. 110. PRIVATE PROPERTY PROTECTION.**

20 (a) ACCESS TO PRIVATE PROPERTY.—Nothing in
21 this title shall be construed to—

22 (1) require any private property owner to allow
23 public access (including Federal, State, or local gov-
24 ernment access) to such private property; or

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**

19 **SEC. 201. SHORT TITLE.**

20 This title may be cited as the “Illinois and Michigan
21 Canal National Heritage Corridor Act Amendments of
22 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
15 minimum—

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:

Clerk.