

106TH CONGRESS
2D SESSION

H. R. 5375

To establish the Erie Canalway National Heritage Corridor in the State of New York, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 3, 2000

Mr. WALSH (for himself, Mr. BOEHLERT, Mr. GILMAN, Mr. REYNOLDS, Mr. QUINN, Mr. LAZIO, Mr. HOUGHTON, Mr. MCHUGH, and Mr. SWEENEY) introduced the following bill; which was referred to the Committee on Resources

A BILL

To establish the Erie Canalway National Heritage Corridor in the State of New York, and for other purposes.

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; DEFINITIONS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Erie Canalway National Heritage Corridor Act”.

6 (b) DEFINITIONS.—For the purposes of this Act, the
7 following definitions shall apply:

8 (1) ERIE CANALWAY.—The term “Erie
9 Canalway” means the 524 miles of navigable canal

1 that comprise the New York State Canal System, in-
2 cluding the Erie, Cayuga and Seneca, Oswego, and
3 Champlain Canals and the historic alignments of
4 these canals, including the cities of Albany and Buf-
5 falo.

6 (2) CANALWAY PLAN.—The term “Canalway
7 Plan” means the comprehensive preservation and
8 management plan for the Corridor required under
9 section 6.

10 (3) COMMISSION.—The term “Commission”
11 means the Erie Canalway National Heritage Cor-
12 ridor Commission established under section 4.

13 (4) CORRIDOR.—The term “Corridor” means
14 the Erie Canalway National Heritage Corridor es-
15 tablished under section 3.

16 (5) GOVERNOR.—The term “Governor” means
17 the Governor of the State of New York.

18 (6) SECRETARY.—The term “Secretary” means
19 the Secretary of the Interior.

20 **SEC. 2. FINDINGS AND PURPOSES.**

21 (a) FINDINGS.—The Congress finds that—

22 (1) the year 2000 marks the 175th Anniversary
23 of New York State’s creation and stewardship of the
24 Erie Canalway for commerce, transportation and
25 recreational purposes, establishing the network

1 which made New York the “Empire State” and the
2 Nation’s premier commercial and financial center;

3 (2) the canals and adjacent areas that comprise
4 the Erie Canalway are a nationally significant re-
5 source of historic and recreational value, which merit
6 Federal recognition and assistance;—

7 (3) the Erie Canalway was instrumental in the
8 establishment of strong political and cultural ties be-
9 tween New England, upstate New York and the old
10 Northwest and facilitated the movement of ideas and
11 people ensuring that social reforms like the abolition
12 of slavery and the women’s rights movement spread
13 across upstate New York to the rest of the country;

14 (4) the construction of the Erie Canalway was
15 considered a supreme engineering feat, and most
16 American canals were modeled after New York
17 State’s canal;

18 (5) at the time of construction, the Erie
19 Canalway was the largest public works project ever
20 undertaken by a state, resulting in the creation of
21 critical transportation and commercial routes to
22 transport passengers and goods;

23 (6) the Erie Canalway played a key role in
24 turning New York City into a major port and New
25 York State into the preeminent center for commerce,

1 industry, and finance in North America and pro-
2 vided a permanent commercial link between the Port
3 of New York and the cities of eastern Canada, a cor-
4 nerstone of the peaceful relationship between the two
5 countries;

6 (7) the Erie Canalway proved the depth and
7 force of American ingenuity, solidified a national
8 identity, and found an enduring place in American
9 legend, song, and art;

10 (8) there is national interest in the preservation
11 and interpretation of the Erie Canalway's important
12 historical, natural, cultural, and scenic resources;
13 and

14 (9) partnerships among Federal, State, and
15 local governments and their regional entities, non-
16 profit organizations, and the private sector offer the
17 most effective opportunities for the preservation and
18 interpretation of the Erie Canalway.

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

20 (1) to designate the Erie Canalway National
21 Heritage Corridor;

22 (2) to provide for and assist in the identifica-
23 tion, preservation, promotion, maintenance and in-
24 terpretation of the historical, natural, cultural, sce-
25 nic, and recreational resources of the Erie Canalway

1 in ways that reflect its national significance for the
2 benefit of current and future generations;

3 (3) to promote and provide access to the Erie
4 Canalway’s historical, natural, cultural, scenic and
5 recreational resources;

6 (4) to provide a framework to assist the State
7 of New York, its units of local government, and the
8 communities within the Erie Canalway in the devel-
9 opment of integrated cultural, historical, rec-
10 reational, economic, and community development
11 programs in order to enhance and interpret the
12 unique and nationally significant resources of the
13 Erie Canalway; and

14 (5) to authorize Federal financial and technical
15 assistance to the Commission to serve these pur-
16 poses for the benefit of the people of the State of
17 New York and the nation.

18 **SEC. 3. THE ERIE CANALWAY NATIONAL HERITAGE COR-**

19 **RIDOR.**

20 (a) ESTABLISHMENT.—To carry out the purposes of
21 this Act there is established the Erie Canalway National
22 Heritage Corridor in the State of New York.

23 (b) BOUNDARIES.—The boundaries of the Corridor
24 shall include those lands generally depicted on a map enti-
25 tled “Boundaries of Canalway Communities” numbered

1 ERCA and dated . This map shall be on file
2 and available for public inspection in the appropriate office
3 of the National Park Service, the office of the Commis-
4 sion, and the office of the New York State Canal Corpora-
5 tion in Albany, New York.

6 (c) BOUNDARY REVISIONS.—The boundaries of the
7 Corridor may be revised by an amendment to this Act pur-
8 suant to the request of the Secretary upon approval of
9 the Commission.

10 (d) OWNERSHIP AND OPERATION OF THE NEW YORK
11 STATE CANAL SYSTEM.—Nothing in this Act shall be con-
12 strued to alter the ownership, operation, or management
13 of the New York State Canal System.

14 **SEC. 4. THE ERIE CANALWAY NATIONAL HERITAGE COR-**
15 **RIDOR COMMISSION.**

16 (a) ESTABLISHMENT.—There is established the Erie
17 Canalway National Heritage Corridor Commission. The
18 purpose of the Commission shall be—

19 (1) to work with Federal, State, and local au-
20 thorities to develop and implement the Canalway
21 Plan; and

22 (2) to foster the integration of canal-related his-
23 torical, cultural, recreational, scenic, economic and
24 community development initiatives within the Cor-
25 ridor.

1 (b) MEMBERSHIP.—The Commission shall be com-
2 posed of 27 members as follows:

3 (1) The Secretary of the Interior, ex-officio or
4 the Secretary's designee.

5 (2) 7 members, each of whom represents 1 of
6 the following agencies or those agencies' successors:
7 The New York State Secretary of State, the Com-
8 missioners of the New York State Department of
9 Environmental Conservation, the New York State
10 Office of Parks, Recreation and Historic Preserva-
11 tion, the New York State Department of Agriculture
12 and Markets, the New York State Department of
13 Transportation, and the Chairpersons of the New
14 York State Canal Corporation, and the Empire
15 State Development Corporation; or their respective
16 designees.

17 (3) The remaining 19 members who reside
18 within the Corridor and are geographically dispersed
19 throughout the Corridor shall be from local govern-
20 ments and the private sector with knowledge of tour-
21 ism, economic and community development, regional
22 planning, historic preservation, cultural or natural
23 resource management, conservation, recreation, and
24 education or museum services. These members will
25 be appointed by the Governor no later than 6

1 months after the date of enactment of this Act as
2 follows;

3 (A) 10 members based on a recommenda-
4 tion from each member of the United States
5 House of Representatives whose district shall
6 encompass the Corridor. Each shall be a resi-
7 dent of the district from which they shall be
8 recommended.

9 (B) 2 members based on a recommenda-
10 tion from each United States Senator from New
11 York State.

12 (C) 7 members who shall be residents of
13 any county constituting the Corridor. One such
14 member shall be a member of the Canal
15 Recreationway Commission other than an ex-
16 officio member.

17 (c) APPOINTMENTS AND VACANCIES.—Members of
18 the Commission other than ex-officio members shall be ap-
19 pointed for terms of 3 years. Of the original appointments,
20 6 shall be for a term of 1 year, 6 shall be for a term
21 of 2 years and 7 shall be for a term of 3 years. Any mem-
22 ber of the Commission appointed for a definite term may
23 serve after expiration of the term until the successor of
24 the member is appointed. Any member appointed to fill
25 a vacancy shall serve for the remainder of the term for

1 which the predecessor was appointed. Any vacancy on the
2 Commission shall be filled in the same manner in which
3 the original appointment was made.

4 (d) COMPENSATION.—Members of the Commission
5 shall receive no compensation for their service on the Com-
6 mission. Members of the Commission, other than employ-
7 ees of the State and Canal Corporation, while away from
8 their homes or regular places of business to perform serv-
9 ices for the Commission, shall be allowed travel expenses,
10 including per diem in lieu of subsistence, in the same man-
11 ner as persons employed intermittently in Government
12 service are allowed under section 5703 of title 5, United
13 States Code.

14 (e) ELECTION OF OFFICES.—The Commission shall
15 elect the chairperson and the vice chairperson on an an-
16 nual basis. The vice chairperson shall serve as the chair-
17 person in the absence of the chairperson.

18 (f) QUORUM AND VOTING.—14 members of the Com-
19 mission shall constitute a quorum but a lesser number
20 may hold hearings. Any member of the Commission may
21 vote by means of a signed proxy exercised by another
22 member of the Commission, however, any member voting
23 by proxy shall not be considered present for purposes of
24 establishing a quorum. For the transaction of any business
25 or the exercise of any power of the Commission, the Com-

1 mission shall have the power to act by a majority vote
2 of the members present at any meeting at which a quorum
3 is in attendance.

4 (g) MEETINGS.—The Commission shall meet at least
5 quarterly at the call of the chairperson or 14 of its mem-
6 bers. Notice of Commission meetings and agendas for the
7 meetings shall be published in local newspapers through-
8 out the Corridor. Meetings of the Commission shall be
9 subject to section 552b of title 5, United States Code (re-
10 lating to open meetings).

11 (h) POWERS OF THE COMMISSION.—To the extent
12 that Federal funds are appropriated, the Commission is
13 authorized—

14 (1) to procure temporary and intermittent serv-
15 ices and administrative facilities at rates determined
16 to be reasonable by the Commission to carry out the
17 responsibilities of the Commission;

18 (2) to request and accept the services of per-
19 sonnel detailed from the State of New York or any
20 political subdivision, and to reimburse the State or
21 political subdivision for such services;

22 (3) to request and accept the services of any
23 Federal agency personnel, and to reimburse the Fed-
24 eral agency for such services;

1 (4) to appoint and fix the compensation of staff
2 to carry out its duties;

3 (5) to enter into cooperative agreements with
4 the State of New York, with any political subdivision
5 of the State, or any person for the purposes of car-
6 rying out the duties of the Commission;

7 (6) to make grants to assist in the preparation
8 and implementation of the Canalway Plan;

9 (7) to seek, accept, and dispose of gifts, be-
10 quests, grants, or donations of money, personal
11 property, or services, received from any source. For
12 purposes of section 170(c) of the Internal Revenue
13 Code of 1986, any gift to the Commission shall be
14 deemed to be a gift to the United States;

15 (8) to assist others in developing educational,
16 informational, and interpretive programs and facili-
17 ties, and other such activities that may promote the
18 implementation of the Canalway Plan;

19 (9) to hold hearings, sit and act at such times
20 and places, take such testimony, and receive such
21 evidence, as the Commission may consider appro-
22 priate; the Commission may not issue subpoenas or
23 exercise any subpoena authority;

1 (10) to use the United States mails in the same
2 manner as other departments or agencies of the
3 United States;

4 (11) to request and receive from the Adminis-
5 trator of General Services, on a reimbursable basis,
6 such administrative support services as the Commis-
7 sion may request; and

8 (12) to establish such advisory groups as the
9 Commission deems necessary.

10 (i) ACQUISITION OF PROPERTY.—Except as provided
11 for leasing administrative facilities under subsection
12 (h)(1), the Commission may not acquire any real property
13 or interest in real property.

14 (j) TERMINATION.—The Commission and this Act
15 shall terminate on the day occurring 10 years after the
16 date of the enactment of this Act.

17 **SEC. 5. DUTIES OF THE COMMISSION.**

18 (a) PREPARATION OF CANALWAY PLAN.—Not later
19 than 3 years after the Commission receives Federal fund-
20 ing for this purpose, the Commission shall prepare and
21 submit a comprehensive preservation and management
22 Canalway Plan for the Corridor to the Secretary and the
23 Governor for review and approval. In addition to the re-
24 quirements outlined for the Canalway Plan in section 6,
25 the Canalway Plan shall incorporate and integrate existing

1 federal, state, and local plans to the extent appropriate
2 regarding historic preservation, conservation, education
3 and interpretation, community development, and tourism-
4 related economic development for the Corridor that are
5 consistent with the purposes of this Act. The Commission
6 shall solicit public comment on the development of the
7 Canalway Plan.

8 (b) IMPLEMENTATION OF CANALWAY PLAN.—After
9 the Commission receives Federal funding for this purpose,
10 and after review and upon approval of the Canalway Plan
11 by the Secretary and the Governor, the Commission
12 shall—

13 (1) undertake actions to implement the
14 Canalway Plan so as to assist the people of the
15 State of New York in enhancing and interpreting
16 the historical, cultural, educational, natural, scenic,
17 and recreational potential of the Corridor identified
18 in the Canalway Plan; and

19 (2) support public and private efforts in con-
20 servation and preservation of the Canalway's cul-
21 tural and natural resources and economic revitaliza-
22 tion consistent with the goals of the Canalway Plan.

23 (c) PRIORITY ACTIONS.—Priority actions which may
24 be carried out by the Commission under subsection (b)
25 may include—

1 (1) assisting in the appropriate preservation
2 treatment of the remaining elements of the original
3 Erie Canal;

4 (2) assisting the National Park Service, the
5 State, and local governments, and nonprofit organi-
6 zations in designing, establishing and maintaining
7 visitor centers, museums, and other interpretive ex-
8 hibits in the Corridor;

9 (3) assisting in the public awareness and appre-
10 ciation for the historic, cultural, natural, scenic, and
11 recreational resources and sites in the Corridor;

12 (4) assisting the State of New York, local gov-
13 ernments, and nonprofit organizations in the preser-
14 vation and restoration of any historic building, site,
15 or district in the Corridor;

16 (5) encouraging, by appropriate means, en-
17 hanced economic development in the Corridor con-
18 sistent with the goals of the Canalway Plan and the
19 purposes of this Act; and

20 (6) ensuring that clear, consistent signs identi-
21 fying access points and sites of interest are put in
22 place in the Corridor.

23 (c) ANNUAL REPORTS AND AUDITS.—For any year
24 in which Federal funds have been received under this Act,
25 the Commission shall submit an annual report and shall

1 make available an audit of all relevant records to the Gov-
2 ernor and the Secretary identifying its expenses and any
3 income, the entities to which any grants or technical as-
4 sistance were made during the year for which the report
5 was made, and contributions by other parties toward
6 achieving Corridor purposes.

7 **SEC. 6. CANALWAY PLAN.**

8 (a) CANALWAY PLAN REQUIREMENTS.—The
9 Canalway Plan shall—

10 (1) include a review of existing plans for the
11 Corridor, including the Canal Recreationway Plan
12 and Canal Revitalization Program, and incorporate
13 them to the extent feasible to ensure consistency
14 with local, regional and state planning efforts;

15 (2) provide a strategy for the thematic inven-
16 tory, survey, and evaluation of historic properties
17 that should be conserved, restored, developed, or
18 maintained because of their natural, cultural, or his-
19 toric significance within the Corridor in accordance
20 with the regulations for the National Register of
21 Historic Places;

22 (3) identify public and private-sector preserva-
23 tion goals and strategies for the Corridor;

24 (4) include a comprehensive interpretive plan
25 that identifies, develops, supports, and enhances in-

1 terpretation and education programs within the Cor-
2 ridor that may include—

3 (A) research related to the construction
4 and history of the canals and the cultural herit-
5 age of the canal workers, their families, those
6 that traveled along the canals, the associated
7 farming activities, the landscape, and the com-
8 munities;

9 (B) documentation of and methods to sup-
10 port the perpetuation of music, art, poetry, lit-
11 erature and folkways associated with the canals;
12 and

13 (C) educational and interpretative pro-
14 grams related to the Erie Canalway developed
15 in cooperation with State and local govern-
16 ments, educational institutions, and nonprofit
17 institutions;

18 (5) include a strategy to further the rec-
19 reational development of the Corridor that will en-
20 able users to uniquely experience the canal system;

21 (6) propose programs to protect, interpret and
22 promote the Corridor’s historical, cultural, rec-
23 reational, educational, scenic and natural resources;

1 (7) include a plan to inventory canal related
2 natural, cultural and historic sites and resources lo-
3 cated in the Area;

4 (8) recommend Federal, State, and local strate-
5 gies and policies to support economic development,
6 especially tourism-related development and recre-
7 ation, consistent with the purposes of the Corridor;

8 (9) develop criteria and priorities for financial
9 preservation assistance;

10 (10) identify and foster strong cooperative rela-
11 tionships between the National Park Service, the
12 New York State Canal Corporation, other Federal
13 and State agencies, and nongovernmental organiza-
14 tions;

15 (11) recommend specific areas to the National
16 Park Service for development of interpretive, edu-
17 cational, and technical assistance centers associated
18 with the Corridor; and

19 (12) contain a program for implementation of
20 the Canalway Plan by all necessary parties.

21 (b) APPROVAL OF THE CANALWAY PLAN.—The Sec-
22 retary and the Governor shall approve or disapprove the
23 Canalway Plan not later than 90 days after receiving the
24 Canalway Plan.

1 (c) DISAPPROVAL OF CANALWAY PLAN.—If the Sec-
2 retary or the Governor do not approve the Canalway Plan,
3 the Secretary or the Governor shall advise the Commission
4 in writing within 90 days the reasons therefor and shall
5 indicate any recommendations for revisions. Following
6 completion of any necessary revisions of the Canalway
7 Plan, the Secretary and the Governor shall have 90 days
8 to either approve or disapprove of the revised Canalway
9 Plan.

10 (d) AMENDMENTS TO CANALWAY PLAN.—The Sec-
11 retary and the Governor shall review substantial amend-
12 ments to the Canalway Plan. Funds appropriated pursu-
13 ant to this Act may not be expended to implement the
14 changes made by such amendments until the Secretary
15 and the Governor approves the amendments.

16 **SEC. 7. DUTIES OF THE SECRETARY.**

17 (a) IN GENERAL.—The Secretary is authorized to as-
18 sist the Commission in the preparation of the Canalway
19 Plan with a focus on the comprehensive interpretive plan
20 as required under section 6(a)(4).

21 (b) TECHNICAL ASSISTANCE.—Pursuant to an ap-
22 proved Canalway Plan, the Secretary is authorized to
23 enter into cooperative agreements with, provide technical
24 assistance to and award grants to the Commission to pro-
25 vide for the preservation and interpretation of the natural,

1 cultural, historical, recreational, and scenic resources of
2 the Corridor.

3 (c) EARLY ACTIONS.—Prior to approval of the
4 Canalway Plan, with the approval of the Commission, the
5 Secretary may provide technical and financial assistance
6 for early actions that are important to the purposes of
7 this Act and that protect and preserve resources and to
8 undertake an educational and interpretive program of the
9 story and history of the Erie Canalway.

10 (d) CANALWAY PLAN IMPLEMENTATION.—Upon ap-
11 proval of the Canalway Plan, the Secretary is authorized
12 to implement those activities that the Canalway Plan has
13 identified that are the responsibility of the Secretary or
14 agent of the Secretary to undertake in the implementation
15 of the Canalway Plan.

16 (e) DETAIL.—Each fiscal year during the existence
17 of the Commission and upon the request of the Commis-
18 sion, the Secretary shall detail to the Commission, on a
19 nonreimbursable basis, 2 employees of the Department of
20 the Interior to enable the Commission to carry out the
21 Commission's duties with regard to the preparation and
22 approval of the Canalway Plan. Such detail shall be with-
23 out interruption or loss of civil service status, benefits, or
24 privileges.

1 (f) REPORT.—Not later than 2 years after the ap-
2 proval of the Canalway Plan, the Secretary shall submit
3 to Congress a report recommending whether the edu-
4 cational and interpretive sites identified by the Commis-
5 sion meet the criteria for designation as a unit of the Na-
6 tional Park System as required by Public Law 105–391
7 (112 Stat. 3501; 16 U.S.C.1a–5 note).

8 **SEC. 9. DUTIES OF OTHER FEDERAL ENTITIES.**

9 Any Federal entity conducting or supporting any ac-
10 tivity directly affecting the Corridor, and any unit of gov-
11 ernment acting pursuant to a grant of Federal funds or
12 a Federal permit or agreement conducting or supporting
13 such activities, may—

14 (1) consult with the Secretary and the Commis-
15 sion with respect to such activities;

16 (2) cooperate with the Secretary and the Com-
17 mission in carrying out their duties under this Act
18 and coordinate such activities with the carrying out
19 of such duties; and

20 (3) conduct or support such activities in a man-
21 ner consistent with the Canalway Plan unless the
22 Federal entity, after consultation with the Secretary
23 and the Commission, determines there is no prac-
24 ticable alternative.

1 **SEC. 10. SAVINGS PROVISIONS.**

2 (a) **AUTHORITY OF GOVERNMENTS.**—Nothing in this
3 Act shall be construed to modify, enlarge, or diminish any
4 authority of the Federal, State, or local governments to
5 regulate any use of land as provided for by law or regula-
6 tion.

7 (b) **ZONING OR LAND.**—Nothing in this Act shall be
8 construed to grant powers of zoning or land use to the
9 Commission.

10 (c) **LOCAL AUTHORITY AND PRIVATE PROPERTY.**—
11 Nothing in this Act shall be construed to affect or to au-
12 thorize the Commission to interfere with—

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

15 (2) any local zoning ordinance or land use plan
16 of the State of New York or political subdivision
17 thereof; or

18 (3) any State or local canal related development
19 plans including but not limited to the Canal
20 Recreationway Plan and the Canal Revitalization
21 Program.

22 (d) **FISH AND WILDLIFE.**—The designation of the
23 Corridor shall not diminish the authority of the State of
24 New York to manage fish and wildlife, including the regu-
25 lation of fishing and hunting within the Corridor.

1 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—

3 (1) CORRIDOR.—There is authorized to be ap-
4 propriated for the Corridor not more than
5 \$1,000,000 for any fiscal year, to remain available
6 until expended. Not more than a total of
7 \$10,000,000 may be appropriated for the Corridor
8 under this Act.

9 (2) COMMISSION.—Additionally, there is au-
10 thORIZED to be appropriated to the Commission not
11 more than \$250,000 annually to carry out the duties
12 of the Commission.

13 (b) OTHER FUNDING.—In addition to the sums au-
14 thORIZED in subsection (a), there are authorized to be ap-
15 propriated to the Secretary of the Interior such sums as
16 are necessary for the Secretary to undertake interim ac-
17 tions the Secretary is authorized to undertake and that
18 are necessary for the Secretary to implement the respon-
19 sibilities of the Department of the Interior outlined in the
20 Canalway Plan.

○