

106TH CONGRESS
1ST SESSION

S. 548

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

IN THE SENATE OF THE UNITED STATES

MARCH 4, 1999

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 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 that—

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

1 Wayne and a confederation of Native American
2 tribes led by Little Turtle and Blue Jacket;

3 (2) Fort Miamis was occupied by General
4 Wayne's legion from 1796 to 1798;

5 (3) in the spring of 1813, British troops, led by
6 General Henry Proctor, landed at Fort Miamis and
7 attacked the fort twice, without success;

8 (4) Fort Miamis and the Fallen Timbers Bat-
9 tlefield are in Lucas County, Ohio, in the city of
10 Maumee;

11 (5) the 9-acre Fallen Timbers Battlefield Monu-
12 ment is listed as a national historic landmark;

13 (6) Fort Miamis is listed in the National Reg-
14 ister of Historic Places as a historic site;

15 (7) in 1959, the Fallen Timbers Battlefield was
16 included in the National Survey of Historic Sites
17 and Buildings as 1 of 22 sites representing the "Ad-
18 vance of the Frontier, 1763–1830"; and

19 (8) in 1960, the Fallen Timbers Battlefield was
20 designated as a national historic landmark.

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

22 (1) to recognize and preserve the 185-acre Fall-
23 en 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 during
3 the period from 1794 through 1813;

4 (4) to provide assistance to the State of Ohio,
5 political subdivisions of the State, and nonprofit or-
6 ganizations in the State to implement the steward-
7 ship plan and develop programs that will preserve
8 and interpret the historical, cultural, natural, rec-
9 reational, and scenic resources of the historical site;
10 and

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 Fallen Timbers Battlefield Preservation
17 Commission, Heidelberg College, the city of Toledo,
18 and the Metropark District of the Toledo Area) to
19 implement the stewardship 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 the Ohio Historical Society,
3 the city of Maumee, the Maumee Valley Heritage
4 Corridor, the Fallen Timbers Battlefield Preserva-
5 tion Commission, Heidelberg College, the city of To-
6 ledo, the Metropark District of the Toledo Area, and
7 any other entity designated by the Governor of Ohio.

8 (3) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

10 (4) STEWARDSHIP PLAN.—The term “steward-
11 ship plan” means the management plan developed by
12 the management entity.

13 (5) TECHNICAL ASSISTANCE.—The term “tech-
14 nical assistance” means any guidance, advice, or
15 other aid, other than financial assistance, provided
16 by the Secretary.

17 **SEC. 4. FALLEN TIMBERS BATTLEFIELD AND FORT MIAMIS**
18 **NATIONAL HISTORICAL SITE.**

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

22 (b) BOUNDARIES.—

23 (1) IN GENERAL.—The historical site shall be
24 composed of—

1 (A) the Fallen Timbers 185-acre battlefield
2 site described in paragraph (3);

3 (B) the 9-acre battlefield monument; and

4 (C) the Fort Miamis site.

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

9 (3) FALLEN TIMBERS SITE.—For purposes of
10 paragraph (1), the Fallen Timbers site generally
11 comprises a 185-acre parcel northeast of U.S. 24,
12 west of U.S. 23/I-475, south of the Norfolk and
13 Western Railroad line, and east of Jerome Road.

14 (4) CONSENT OF LOCAL PROPERTY OWNERS.—
15 No privately owned property or property owned by
16 a municipality shall be included within the bound-
17 aries of the historical site unless the owner of the
18 property consents to the inclusion.

19 **SEC. 5. WITHDRAWAL OF DESIGNATION.**

20 (a) IN GENERAL.—The historical site shall remain a
21 national historical site unless—

22 (1) the Secretary determines that—

23 (A) the use, condition, or development of
24 the historical site is incompatible with the pur-
25 poses of this Act; or

1 (B) the management entity of the histori-
2 cal site has not made reasonable and appro-
3 priate progress in preparing or implementing
4 the stewardship plan for the historical site; and

5 (2) after making a determination under para-
6 graph (1), the Secretary submits to Congress notifi-
7 cation that the historical site designation should be
8 withdrawn.

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

12 (c) TIME OF WITHDRAWAL OF DESIGNATION.—

13 (1) DEFINITION OF LEGISLATIVE DAY.—In this
14 subsection, the term “legislative day” means any
15 calendar day on which both Houses of Congress are
16 in session.

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

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

22 (a) DUTIES AND AUTHORITIES OF THE SEC-
23 RETARY.—

24 (1) TECHNICAL ASSISTANCE.—

1 (A) IN GENERAL.—The Secretary may
2 provide technical assistance to prepare and im-
3 plement the stewardship plan to—

4 (i) the State of Ohio;

5 (ii) a political subdivision of the State;

6 (iii) a nonprofit organization in the
7 State; or

8 (iv) any other person on a request by
9 the management entity.

10 (B) PROHIBITION OF CERTAIN REQUIRE-
11 MENTS.—The Secretary may not, as a condition
12 of the award of technical assistance under this
13 section, require any recipient of the technical
14 assistance to establish or modify land use re-
15 strictions.

16 (C) DETERMINATIONS REGARDING ASSIST-
17 ANCE.—

18 (i) DECISION BY SECRETARY.—The
19 Secretary shall decide if technical assist-
20 ance should be awarded and the amount, if
21 any, of the assistance.

22 (ii) STANDARD.—A decision under
23 clause (i) shall be based on the degree to
24 which the historical site effectively fulfills

1 the objectives contained in the stewardship
2 plan and achieves the purposes of this Act.

3 (2) DEVELOPMENT OF STEWARDSHIP PLAN.—

4 The Secretary may assist in development of the
5 stewardship plan.

6 (3) PROVISION OF INFORMATION.—In coopera-

7 tion with the heads of other Federal agencies, the
8 Secretary shall provide the public with information
9 regarding the location and character of the historical
10 site.

11 (b) DUTIES OF OTHER FEDERAL AGENCIES.—The

12 head of any Federal agency conducting an activity directly
13 affecting the historical site shall—

14 (1) consider the potential effect of the activity
15 on the stewardship plan; and

16 (2) consult with the management entity of the
17 historical site with respect to the activity to mini-
18 mize the adverse effects of the activity on the histor-
19 ical site.

20 **SEC. 7. NO EFFECT ON LAND USE REGULATION AND PRI-**
21 **VATE PROPERTY.**

22 (a) NO EFFECT ON AUTHORITY OF GOVERN-
23 MENTS.—Nothing in this Act modifies, enlarges, or dimin-
24 ishes the authority of any Federal, State, or local govern-

1 ment to regulate the use of land by law (including regula-
2 tions).

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

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

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

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

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

15 (a) NO DIMINISHMENT OF STATE AUTHORITY.—The
16 establishment of the historical site shall not diminish the
17 authority of the State to manage fish and wildlife, includ-
18 ing the regulation of fishing, hunting, and trapping in the
19 historical site.

20 (b) NO CONDITIONING OF APPROVAL AND ASSIST-
21 ANCE.—The Secretary and the head of any other Federal
22 agency may not make a limitation on fishing, hunting, or
23 trapping—

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

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

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