

**Hudson River Valley**  
**National Heritage Area**

**Title IX**  
**Public Law 104-333**

**Enacted October 1996**

**Hudson River Valley Greenway**

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**September 1998**

## **Public Law (PL) 104-333**

### **SEC. 901. Short Title**

This title may be cited as the "Hudson River Valley National Heritage Area Act of 1996."

### **SEC. 902. Findings**

The Congress finds the following:

1. The Hudson River Valley between Yonkers, New York, and Troy, New York, possesses important historical, cultural, and natural resources, representing themes of settlement and migration, transportation, and commerce.
2. The Hudson River Valley played an important role in the military history of the American Revolution.
3. The Hudson River Valley gave birth to important movements in American art and architecture through the work of Andrew Jackson Downing, Alexander Jackson Davis, Thomas Cole, and their associates, and played a central role in the recognition of the esthetic value of the landscape and the development of an American esthetic ideal.
4. The Hudson River Valley played an important role in the development of the iron, textile, and collar and cuff industries in the 19th century, exemplified in surviving structures such as the Harmony Mills complex at Cohoes, and in the development of early men's and women's labor and cooperative organizations, and is the home of the first women's labor union and the first women's secondary school.
5. The Hudson River Valley, in its cities and towns and in its rural landscapes--
  - A. displays exceptional surviving physical resources illustrating these themes and the social, industrial, and cultural history of the 19th and early 20th centuries; and
  - B. includes many National Historic Sites and Landmarks.
6. The Hudson River Valley is the home of traditions associated with Dutch and Huguenot settlements dating to the 17th and 18th centuries, was the locus of characteristic American stories such as "Rip Van Winkle" and the "Legend of Sleepy Hollow". and retains physical, social, and cultural evidence of these traditions and the traditions of other more recent ethnic and social groups.

7. New York State has established a structure for the Hudson River Valley communities to join together to preserve, conserve, and manage these resources, and to link them through trails and other means, in the Hudson River Greenway Communities Council and the Greenway Conservancy.

### **SEC. 903. Purpose**

The purpose of this title are the following:

1. To recognize the importance of the history and the resources of the Hudson River Valley to the Nation.
2. To assist the State of New York and the communities of the Hudson River Valley in preserving, protecting, and interpreting these resources for the benefit of the Nation.
3. To authorize Federal financial and technical assistance to serve these purposes.

### **SEC. 904. Hudson River Valley American Heritage Area**

- a. Establishment.--There is hereby established a Hudson River Valley National Heritage Area (in this title referred to as the "Heritage Area").
- b. Boundaries.--
  1. In general.--Except as otherwise provided in paragraph (2), the Heritage Area shall be comprised of the counties of Albany, Rensselaer, Columbia, Greene, Ulster, Dutchess, Orange, Putnam, Westchester, and Rockland, New York, and the Village of Waterford in Saratoga County, New York.
  2. Areas excluded.--The Heritage Area shall not include any of the following:
    - A. The counties of Greene and Columbia
    - B. Those portions of the counties of Rensselaer and Dutchess located entirely within the 22d Congressional District of New York (as such district exists on the date of the enactment of this Act).

#### ***The following was added by Section 324, PL 105-83 (1997)***

Notwithstanding section 904 (b) of Public Law 104-333, hereafter, the Heritage Area established under section 904 of title IX of division II of Public Law 104-333 shall include any portion of a city, town, or village within an area specified in section 904 (b) (2) of that Act only to the extent that the government of the city, town, or village, in a resolution of the governing board or council, agrees to be included and submits the resolution to the Secretary of the Interior and the management entities for the Heritage Area and to the extent such resolution is not subsequently revoked in the same manner.

- c. Management Entities.--The management entities for the Heritage Area shall be the Hudson River Valley Greenway Communities Council and the Greenway Conservancy (agencies established by the State of New York in its Hudson River Greenway Act of 1991, in this title referred to as the “management entities”). The management entities shall jointly establish a Heritage Area Committee to manage the Heritage Area.

## **SEC. 905. Compact**

To carry out the purposes of this title, the Secretary of the Interior (in this title referred to as the “Secretary”) shall enter into a compact with the management entities. The compact shall include information relating to the objectives and management of the area, including the following:

1. A discussion of the goals and objectives of the Heritage Area, including an explanation of a proposed approach to conservation and interpretation, and a general outline of the protection measures committed to by the parties to the compact.
2. A description of the respective roles of the management entities.
3. A list of the initial partners to be involved in developing and implementing a management plan for the Heritage Area, and a statement of the financial commitment of such partners.
4. A description of the role of the State of New York

## **SEC. 906. Management Plan**

The management entities shall develop a management plan for the Heritage Area that presents comprehensive recommendations for the Heritage Area’s conservation, funding, management and development. Such plan shall take into consideration existing State, county, and local plans and involve residents, public agencies, and private organizations working in the Heritage Area. It shall include actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area. It shall specify the existing and potential sources of funding to protect, manage and develop the Heritage Area. Such plan shall include specifically as appropriate the following:

1. An inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed,

- developed, or maintained because of its natural, cultural, historic, recreational, or scenic significance.
2. A recommendation of policies for resource management which consider and detail application of appropriate land and water management techniques, including but not limited to, the development of intergovernmental cooperative agreements to protect the Heritage Area's historical, cultural, recreational, and natural resources in a manner consistent with supporting appropriate and compatible economic viability.
  3. A program for implementation of the management plan by the management entities, including plans for restoration and construction, and specific commitments of the identified partners for the first 5 years of operation.
  4. An analysis of ways in which local, State and Federal programs may best be coordinated to promote the purposes of this title.
  5. An interpretation plan for the Heritage Area.

## **SEC. 907. Authorities and Duties of Management Entities**

- a. Authorities of the Management Entities.--The management entities may, for the purpose of preparing and implementing the management plan under section 906, use Federal funds made available through this title--
  1. to make loans and grants to, and enter into cooperative agreements with, States and their political subdivisions, private organizations, or any person; and
  2. to hire and compensate staff.
- b. Duties of the Management Entities.--The management entities shall--
  1. develop and submit to the Secretary for approval a management plan as described in section 906 within 5 years after the date of enactment of this title.
  2. give priority to implementing actions as set forth in the compact and the management plan, including taking steps to--
    - A. assist units of government, regional planning organizations, and nonprofit organizations in preserving the Heritage Area;
    - B. assist units of government, regional planning organizations, and nonprofit organizations in establishing, and maintaining interpretive exhibits in the Heritage Area;
    - C. assist units of government, regional planning organizations, and nonprofit organizations in developing recreational resources in the Heritage Area;
    - D. assist units of government, regional planning organizations, and nonprofit organizations in increasing public awareness of and

- appreciation for the natural, historical and architectural resources and sites in the Heritage Area;
- E. assist units of government, regional planning organizations and nonprofit organizations in the restoration of any historic building relating to the themes of the Heritage Area;
  - F. encourage by appropriate means economic viability in the corridor consistent with the goals of the Plan;
  - G. encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the plan; and
  - H. assist units of government, regional planning organizations and nonprofit organizations to ensure that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area;
3. consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;
  4. Conduct public meetings at least quarterly regarding the implementation of the management plan;
  5. submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for the Secretary's approval;
  6. for any year in which Federal funds have been received under this title, submit an annual report to the Secretary setting forth its accomplishments, its expenses and income, and the entities to which any loans and grants were made during the year for which the report is made; and
  7. for any year in which Federal funds have been received under this title, make available for audit all records pertaining to the expenditure of such funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds. If a management plan is not submitted to the Secretary as required under paragraph (1) within the specified time, the Heritage Area shall no longer qualify for Federal funding.
- c. Prohibition on the Acquisition of Real Property.--The management entities may not use Federal funds received under this title to acquire real property or an interest in real property. Nothing in this title shall preclude any management entity from using Federal funds from other sources for their permitted purposes.
- d. Eligibility for Receiving Financial Assistance.--
1. Eligibility.--The management entities shall be eligible to receive funds appropriated through this title for a period of 10 years after the day on which the compact under section 905 is signed by the Secretary and the management entities, except as provided in paragraph (2).

2. Exception.--The management entities' eligibility for funding under this title may be extended for a period of not more than 5 additional years, if--
  - A. the management entities determine such extension is necessary in order to carry out the purposes of this title and notify the Secretary not later than 180 days prior to the termination date;
  - B. the management entities, not later than 180 days prior to the termination date, present to the Secretary a plan of their activities for the period of the extension, including provisions for becoming independent of the funds made available through this title; and
  - C. the Secretary with the advice of the Governor of New York, approves such extension of funding.

## **SEC. 908. Duties and Authorities of Federal Agencies**

- a. Duties and Authorities of the Secretary.--
  1. Technical and financial assistance.--
    - A. In general.--The Secretary may, upon request of the management entities, provide technical and financial assistance to the Heritage Area to develop and implement the management plan. In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in--
      - i. conserving the significant natural, historic, and cultural resources which support its themes; and
      - ii. providing educational, interpretive, and recreational opportunities consistent with its resources and associated values.
    - B. Spending for nonfederally owned property.--The Secretary may spend Federal funds directly on nonfederally owned property to further the purposes of this title, especially in assisting units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places.
  2. Approval and disapproval of compacts and management plans.--
    - A. In general.--The Secretary, in consultation with the Governor of New York, shall approve or disapprove a compact or management plan submitted under this title not later than 90 days after receiving such compact or management plan.
    - B. Action following disapproval. -- If the Secretary disapproves a submitted compact or management plan, the Secretary shall advise the management entities in writing of the reasons therefor and shall make recommendations for revisions in the compact or plan. The

Secretary shall approve or disapprove a proposed revision within 90 days after it is submitted.

3. Approving amendments.--The Secretary shall review substantial amendments to the management plan for the Heritage Area. Funds appropriated pursuant to this title may not be expended to implement the changes until the Secretary approves the amendments.
4. Promulgating regulations.--The Secretary shall promulgate such regulations as are necessary to carry out the purposes of this title.
- b. Duties of Federal Entities.--Any Federal entity conducting or supporting activities directly affecting the Heritage Area, and any unit of government acting pursuant to a grant of Federal funds or a federal permit or agreement conducting or supporting such activities, shall to the maximum extent practicable--
  1. consult with the Secretary and the management entities with respect to such activities.
  2. cooperate with the Secretary and the management entities in carrying out their duties under this title and coordinate such activities with the carrying out of such duties; and
  3. conduct or support such activities in a manner consistent with the management plan unless the Federal entity, after consultation with the management entities, determines there is no practicable alternative.

## **SEC. 909. Authorization of Appropriations**

- a. Compacts and Management Plan.--There is authorized to be appropriated to the Secretary, for grants for developing a compact under section 905 and providing assistance for a management plan under section 906, not more than \$300,000 to remain available until expended, subject to the following conditions:
  1. No grant for a compact or management plan may exceed 75 percent of the grantee's cost for such study or plan.
  2. The total amount of federal funding for the compact for the Heritage Area may not exceed \$150,000.
  3. The total amount of Federal funding for a management plan for the Heritage Area may not exceed \$150,000.
- b. Management Entity Operations.--There is authorized to be appropriated to the Secretary for the management entities, amounts as follows:
  1. For the operating costs of each management entity, pursuant to section 907, not more than \$250,000 annually.

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The federal contribution to the operations of the management entities shall not exceed 50 percent of the annual operating costs of the entities.

- c. Implementation.--There is authorized to be appropriated to the Secretary, for grants (and the administration thereof) for the implementation of the management plans for the Heritage Area pursuant to section 908, not more than \$10,000,000, to remain available until expended, subject to the following conditions:
1. No grant for implementation may exceed 50 percent of the grantee's cost of implementation.
  2. Any payment made shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this title, as determined by the Secretary, shall result in a right of the United States of reimbursement of all funds made available to such project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

## **SEC. 910. Sunset**

The Secretary may not make any grant or provide any assistance under this title after September 30, 2012.

\* Section 909 b was amended through PL 105-83 (1997) by dropping the following language: "For technical assistance pursuant to Section 908 not more than \$50,000 annually."