

106TH CONGRESS
1ST SESSION

H. R. 868

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 1999

Ms. KAPTUR introduced the following bill; which was referred to the
Committee on Resources

A BILL

To establish the Fallen Timbers Battlefield 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 and Fort Miamis National Historical Site Act”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) The 185-acre Fallen Timbers Battlefield is
9 the site of the 1794 battle between the United
10 States Army, led by General Anthony Wayne, and

1 the confederation of Native American tribes led by
2 the great Chief Tecumseh.

3 (2) British troops, led by General Henry Proc-
4 tor, landed at Fort Miamis in the spring of 1813
5 and attacked the fort twice, without success.

6 (3) Fort Miamis and the Fallen Timbers Bat-
7 tlefield are in Lucas County, Ohio, in the city of
8 Maumee.

9 (4) The 9-acre Fallen Timbers Battlefield
10 Monument is listed as a National Historic Land-
11 mark.

12 (5) Fort Miamis is listed in the National Reg-
13 ister of Historic Places as a historic site.

14 (6) In 1959, the Battle of Fallen Timbers was
15 included in the National Survey of Historic Sites
16 and Buildings as 1 of 22 sites representing the “Ad-
17 vance of the Frontier, 1763–1830”.

18 (7) In 1960, the Battle of Fallen Timbers was
19 designated as a National Historic Landmark.

20 (b) PURPOSES.—The purposes of this Act are the fol-
21 lowing:

22 (1) To recognize and preserve the 185-acre
23 Fallen Timbers Battlefield site.

24 (2) To formalize the linkage of the Fallen Tim-
25 bers Battlefield and Monument to Fort Miamis.

1 (3) To preserve and interpret United States
2 military history and Native American culture in the
3 Northwest Territory during the period from 1794
4 through 1813.

5 (4) To provide assistance to the State of Ohio,
6 political subdivisions of the State, and nonprofit or-
7 ganizations in the State, in implementing a manage-
8 ment plan that will preserve and interpret the his-
9 torical, cultural, natural, recreational, and scenic re-
10 sources of the historical site.

11 (5) To authorize the Secretary to provide tech-
12 nical assistance to the State of Ohio, political sub-
13 divisions of the State, and nonprofit organizations in
14 the State (including the Ohio Historical Society, the
15 city of Maumee, the Maumee Valley Heritage Cor-
16 ridor, the city of Toledo, the Fallen Timbers Battle-
17 field Preservation Commission, and the Metropark
18 District of the Toledo Area) in developing the man-
19 agement plan.

20 **SEC. 3. DEFINITIONS.**

21 In this Act:

22 (1) **HISTORICAL SITE.**—The term “historical
23 site” means the Fallen Timbers Battlefield and
24 Monument and Fort Miamis National Historical Site
25 established by section 4.

1 (2) MANAGEMENT ENTITY.—The term “man-
2 agement entity” means—

3 (A) the Ohio Historical Society, the city of
4 Maumee, the Maumee Valley Heritage Corridor,
5 Inc., the city of Toledo, the Metropark District
6 of the Toledo Area, and

7 (B) any other entity designated by the
8 Governor of Ohio and approved by the Sec-
9 retary in accordance with section 5, as a mem-
10 ber of the management entity;
11 acting jointly.

12 (3) MANAGEMENT PLAN.—The term “manage-
13 ment plan” means a plan for management of the
14 historical site, that is developed by the management
15 entity and approved by the Secretary in accordance
16 with section 7.

17 (4) SECRETARY.—The term “Secretary” means
18 the Secretary of the Interior.

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

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

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

6 (b) COMPONENTS.—

7 (1) IN GENERAL.—The historical site is com-
8 prised of the following:

9 (A) The Fallen Timbers site, comprised
10 generally of the following:

11 (i) The Fallen Timbers battlefield
12 site, consisting of an approximately 185-
13 acre parcel located north of U.S. 24, west
14 of U.S. 23/I-475, south of the Norfolk and
15 Western Railroad line, and east of Jerome
16 Road.

17 (ii) The approximately 9-acre Fallen
18 Timbers battlefield monument, located
19 south of U.S. 24.

20 (B) The Fort Miamis Park site.

21 (2) MAP.—The management entity shall pre-
22 pare a map of the historical site, which shall be on
23 file and available for public inspection in the offices
24 of the management entity.

25 (3) CONSENT OF LOCAL PROPERTY OWNERS.—

26 No privately owned property shall be included within

1 the boundaries of the historical site unless the owner
2 of the property consents to the inclusion.

3 **SEC. 5. COMPLETION OF COMPOSITION OF MANAGEMENT**
4 **ENTITY.**

5 Not later than 60 days after the date of the enact-
6 ment of this Act, the Governor of Ohio may designate any
7 entity for purposes of section 3(2)(A) and transmit that
8 designation to the Secretary. The Secretary shall approve
9 or disapprove any entity designated by the Governor by
10 not later than 60 days after the date of that transmittal.

11 **SEC. 6. WITHDRAWAL OF DESIGNATION.**

12 (a) IN GENERAL.—The historical site shall remain a
13 National historical site unless—

14 (1) the Secretary determines that—

15 (A) the use, condition, or development of
16 the historical site is incompatible with the pur-
17 poses of this Act; or

18 (B) the management entity has not made
19 reasonable and appropriate progress in prepar-
20 ing or implementing the management plan for
21 the historical site; and

22 (2) after making a determination under para-
23 graph (1), the Secretary submits to the Congress no-
24 tification that establishment of the historical site
25 should be withdrawn.

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

4 (c) TIME OF WITHDRAWAL OF DESIGNATION.—

5 (1) DEFINITION OF LEGISLATIVE DAY.—In this
 6 subsection, the term “legislative day” means any
 7 calendar day on which both Houses of Congress are
 8 in session.

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

13 **SEC. 7. APPROVAL OF MANAGEMENT PLAN; CONSISTENCY**
 14 **OF FEDERAL ACTIONS.**

15 (a) APPROVAL.—

16 (1) IN GENERAL.—The management entity
 17 shall submit any proposed management plan to the
 18 Governor of the State of Ohio. Within 60 days after
 19 receiving the proposed management plan, the Gov-
 20 ernor shall transmit to the Secretary the proposed
 21 plan and any recommendations of the Governor re-
 22 garding the proposed plan. Within 30 days after re-
 23 ceiving the proposed management plan, the Sec-
 24 retary shall approve the proposed plan or return it

1 to the Governor with any changes recommended by
2 the Secretary.

3 (2) **ROLE OF SECRETARY.**—The Secretary may
4 not approve a proposed management plan unless it
5 includes provisions which describe the role of the
6 Secretary in implementing the plan.

7 (3) **ASSISTANCE.**—The Secretary shall assist
8 the management entity in the preparation of the
9 management plan.

10 (b) **ENSURING CONSISTENCY OF OTHER FEDERAL**
11 **ACTIONS.**—Any Federal agency conducting an activity di-
12 rectly affecting the historical site shall consider the poten-
13 tial effect of the activity on the management plan and
14 shall consult with the management entity with respect to
15 the activity to minimize the adverse effects of the activity
16 on the historical site.

17 **SEC. 8. NO EFFECT ON LAND USE REGULATION AND PRI-**
18 **VATE PROPERTY.**

19 (a) **NO EFFECT ON AUTHORITY OF GOVERN-**
20 **MENTS.**—Nothing in this Act modifies, enlarges, or dimin-
21 ishes the authority of any Federal department or agency
22 to regulate the use of land.

23 (b) **NO ZONING OR LAND USE POWERS.**—Nothing
24 in this Act—

1 (1) grants any power of zoning or land use con-
2 trol to the management entity; or

3 (2) modifies, enlarges, or diminishes any exist-
4 ing authority to regulate land use by any State or
5 local government entity which is a member of the
6 management entity.

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

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

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

15 **SEC. 9. FISHING, TRAPPING, AND HUNTING.**

16 (a) NO DIMINISHMENT OF STATE AUTHORITY.—Es-
17 tablishment of the historical site does not diminish the au-
18 thority of the State of Ohio to manage fish and wildlife,
19 including the regulation of fishing, hunting, and trapping
20 in the historical site.

21 (b) NO CONDITIONING OF APPROVAL AND ASSIST-
22 ANCE.—Neither the Secretary nor any other Federal agen-
23 cy may make a limitation on fishing, hunting, or
24 trapping—

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

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

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