

# National Heritage Areas Act of 2006

Public Law No: 109-338

(Signed into law on Oct 12, 2006)

## Subtitle G--Champlain Valley National Heritage Partnership

### SEC. 281. SHORT TITLE.

This subtitle may be cited as the `Champlain Valley National Heritage Partnership Act of 2006'.

### SEC. 282. FINDINGS AND PURPOSES.

(a) Findings- Congress finds that--

- (1) the Champlain Valley and its extensive cultural and natural resources have played a significant role in the history of the United States and the individual States of Vermont and New York;
- (2) archaeological evidence indicates that the Champlain Valley has been inhabited by humans since the last retreat of the glaciers, with the Native Americans living in the area at the time of European discovery being primarily of Iroquois and Algonquin descent;
- (3) the linked waterways of the Champlain Valley, including the Richelieu River in Canada, played a unique and significant role in the establishment and development of the United States and Canada through several distinct eras, including--
  - (A) the era of European exploration, during which Samuel de Champlain and other explorers used the waterways as a means of access through the wilderness;
  - (B) the era of military campaigns, including highly significant military campaigns of the French and Indian War, the American Revolution, and the War of 1812; and
  - (C) the era of maritime commerce, during which canal boats, schooners, and steamships formed the backbone of commercial transportation for the region;
- (4) those unique and significant eras are best described by the theme `The Making of Nations and Corridors of Commerce';
- (5) the artifacts and structures associated with those eras are unusually well-preserved;
- (6) the Champlain Valley is recognized as having one of the richest collections of historical resources in North America;
- (7) the history and cultural heritage of the Champlain Valley are shared with Canada and the Province of Quebec;
- (8) there are benefits in celebrating and promoting this mutual heritage;

(9) tourism is among the most important industries in the Champlain Valley, and heritage tourism in particular plays a significant role in the economy of the Champlain Valley;

(10) it is important to enhance heritage tourism in the Champlain Valley while ensuring that increased visitation will not impair the historical and cultural resources of the region;

(11) according to the 1999 report of the National Park Service entitled 'Champlain Valley Heritage Corridor Project', 'the Champlain Valley contains resources and represents a theme 'The Making of Nations and Corridors of Commerce', that is of outstanding importance in United States history'; and

(12) it is in the interest of the United States to preserve and interpret the historical and cultural resources of the Champlain Valley for the education and benefit of present and future generations.

(b) Purposes- The purposes of this subtitle are--

(1) to establish the Champlain Valley National Heritage Partnership in the States of Vermont and New York to recognize the importance of the historical, cultural, and recreational resources of the Champlain Valley region to the United States;

(2) to assist the States of Vermont and New York, including units of local government and nongovernmental organizations in the States, in preserving, protecting, and interpreting those resources for the benefit of the people of the United States;

(3) to use those resources and the theme 'the making of nations and corridors of commerce' to--

(A) revitalize the economy of communities in the Champlain Valley; and

(B) generate and sustain increased levels of tourism in the Champlain Valley;

(4) to encourage--

(A) partnerships among State and local governments and nongovernmental organizations in the United States; and

(B) collaboration with Canada and the Province of Quebec to--

(i) interpret and promote the history of the waterways of the Champlain Valley region;

(ii) form stronger bonds between the United States and Canada; and

(iii) promote the international aspects of the Champlain Valley region; and

(5) to provide financial and technical assistance for the purposes described in paragraphs (1) through (4).

## **SEC. 283. DEFINITIONS.**

In this subtitle:

(1) HERITAGE PARTNERSHIP- The term `Heritage Partnership' means the Champlain Valley National Heritage Partnership established by section 104(a).

(2) MANAGEMENT ENTITY- The term `management entity' means the Lake Champlain Basin Program.

(3) MANAGEMENT PLAN- The term `management plan' means the management plan developed under section 284(b)(1)(B)(i).

(4) REGION-

(A) IN GENERAL- The term `region' means any area or community in 1 of the States in which a physical, cultural, or historical resource that represents the theme is located.

(B) INCLUSIONS- The term `region' includes

(i) THE LINKED NAVIGABLE WATERWAYS OF-

(I) Lake Champlain;

(II) Lake George;

(III) the Champlain Canal; and

(IV) the portion of the Upper Hudson River extending south to Saratoga;

(ii) portions of Grand Isle, Franklin, Chittenden, Addison, Rutland, and Bennington Counties in the State of Vermont; and

(iii) portions of Clinton, Essex, Warren, Saratoga and Washington Counties in the State of New York.

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

(6) STATE- the term `State' means

(A) the State of Vermont; and

(B) the State of New York.

(7) THEME- The term `theme' means the theme `The Making of Nations and Corridors of Commerce', as the term is used in the 1999 report of the National Park Service entitled `Champlain Valley Heritage Corridor Project', that describes the periods of international conflict and maritime commerce during which the region played a unique and significant role in the development of the United States and Canada.

## **SEC. 284. HERITAGE PARTNERSHIP.**

(a) Establishment- There is established in the region the Champlain Valley National Heritage Partnership.

(b) Management Entity-

(1) DUTIES-

(A) IN GENERAL- The management entity shall implement this subtitle.

(B) MANAGEMENT PLAN-

(i) IN GENERAL- Not later than 3 years after the date of enactment of this Act, the management entity shall develop a management plan for the Heritage Partnership.

(ii) EXISTING PLAN- Pending the completion and approval of the management plan, the management entity may implement the provisions of this subtitle based on its federally authorized plan 'Opportunities for Action, an Evolving Plan For Lake Champlain'.

(iii) CONTENTS- The management plan shall include--

(I) recommendations for funding, managing, and developing the Heritage Partnership;

(II) a description of activities to be carried out by public and private organizations to protect the resources of the Heritage Partnership;

(III) a list of specific, potential sources of funding for the protection, management, and development of the Heritage Partnership;

(IV) an assessment of the organizational capacity of the management entity to achieve the goals for implementation; and

(V) recommendations of ways in which to encourage collaboration with Canada and the Province of Quebec in implementing this subtitle.

(iv) CONSIDERATIONS- In developing the management plan under clause (i), the management entity shall take into consideration existing Federal, State, and local plans relating to the region.

(v) SUBMISSION TO SECRETARY FOR APPROVAL-

(I) IN GENERAL- Not later than 3 years after the date of enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.

(II) EFFECT OF FAILURE TO SUBMIT- If a management plan is not submitted to the Secretary by the date specified in subclause (I), the Secretary shall not provide any additional funding under this subtitle until a management plan for the Heritage Partnership is submitted to the Secretary.

(vi) APPROVAL- Not later than 90 days after receiving the management plan submitted under clause (v)(I), the Secretary, in consultation with the States, shall approve or disapprove the management plan.

(vii) ACTION FOLLOWING DISAPPROVAL-

(I) GENERAL- If the Secretary disapproves a management plan under clause (vi), the Secretary shall--

- (aa) advise the management entity in writing of the reasons for the disapproval;
- (bb) make recommendations for revisions to the management plan; and
- (cc) allow the management entity to submit to the Secretary revisions to the management plan.

(II) DEADLINE FOR APPROVAL OF REVISION- Not later than 90 days after the date on which a revision is submitted under subclause (I)(cc), the Secretary shall approve or disapprove the revision.

(viii) AMENDMENT-

(I) IN GENERAL- After approval by the Secretary of the management plan, the management entity shall periodically--

- (aa) review the management plan; and
- (bb) submit to the Secretary, for review and approval by the Secretary, the recommendations of the management entity for any amendments to the management plan that the management entity considers to be appropriate.

(II) EXPENDITURE OF FUNDS- No funds made available under this subtitle shall be used to implement any amendment proposed by the management entity under subclause (I) until the Secretary approves the amendments.

(2) PARTNERSHIPS-

(A) IN GENERAL- In carrying out this subtitle, the management entity may enter into partnerships with--

- (i) the States, including units of local governments in the States;
- (ii) nongovernmental organizations;
- (iii) Indian Tribes; and
- (iv) other persons in the Heritage Partnership.

(B) GRANTS- Subject to the availability of funds, the management entity may provide grants to partners under subparagraph (A) to assist in implementing this subtitle.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY-

The management entity shall not use Federal funds made available under this subtitle to acquire real property or any interest in real property.

- (c) Assistance From Secretary- To carry out the purposes of this subtitle, the Secretary may provide technical and financial assistance to the management entity.

## **SEC. 285. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.**

(a) Notification and Consent of Property Owners Required- No privately owned property shall be preserved, conserved, or promoted by the management plan until--

(1) the management entity notifies the owner of the private property in writing; and

(2) the owner of the private property provides to the management entity written consent for the preservation, conservation, or promotion.

(b) Landowner Withdrawal- Private property included within the boundary of the Heritage Partnership shall immediately be withdrawn from the Heritage Partnership if the owner of the property submits a written request to the management entity.

## **SEC. 286. PRIVATE PROPERTY PROTECTION.**

(a) Access to Private Property- Nothing in this subtitle--

(1) requires a private property owner to allow public access (including access by the Federal Government or State or local governments) to private property; or

(2) modifies any provision of Federal, State, or local law with respect to public access to, or use of, private property.

(b) Liability- Designation of the Heritage Partnership under this subtitle does not create any liability, or have any effect on liability under any other law, of a private property owner with respect to any persons injured on the private property.

(c) Recognition of Authority To Control Land Use- Nothing in this subtitle modifies any authority of the Federal Government or State or local governments to regulate land use.

(d) Participation of Private Property Owners- Nothing in this subtitle requires the owner of any private property located within the boundaries of the Heritage Partnership to participate in, or be associated with the Heritage Partnership.

(e) Effect of Establishment-

(1) IN GENERAL- The boundaries designated for the Heritage Partnership represent the area within which Federal funds appropriated for the purpose of this subtitle shall be expended.

(2) REGULATORY AUTHORITY- The establishment of the Heritage Partnership and the boundaries of the Heritage Partnership do not provide any regulatory authority that is not in existence on the date of enactment of this Act relating to land use within the Heritage Partnership or the viewshed of the Heritage Partnership by the Secretary, the National Park Service, or the management entity.

## **SEC. 287. EFFECT.**

Nothing in this subtitle--

- (1) grants powers of zoning or land use to the management entity; or
- (2) obstructs or limits private business development activities or resource development activities.

#### **SEC. 288. AUTHORIZATION OF APPROPRIATIONS.**

(a) In General- There is authorized to be appropriated to carry out this subtitle not more than a total of \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(b) Non-Federal Share- The non-Federal share of the cost of any activities carried out using Federal funds made available under subsection (a) shall be not less than 50 percent.

#### **SEC. 289. TERMINATION OF AUTHORITY.**

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.