To establish the Ohio & Erie Canal National Heritage Corridor in the State of Ohio as an affiliated area of the National Park System, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 2 (legislative day, JANUARY 25), 1994

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

A BILL

To establish the Ohio & Erie Canal National Heritage Corridor in the State of Ohio as an affiliated area of the National Park System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ohio & Erie Canal National Heritage Corridor Act of 1994”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The Ohio & Erie Canal, which opened for commercial navigation in 1832, was the first inland
waterway to connect the Great Lakes at Lake Erie with the Gulf of Mexico via the Ohio and Mississippi Rivers and was part of a canal network in Ohio that was one of the most extensive and successful systems in America during a time when canals were essential to the growth of the Nation.

(2) The Ohio & Erie Canal spurred economic growth in the State of Ohio that took the State from near bankruptcy to the third most economically prosperous State in the Union in just 20 years.

(3) A 4-mile section of the Ohio & Erie Canal was designated a National Historic Landmark in 1966 and other portions of the Ohio & Erie Canal and many associated structures were placed on the National Register of Historic Places.

(4) In 1974, 19 miles of the Ohio & Erie Canal were declared nationally significant under National Park Service new area criteria with the designation of Cuyahoga Valley National Recreation Area.

(5) The National Park Service determined that the Ohio & Erie Canal is nationally significant in a 1975 study entitled “Suitability/Feasibility Study, Proposed Ohio & Erie Canal”.

(6) A 1993 special resource study of the Ohio & Erie Canal Corridor conducted by the National
Park Service entitled “A Route to Prosperity” concluded that the corridor is eligible as a National Heritage Corridor, an affiliated unit of the National Park System.

(b) PURPOSE.—The purpose of this Act is—

(1) to preserve and interpret for the educational and inspirational benefit of present and future generations the unique and significant contributions to our national heritage of certain historic and cultural lands, waterways, and structures within the 87-mile Ohio & Erie Canal Corridor between Cleveland and Zoar; and

(2) to provide a management framework to assist the State of Ohio and its political subdivisions in developing and implementing an integrated Corridor Management Plan and developing policies and programs that will preserve, enhance, and interpret the cultural, historical, natural, recreation, and scenic resources of the corridor.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) the term “corridor” means the Ohio & Erie Canal National Heritage Corridor established under section 4;
(2) the term "Commission" means the Ohio & Erie Canal National Heritage Corridor Commission established under section 5; and

(3) the term "Corridor Management Plan" means the management plan developed under section 8.

SEC. 4. OHIO & ERIE CANAL NATIONAL HERITAGE CORRIDOR.

(a) Establishment.—There is established in the State of Ohio the Ohio & Erie Canal National Heritage Corridor.

(b) Boundaries.—

(1) In general.—The boundaries of the corridor are generally the route of the Ohio & Erie Canal from Cleveland to Zoar, Ohio, as depicted in the 1993 National Park Service special resources study entitled "A Route to Prosperity".

(2) Detail.—The boundaries shall be specified in detail in the Corridor Management Plan, prepared and approved pursuant to section 7(a).

(c) Administration.—The corridor shall be administered in accordance with this Act.

SEC. 5. THE OHIO & ERIE CANAL NATIONAL HERITAGE CORRIDOR COMMISSION.

(a) Establishment.—
(1) IN GENERAL.—There is established the Ohio & Erie Canal National Heritage Corridor Commission.

(2) RESPONSIBILITIES.—The Commission shall assist Federal, State, and local authorities and the private sector in developing and implementing an integrated management plan for the corridor.

(b) MEMBERSHIP.—The Commission shall be composed of 21 members, including—

(1) the Director of the National Park Service, ex officio, or a delegate of the Director;

(2) 2 individuals appointed by the Secretary from recommendations submitted by the Governor of Ohio, who shall be representatives of the Directors of the Ohio Department of Natural Resources and the Ohio Historical Society;

(3) 8 individuals appointed by the Secretary from recommendations submitted by the county commissioners or county chief executive of the Ohio counties of Cuyahoga, Summit, Stark, and Tuscarawas, of which—

(A) 4 individuals shall be representatives of the Planning offices of each county; and

(B) 4 individuals shall represent a municipality in each of the counties;
(4) 3 individuals appointed by the Secretary from recommendations submitted by the county or metropolitan park boards of the Ohio counties of Cuyahoga, Summit, and Stark;

(5) 1 individual with knowledge and experience in the field of historic preservation, appointed by the Secretary from recommendations made by the Director of the National Park Service;

(6) 1 individual with knowledge and experience in the field of historic preservation, appointed by the Secretary from recommendations made by the Ohio Historic Preservation Officer;

(7) 1 individual who shall be a director of a convention and tourism bureau from within the corridor, appointed by the Secretary from recommendations made by the Director of the Ohio Department of Travel and Tourism; and

(8) 4 individuals appointed by the Secretary from recommendations submitted by the Greater Cleveland Growth Association, the Akron Regional Development Board, the Stark Development Board, and the Tuscarawas County Chamber of Commerce, who shall represent business and industry in each of the 4 counties.

(c) Period of Appointment.—
(1) **In General.**—Except as provided in paragraph (2), members of the Commission shall be appointed for terms of 3 years and may be reappointed after the expiration of each term.

(2) **Initial Appointments.**—The Secretary shall appoint the initial members of the Commission not later than 6 months after the date of enactment of this Act. Of the members first appointed—

(A) the members appointed pursuant to subsection (b)(3)(B) shall be appointed to a term of 2 years and may not be reappointed to a consecutive term;

(B) the member appointed pursuant to subsection (b)(7) shall be appointed to a term of 2 years and may not be reappointed to a consecutive term; and

(C) the members appointed pursuant to subsections (b)(5) and (b)(8) shall be appointed to a term of 2 years and may be reappointed.

(d) **Vacancies.**—

(1) **In General.**—Except as provided in paragraph (2), a vacancy in the Commission shall be filled in the manner in which the original appointment was made.
(2) Limitations.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such vacancy was appointed shall be appointed only for the remainder of such term. Any member of the Commission appointed for a definite term may serve after the expiration of the term until a successor has taken office.

(e) Personnel Matters.—

(1) Compensation of Members.—Each member of the Commission who is not an officer or employee of the Federal Government shall serve without compensation. Each member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to that received for their service as officers or employees of the Federal Government.

(2) Travel Expenses.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for persons employed intermittently in the Government service under section 5703 of title 5, United States Code.

(f) Chairperson.—The members of the Commission shall elect a Chairperson from among the members of the Commission. The Chairperson shall serve in such capacity
until the expiration of the term of the member elected as Chairperson.

(g) QUORUM.—Eleven members of the Commission shall constitute a quorum. The affirmative vote of not less than 11 members of the Commission shall be required to approve the budget of the Commission.

(h) MEETINGS.—The Commission shall meet at least quarterly at the call of the chairperson or 11 of its members. Meetings of the Commission shall be subject to section 552b of title 5, United States Code (relating to open meetings).

(i) STAFF.—

(1) IN GENERAL.—The Commission may, without regard to civil service laws and regulations, appoint and fix the compensation of such staff as may be necessary to enable the Commission to carry out its duties. The Commission shall appoint a Director and such specialists the Commission considers necessary or appropriate in such areas as planning, community development, interpretive services, historic preservation, recreation, natural resources, commerce and industry, education, financing, and public relations.

(2) COMPENSATION.—The Commission may fix the compensation of the Director and other person-
nel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate payable for grade GS-15 of the General Schedule.

(j) **EXPERTS AND CONSULTANTS.**—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates determined by the Commission to be reasonable.

(k) **DETAIL OF GOVERNMENT EMPLOYEES.**—Upon request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, the personnel of such agency to the Commission to assist the Commission in carrying out its duties. The Commission may accept the services of personnel detailed from the State of Ohio, and any political subdivision thereof, and may reimburse the State or political subdivision for the services.

(l) **ADMINISTRATIVE SUPPORT.**—The Administrator of General Services shall provide such administrative support services as the Commission may request, on a reimbursable basis.
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SEC. 6. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The Commission may not issue subpoenas or exercise subpoena authority.

(b) BYLAWS.—The Commission may make such bylaws, rules, and regulations, consistent with this Act, as it considers necessary to carry out its functions under this Act.

(c) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission, if so authorized by the Commission, may take any action which the Commission is authorized to take by this Act.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) USE OF FUNDS TO OBTAIN MONEY.—The Commission may use its funds to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money.
(f) Retaining Revenues.—The Commission may retain revenue from the sale or lease of any goods or services.

(g) Gifts.—Except as provided in subsection (h), the Commission may, for the purposes of carrying out its duties, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services, received from any source. For purposes of section 170(c) of the Internal Revenue Code of 1986, any gift to the Commission shall be deemed to be a gift to the United States.

(h) Acquisition and Disposition of Real Property.—

(1) In General.—Except as provided in paragraphs (2) and (3), the Commission may not acquire real property, or interests in real property, in the corridor.

(2) Conditions for Acquisition.—Subject to paragraph (3), the Commission may acquire real property, or interests in real property, in the corridor—

(A) by gift or devise;

(B) by purchase from a willing seller using donated or appropriated land acquisition funds;

or

(C) by exchange.
(3) **Conveyance.**—Any real property or interest in real property acquired by the Commission under paragraph (2) shall be conveyed by the Commission to an appropriate public agency or private nonprofit organization, as determined by the Commission—

(A) as soon as practicable after such acquisition; and

(B) on the condition that the real property or interest in real property limits use of the property to uses consistent with the purpose of this Act.

(4) **Disposal of Property.**—The Commission may with approval of the Secretary, sell any real property or interest in real property pursuant to subparagraphs (A) and (B) of paragraph (2) and retain the revenue from the sale.

(i) **Cooperative Agreements and Technical Assistance.**—For the purposes of implementing the Corridor Management Plan, the Commission may enter cooperative agreements with, or provide technical assistance to, Federal agencies, the State of Ohio, political subdivisions of the State, corporations, and persons. Any such cooperative agreement shall, at a minimum, establish procedures for providing notice to the Commission of any action pro-
posed by Federal agencies, the State of Ohio, any political
subdivision of the State, any corporations, or any such
person which may affect the implementation of the Cor-
ridor Management Plan.

(j) LOANS AND GRANTS.—Consistent with the pur-
poses of this Act, the Commission may make loans and
grants to the State of Ohio, political subdivision of the
State, corporations, or persons, from appropriated funds
or from funds donated or otherwise made available to the
Commission. The Commission shall provide advice and as-
sistance in preparation of loan or grant applications to the
Commission and applications for loans or grants from
other Federal or non-Federal sources in furtherance of
this Act. Any loan made under this subsection shall be
for a term expiring before the termination of the Commis-
sion.

(k) TECHNICAL ADVISORY GROUPS.—Not later than
1 year after the date on which the Commission holds its
first meeting, the Commission shall establish public tech-

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(1) **Local Authority and Private Property Not Affected.**—Nothing in this Act shall be construed to affect or to authorize the Commission to interfere with—

   (1) the rights of any person with respect to private property; or

   (2) any local zoning ordinance or land use plan of the State of Ohio or a political subdivision of such State.

**SEC. 7. DUTIES OF THE COMMISSION.**

(a) **Corridor Management Plan.—**

   (1) **Period for Development.**—Not later than 18 months after the date on which the Commission conducts its first meeting, the Commission shall submit a management plan for the corridor to the Secretary and the Governor of Ohio for review and approval.

   (2) **Technical Assistance.**—The Secretary shall, upon request of the Commission, provide assistance to the Commission in the preparation and implementation of the plan.

   (3) **Plan Requirements.**—The plan shall take into consideration State, county, and local plans existing on the date on which the plan is prepared, and public involvement. The plan shall—
(A) provide an inventory that includes any property in the corridor that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historic, recreational, or scenic significance;

(B) provide an analysis of current and potential land uses within the corridor that affect the character of the corridor;

(C) determine the boundaries of the corridor based on the information collected pursuant to subparagraphs (A) and (B);

(D) establish standards and criteria applicable to the construction, preservation, restoration, alteration, and use of significant properties within the corridor;

(E) include a heritage interpretation plan to interpret the resources and values of the corridor, and provide for appropriate educational, recreational, and tourism opportunities and development;

(F) contain policies for land use management that consider and detail the application of appropriate land and water management techniques not limited to local zoning, use of easements, and intergovernmental cooperative
agreements, so as to protect and enhance the historic, cultural, natural, scenic, and recreational resources of the corridor in a manner consistent with supporting economic development efforts;

(G) include a public access and transportation plan that integrates corridor resources within and outside corridor boundaries;

(H) contain a coordination and consistency component which details the way in which local, State, and Federal programs will be coordinated to promote the purposes of this Act; and

(I) contain a Federal, State, and local government implementation plan that includes cost estimates, schedules, and a commitment of resources for its accomplishment.

(b) APPROVAL OF THE PLAN BY SECRETARY.—

(1) IN GENERAL.—Not later than 90 days after receiving the plan from the Commission, the Secretary shall approve or disapprove a plan submitted under subsection (a).

(2) CRITERIA FOR DECISION.—The Secretary shall approve a plan only if the Secretary finds that the plan, if implemented, would adequately protect
the significant natural, cultural, historic, recreational, and scenic resources of the corridor.

(3) FACTORS RELATING TO APPROVAL.—In determining whether or not to approve the plan, the Secretary shall consider whether—

(A) the Commission has afforded adequate opportunity for public involvement in the preparation of the plan; and

(B) adequate assurances have been received from State and local government officials that the implementation program identified in the plan will be initiated within a reasonable time after the date of approval of the plan and such program will ensure effective implementation of the Federal, State, and local aspects of the plan.

(4) DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the plan, the Secretary shall advise the Commission, in writing, of the reasons for the disapproval, and shall make recommendations for revisions.

(B) RESUBMISSION.—Not later than 6 months after the Commission receives notice of disapproval, the Commission shall resubmit the
plan to the Secretary, who shall approve or disapprove the plan as revised in accordance with paragraphs (1) through (3).

(c) Priority Actions Under Implementation of the Plan.—

(1) In general.—After approval of the plan under subsection (b), the Commission shall give priority to actions that—

(A) preserve and enhance the significant cultural and natural resources of the corridor;

(B) promote and provide educational, interpretive, and recreational opportunities consistent with the resources and associated values of the corridor; and

(C) support public and private efforts in economic development that contribute to the goals of the plan.

(2) Actions described.—Priority actions to be carried out under paragraph (1) include—

(A) assisting the State and political subdivisions and the private sector preserve and enhance the Ohio & Erie Canal and related resources;

(B) assisting the State and political subdivisions and the private sector in appropriate
treatment of historic districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places;

(C) assisting the State and political subdivisions and the private sector design, construct, and maintain appropriate visitor use facilities, interpretive exhibits, tour routes and coordinated signs through the corridor;

(D) assisting in the enhancement of public awareness and appreciation for historical, cultural, natural, recreational, and scenic resources and associated values of the corridor;

(E) encouraging the conservation of natural resources and historic and scenic landscapes;

(F) encouraging enhanced recreational opportunities and economic development in the corridor in furtherance of the goals of the plan; and

(G) encouraging local governments to adopt policies consistent with the goals of the plan and to take actions to implement the policies.

(d) Annual Reports.—
§ 8. TERMINATION OF THE COMMISSION.

(a) TERMINATION.—Except as provided in subsection (b), the Commission shall terminate on the date that is 20 years after the date of the enactment of this Act. Any property or funds of the Commission remaining upon the expiration of the Commission shall be transferred by the Commission to the United States, to a State or local government agency, to a private nonprofit organization re-
ferred to in section 501(c)(3) of the Internal Revenue Code of 1986 which is exempt from income taxes under section 501(a) of such Code, or to any combination of the foregoing.

(b) Extensions.—The Commission may be extended for a period of not more than 5 years beginning on the date referred to in subsection (a) if, not later than 180 days before such date—

(1) the Commission determines such extension is necessary in order to carry out this Act;

(2) the Commission submits the proposed extension to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resource of the Senate before the termination date; and

(3) the Secretary and the Governor of the State of Ohio each approve such extension.

SEC. 9. DUTIES OF THE SECRETARY.

(a) Technical Assistance.—The Secretary may, upon request of the Commission, provide technical assistance to the Commission for—

(1) establishing guidelines and standards to protect, preserve, enhance, and interpret the cultural and natural resources of the corridor; and
(2) general administrative support in planning, finance, personnel, procurement, property management, environmental and historical compliance, and land acquisition.

(b) Assistance of the Cuyahoga Valley National Recreation Area.—

(1) In general.—Upon request of the Commission, and subject to the availability of funds directly appropriated for this purpose, or made available on a reimbursable basis, the Secretary shall provide technical, financial, development, and operations assistance through the Cuyahoga Valley National Recreation Area. Such assistance may include—

(A) administrative support, such as office space and equipment;

(B) personnel;

(C) planning and design services for visitor use facilities, trails, interpretive exhibits, publications, signs, and natural resource management;

(D) development and construction assistance, including visitor use facilities, trails, excursion passenger rail facilities, river use and
access facilities, scenic byways, signs, waysides, and rehabilitation of historic structures; and

(E) operations functions, including interpretation and visitor services, maintenance, natural resource management, and law enforcement services conducted within the boundaries of the corridor.

(2) Cooperative Agreements.—For the purposes of providing assistance under paragraph (1), the Secretary may enter into cooperative agreements with any Federal, State, or local agency, corporation, or person.

(c) Land Transfers.—The Secretary may accept transfers of real property from the Commission within the boundaries of the corridor as established in the Corridor Management Plan. Property outside the legislated boundaries of the Cuyahoga Valley National Recreation Area that is transferred to the National Park Service by the Commission shall be added to and administered as part of the Cuyahoga Valley National Recreation Area.

SEC. 10. DUTIES OF OTHER FEDERAL ENTITIES.

Any Federal entity conducting or supporting activities directly affecting the corridor and any entity of the State of Ohio or a political subdivision of the State of Ohio
acting pursuant to a grant of Federal funds or a Federal permit or agreement supporting such activities, shall—

(1) consult with the Secretary and the Commission appointed for the corridor with respect to such activities;

(2) cooperate with the Secretary and the Commission in carrying out their duties under this Act and, to the maximum extent practicable, coordinate such activities; and

(3) conduct or support such activities in a manner which the Commission determines will not have an adverse effect on the corridor.

SEC. 11. COST SHARE.

(a) FEDERAL SHARE.—The Federal share of the funding provided to the Commission to carry out this Act may not exceed 50 percent of the total cost of—

(1) the annual administrative expenditures of the Commission;

(2) the annual development expenditures of the Commission to implement the Corridor Management Plan; and

(3) the annual land acquisition expenditures of the Commission.
(b) NON-FEDERAL SHARE.—The non-Federal share of the funding of the Commission may be in the form of cash, services, or in-kind contributions, fairly valued.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Commission—

(1) for the administrative expenses of the Commission, $400,000 per year;

(2) for planning, design, construction, grants, and loans to implement the approved Corridor Management Plan, $1,500,000 per year, to remain available until expended; and

(3) for the acquisition of real property consistent with the implementation of the Corridor Management Plan, subject to section 7(b), $250,000 per year, to remain available until expended.

(b) LIMITATION.—No amount shall be expended prior to the date on which the Secretary approves the Corridor Management Plan, except that the Commission may expend funds prior to such time for—

(1) an 87-mile multiple use trail connecting Cleveland and Zoar, Ohio;

(2) 2 Heritage Visitor Centers located proximate to the route of the Ohio and Erie Canal between Cleveland and Zoar;
(3) excursion passenger rail facilities for the Cuyahoga Valley National Recreation Area provided by the nonprofit Cuyahoga Valley Scenic Railroad along rail routes connecting Cleveland and Zoar;

(4) the rehabilitation of sites, structures, and buildings listed or eligible for listing on the National Register of Historic Places that are located proximate to the route of the Ohio and Erie Canal and that may be threatened with loss or demolition; and

(5) acquisition of property, only if such property is proximate to the route of the Ohio & Erie Canal and is threatened by inappropriate development or treatment.