

Signed into Law 3/30/09 by President Barack Obama

HR 146

SEC. 8006. FREEDOM'S WAY NATIONAL HERITAGE AREA, MASSACHUSETTS AND NEW HAMPSHIRE.

(a) Purposes- The purposes of this section are--

- (1) to foster a close working relationship between the Secretary and all levels of government, the private sector, and local communities in the States of Massachusetts and New Hampshire;
- (2) to assist the entities described in paragraph (1) to preserve the special historic identity of the Heritage Area; and
- (3) to manage, preserve, protect, and interpret the cultural, historic, and natural resources of the Heritage Area for the educational and inspirational benefit of future generations.

(b) Definitions- In this section:

- (1) HERITAGE AREA- The term `Heritage Area' means the Freedom's Way National Heritage Area established by subsection (c)(1).
- (2) LOCAL COORDINATING ENTITY- The term `local coordinating entity' means the local coordinating entity for the Heritage Area designated by subsection (c)(4).
- (3) MANAGEMENT PLAN- The term `management plan' means the management plan for the Heritage Area required under subsection (d)(1)(A).
- (4) MAP- The term `map' means the map entitled `Freedom's Way National Heritage Area', numbered T04/80,000, and dated July 2007.

(5) SECRETARY- The term `Secretary' means the Secretary of the Interior.

(c) Establishment-

(1) IN GENERAL- There is established the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire.

(2) BOUNDARIES-

(A) IN GENERAL- The boundaries of the Heritage Area shall be as generally depicted on the map.

(B) REVISION- The boundaries of the Heritage Area may be revised if the revision is--

(i) proposed in the management plan;

(ii) approved by the Secretary in accordance with subsection (e)(4); and

(iii) placed on file in accordance with paragraph (3).

(3) AVAILABILITY OF MAP- The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the local coordinating entity.

(4) LOCAL COORDINATING ENTITY- The Freedom's Way Heritage Association, Inc., shall be the local coordinating entity for the Heritage Area.

(d) Duties and Authorities of Local Coordinating Entity-

(1) DUTIES OF THE LOCAL COORDINATING ENTITY- To further the purposes of the Heritage Area, the local coordinating entity shall--

- (A) prepare, and submit to the Secretary, in accordance with subsection (e), a management plan for the Heritage Area;

- (B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by--
 - (i) carrying out programs and projects that recognize and protect important resource values within the Heritage Area;

 - (ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

 - (iii) developing recreational and educational opportunities in the Heritage Area;

 - (iv) increasing public awareness of, and appreciation for, natural, historic, and cultural resources of the Heritage Area;

 - (v) protecting and restoring historic buildings in the Heritage Area that are consistent with the themes of the Heritage Area; and

 - (vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area;

- (C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

- (D) conduct meetings open to the public at least quarterly regarding the development and implementation of the management plan;

- (E) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying--

- (i) the accomplishments of the local coordinating entity;
- (ii) the expenses and income of the local coordinating entity;
- (iii) the amounts and sources of matching funds;
- (iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and
- (v) grants made to any other entities during the fiscal year;

(F) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(G) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(H) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) **AUTHORITIES-** The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to--

(A) make grants to the States of Massachusetts and New Hampshire, political subdivisions of the States, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the States of Massachusetts and New Hampshire, political subdivisions of the States, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY- The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(4) USE OF FUNDS FOR NON-FEDERAL PROPERTY- The local coordinating entity may use Federal funds made available under this section to assist non-Federal property that is--

(A) described in the management plan; or

(B) listed, or eligible for listing, on the National Register of Historic Places.

(e) Management Plan-

(1) IN GENERAL- Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS- The management plan for the Heritage Area shall--

(A) describe comprehensive policies, goals, strategies, and recommendations for the conservation, funding, management, and development of the Heritage Area;

- (B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;
- (C) provide a framework for coordination of the plans considered under subparagraph (B) to present a unified historic preservation and interpretation plan;
- (D) contain the contributions of residents, public agencies, and private organizations within the Heritage Area;
- (E) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the natural, historic, scenic, and cultural resources of the Heritage Area;
- (F) specify existing and potential sources of funding or economic development strategies to conserve, manage, and develop the Heritage Area;
- (G) include an inventory of the natural, historic, and recreational resources of the Heritage Area, including a list of properties that--
 - (i) are related to the themes of the Heritage Area; and
 - (ii) should be conserved, restored, managed, developed, or maintained;
- (H) recommend policies and strategies for resource management that--
 - (i) apply appropriate land and water management techniques;
 - (ii) include the development of intergovernmental and interagency agreements to protect the natural, historic, and cultural resources of the Heritage Area; and
 - (iii) support economic revitalization efforts;

(I) describe a program for implementation of the management plan, including--

(i) restoration and construction plans or goals;

(ii) a program of public involvement;

(iii) annual work plans; and

(iv) annual reports;

(J) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;

(K) include an interpretive plan for the Heritage Area; and

(L) include a business plan that--

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) TERMINATION OF FUNDING- If the management plan is not submitted to the Secretary in accordance with this section, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN-

(A) REVIEW- Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) CRITERIA FOR APPROVAL- In determining whether to approve the management plan, the Secretary shall consider whether--

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historic, and cultural resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(C) ACTION FOLLOWING DISAPPROVAL-

(i) IN GENERAL- If the Secretary disapproves the management plan, the Secretary--

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE- Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(D) AMENDMENTS-

(i) IN GENERAL- An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION- The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(f) Duties and Authorities of the Secretary-

(1) TECHNICAL AND FINANCIAL ASSISTANCE-

(A) IN GENERAL- On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS- The Secretary may enter into

cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY- In assisting the Heritage Area, the Secretary shall give priority to actions that assist in--

(i) conserving the significant natural, historic, and cultural resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) EVALUATION; REPORT-

(A) IN GENERAL- Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (j), the Secretary shall--

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION- An evaluation conducted under subparagraph (A)(i) shall--

(i) assess the progress of the local coordinating entity with respect to--

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved

management plan for the Heritage Area;

- (ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and
- (iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT-

(i) IN GENERAL- Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS- If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of--

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS- On completion of a report under this subparagraph, the Secretary shall submit the report to--

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(g) Relationship to Other Federal Agencies-

- (1) IN GENERAL- Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.
- (2) CONSULTATION AND COORDINATION- To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.
- (3) OTHER FEDERAL AGENCIES- Nothing in this section--
 - (A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;
 - (B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or
 - (C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(h) Property Owners and Regulatory Protections- Nothing in this section--

- (1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;
- (2) requires any property owner to--
 - (A) permit public access (including Federal, tribal, State, or local government access) to the property; or
 - (B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

- (3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;
- (4) conveys any land use or other regulatory authority to the local coordinating entity;
- (5) authorizes or implies the reservation or appropriation of water or water rights;
- (6) diminishes the authority of the States of Massachusetts and New Hampshire to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or
- (7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(i) Authorization of Appropriations-

(1) IN GENERAL- There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) AVAILABILITY- Funds made available under paragraph (1) shall remain available until expended.

(3) COST-SHARING REQUIREMENT-

(A) IN GENERAL- The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM- The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(j) Termination of Financial Assistance- The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.