

105TH CONGRESS
1ST SESSION

S. 174

To establish the Fallen Timbers Battlefield, Fort Meigs, and Fort Miamis
National Historical Site in the State of Ohio.

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1997

Mr. DEWINE introduced the following bill; which was read twice and referred
to the Committee on Energy and Natural Resources

A BILL

To establish the Fallen Timbers Battlefield, Fort Meigs,
and Fort Miamis National Historical Site in the State
of Ohio.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fallen Timbers Battle-
5 field, Fort Meigs, and Fort Miamis National Historical
6 Site Act”.

7 **SEC. 2. FINDINGS AND PURPOSES.**

8 (a) FINDINGS.—Congress finds that—

9 (1) the 185-acre Fallen Timbers Battlefield is
10 the site of the 1794 battle between General Anthony

1 Wayne and a confederation of Native American
2 tribes;

3 (2) Fort Meigs was constructed in January
4 1813, following the defeat of American troops com-
5 manded by James Winchester at the battle of
6 Frenchtown near Monroe, Michigan;

7 (3) British troops, led by General Henry Proc-
8 tor, landed at Fort Miamis in the spring of 1813
9 and attacked the fort twice, without success;

10 (4) Fort Meigs State Memorial is located in
11 Wood County, Ohio, in the city of Perrysburg;

12 (5) Fort Miamis and the Fallen Timbers Bat-
13 tlefield are in Lucas County, Ohio, in the city of
14 Maumee;

15 (6) the 9-acre Fallen Timbers Battlefield Monu-
16 ment is listed as a National Historic Landmark;

17 (7) in 1969, Fort Meigs was listed on the Na-
18 tional Register of Historic Places and designated as
19 a National Historic Landmark;

20 (8) Fort Miamis is listed in the National Reg-
21 ister of Historic Places as a historic site;

22 (9) in 1959, the Battle of Fallen Timbers was
23 included in the National Survey of Historic Sites
24 and Buildings as 1 of 22 sites representing the “Ad-
25 vance of the Frontier, 1763–1830”; and

1 (10) in 1960, the Battle of Fallen Timbers was
2 designated as a National Historic Landmark.

3 (b) PURPOSES.—The purposes of this Act are—

4 (1) to recognize and preserve the 185-acre Fall-
5 en Timbers Battlefield site;

6 (2) to formalize the linkage of the Fallen Tim-
7 bers Battlefield and Monument to Fort Miamis and
8 Fort Meigs;

9 (3) to preserve and interpret United States
10 military history and Native American culture during
11 the period from 1794 through 1813;

12 (4) to provide assistance to the State of Ohio,
13 political subdivisions of the State, and nonprofit or-
14 ganizations in the State, in implementing the Stew-
15 ards-ship Plan and developing programs that will pre-
16 serve and interpret the historical, cultural, natural,
17 recreational, and scenic resources of the historical
18 site; and

19 (5) to authorize the Secretary to provide tech-
20 nical assistance to the State of Ohio, political sub-
21 divisions of the State, and nonprofit organizations in
22 the State (including the Ohio Historical Society, the
23 city of Maumee, the Maumee Valley Heritage Cor-
24 ridor, the city of Toledo, and the Metropark District

1 of the Toledo Area) in implementing the Steward-
2 ship Plan.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) HISTORICAL SITE.—The term “historical
6 site” means the Fallen Timbers Battlefield and
7 Monument, Fort Meigs, and Fort Miamis National
8 Historical Site established by section 4.

9 (2) MANAGEMENT ENTITY.—The term “man-
10 agement entity” means the Ohio Historical Society,
11 the city of Maumee, the Maumee Valley Heritage
12 Corridor, the city of Toledo, the Metropark District
13 of the Toledo Area, and any other entity designated
14 by the Governor of Ohio.

15 (3) SECRETARY.—The term “Secretary” means
16 the Secretary of the Interior.

17 (4) STEWARDSHIP PLAN.—The term “Steward-
18 ship Plan” means the management plan developed
19 by the management entity.

20 (5) TECHNICAL ASSISTANCE.—The term “tech-
21 nical assistance” means any guidance, advice, or
22 other aid, other than financial assistance, provided
23 by the Secretary.

1 **SEC. 4. FALLEN TIMBERS BATTLEFIELD, FORT MEIGS, AND**
2 **FORT MIAMIS NATIONAL HISTORICAL SITE.**

3 (a) ESTABLISHMENT.—There is established in the
4 State of Ohio the Fallen Timbers Battlefield, Fort Meigs,
5 and Fort Miamis National Historical Site.

6 (b) BOUNDARIES.—

7 (1) IN GENERAL.—The historical site comprises
8 the Fallen Timbers 185-acre battlefield site and 9-
9 acre battlefield monument, the 66.2-acre Fort Meigs
10 State Memorial site, and the Fort Miamis site.

11 (2) MAP.—The Secretary shall prepare a map
12 of the historical site, which shall be on file and avail-
13 able for public inspection in the office of the Direc-
14 tor of the National Park Service.

15 (3) FALLEN TIMBERS SITE.—The Fallen Tim-
16 bers site generally comprises a 185-acre parcel
17 northeast of U.S. 24, west of U.S. 23/I-475, south
18 of the Norfolk and Western Railroad line, and east
19 of Jerome Road.

20 (4) CONSENT OF LOCAL PROPERTY OWNERS.—
21 No privately owned property or property owned by
22 a municipality shall be included within the bound-
23 aries of the historical site unless the owner of the
24 property consents to the inclusion.

1 **SEC. 5. WITHDRAWAL OF DESIGNATION.**

2 (a) IN GENERAL.—The historical site shall remain a
3 National historical site unless—

4 (1) the Secretary determines that—

5 (A) the use, condition, or development of
6 the historical site is incompatible with the pur-
7 poses of this Act; or

8 (B) the management entity of the histori-
9 cal site has not made reasonable and appro-
10 priate progress in preparing or implementing
11 the Stewardship Plan for the historical site; and

12 (2) after making a determination under para-
13 graph (1), the Secretary submits to Congress notifi-
14 cation that the historical site designation should be
15 withdrawn.

16 (b) PUBLIC HEARING.—Before the Secretary makes
17 a determination under subsection (a)(1), the Secretary
18 shall hold a public hearing in the historical site.

19 (c) TIME OF WITHDRAWAL OF DESIGNATION.—

20 (1) DEFINITION OF LEGISLATIVE DAY.—In this
21 subsection, the term “legislative day” means any
22 calendar day on which both Houses of Congress are
23 in session.

1 (2) TIME PERIOD.—The withdrawal of the his-
 2 torical site designation shall become final 90 legisla-
 3 tive days after the Secretary submits to Congress
 4 the notification under subsection (a)(2).

5 **SEC. 6. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.**

6 (a) DUTIES AND AUTHORITIES OF THE SEC-
 7 RETARY.—

8 (1) TECHNICAL ASSISTANCE.—

9 (A) IN GENERAL.—The Secretary may
 10 provide technical assistance regarding the Stew-
 11 ardship Plan and its implementation to the
 12 State of Ohio, a political subdivision of the
 13 State, a nonprofit organization in the State, or
 14 any other person on a request by the manage-
 15 ment entity.

16 (B) PROHIBITION OF CERTAIN REQUIRE-
 17 MENTS.—The Secretary may not, as a condition
 18 of the award of technical assistance under this
 19 section, require any recipient of the technical
 20 assistance to enact or modify land use restric-
 21 tions.

22 (C) DETERMINATIONS REGARDING ASSIST-
 23 ANCE.—

24 (i) DECISION BY SECRETARY.—The
 25 Secretary shall decide if the historical site

1 shall be awarded technical assistance and
2 the amount, if any, of the assistance.

3 (ii) STANDARD.—A decision under
4 clause (i) shall be based on the degree to
5 which the historical site effectively fulfills
6 the objectives contained in the Stewardship
7 Plan and achieves the purposes of this Act.

8 (2) DEVELOPMENT OF STEWARDSHIP PLAN.—
9 The Secretary may assist in development of the
10 Stewardship Plan.

11 (3) PROVISION OF INFORMATION.—In coopera-
12 tion with other Federal agencies, the Secretary shall
13 provide the public with information regarding the lo-
14 cation and character of the historical site.

15 (b) DUTIES OF OTHER FEDERAL AGENCIES.—Any
16 Federal agency conducting an activity directly affecting
17 the historical site shall consider the potential effect of the
18 activity on the Stewardship Plan and shall consult with
19 the management entity of the historical site with respect
20 to the activity to minimize the adverse effects of the activ-
21 ity on the historical site.

1 **SEC. 7. NO EFFECT ON LAND USE REGULATION AND PRI-**
 2 **VATE PROPERTY.**

3 (a) NO EFFECT ON AUTHORITY OF GOVERN-
 4 MENTS.—Nothing in this Act modifies, enlarges, or dimin-
 5 ishes the authority of any Federal, State, or local govern-
 6 ment to regulate the use of land by law (including regula-
 7 tions).

8 (b) NO ZONING OR LAND USE POWERS.—Nothing
 9 in this Act grants any power of zoning or land use control
 10 to the management entity of the historical site.

11 (c) NO EFFECT ON LOCAL AUTHORITY OR PRIVATE
 12 PROPERTY.—Nothing in this Act affects or authorizes the
 13 management entity to interfere with—

14 (1) the rights of any person with respect to pri-
 15 vate property; or

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

19 **SEC. 8. FISHING, TRAPPING, AND HUNTING.**

20 (a) NO DIMINISHMENT OF STATE AUTHORITY.—Es-
 21 tablishment of the historical site does not diminish the au-
 22 thority of the State to manage fish and wildlife, including
 23 the regulation of fishing, hunting, and trapping in the his-
 24 torical site.

1 (b) NO CONDITIONING OF APPROVAL AND ASSIST-
2 ANCE.—Neither the Secretary nor any other Federal agen-
3 cy may make a limitation on fishing, hunting, or trap-
4 ping—

5 (1) a condition of the determination of eligi-
6 bility for assistance under this Act; or

7 (2) a condition for the receipt, in connection
8 with the historical site, of any other form of assist-
9 ance from the Secretary or the agency, respectively.

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