

106TH CONGRESS
2D SESSION

S. 3154

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

IN THE SENATE OF THE UNITED STATES

OCTOBER 3 (legislative day, SEPTEMBER 22), 2000

Mr. MOYNIHAN (for himself and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural 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 of 2000”.

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

8 (1) **ERIE CANALWAY.**—The term “Erie
9 Canalway” shall mean the 524 miles of navigable
10 canal that comprise the New York State Canal Sys-

1 tem, including the Erie, Cayuga and Seneca, Oswego
2 and Champlain canals, as well as, the historic align-
3 ments of these canals including the cities of Albany
4 and Buffalo.

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

9 (3) COMMISSION.—The term “Commission”
10 shall mean the Erie Canalway National Heritage
11 Corridor Commission established under section 4.

12 (4) CORRIDOR.—The term “Corridor” shall
13 mean the Erie Canalway National Heritage Corridor
14 established under section 3.

15 (5) GOVERNOR.—The term “Governor” shall
16 mean the Governor of the State of New York.

17 (6) SECRETARY.—The term “Secretary” shall
18 mean the Secretary of the Interior.

19 **SEC. 2. FINDINGS AND PURPOSES.**

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

21 (1) the year 2000 marks the 175th Anniversary
22 of New York State’s creation and stewardship of the
23 Erie Canalway for commerce, transportation and
24 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
2 on file and available for public inspection in the appro-
3 priate office of the National Park Service, the office of
4 the Commission, and the office of the New York State
5 Canal Corporation 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 his/her designee.

5 (2) Seven members, each of whom represents 1
6 of the following agencies or those agencies' succes-
7 sors: The New York State Secretary of State, the
8 Commissioners of the New York State Department
9 of 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) Ten 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) Two members based on a rec-
10 ommendation from each United States Senator
11 from New York State.

12 (C) Seven members who shall be residents
13 of any county constituting the Corridor. One
14 such 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 six shall be for a term of one year, six shall be for a term
21 of two years and seven shall be for a term of three years.
22 Any member of the Commission appointed for a definite
23 term may serve after expiration of the term until the suc-
24 cessor of the member is appointed. Any member appointed
25 to fill a vacancy shall serve for the remainder of the term

1 for which the predecessor was appointed. Any vacancy on
2 the Commission shall be filled in the same manner in
3 which 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.—Fourteen members of the
19 Commission 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;

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

16 (9) to hold hearings, sit and act at such times
17 and places, take such testimony, and receive such
18 evidence, as the Commission may consider appro-
19 priate;

20 (10) to use the United States mails in the same
21 manner as other departments or agencies of the
22 United States;

23 (11) to request and receive from the Adminis-
24 trator of General Services, on a reimbursable basis,

1 such administrative support services as the Commis-
2 sion may request; and

3 (12) to establish such advisory groups as the
4 Commission deems necessary.

5 (i) ACQUISITION OF PROPERTY.—Except as provided
6 for leasing administrative facilities under subsection
7 (h)(1), the Commission may not acquire any real property
8 or interest in real property.

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

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

13 (a) PREPARATION OF CANALWAY PLAN.—Not later
14 than 3 years after the Commission receives Federal fund-
15 ing for this purpose, the Commission shall prepare and
16 submit a comprehensive preservation and management
17 Canalway Plan for the Corridor to the Secretary and the
18 Governor for review and approval. In addition to the re-
19 quirements outlined for the Canalway Plan in section 6,
20 the Canalway Plan shall incorporate and integrate existing
21 Federal, State, and local plans to the extent appropriate
22 regarding historic preservation, conservation, education
23 and interpretation, community development, and tourism-
24 related economic development for the Corridor that are
25 consistent with the purposes of this Act. The Commission

1 shall solicit public comment on the development of the
2 Canalway Plan.

3 (b) IMPLEMENTATION OF CANALWAY PLAN.—After
4 the Commission receives Federal funding for this purpose,
5 and after review and upon approval of the Canalway Plan
6 by the Secretary and the Governor, the Commission
7 shall—

8 (1) undertake actions to implement the
9 Canalway Plan so as to assist the people of the
10 State of New York in enhancing and interpreting
11 the historical, cultural, educational, natural, scenic,
12 and recreational potential of the Corridor identified
13 in the Canalway Plan; and

14 (2) support public and private efforts in con-
15 servation and preservation of the Canalway's cul-
16 tural and natural resources and economic revitaliza-
17 tion consistent with the goals of the Canalway Plan.

18 (c) PRIORITY ACTIONS.—Priority actions which may
19 be carried out by the Commission under subsection (b)
20 may include—

21 (1) assisting in the appropriate preservation
22 treatment of the remaining elements of the original
23 Erie Canal;

24 (2) assisting the National Park Service, the
25 State, and local governments, and nonprofit organi-

1 zations in designing, establishing and maintaining
2 visitor centers, museums, and other interpretive ex-
3 hibits in the Corridor;

4 (3) assisting in the public awareness and appre-
5 ciation for the historic, cultural, natural, scenic, and
6 recreational resources and sites in the Corridor;

7 (4) assisting the State of New York, local gov-
8 ernments, and nonprofit organizations in the preser-
9 vation and restoration of any historic building, site,
10 or district in the Corridor;

11 (5) encouraging, by appropriate means, en-
12 hanced economic development in the Corridor con-
13 sistent with the goals of the Canalway Plan and the
14 purposes of this Act; and

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

18 (c) ANNUAL REPORTS AND AUDITS.—For any year
19 in which Federal funds have been received under this Act,
20 the Commission shall submit an annual report and shall
21 make available an audit of all relevant records to the Gov-
22 ernor and the Secretary identifying its expenses and any
23 income, the entities to which any grants or technical as-
24 sistance were made during the year for which the report

1 was made, and contributions by other parties toward
2 achieving Corridor purposes.

3 **SEC. 6. CANALWAY PLAN.**

4 (a) CANALWAY PLAN REQUIREMENTS.—The
5 Canalway Plan shall—

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

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

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

20 (4) include a comprehensive interpretive plan
21 that identifies, develops, supports, and enhances in-
22 terpretation and education programs within the Cor-
23 ridor that may include—

24 (A) research related to the construction
25 and history of the canals and the cultural herit-

1 age of the canal workers, their families, those
2 that traveled along the canals, the associated
3 farming activities, the landscape, and the com-
4 munities;

5 (B) documentation of and methods to sup-
6 port the perpetuation of music, art, poetry, lit-
7 erature and folkways associated with the canals;
8 and

9 (C) educational and interpretative pro-
10 grams related to the Erie Canalway developed
11 in cooperation with State and local govern-
12 ments, educational institutions, and non-profit
13 institutions;

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

17 (6) propose programs to protect, interpret and
18 promote the Corridor's historical, cultural, rec-
19 reational, educational, scenic and natural resources;

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

23 (8) recommend Federal, State, and local strate-
24 gies and policies to support economic development,

1 especially tourism-related development and recre-
2 ation, consistent with the purposes of the Corridor;

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

5 (10) identify and foster strong cooperative rela-
6 tionships between the National Park Service, the
7 New York State Canal Corporation, other Federal
8 and State agencies, and non-governmental organiza-
9 tions;

10 (11) recommend specific areas to the National
11 Park Service for development of interpretive, edu-
12 cational, and technical assistance centers associated
13 with the Corridor; and

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

16 (b) APPROVAL OF THE CANALWAY PLAN.—The Sec-
17 retary and the Governor shall approve or disapprove the
18 Canalway Plan not later than 90 days after receiving the
19 Canalway Plan.

20 (c) DISAPPROVAL OF CANALWAY PLAN.—If the Sec-
21 retary or the Governor do not approve the Canalway Plan,
22 the Secretary or the Governor shall advise the Commission
23 in writing within 90 days the reasons therefor and shall
24 indicate any recommendations for revisions. Following
25 completion of any necessary revisions of the Canalway

1 Plan, the Secretary and the Governor shall have 90 days
2 to either approve or disapprove of the revised Canalway
3 Plan.

4 (d) AMENDMENTS TO CANALWAY PLAN.—The Sec-
5 retary and the Governor shall review substantial amend-
6 ments to the Canalway Plan. Funds appropriated pursu-
7 ant to this Act may not be expended to implement the
8 changes made by such amendments until the Secretary
9 and the Governor approves the amendments.

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

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

15 (b) TECHNICAL ASSISTANCE.—Pursuant to an ap-
16 proved Canalway Plan, the Secretary is authorized to
17 enter into cooperative agreements with, provide technical
18 assistance to and award grants to the Commission to pro-
19 vide for the preservation and interpretation of the natural,
20 cultural, historical, recreational, and scenic resources of
21 the Corridor.

22 (c) EARLY ACTIONS.—After the date of the enact-
23 ment of this Act, but prior to approval of the Canalway
24 Plan, with the approval of the Commission, the Secretary
25 may provide technical and financial assistance for early

1 actions that are important to the purposes of this Act and
2 that protect and preserve resources and to undertake an
3 educational and interpretive program of the story and his-
4 tory of the Erie Canalway.

5 (d) CANALWAY PLAN IMPLEMENTATION.—Upon ap-
6 proval of the Canalway Plan, the Secretary is authorized
7 to implement those activities that the Canalway Plan has
8 identified that are the responsibility of the Secretary or
9 agent of the Secretary to undertake in the implementation
10 of the Canalway Plan.

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

20 (f) REPORT.—Not later than 2 years after the ap-
21 proval of the Canalway Plan, the Secretary shall submit
22 to Congress a report recommending whether the edu-
23 cational/interpretive sites identified by the Commission
24 meet the criteria for designation as a unit of the National

1 Park System as required by Public Law 105–391 (112
2 Stat. 3501; 16 U.S.C.1a–5 note).

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

4 Any Federal entity conducting or supporting any ac-
5 tivity directly affecting the Corridor, and any unit of gov-
6 ernment acting pursuant to a grant of Federal funds or
7 a Federal permit or agreement conducting or supporting
8 such activities, may—

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

11 (2) cooperate with the Secretary and the Com-
12 mission in carrying out their duties under this Act
13 and coordinate such activities with the carrying out
14 of such duties; and

15 (3) conduct or support such activities in a man-
16 ner consistent with the Canalway Plan unless the
17 Federal entity, after consultation with the Secretary
18 and the Commission, determines there is no prac-
19 ticable alternative.

20 **SEC. 10. SAVINGS PROVISIONS.**

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

1 (b) ZONING OR LAND.—Nothing in this Act shall be
 2 construed to grant powers of zoning or land use to the
 3 Commission.

4 (c) LOCAL AUTHORITY AND PRIVATE PROPERTY.—
 5 Nothing in this Act shall be construed to affect or to au-
 6 thorize the Commission to interfere with—

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

9 (2) any local zoning ordinance or land use plan
 10 of the State of New York or political subdivision
 11 thereof; or

12 (3) any State or local canal related development
 13 plans including but not limited to the Canal
 14 Recreationway Plan and the Canal Revitalization
 15 Program.

16 (d) FISH AND WILDLIFE.—The designation of the
 17 Corridor shall not diminish the authority of the State of
 18 New York to manage fish and wildlife, including the regu-
 19 lation of fishing and hunting within the Corridor.

20 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) IN GENERAL.—

22 (1) CORRIDOR.—There is authorized to be ap-
 23 propriated for the Corridor not more than
 24 \$1,000,000 for any fiscal year, to remain available
 25 until expended. Not more than a total of

1 \$10,000,000 may be appropriated for the Corridor
2 under this Act.

3 (2) COMMISSION.—Additionally, there is au-
4 thorized to be appropriated to the Commission not
5 more than \$250,000 annually to carry out the duties
6 of the Commission.

7 (b) OTHER FUNDING.—In addition to the sums au-
8 thorized in subsection (a), there are authorized to be ap-
9 propriated to the Secretary of the Interior such sums as
10 are necessary for the Secretary to undertake interim ac-
11 tions the Secretary is authorized to undertake and that
12 are necessary for the Secretary of the Interior to imple-
13 ment the responsibilities of the Department of the Interior
14 outlined in the Canalway Plan.

○