

**The original documents are located in Box 16, folder “1974/12/27 HR7077 Cuyahoga Valley National Recreation Area Ohio” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.**

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13/12/27

THE WHITE HOUSE

WASHINGTON

ACTION

Last day - Friday, Dec. 27

December 24, 1974

MEMORANDUM FOR: THE PRESIDENT

FROM: KEN COLE 

SUBJECT: Enrolled Bill: Cuyahoga Valley National Recreation Area, Ohio -- H. R. 7077

BACKGROUND

Attached for your consideration is House bill, H. R. 7077, sponsored by Representative Seiberling of Ohio and 22 others. Under this legislation the Secretary of the Interior would administer 20,000 acres of the Cuyahoga River Valley as a unit of the National Park System. The cost of acquiring the land for the recreation area is \$34,500,000, plus the usual development, operation and maintenance, and Federal personnel requirements.

ARGUMENTS FOR SIGNING

Although there is a cooperative Federal-State program underway in the valley, there is a serious question as to whether this program can hope to keep ahead of the pressures for development in the area. The existing program contemplates acquisition stretched over a twenty-year span. Yet the loss of unspoiled land, as the suburbs of both Akron and Cleveland encroach on the area, and as the valley becomes more accessible for commercial developments, is an increasing threat. Establishment of a Federal area offers the possibility of a coordinated program that can meet the need to act to preclude adverse uses which would destroy the character of the area.

Senator Robert Taft (R-Ohio) has called to urge that this bill be approved. Senator Taft would like to speak with you if H. R. 7077 is to be disapproved. Max Friedersdorf has been advised that this bill is very important to freshman GOP Representative Ralph Regula and Bill Stanton.



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

DEC 20 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 7077 - Cuyahoga Valley  
National Recreation Area, Ohio  
Sponsor - Rep. Seiberling (D) Ohio and 22 others

Last Day for Action

DEC 27 1974

Purpose

Establishes the Cuyahoga Valley National Recreation Area in Ohio, and authorizes appropriations of not more than \$34,500,000 and \$500,000 for land acquisition and development, respectively.

Agency Recommendations

Office of Management and Budget	Disapproval (Memorandum of Disapproval attached)
Department of the Interior	Disapproval
Council on Environmental Quality	No objection
Department of the Army	No objection
General Services Administration	No objection

Discussion

H.R. 7077 would establish the Cuyahoga Valley National Recreation Area comprising approximately 20,000 acres between Akron and Cleveland, Ohio. The area would be administered as a unit of the National Park System by the Secretary of the Interior in a manner which would preserve its scenic, natural, and historic setting while providing for the recreational and educational needs of the visiting public. The Secretary would acquire lands by donation, purchase, exchange or transfer



APPROVED

DEC 27 1974  
Statement  
Issued  
12/28

Partial in  
Colorado  
12/28  
J. archive  
12/31

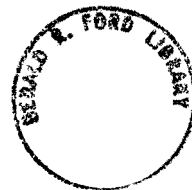
although public lands could be acquired by donation only and all acquisition must be "substantially complete" within 6 years of enactment. Acquisition of certain improved property would be limited, and the owners of such property could retain a right of use and occupancy for a definite term. Property owners within the recreation area who claim that their property ownership is causing, or would result in, undue hardship could demand special consideration for purchase of such property by the Secretary. The enrolled bill would authorize the Secretary to enter into cooperative agreements with public agencies within Ohio for law enforcement, rescue, and fire fighting services provided the Federal Government reimburses the other public agencies for costs incurred.

The enrolled bill would authorize appropriations of not more than \$34,500,000 and \$500,000 for land acquisition and development, respectively.

The Cuyahoga River Valley is a floodplain area backed by heavily wooded valley walls and ravines. The valley reflects a variety of plants and wildlife, and it still retains its rural character.

The Administration opposed this legislation in reporting to the Congress on the basis that while the Cuyahoga River Valley can serve northeastern Ohio adequately as a regional park, it simply does not qualify as a component of the National Park System. In this regard, Interior's reports to the Congress on H.R. 7077 noted that:

- a. the Bureau of Outdoor Recreation, in cooperation with State and local park authorities, was already in the process of acquiring approximately 6,212 acres in the Cuyahoga Valley for outdoor recreation and open space purposes -- when completed this joint Federal/State/local project envisions the acquisition of 14,500 acres at a cost of \$35,446,900, half of which will be provided by the Federal Government; and,
- b. the Administration's policy is for the Federal Government to provide assistance and guidance to the States in the development of outdoor recreation resources, but that "the major responsibility for providing such resources resides with the State and local authorities."



However, in its report on H.R. 7077, the House Interior Committee stated that:

"The essential decision in reporting the bill is that there is a need for direct Federal involvement in this area. Although the Bureau of Outdoor Recreation program is under way in the valley, there is serious question as to whether this program can hope to keep ahead of the pressures for development in the area. The existing program contemplates acquisition stretched over a twenty year span. Yet the loss of unspoiled land, as the suburbs of both Akron and Cleveland encroach on the area, and as the valley becomes more accessible for commercial developments, is an increasing threat. Establishment of a Federal area, on the other hand, offers the possibility of a coordinated program that can meet the need to act to preclude adverse uses which would destroy the character of the area."

In its views letter on the enrolled bill, Interior reiterates the points it had raised in reporting to Congress on H.R. 7077 while also noting that:

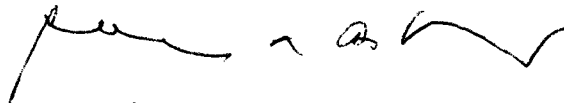
"The Congressional intent expressed in this enrolled bill that the acquisition program for the Cuyahoga National Recreation Area be completed within six years is identical to provisions in the recently enacted Big Cypress and Big Thicket units of the National Park System. The effect of this provision in H.R. 7077 is to elevate the Cuyahoga National Recreation Area acquisition program to a status equal to that of these two important new areas.

"We are aware that the proponents of this legislation have argued that the Cuyahoga National Recreation Area is a logical extension of the program which established the Gateway National Recreation Area in New York and New Jersey and the Golden Gate National Recreation Area in California. However, we do not believe that the implementation of such a program of bringing parks to the people depends exclusively on the creation of urban recreation areas throughout the country under the

management and administration of the National Park System. On the contrary, the establishment of these two pilot projects should be viewed as examples from which State and local governments, and other Federal agencies, should derive ideas and concepts which they may in turn implement and administer."

We strongly concur with Interior's analysis and veto recommendation. We believe that this proposal, for the reasons cited above, is clearly not deserving of National Park System status and administration (some financial and technical support is already being provided). Approval of this legislation would establish an undesirable precedent and very likely lead to numerous other proposals that could add significant pressure to the already over-extended Land and Water Conservation Fund.

As an alternative to the one prepared by Interior, we have prepared, for your consideration, the attached memorandum of disapproval.



Director

Enclosures



ARGUMENTS FOR VETO

The Federal Government, in cooperation with State and local park authorities, is already in the process of acquiring 6,212 acres in the Cuyahoga Valley for outdoor recreation and open space purposes. The Federal contribution will be \$18 million. The Administration's policy is for the Federal Government to provide assistance and guidance to States in the development of outdoor recreation resources, and the major responsibility for providing such resources resides with the State and local authorities. The Cuyahoga Valley possesses no qualities which qualify it for inclusion in the National Park System.

The bill authorizes the Secretary of the Interior to provide police and fire services or, if the locals continue to provide them, the Secretary will provide reimbursement. Currently, in other Federal park areas, the locals provide police services without reimbursement.

Secretary Morton states that the bill is just the first of other urban parks which Congress will serve up next year. The Secretary feels that if this bill is signed, the precedent will clearly be set for an urban recreation area near every large city.

STAFF AND AGENCY POSITIONS

Friedersdorf	Approval
Army	No objection to approval
GSA	No objection to approval
CEQ	No objection to approval
Ash (Tab A provides detailed comments)	Pocket veto
Morton	Pocket veto
Cole	Pocket veto
Areeda	No objection to veto

RECOMMENDATION

That you pocket veto H. R. 7077 and sign the Paul Theis approved memorandum of disapproval at Tab C.

DECISION - H. R. 7077

Sign (Tab B) \_\_\_\_\_

Veto \_\_\_\_\_  
(Sign memorandum of disapproval at Tab C)

MEMORANDUM OF DISAPPROVAL

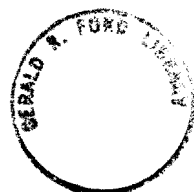
I am withholding my approval from H.R. 7077, a bill "To provide for the establishment of the Cuyahoga Valley National Recreation Area."

This bill would require establishment of a National Recreation Area comprised of 20,000 acres of the Cuyahoga River Valley between Cleveland and Akron, Ohio. The cost of acquiring this land is \$34,500,000, plus the usual development, operation and maintenance, and Federal personnel requirements.

I believe that the major responsibility for providing outdoor recreation opportunities for day-to-day use resides with State and local Governments. To assist in this effort, the Federal Government has and will continue to provide financial and technical assistance to the States for the development of outdoor recreation opportunities.

Direct Federal ownership and operation of outdoor recreation lands should be reserved for those areas having unique national significance, attracting visitors from the entire nation.

With respect to the Cuyahoga River Valley, the State of Ohio has already received Federal financial grants, and planning and technical assistance to begin acquisition of land in the valley which will serve as a regional park. The Federal contribution to this effort will be nearly \$18,000,000 for land acquisition alone. The park will be operated, however, by State and local authorities for the primary benefit of citizens of the area.





In summary, I do not believe that the Cuyahoga River Valley qualifies as a National Recreation Area. The present combination of Federal assistance and State and local governmental efforts will strike the appropriate balance for recreational development of the valley.

THE WHITE HOUSE,



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

DEC 20 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Cuyahoga Valley National Recreation Area

Attached is the enrolled bill memo on Cuyahoga NRA. Interior is strongly recommending veto and we concur with their recommendations.

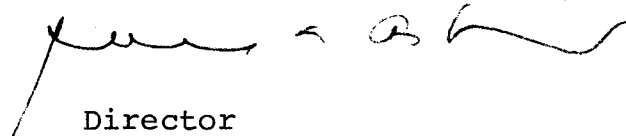
The objections to the bill are as follows:

1. Grants to the State of Ohio from the Land and Water Conservation Fund have been approved, and the land in question is currently being purchased. The Federal contribution will be \$18 million. The cost of a Federal NRA would be \$35 million for lands plus associated development, operation and maintenance, and Federal personnel requirements.
2. This bill is just the first of other urban parks which Congress will serve up next year. If this bill is signed, the precedent will clearly be set for an urban recreation area near every large city. (See pages 2-3 of Interior's letter.)
3. One of the factors behind the bill is the problem of the local counties associated with rapid urbanization of the Cuyahoga Valley corridor between Cleveland and Akron, especially with respect to police services. The bill authorizes the Secretary of Interior to provide police and fire services or, if the locals continue to provide them, the Secretary will provide reimbursement. Currently in other Federal park areas, the locals provide police services without reimbursement.

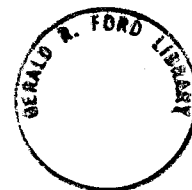


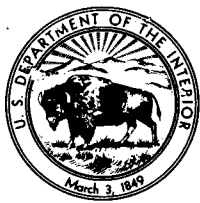
4. Another motive force behind the bill is that the federally assisted land purchase program is moving more slowly than necessary to prevent urbanization. This problem could be handled by State land use regulation or legislation without the need for a Federal solution.
5. The area possesses no qualities which qualify it for inclusion in the National Park System.

NOTE: We understand that Senator Robert Taft (R-Ohio) has called Tom Korologos to urge that this bill be approved. Senator Taft would like to speak with you if H.R. 7077 is to be disapproved (see the attached Korologos memo).

  
Director

Enclosures





# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

DEC 18 1974

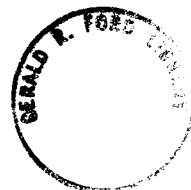
Dear Mr. Ash:

This responds to your request for the views of this Department on the enrolled bill H.R. 7077, "To provide for the establishment of the Cuyahoga Valley National Recreation Area."

We recommend that the President not approve this enrolled bill.

Enrolled bill H.R. 7077 would authorize the Secretary of the Interior to establish not more than 20,000 acres of the Cuyahoga River Valley between Cleveland and Akron, Ohio, as a national recreation area. The National Park Service would administer the proposed area in accordance with the Act of August 25, 1916 ( 39 Stat. 535; 16 U.S.C. 1, 2-4), as amended and supplemented. Within the boundaries of the recreation area, the Secretary may acquire, after consultation with the Governor of Ohio and an Advisory Commission established by the bill, lands and water or interests therein by donation, purchase, exchange or transfer, except that lands or interests owned by the State of Ohio or any political subdivision thereof, may be acquired only by donation. With respect to improved properties, as defined in the bill, the Secretary may not acquire fee title to such properties unless he finds that the lands are being used or are threatened with uses detrimental to the recreation area or unless such acquisition is "necessary to fulfill the purposes of the Act." However, the Secretary may acquire scenic easements or other interests in such properties. In exercising acquisition authority under the bill the Secretary must give prompt and careful consideration to any offer to sell from an individual owning property within the recreation area if the individual notifies him that the continued ownership of such property is causing, or would result in undue hardship.

The bill further requires the Secretary to submit to the Congress, within one year from the date of enactment, a detailed plan indicating the lands and areas deemed essential to the protection and public enjoyment of the area, the lands previously acquired and the acquisition schedule for the next five years. The bill expressly states that it is the intent of Congress that the acquisition program be completed within six years after enactment and authorizes \$34.5 million to be appropriated for land acquisition.



*Save Energy and You Serve America!*

The National Recreation Area established by this enrolled bill would consist of a series of State and local parks intermixed with privately-owned golf courses and other outdoor recreation facilities as well as privately-owned lands subject to development, located between Cleveland and Akron, Ohio. This National Recreation Area, to be acquired and administered by the National Park Service of this Department, would serve primarily local and regional recreational needs.

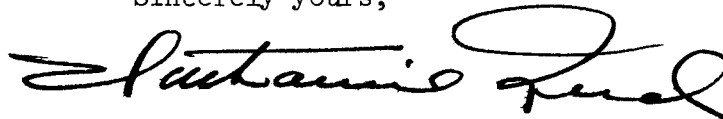
The Cleveland and Akron Metropolitan Park Districts, with assistance and support from the State of Ohio and the Land and Water Conservation Fund grant program administered by the Bureau of Outdoor Recreation, (BOR) of this Department, are already in the process of acquiring some 14,500 acres of outdoor recreation and open space land in the Cuyahoga Valley. The first two stages of the Park District project whereby 6,212 acres will be acquired for approximately \$12,167,600 have been approved by BOR. When completed the total project for the acquisition of 14,500 acres will cost \$35,446,900.

The Congressional intent expressed in this enrolled bill that the acquisition program for the Cuyahoga National Recreation Area be completed within six years is identical to provisions in the recently enacted Big Cypress and Big Thicket units of the National Park System. The effect of this provision in H.R. 7077 is to elevate the Cuyahoga National Recreation Area acquisition program to a status equal to that of these two important new areas.

We are aware that the proponents of this legislation have argued that the Cuyahoga National Recreation Area is a logical extension of the program which established the Gateway National Recreation Area in New York and New Jersey and the Golden Gate National Recreation Area in California. However, we do not believe that the implementation of such a program of bringing parks to the people depends exclusively on the creation of urban recreation areas throughout the country under the management and administration of the National Park System. On the contrary, the establishment of these two pilot projects should be viewed as examples from which State and local governments, and other Federal agencies, should derive ideas and concepts which they may in turn implement and administer.

We believe that the Federal Government should provide assistance and guidance to the States in the development of outdoor recreation resources but that the major responsibility for providing such resources resides with the State and local authorities. We further believe that the present combination of BOR financial, planning and technical assistance and State and local governmental efforts will provide sufficient public outdoor recreation and open space in the Cuyahoga Valley area without making such resource development primarily a Federal effort as envisioned in H.R. 7077. For these reasons we recommend that the President not approve this enrolled bill.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Stantonius". The signature is fluid and cursive, with a large, sweeping initial letter.

**Assistant** Secretary of the Interior

Honorable Roy L. Ash  
Director  
Office of Management and Budget  
Washington, D. C. 20503



DEPARTMENT OF THE ARMY  
WASHINGTON, D.C. 20310

19 DEC 1974

Honorable Roy L. Ash  
Director  
Office of Management and Budget

Dear Mr. Ash:

This is in reply to your request for the views of the Department of the Army on enrolled enactment H.R. 7077, 93d Congress, "To provide for the establishment of the Cuyahoga Valley National Recreation Area."

The Department of the Army has no objection to the approval of the enrolled enactment.

The Act would establish as a national recreation area some 20,000 acres surrounding the Cuyahoga River between Cleveland and Akron, Ohio. The purpose of the Act is to preserve the historic, scenic, natural, and recreational values of the area and to provide for the maintenance and use of the lands for recreational purposes.

The proposed national recreation area is already subject to a cooperative Federal-State program wherein Ohio and the metropolitan park systems of Akron and Cleveland, in cooperation with the Bureau of Outdoor Recreation, have undertaken to acquire portions of the subject area for park purposes. However, this area is subject to considerable pressures for development and Congress responded to this threat by enacting this legislation, which is intended to permit rapid land acquisition to preclude adverse development and to minimize the increased costs of further delay in a time of rapidly increasing land values.

Section 4 of the Act provides certain criteria for the management of the national recreation area. Section 4(c) permits the Secretary of the Army to undertake certain types of water resources development within the area provided that such proposals are mutually acceptable to the Secretary of the Interior and himself and consistent with this Act and other existing authorities. The Department of the Army recognizes that with the enactment of this legislation, any proposed plans for the development of the Cuyahoga River must be compatible with the program for the national recreation area.

Sincerely,

A handwritten signature in cursive script that reads "Herman R. Staudt".

Herman R. Staudt  
Acting Secretary of the Army

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

DEC 20 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Cuyahoga Valley National Recreation Area

Attached is the enrolled bill memo on Cuyahoga NRA. Interior is strongly recommending veto and we concur with their recommendations.

The objections to the bill are as follows:

1. Grants to the State of Ohio from the Land and Water Conservation Fund have been approved, and the land in question is currently being purchased. The Federal contribution will be \$18 million. The cost of a Federal NRA would be \$35 million for lands plus associated development, operation and maintenance, and Federal personnel requirements.
2. This bill is just the first of other urban parks which Congress will serve up next year. If this bill is signed, the precedent will clearly be set for an urban recreation area near every large city. (See pages 2-3 of Interior's letter.)
3. One of the factors behind the bill is the problem of the local counties associated with rapid urbanization of the Cuyahoga Valley corridor between Cleveland and Akron, especially with respect to police services. The bill authorizes the Secretary of Interior to provide police and fire services or, if the locals continue to provide them, the Secretary will provide reimbursement. Currently in other Federal park areas, the locals provide police services without reimbursement.



To-  
James Andrews  
12-21-74  
9:20 a.m.



THE WHITE HOUSE  
WASHINGTON

December 16, 1974

MEMORANDUM FOR:

WILLIAM E. TIMMONS  
JOHN MARSH  
MAX FRIEDERSDORF  
ROY ASH ✓  
KEN COLE

FROM:

TOM C. KOROLOGOS TK

SUBJECT:

Bills

Senator Paul Fannin (R-Ariz) has called me to say: "For the love of mud don't let them veto three bills very dear to the hearts of Goldwater, Fannin and Congressman Rhodes... all of whom would be extremely upset..."

The bills are:

H.R. 7730 -- San Carlos Mineral Strip

H.R. 10337 -- Navajo-Hopi (Goldwater went so far as telling Domenici he had cancelled an appearance in New Mexico and would never step foot there again because Domenici voted against it)

S. 1296 -- Grand Canyon Borders Extension (Goldwater introduced it)

In addition, Senator Robert Taft (R-Ohio) called to urge us to sign H.R. 7077 -- Cuyahoga Valley National Park. (He said if it is heading for a veto he wants to talk to the President first).

cc: Pat O'Donnell

UNITED STATES OF AMERICA  
GENERAL SERVICES ADMINISTRATION  
WASHINGTON, DC 20405



DEC 19 1974

Honorable Roy L. Ash  
Director, Office of  
Management and Budget  
Washington, DC 20503

Dear Mr. Ash:

By referral dated December 16, 1974, from the Assistant Director for Legislative Reference, your office requested the views of the General Services Administration on enrolled bill H.R. 7077, 93rd Congress, an act "To provide for the establishment of the Cuyahoga Valley National Recreation Area."

We have consistently voiced concern over provisions such as contained in section 2(b) of the bill under which, notwithstanding any other provisions of law, any Federal property located within the boundaries of the new national recreation area could, with the concurrence of the agency having custody thereof, be transferred to the administrative jurisdiction of the Secretary of the Interior for the purposes of the recreation area. Under the law of general application, the Federal Property and Administrative Services Act of 1949, as amended, Federal property which becomes excess to the needs of the using agency is screened by GSA for other Federal use before disposal as surplus property. In case of competing needs by Federal agencies, we feel that the determination as to highest and best use of excess property should continue to be made by the Administrator of General Services.

However, at this stage in the legislative process, we interpose no objection to Presidential approval of the enrolled bill.

Sincerely,

A handwritten signature in cursive script, appearing to read "A. Sampson".

ARTHUR H. SAMPSON  
ADMINISTRATOR

RECEIVED  
JUN 12 1974 15:50

RECEIVED



December 18, 1974

MEMORANDUM FOR JERRY JONES

Flag a bill on Cuyahoyga National Park (Cleveland, Ohio area). Senator Taft called on it. He says if the President vetos it, it will be very damaging. It is H.R. 7077.

Make sure I handcarry that in so that the President will be aware of the problem.

  
DON RUMSFELD

THE WHITE HOUSE

WASHINGTON

December 16, 1974

MEMORANDUM FOR:

WILLIAM E. TIMMONS  
JOHN MARSH  
MAX FRIEDERSDORF  
ROY ASH, ✓  
KEN COLE

FROM:

TOM C. KOROLOGOS *TK*

SUBJECT:

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cc: Pat O'Donnell

*Veto rec  
Attached*

EXECUTIVE OFFICE OF THE PRESIDENT  
COUNCIL ON ENVIRONMENTAL QUALITY  
722 JACKSON PLACE, N. W.  
WASHINGTON, D. C. 20006

DEC 17 1974

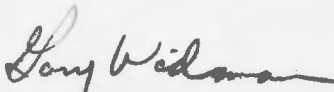
MEMORANDUM FOR W. H. ROMMEL  
OFFICE OF MANAGEMENT AND BUDGET

ATTN: Mrs. Mohr

SUBJECT: Enrolled Bill, H.R. 7077, "To provide for the establishment of the Cuyahoga Valley National Recreation Area."

This is in response to your request of December 16, for our views on the subject enrolled bill.

The Council has no objection to the approval and enactment of this bill.

  
Gary Widman  
General Counsel

VWD BRUCE  
OFFICE OF MANAGEMENT  
12:4 PM 11 200 AT

RECEIVED



THE WHITE HOUSE  
WASHINGTON

December 23, 1974

MEMORANDUM FOR: ROY ASH  
FROM: MAX FRIEDERSDORF *m.f.*  
SUBJECT: H. R. 7077 - Cuyahoga Valley

I understand that Interior will report adversely on signing this bill, which is very important to Sen. Taft and freshman GOP Rep. Ralph Regula, *plus Bill STANTON.*

Strongly urge that it be recommended for approval by OMB and Domestic Council.

Taft and Regula would like advance notice if it is to be signed. Please let me know.

cc: James Cavanaugh

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 814

Date: December 21, 1974

Time: 9:30 a.m.

FOR ACTION: Mike Duval  
Max Frédersdorf  
Phil Areeda

*Paul there ok*

*sign ok*  
*no objection*  
*to null*

cc (for information): Warren Hendriks  
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Monday, December 23

Time: noon

SUBJECT:

H.R. 7077 - Cuyahoga Valley National  
Recreation Area

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor, West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.  
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 814

Date: December 21, 1974

Time: 9:30 a.m.

FOR ACTION: Mike Duval  
Max Fridersdorf  
Phil Areeda  
Paul THEIS

cc (for information): Warren Hendriks  
Jerry Jones

*gc 1/23/74  
OK/PAF*

FROM THE STAFF SECRETARY

DUE: Date: Monday, December 23

Time: noon

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H.R. 7077 - Cuyahoga Valley National  
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ACTION REQUESTED:

For Necessary Action

For Your Recommendations

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Warren K. Hendriks  
For the President



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 814

Date: December 21, 1974

Time: 9:30 a.m.

FOR ACTION: Mike Duval  
Max Fridersdorf  
Phil Areeda  
Paul Theis

cc (for information): Warren Hendriks  
Jerry Jones

*gl 12/23/74*

FROM THE STAFF SECRETARY

DUE: Date: Monday, December 23

Time: noon

SUBJECT:

H.R. 7077 - Cuyahoga Valley National  
Recreation Area

PM 12 30

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

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Draft Reply

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Draft Remarks

REMARKS:

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Warren K. Hendriks  
For the President

THE WHITE HOUSE

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WASHINGTON

LOG NO.: 814

Date: December 21, 1974

Time: 9:30 a.m.

FOR ACTION: Mike Duval  
 Max Fridersdorf  
 Phil Areeda ✓

cc (for information): Warren Hendriks  
 Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Monday, December 23

Time: noon

SUBJECT:

H.R. 7077 - Cuyahoga Valley National  
 Recreation Area

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor, West Wing

I have no objection to a veto, but the President should be aware of the following points.

1. The park is adjacent to a federal park and coordination of the overall plan may justify federal participation. Coordinated planning can be important to such projects.

2. It is not clear that this bill poses any really serious question of principle.

*P Areeda*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks  
 For the President



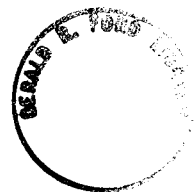
TO THE HOUSE OF REPRESENTATIVES:

I return herewith, without my approval, H.R. 7077, a bill "To provide for the establishment of the Cuyahoga Valley National Recreation Area."

Enrolled bill H.R. 7077 would authorize the Secretary of the Interior to establish approximately 20,000 acres of the Cuyahoga River Valley between Cleveland and Akron, Ohio, as a national recreation area. The National Park Service would administer the proposed area in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1,2-4), as amended and supplemented. Within the boundaries of the recreation area, the Secretary may acquire, after consultation with the Governor of Ohio and an Advisory Commission established by the bill, lands and water or interests therein by donation, purchase, exchange or transfer, except that lands or interests owned by the State of Ohio or any political subdivision thereof, may be acquired only by donation.

The bill further requires the Secretary to submit to the Congress, within one year from the date of enactment, a detailed plan indicating the lands and areas deemed essential to the protection and public enjoyment of the area, the lands previously acquired and the acquisition schedule for the next five years. The bill expressly states that it is the intent of Congress that the acquisition program be completed within six years after enactment and authorizes \$34.5 million to be appropriated for land acquisition.

The Cleveland and Akron Metropolitan Park Districts, with assistance and support from the State of Ohio and the Land and Water Conservation Fund grant program administered by the Bureau of Outdoor Recreation, (BOR) of the Department of the Interior, are already in the process of acquiring some 14,500 acres of outdoor recreation and open space land in the Cuyahoga Valley. The first two stages of the



Park District project whereby 6,212 acres will be acquired for approximately \$12,167,600 have been approved by BOR. When completed the total project for the acquisition of 14,500 acres will cost \$35,446,900.

I am aware that the proponents of this legislation have argued that the creation of a Cuyahoga National Recreation Area is a logical extension of the program which established the Gateway National Recreation Area in New York and New Jersey and the Golden Gate National Recreation Area in California. However, I do not believe that the implementation of such a program of bringing parks to the people depends exclusively on the creation of urban recreation areas throughout the country under the management and administration of the National Park System. On the contrary, the establishment of these two pilot projects should be viewed as examples from which State and local governments, and other Federal agencies, should derive ideas and concepts which they may in turn implement.

It is the policy of this Administration that the Federal Government should provide assistance and guidance to the States in the development of outdoor recreation resources but that the major responsibility for providing such resources resides with the State and local authorities. I believe that the present combination of BOR financial, planning and technical assistance and State and local governmental efforts will provide sufficient public outdoor recreation and open space in the Cuyahoga Valley area without making such resource development primarily a Federal effort as envisioned in H.R. 7077.

For these reasons, I do not believe that the approval of H.R. 7077 would be desirable.

THE WHITE HOUSE

December 1974

STMT BY THE PRES

I have approved H. R. 7077, which establishes the Cuyahoga Valley National Recreation Area in Ohio. The establishment of this area paves the way for the preservation of thousands of acres of unspoiled land for the enjoyment of present and future generations.

~~I want to express my reservation about a provision of the~~

In signing this bill, I want to express my reservation about a provision of the bill which authorizes the Secretary of the Interior to provide Federal police and fire services to the area, or reimburse local agencies which perform these services. I ask the Congress to amend this legislation to remove this provision so that police and fire services are provided by local agencies, without reimbursement, as in other such Federal recreational areas. ~~If Congress fails to amend the law, I will instruct the Secretary of the Interior to refrain from exercising the authority granted in the bill to enter into such ~~reimbursable~~ reimbursable agreements.~~

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Office of the White House Press Secretary  
(Vail, Colorado)

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THE WHITE HOUSE

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# # #

MEMORANDUM OF DISAPPROVAL

I am withholding my approval <sup>from</sup> of H.R. 7077, a bill  
"To provide for the establishment of the Cuyahoga Valley  
National Recreation Area."

This bill would require establishment of a National  
Recreation Area comprised of 20,000 acres of the Cuyahoga  
River Valley between Cleveland and Akron, Ohio. The cost  
of acquiring this land is \$34,500,000, plus the usual  
development, operation and maintenance, and Federal  
personnel requirements.

I believe that the major responsibility for providing  
outdoor recreation opportunities for day-to-day use resides  
with State and local Governments. To assist in this effort,  
the Federal Government has and will continue to provide  
financial and technical assistance to the States for the  
development of outdoor recreation opportunities.

Direct Federal ownership and operation of outdoor  
recreation lands should be reserved for those areas having  
unique national significance, attracting visitors from  
the entire nation.

With respect to the Cuyahoga River Valley, the State  
of Ohio has already received Federal financial grants,  
and planning and technical assistance to begin acquisition



of land in the valley which will serve as a regional park. The Federal contribution to this effort will be nearly \$18,000,000 for land acquisition alone. The park will be operated, however, by State and local authorities for the primary benefit of citizens of the area.

In summary, I do not believe that the Cuyahoga River Valley qualifies as a National Recreation Area. The present combination of Federal assistance and State and local governmental efforts will strike the appropriate balance for recreational development of the valley.

THE WHITE HOUSE,

December, 1974



PROVIDING FOR THE ESTABLISHMENT OF THE CUYA-  
HOGA VALLEY NATIONAL RECREATION AREA

DECEMBER 8, 1974.—Committed to the Committee of the Whole House on the  
State of the Union and ordered to be printed

Mr. HALEY, from the Committee on Interior and Insular Affairs,  
submitted the following

REPORT

[To accompany H.R. 7077]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 7077) to provide for the establishment of the Cuyahoga Valley National Historical Park and Recreation Area, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

PURPOSE

Sec. 1. For the purpose of preserving and protecting for public use and enjoyment, the historic, scenic, natural, and recreational values of the Cuyahoga River and the adjacent lands of the Cuyahoga Valley and for the purpose of providing for the maintenance of needed recreational open space necessary to the urban environment, the Cuyahoga Valley National Recreation Area, hereafter referred to as the "recreation area", shall be established within six months after the date of enactment of this Act. In the management of the recreation area, the Secretary of the Interior (hereafter referred to as the "Secretary") shall utilize the recreation area resources in a manner which will preserve its scenic, natural and historic setting while providing for the recreational and educational needs of the visiting public.

LAND ACQUISITION

Sec. 2. (a) The recreation area shall comprise the lands and waters generally depicted on the map entitled "Boundary Map, Cuyahoga Valley National Recreation Area, Ohio", numbered NRA-CUYA-20,000-A, and dated December 1974, which shall be on file and available for inspection in the offices of the National Park Service, Department of the Interior, Washington, District of Columbia and in the main public library of Akron, Ohio and Cleveland, Ohio. After advising the Committees on Interior and Insular Affairs of the United States Congress, in writing, the Secretary may make minor revisions of the boundaries of the recreation area when necessary by publication of a revised drawing or other boundary description in the Federal Register.

(b) Within the boundaries of the recreation area, the Secretary, after consultation with the Governor of the State of Ohio and the Advisory Commission

## PROVIDING FOR THE ESTABLISHMENT OF THE CUYA- HOGA VALLEY NATIONAL RECREATION AREA

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(b) Within the boundaries of the recreation area, the Secretary, after consultation with the Governor of the State of Ohio and the Advisory Commission

established in Section 5 of this Act, may acquire lands, improvements, waters, or interests therein by donation, purchase with donated or appropriated funds, exchange, or transfer. Any lands or interests owned therein, as well as any lands hereafter acquired, by the State of Ohio or any political subdivision thereof (including any park district or other public entity) may be acquired only by donation. The Secretary shall not acquire privately owned lands which are held and used for public recreation uses unless he determines that such lands are essential to carry out the purposes of this Act. Notwithstanding any other provisions of law, any Federal property located within the boundaries of the recreation area may, with the concurrence of the agency having custody thereof, be transferred without transfer of funds to the administrative jurisdiction of the Secretary for the purposes of the recreation area.

(c) With respect to improved properties, as defined in this Act, the Secretary may acquire scenic easements or such other interests as, in his judgment, are necessary for the purposes of the recreation area. Fee title to such improved properties shall not be acquired unless the Secretary finds that such lands are being used, or are threatened with uses, which are detrimental to the purposes of the recreation area, or unless such acquisition is necessary to fulfill the purposes of this Act.

(d) When any tract of land is only partly within the boundaries of the recreation area, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs. Land so acquired outside of the boundaries may be exchanged by the Secretary for non-Federal lands within the boundaries. Any portion of the land acquired outside the boundaries and not utilized for exchange shall be reported to the General Services Administration for disposal under the Federal Property and Administrative Services Act of 1949, as amended: *Provided*, That no disposal shall be for less than the fair market value of the lands involved.

(e) For the purposes of this Act, the term "improved property" means: (i) a detached single family dwelling, the construction of which was begun before January 1, 1975 (hereafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures necessary to the dwelling which are situated on the land so designated, or (ii) property developed for agricultural uses, together with any structures accessory thereto which were so used on or before January 1, 1975. In determining when and to what extent a property is to be considered an "improved property", the Secretary shall take into consideration the manner of use of such buildings and lands prior to January 1, 1975, and shall designate such lands as are reasonably necessary for the continued enjoyment of the property in the same manner and to the same extent as existed prior to such date.

(f) The owner of an improved property, as defined in this Act, on the date of its acquisition, as a condition of such acquisition, may retain for himself, his heirs and assigns a right of use and occupancy of the improved property for non-commercial residential or agricultural purposes, as the case may be, for a definite term of not more than 25 years, or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated, the Secretary shall pay to the owner the fair market value of the property on the date of its acquisition, less the fair market value on that date of the right retained by the owner. A right retained by the owner pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of this Act, and it shall terminate by operation of law upon notification by the Secretary to the holder of the right of such determination and tendering to him the amount equal to the fair market value of that portion which remains unexpired.

(g) In exercising his authority to acquire property under this Act, the Secretary shall give prompt and careful consideration to any offer made by an individual owning property within the recreation area to sell such property, if such individual notifies the Secretary that the continued ownership of such property is causing, or would result in, undue hardship.

SEC. 3. (a) Within one year after the date of the enactment of this Act, the Secretary shall submit, in writing, to the Committees on Interior and Insular

Affairs and to the Committees on Appropriations of the United States Congress a detailed plan which shall indicate:

- (i) the lands and areas which he deems essential to the protection and public enjoyment of this recreation area,
  - (ii) the lands which he has previously acquired by purchase, donation, exchange or transfer for the purpose of this recreation area, and
  - (iii) the annual acquisition program (including the level of funding) which he recommends for the ensuing five fiscal years.
- (b) It is the express intent of the Congress that the Secretary should substantially complete the land acquisition program contemplated by this Act within six years after the date of its enactment.

#### ADMINISTRATION

SEC. 4. (a) The Secretary shall administer the recreation area in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535) as amended and supplemented (16 U.S.C. 1, 2-4). In the administration of the recreation area, the Secretary may utilize such statutory authority available to him for the conservation and management of wildlife and natural resources as he deems appropriate to carry out the purposes of this Act.

(b) The Secretary may enter into cooperative agreements with the State of Ohio, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.

(c) The authority of the Secretary of the Army to undertake or contribute to water resource development, including erosion control and flood control, on land or waters within the recreation area shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and which are consistent with both the purposes of this Act and the purposes of existing statutes dealing with water and related land resource development.

(d) The Secretary, in consultation with the Governor of the State of Ohio, shall inventory and evaluate all sites and structures within the recreation area having present and potential historical, cultural, or architectural significance and shall provide for appropriate programs for the preservation, restoration, interpretation, and utilization of them.

(e) Notwithstanding any other provision of law, the Secretary is authorized to accept donations of funds, property, or services from individuals, foundations, corporations, or public entities for the purpose of providing services and facilities which he deems consistent with the purposes of this Act.

(f) The Secretary may, on his own initiative, or at the request of any local government having jurisdiction over land located within or adjacent to the recreation area, assist and consult with the appropriate officers and employees of such local government in establishing zoning laws or ordinances which will assist in achieving the purposes of this Act.

In providing assistance pursuant to this subsection, the Secretary shall endeavor to obtain provisions in such zoning laws or ordinances which—

(1) have the effect of prohibiting the commercial and industrial use (other than a use for commercial farms and orchards) of all real property adjacent to the recreation area;

(2) aid in preserving the character of the recreation area by appropriate restrictions on the use of real property in the vicinity including, but not limited to, restrictions upon:

- building and construction of all types;
- signs and billboards;
- the burning of cover;
- cutting of timber (except tracts managed for sustained yield);
- removal of topsoil, sand or gravel;
- dumping, storage, or piling of refuse; or
- any other use which would detract from the aesthetic character of the recreation area; and

(3) have the effect of providing that the Secretary shall receive notice of any hearing for the purpose of granting a variance and any variance granted under, and of any exception made to, the application of such law or ordinance.

## ADVISORY COMMISSION

SEC. 5. (a) There is hereby established the Cuyahoga Valley National Recreation Area Advisory Commission (hereafter referred to as the "Commission") which shall be composed of thirteen members to be appointed by the Secretary for terms of five years as follows:

- (1) Two members to be appointed from recommendations submitted by the Board of Park Commissioners of the Akron Metropolitan Park District;
- (2) Two members to be appointed from recommendations submitted by the Board of Park Commissioners of the Cleveland Metropolitan Park District;
- (3) Two members to be appointed from recommendations submitted by the Governor of the State;
- (4) One from the membership of an Ohio conservation organization;
- (5) One from the membership of an Ohio historical society; and
- (6) Five members representing the general public, of which no fewer than three shall be from among the permanent residents and electors of Summit and Cuyahoga Counties.

The Secretary shall designate one member of the Commission as Chairman and any vacancy shall be filled in the same manner in which the original appointment was made.

(b) Members of the Commission shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred by the Commission and reimburse members for reasonable expenses incurred in carrying out their responsibilities under this Act on vouchers signed by the Chairman.

(c) The Secretary, or his designee, shall from time to time but at least semi-annually, meet and consult with the Advisory Commission on matters relating to the development of the recreation area and with respect to carrying out the provisions of the Act.

(d) Unless extended by the Congress, the Commission shall terminate ten years after the date of the establishment of the recreation area.

SEC. 6. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, but not more than \$34,500,000 for the acquisition of lands and interests in lands.

(b) For the development of essential public facilities there are authorized to be appropriated not more than \$500,000. Within one year from the date of establishment of the recreation area pursuant to this Act, the Secretary shall, after consulting with the Governor of the State of Ohio, develop and transmit to the Committees on Interior and Insular Affairs of the United States Congress a final master plan for the development of the recreation area consistent with the objectives of this Act, indicating:

- (1) the facilities needed to accommodate the health, safety and recreation needs of the visiting public;
- (2) the location and estimated cost of all facilities; and
- (3) the projected need for any additional facilities within the area.

Amend the title so as to read:

"To provide for the establishment of the Cuyahoga Valley National Recreation Area."

## PURPOSE

H.R. 7077,<sup>1</sup> as amended by the Committee on Interior and Insular Affairs, would provide for the establishment of the Cuyahoga Valley

<sup>1</sup> H.R. 7077 was introduced by Representative John Seiberling and cosponsored by Representatives Regula, Vanik, Haley, Saylor, Hansen of Washington, Johnson of California, Don H. Clausen, Udall, Young of Alaska, Phillip Burton, O'Hara, Mink, Stephens, Vigorito, Roncallio of Wyoming, Blingham, Runnels, Burke of California, Won Pat, Owens, De Lugo, and Jones of Oklahoma.

Other similar bills before the Committee were:  
H.R. 7076 by Representatives Seiberling, Regula, Vanik, Hays, Ashbrook, Ashley, Brown of Ohio, Carney of Ohio, Guyer, Keating, Minshall of Ohio, Miller, Mosher, J. William Stanton, James V. Stanton, Stokes, Whalen, Moorhead of California, Dent, Abzug, Hechler of West Virginia, and Waldie.

H.R. 7167 by Representatives Seiberling, Regula, Vanik, Hays, Ashbrook, Ashley, Brown of Ohio, Carney of Ohio, Guyer, Keating, Minshall of Ohio, Miller, Mosher, J. William Stanton, James V. Stanton, Stokes, Whalen, Moorhead of Pennsylvania, Dent, Abzug, Hechler of West Virginia, Waldie, Williams, Stark, and Murphy of New York.

National Recreation Area in the State of Ohio. The proposed recreation area includes portions of the Cuyahoga River Valley between Cleveland and Akron, Ohio, and protects numerous sites of historic significance, in addition to preserving this pastoral, relatively undeveloped valley as a setting for outdoor recreation.

## BACKGROUND AND NEED FOR LEGISLATION

With headwaters rising not far from eastern Lake Erie, the upper Cuyahoga River flows southward as if to join the tributary streams of the Ohio River drainage. But in northeast Ohio, the river turns dramatically west along the Akron escarpment, and at last flows northward, eventually discharging into Lake Erie at Cleveland, Ohio.

The river valley was home to early Indian tribes, as documented by numerous archeological sites dating back as far as 600 B.C. The valley, connecting what are now the urban centers of Cleveland and Akron, was of importance to the native cultures because of the route it offered to link the Great Lakes with the Ohio River. The short portage across the watershed divide led to the valley area being declared sacred ground so that it might remain open as a trading route.

With the arrival of European man in the area, the importance of the valley as a gateway to the unsettled western lands increased. Early in the nineteenth century, the construction of the Ohio Canal up the valley and across the divide opened a prosperous era as a major commercial route. With the construction of railroad systems, however, the waterway system and the valley faded from attention.

Now the Cuyahoga Valley remains little altered from its natural state. Although both Cleveland and Akron have grown into major urban centers, the valley which links them still retains its rural character. The river itself, although its waters are degraded by upstream pollution, still meanders through a floodplain backed by heavily wooded valley walls and ravines. The century-old canal system is still in place.

H.R. 7077 and similar bills introduced in this Congress recognize the importance of the Cuyahoga Valley not only for the historical values it contains, but also for its potential to serve the outdoor recreation needs of the nearly five million residents of the surrounding area.

The valley today, while retaining its rural character, is under increasing development pressure on all fronts. The suburbs of both cities are spreading inexorably toward the valley, and the entire area is becoming increasingly interlaced with roadway and utility corridors.

The immense value in retaining the valley as a source of recreation and outdoor enjoyment has already been widely recognized. The State of Ohio and the Metropolitan Park systems of both Akron and Cleveland have already acquired portions of the area for park purposes. An acquisition program in cooperation with the Bureau of Outdoor Recreation is already underway, with an eventual goal of placing some 14,500 acres in park status.

But the present acquisition program contemplates that the land base will take many years to secure. Establishment of a Federal area, on the other hand, is intended to permit rapid land acquisition which will both preclude adverse development and also minimize the increased costs of further delay in a time of rapidly increasing land values.

Beyond the land acquisition itself, the proposed legislation is intended to provide an area managed at the high standards of the National Park Service. By being placed under unified, professional management, the Cuyahoga Valley should grow in importance as the surrounding area becomes increasingly developed. It will serve in particular as a unit of the National Park System which will be readily accessible to this large urban population. H.R. 7077 affords the opportunity to secure this important resource now.

#### LEGISLATIVE HISTORY

The Subcommittee on National Parks and Recreation held Washington hearings on H.R. 7077 and related bills during March, 1974. A variety of witnesses, including Members of Congress, representatives of the Department of the Interior, and other interested parties, were heard.

There was general agreement on the part of all those testifying that the Cuyahoga Valley is a resource well worth protecting and making available for public recreation. However, the recommendation of the Department of the Interior is against the enactment of this bill. The Department contends that the resources of the valley will be sufficiently protected through a program now underway in which matching grants from the Land and Water Conservation Fund are combined with State and local funds for the purchase of land in the area.

In order to weigh the merits of this alternate proposal, the Subcommittee conducted field hearings and an inspection of the proposed area in June 1974. The hearings drew witnesses from the surrounding area, including many private citizens, as well as representatives of State and local governments. The Subcommittee then adopted a completely revised text for H.R. 7077, before reporting it for the consideration of the Committee on Interior and Insular Affairs. This placed many of the provisions of the original bill into more standard language, as well as incorporating a number of substantive changes.

The essential decision in reporting the bill is that there is a need for direct Federal involvement in this area. Although the Bureau of Outdoor Recreation program is under way in the valley, there is serious question as to whether this program can hope to keep ahead of the pressures for development in the area. The existing program contemplates acquisition stretched over a twenty year span. Yet the loss of unspoiled land, as the suburbs of both Akron and Cleveland encroach on the area, and as the valley becomes more accessible for commercial developments, is an increasing threat. Establishment of a Federal area, on the other hand, offers the possibility of a coordinated program that can meet the need to act to preclude adverse uses which would destroy the character of the area.

Beyond the immediate need of land acquisition, the Committee took note of testimony which pointed out the opportunity to bring a unit of the National Park System to this area. The Cuyahoga Valley represents an important natural resource located near great concentrations of people who have little access to the high quality recreation opportunities afforded the American public in our National Recreation Areas. The Cuyahoga Valley National Recreation Area can fulfill the dual role of preserving this worthwhile resource while

providing recreational opportunities, much as do Indiana Dunes National Lakeshore and the Gateway and Golden Gate National Recreation Areas.

In furthering the goal of providing protection for as wide an area as possible, the Committee approved language in the bill which allows the Secretary of the Interior to encourage the adoption of zoning restrictions in surrounding areas. The use of scenic easements should also be a major part of the land acquisition program for the area. The intent here is to allow fee acquisition to be concentrated in those areas needed for direct visitor use, while acquisition funds can be spent to protect a larger surrounding area through easements than would be possible by using the same dollar amounts for fee acquisition.

Transportation planning is also seen as a vital link in fulfilling the potential of the recreation area to serve the nearby urban residents. There is an existing network of roads in the area, and a railroad runs the length of the valley between Cleveland and Akron. The Secretary is encouraged to explore the opportunities to engage in transportation planning that will assist visitors in enjoying the area, and will also cause minimum disruptions in places of recognized historic importance, such as the town of Peninsula in the valley. In being specifically charged to consult with the State and local governments in planning for the area, the Secretary has an excellent opportunity to deal with visitor access and circulation even outside the established area boundaries.

The Committee, then, views the Cuyahoga Valley National Recreation Area as a proper and important addition to our National Park System. The protection of this unspoiled valley, and the opportunity to make available its outdoor recreation values, are compelling reasons for the passage of H.R. 7077.

#### SECTION-BY-SECTION ANALYSIS OF H.R. 7077 AS REPORTED

Section 1 directs that the Cuyahoga Valley National Recreation Area be established within six months of the enactment of this legislation. The dual purpose of the bill, to preserve the historic, scenic, natural, and recreational values of the area, as well as to provide for the maintenance and use of the lands for recreational purposes, is stated. The Secretary of the Interior is directed to make the recreation area available for public uses in such a way that its natural and historic qualities will be preserved.

Section 2 includes a reference to a boundary map for the recreation area. In addition, the Secretary is authorized to make minor boundary revisions in the area after informing the Interior Committees of the Congress in writing. Such changes will also be published in the Federal Register. The boundary map, as well as any revisions, will be available for inspection in the main public libraries in Akron and Cleveland, Ohio, as well as in the offices of the National Park Service in Washington, D.C.

In acquiring lands within the recreation area, the Secretary, after consulting with the Governor of Ohio and the Advisory Commission established in section 5, is authorized to acquire lands, improvements, waters, or interests therein by donation, exchange, transfer, or pur-

chase with donated or appropriated funds. However, lands or interests owned or later acquired by the State of Ohio, or any political subdivision thereof, may only be acquired by donation. Since the State has and is continuing to acquire parcels of land in the area with matching grants from the Land and Water Conservation Fund, these tracts could be donated as portions of the recreation area. The State had acquired over 1,000 acres of land in the area at the time the Committee considered the bill, and has indicated that these lands would be donated to the recreation area. State and local governments have also acquired easements which protect portions of the area as well. In addition, the revised boundary adopted by the Committee for the area includes several existing State and local parks which would be acquired only by donation. While it is anticipated that these parks may continue to be operated in their existing status, their inclusion within the boundary clears the way for later donations, should this become desirable. These areas would also be included in the planning for visitor access, circulation, and recreation opportunities in which the National Park Service will be engaged.

The Secretary is restricted from acquiring privately owned lands used for public recreation unless such acquisition is deemed to be essential to carry out the purposes of the Act. Such properties fall into two categories. First, commercially operated facilities, such as golf courses or ski areas, could continue to operate within the area. However, these operations could be acquired if necessary to preclude adverse conditions arising from their operations which would be to the detriment of the recreation area. The second category would include the Blossom Music Center, Hale Homestead, Boy Scout camps, and similar properties. These would also continue to operate as they now exist, and should complement the activities taking place on the federally administered portion of the area. The National Park Service would generally not need to acquire any of these areas unless they were threatened with an adverse change in use.

Fee title to any improved properties in the area is not to be acquired unless the Secretary finds that such properties are used or being threatened with uses detrimental to the purposes of the recreation area, or unless fee acquisition is necessary to fulfill the purposes of the Act. The Secretary may, however, acquire scenic easements as he deems necessary on such properties. Obviously, where appropriate scenic easements have already been granted to a public body, the chance of adverse uses occurring which might be detrimental to the recreation area is precluded, and these properties can generally be left under the existing easements.

"Improved property" is defined here as either a detached single family dwelling and surrounding lands, or as property developed for agricultural use, including associated structures. For example, that portion of a tract considered by the owner to be related to the use of his dwelling might be covered by a scenic easement, while other portions of the property might be acquired in fee. The Secretary shall consider the use of properties prior to January 1, 1975, in determining what is to be considered an "improved property." The Secretary is also to designate such lands to be included with improved property as he shall deem necessary for the continued use and enjoyment of the

property. The owner of such improved property may elect to retain a right of use and occupancy for a fixed term of not more than 25 years, or for a life term. The value of such a reservation of use shall be deducted from the purchase price to be paid for the property. The retained right may be terminated upon the determination by the Secretary of use inconsistent with the purposes of the Act, and upon payment of the fair market value of the unexpired portion of the retained right.

The Secretary is also to give prompt and careful consideration to any offer to sell property within the recreation area, if the owner states that continued ownership of such property would result in undue hardship. Federal properties within the area may be transferred to the administrative jurisdiction of the Secretary. The Secretary may also acquire tracts located only partially within the area, and use those portions of such tracts outside the boundaries for exchange. Such lands not used for exchange are to be reported to the General Services Administration for disposal.

Section 3 includes a requirement that the Secretary, within one year of the date of enactment, submit a plan to the House and Senate Interior and Insular Affairs Committees which details the acquisition for the recreation area. This plan is to include a listing of the lands which the Secretary had determined to be necessary for the protection and enjoyment of the recreation area. The report will also list the lands which have been acquired by any means for the area.

Finally, the report will list the annual acquisition program which the Secretary recommends for the next five years. The plan is to be prepared with the understanding that the land acquisition program be essentially completed at the conclusion of the five-year acquisition plan. The report should reflect the intent of the Committee that the use of scenic easements should be an important feature of the land acquisition program for the recreation area. To achieve the maximum degree of protection for the valley with the authorized funding, the Secretary should plan to emphasize fee acquisition in the areas directly needed for public use, while easements are used to preserve the character of the area.

Section 4 first states generally that the Secretary is to administer the recreation area under the provisions of the Act of August 25, 1916, which established the National Park Service. The Secretary is further authorized to enter into cooperative agreements with the State or local governments for providing essential services for the area on a reimbursable basis. The Secretary of the Army may also undertake certain types of water resource development which are mutually acceptable to the Secretary of the Interior and himself, and which are consistent with both this legislation and other existing statutes. The Committee took note that a previous study of the drainage by the Corps of Engineers indicated an interest in restoring the water quality of the Cuyahoga River as an example of improving a drainage adversely affected by man. The Secretary should encourage and cooperate in any such efforts within the constraints that the river within the recreation area should not be subjected to any alterations which would impair its natural qualities.

The Committee also took note that, while the Cuyahoga Valley is to be administered as a recreation area, the National Park Service is charged with broad conservation responsibilities under its enabling legislation. In managing wildlife in this area, it is recognized that, while the Secretary might permit hunting in a recreation area, he may prohibit hunting wherever the proximity of inhabited areas poses hazards, or in areas where wildlife populations are being protected for observation by visitors. Historical values are also a particularly important part of this recreation area, and it was recognized by the Committee that the preservation and interpretation of these features will be a responsibility of the Secretary here.

Within the recreation area, the Secretary is to inventory and evaluate, in consultation with the Governor of Ohio, all sites of present or potential historical, cultural, or architectural significance. The Secretary is to develop programs for preserving and interpreting these sites. The Secretary may also accept at his discretion donations of funds, property, or services from a variety of sources as he deems consistent with this bill.

A particular feature of this section deals with the authority given to the Secretary to consult with officials of local governments to encourage the adoption of zoning laws and ordinances which will contribute to achieving the purposes of this bill. The Secretary is to encourage provisions which will prohibit commercial use other than for agricultural purposes adjacent to the recreation area. Restrictions on a variety of uses, such as construction, signs and billboards, dumping, timber cutting, and other uses which might detract from the character of the area, are to be encouraged in the vicinity, as well as provisions that would call for notification of the Secretary in the event of any exceptions or variances contemplated or granted under such zoning codes.

Section 5 establishes the Cuyahoga Valley National Recreation Area Advisory Commission for a period of ten years from the establishment of the area, unless extended by Congress. The thirteen member Commission is to be appointed from a variety of specified sources, with members serving five-year terms without compensation as such, although documented expenses may be reimbursed. The Commission will meet at least semiannually to consult with the Secretary or his designee on matters relating to the recreation area.

Section 6 authorizes not more than \$34,500,000 to be appropriated for the acquisition of lands and interests in lands within the recreation area. This section also makes an initial authorization of not more than \$500,000 which may be appropriated for the development of essential public facilities within the area. In addition, the Secretary is to prepare and transmit to the appropriate Committees within one year from the date of establishment of the recreation area, a master plan for development of the area consistent with the objectives of the bill. This plan is to include descriptions, locations, and estimated costs of all such facilities, as well as the projected need for any additional facilities. Further development authorizations may then be based on the information developed through this plan. The short deadline for submission of this plan is in recognition of the previous work done at the State and local level, particularly in working with

the Bureau of Outdoor Recreation in planning for the protection and use of the valley, as well as prior National Park Service feasibility studies. These planning efforts should be the basis for preparing a plan which takes into account the recreational efforts in the surrounding jurisdictions. The plan could then give special attention to items such as transportation systems for the area.

#### COST

H.R. 7077, as reported, authorizes the appropriation of up to \$34,500,000 for acquiring lands and easements in the area. Lands owned by the State or local governments would be acquired only by donation. An initial authorization of \$500,000 is made for development in the area. This will allow master planning to proceed, at the conclusion of which the National Park Service will be able to make recommendations as to further development needs.

#### COMMITTEE AMENDMENTS

After careful deliberations on this legislation, the Committee approved the revised text as explained above.

#### COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs, meeting in open session on November 26, 1974, ordered H.R. 7077, as amended, reported by voice vote for the consideration of the House.

#### DEPARTMENTAL REPORT

The report of the Department of the Interior, dated February 28, 1974, is printed here in full:

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
*Washington, D.C., February 28, 1974.*

HON. JAMES A. HALEY,  
*Chairman, Committee on Interior and Insular Affairs,  
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: YOUR Committee has requested the views of this Department on H.R. 7076 and H.R. 7077, identical bills "To provide for the establishment of the Cuyahoga Valley National Park and Recreation Area."

We recommend against enactment of these bills.

Both H.R. 7076 and H.R. 7077 would authorize the Secretary of the Interior to establish not more than 20,000 acres of the Cuyahoga River Valley between Cleveland and Akron, Ohio, as a national historical park and recreation area. The National Park Service would administer the proposed area in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), as amended and supplemented.

The Cleveland and Akron Metropolitan Park Districts, with assistance and support from the State of Ohio and the Land and Water Conservation Fund grant program administered by the Bureau of

Outdoor Recreation, (BOR) of this Department, are already in the process of acquiring some 14,500 acres of outdoor recreation and open space land in the Cuyahoga Valley. The first two stages of the Park District project whereby 6,212 acres will be acquired for approximately \$12,167,600 have been approved by BOR. When completed the total project for the acquisition of 14,500 acres will cost \$35,446,900.

It is the policy of this Administration that the Federal Government should provide assistance and guidance to the States in the development of out-door recreation resources but that the major responsibility for providing such resources resides with the State and local authorities. We believe that the present combination of BOR financial, planning and technical assistance and State and local governmental efforts will provide sufficient public outdoor recreation and open space in the Cuyahoga Valley area without making such resource development primarily a Federal effort as envisioned in H.R. 7076 and H.R. 7077.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

NATHANIEL P. REED,  
*Assistant Secretary of the Interior.*



## PROVIDING FOR THE ESTABLISHMENT OF THE CUYA- HOGA VALLEY NATIONAL RECREATION AREA

DECEMBER 11, 1974.—Ordered to be printed

Mr. METZENBAUM, from the Committee on Interior and Insular Affairs,  
submitted the following

### REPORT

[To accompany H.R. 7077]

The Committee on Interior and Insular Affairs, to which was referred the bill (H.R. 7077) to provide for the establishment of the Cuyahoga Valley National Recreation Area, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE OF BILL

The purpose of H.R. 7077 is to provide for the establishment of the Cuyahoga Valley National Recreation Area in the State of Ohio. The proposed recreation area includes portions of the Cuyahoga River Valley between Cleveland and Akron, Ohio, and protects numerous sites of historic significance, in addition to preserving this pastoral, relatively undeveloped valley as a setting for outdoor recreation. If enacted, this legislation will afford critically needed recreation opportunities for the nearly five million residents who live within a half hour's driving distance of the proposed area.

Senator Howard M. Metzenbaum, of Ohio, in his opening statement as Chairman of the open hearing in Peninsula, Ohio, in April, 1974, on this legislation stated:

Urban recreational needs are not new, nor is Federal involvement in the provision of recreational opportunities for urban residents.

Gold Gate National Recreation Area near San Francisco, and the Gateway proposal outside New York City bear ample evidence to recognition by and the willingness of the Federal Government, in selected cases, to aid and assist State and local governments in providing open space recreation near or in our overcrowded cities.

Areas such as Yellowstone, Grand Canyon, Yosemite, and Everglades are outstanding examples of how the Federal Government can serve the American people by preserving, protecting, and interpreting some of the grandest scenic vistas ever available to man.

But in an era when energy shortages restrict our ability to travel, when urban sprawl and ill-advised development gnaws away at our remaining open space, where are our urban residents to go for recreation? To whom can they turn?

Under the present Federal program of using matching dollars from the Land and Water Conservation Fund, it could take 20 years.

A national park could be developed in 4 years. In that extended span of time, this beautiful area could and would be destroyed by commercial development. We cannot let that happen.

To assure every man, woman, and child a decent life is one of the principal aims of government, and a decent life manifests itself, in part, in the ability to occasionally leave the confines of the city, to depart the crushing impact of sooty skies, the 9 to 5 o'clock job, the house cleaning, the shopping, the school chores—the routine and ordinary.

But we cannot leave every weekend to go to the Grand Canyon, or to the Everglades, and I will not accept the assumption that green and open spaces close to urban areas are not in the national interest.

#### BACKGROUND AND DESCRIPTION OF AREA

With headwaters rising not far from eastern Lake Erie, the upper Cuyahoga River flows southward as if to join the tributary streams of the Ohio River drainage. But in northeast Ohio, the river turns dramatically west along the Akron escarpment, and at last flows northward, eventually discharging into Lake Erie at Cleveland, Ohio.

Although the Cuyahoga is classed as one of America's minor rivers, its influence on the Nation's history and subsequent growth has been significant. In modern history it has provided a water passageway between the Great Lakes waterways and the overland route to the East and South. The subsequent emergence of northeastern Ohio's industrial cities was in great measure due to this relationship.

From its mouth on Lake Erie it provided ready access through the Ohio Canal to New York State's Erie Canal, the Hudson River and ultimately the eastern markets. At its U-bend in Akron the river is just eight miles from where the Tuscarawas River begins its flow southward. When this gap was bridged by the Ohio Canal, the southern Ohio farming country was also linked to the Ohio River and thus to the Gulf of Mexico and southern markets.

Today the single purpose river of the last century only exists in imagery; replacing it is a river of contrasting use and character.

Within the confines of the city of Cleveland the river has been altered almost entirely by man. Here, in a stretch of 5½ miles, the Cuyahoga becomes a completely functional water highway dedicated to industry. Totally dominated by factories, docks, and warehouses, it is inaccessible for other public uses. Its waters are grossly polluted

and void of marine life. By contrast only a few miles upstream the Cuyahoga flows virtually unimpeded through a green-sheathed floodplain. Above Akron and Kent, the river changes again, becoming a narrow, wandering, scenic and nearly wild stream in a pastoral setting.

Inherent in the changing character of the valley are the natural forces that created it. Paramount in this respect is the Portage Escarpment which crosses Ohio on a diagonal from its northeast corner to its southwest boundary, forming a jagged divide. All drainage north of the divide flows into Lake Erie while that which is south of the divide flows into the Ohio River, and ultimately into the Gulf of Mexico.

On the geological calendar, the Cuyahoga Valley is not a recent feature on the Nation's landscape, being formed toward the close of the Paleozoic era some 200 million years ago by a combination of uplift and erosion. In fact, much of today's relief including the broad, steep valley of the Cuyahoga River can be traced to this geologic period which formed the ancient riverbed.

Because it straddles the western edge of the great Appalachian Plateau, dividing the eastern mountain and western prairie botanical provinces, the Cuyahoga Valley is a botanical melting pot. Species common to Canada thrive in close proximity to southern flora.

Though the magnificent hardwood forests native to the region have been modified dramatically, the valley still reflects vestiges of original natural communities.

Along the river and its adjoining flood plains, sycamores, cottonwood, American elm, black walnut, box elder, and several species of Willow dominate. Ohio buckeye is common in the valley floor. The gently sloping uplands adjoining the flood plains support a mixed hardwood forest. In dryer areas, white oak, hickory, and maple thrive; while in moister uplands, ash and red oak grow. Forests more typical of northeast Ohio dominate the beach ridges, higher stream terraces, and steep inclines along the valley. Here beech and sugar maple are common and in close association with hickory, basswood, and ash. Flourishing beneath these trees is a myriad of herbs and shrubs reflecting the interface of botanical provinces. Open fields display colorful and diverse wildflowers which augment the spectacular fall color.

Animating the scene are such familiar forms of wildlife as cottontail rabbits, opossum, white-tailed deer, chipmunks, woodchucks, and raccoons. For the more patient observer, skunks and red foxes can be seen throughout the area. Birds are present in variety and abundance responding to the diverse vegetation. Conspicuous residents include the cardinal, eastern bluejay, bank swallow, killdeer, meadowlark, various warblers and many others. Acting as a check on rodent populations are the red-shouldered hawk, great horned owl, barred owl, and sparrow hawk. Migrating ducks and geese find the flood plains to be a favorable resting place during their long flights north and south on the flyways.

Taken collectively, the valley's wildlife like the valley itself is an anomaly of the region. Aesthetic, educational and ecological arguments can be eloquently advanced calling for their perpetuation.

Complementing the natural history of the valley is a long chronology of man's involvement. Countless generations ago the valley offered a route to primitive hunters. The same route subsequently has served

the transportation needs of mound builders, American Indian tribes, explorers, Moravian missionaries, pioneers, settlers, farmers, and craftsmen. Each has left his imprint on the valley.

The river valley was home to early Indian tribes, as documented by numerous archeological sites dating back as far as 600 B.C. The valley, connecting what are now the urban centers of Cleveland and Akron, was of importance to the native cultures because of the route it offered to link the Great Lakes with the Ohio River. The short portage across the watershed divide led to the valley area being declared sacred ground so that it might remain open as a trading route.

With the arrival of European man in the area, the importance of the valley as a gateway to the unsettled western lands increased. Early in the nineteenth century, the construction of the Ohio Canal up the valley and across the divide opened a prosperous era as a major commercial route. With the construction of railroad systems, however, the waterway system and the valley faded from attention.

Now the Cuyahoga Valley remains little altered from its natural state. Although both Cleveland and Akron have grown into major urban centers, the valley which links them still retains its rural character. The river itself, although its waters are degraded by upstream pollution, still meanders through a flood plain backed by heavily wooded valley walls and ravines. The century-old canal system is still in place.

#### NEED

H.R. 7077 recognizes the importance of the Cuyahoga Valley not only for the historical values it contains, but also for its potential to serve the outdoor recreation needs of the nearly five million residents of the surrounding area.

Northeastern Ohio is characterized by large concentrations of people and industry. Within this region, the Cleveland-Akron area is the largest and most highly urbanized. As elsewhere in the upper Midwest, public outdoor recreation is limited by climate and user access. Beyond their immediate neighborhoods, people must rely on automobiles for transportation to most regional, State and Federal parks.

Critical to this problem, the 20 odd mile portion of the Cuyahoga River and Valley between Cleveland and Akron is readily available to nearly 5 million people. Here, in sharp contrast to its urbanized periphery, the valley exists as a green-shrouded miracle linking existing, well-established regional parks between the two metropolises. Within this same matrix are residual rural communities and towns which give the valley a nostalgic aura of the rural nation we once were.

In review, the past and present regional growth patterns and trends reveal that the urban noose is tightening around this already captive segment of the river. Projected growth patterns predict that the area between Akron and Cleveland soon will become as urbanized as the older central cities.

During the last two decades in Cleveland, where growth traditionally followed east and west along the shores of Lake Erie, urbanization has shifted southeast and southwest of the city along improved arterial roads. By the same token, Akron, having earlier enveloped the smaller towns of Barberton and Cuyahoga Falls, is now expanding southeast and northwest toward Cleveland.

In the face of such growth, the Cuyahoga Valley represents the region's last hope for assuring adequate, close-at-hand recreation opportunities in the future. At present, few recreation alternatives exist. The State Parks are largely clustered in the rural southern reaches of the State or some distance west on Lake Erie—hours from the urban concentrations of Cleveland and Akron. Public access to Lake Erie, one of the region's finest resources, is limited severely by private lands and commercial and industrial facilities along the shoreline. Few public beaches exist within easy reach of Cleveland much less Akron.

The availability and quality of recreation opportunity in Cleveland and Akron are characteristic of many large cities. Cleveland, in particular, has few viable urban recreation areas. The city's park and recreation department barely has survived drastic budget cuts. Its present situation only can be described as worsening. Akron is somewhat more fortunate, having several large central city parks operated by the Akron Metropolitan Park District. In Cleveland's otherwise bleak picture, its metropolitan park system is considered one of the best in the country. While lacking many developed sites, the park system has several large reserves that are linked by a well-designed parkway. Except for the Cleveland Zoo, visitor activities center around picnic areas, golf courses and riding stables on the city's periphery. A system of bikeways and riding trails interlace both Cleveland's and Akron's metropolitan parks. But neither park systems has group or family camping facilities nor much in the way of organized programs for users. Each system operates independently of its respective city's park systems.

Currently, both State and regional park authorities, aware of the limited options left, are buying lands for protection of the valley, but they lack the fiscal resources to acquire and develop the valley's full recreation potential. Federal expertise and funding are essential if the Cuyahoga Valley is to be preserved.

But the present acquisition program contemplates that the land base will take many years to secure. Establishment of a Federal area, on the other hand, is intended to permit rapid land acquisition which will both preclude adverse development and also minimize the increased costs of further delay in a time of rapidly increasing land values.

Beyond the land acquisition itself, the proposed legislation is intended to provide an area managed at the high standards of the National Park Service. By being placed under unified, professional management, the Cuyahoga Valley should grow in importance as the surrounding area becomes increasingly developed. It will serve in particular as a unit of the National Park System which will be readily accessible to this large urban population. H.R. 7077 affords the opportunity to secure this important resource now.

#### LEGISLATIVE HISTORY

The Subcommittee on National Parks and Recreation held open field hearings on S. 1862, the Senate companion measure to H.R. 7077, in Peninsula, Ohio, on April 8, 1974.

There was general agreement on the part of all those testifying that the Cuyahoga Valley is a resource well worth protecting and making available for public recreation. However, the recommendation of the

Department of the Interior is against the enactment of this bill. The Department contends that the resources of the valley will be sufficiently protected through a program now underway in which matching grants from the Land and Water Conservation Fund are combined with State and local funds for the purchase of land in the area.

In order to weigh the merits of this alternate proposal, the Subcommittee conducted in addition to the field hearings an inspection of the proposed area.

The essential decision in reporting the bill is that there is a need for direct Federal involvement in this area. Although the Bureau of Outdoor Recreation program is under way in the valley, there is serious question as to whether this program can hope to keep ahead of the pressures for development in the area. The existing program contemplates acquisition stretched over a twenty year span. Yet the loss of unspoiled land, as the suburbs of both Akron and Cleveland encroach on the area, and as the valley becomes more accessible for commercial developments, is an increasing threat. Establishment of a Federal area, on the other hand, offers the possibility of a coordinated program that can meet the need to act to preclude adverse users which would destroy the character of the area.

Beyond the immediate need of land acquisition, the Committee took note of testimony which pointed out the opportunity to bring a unit of the National Park System to this area. The Cuyahoga Valley represents an important natural resource located near great concentrations of people who have little access to the high quality recreation opportunities afforded the American public in our National Recreation Areas. The Cuyahoga Valley National Recreation Area can fulfill the dual role of preserving this worthwhile resource while providing recreational opportunities, much as do Indiana Dunes National Lakeshore and the Gateway and Golden Gate National Recreation Areas.

In furthering the goal of providing protection for as wide an area as possible, the Committee approved language in the bill which allows the Secretary of the Interior to encourage the adoption of zoning restrictions in surrounding areas.

However, the Committee wishes to emphasize that it is intended that the Secretary's involvement in such zoning restrictions is to be read in conjunction with the permissive language of the first sentence of section 4 (f) of H.R. 7077 which reads as follows:

The Secretary may, on his own initiative, or at the request of any local government having jurisdiction over land located within or adjacent to the recreation area, assist and consult with the appropriate officers and employees of such local government in establishing zoning laws or ordinances which will assist in achieving the purposes of this Act.

This language is not to be construed as a directive to the Secretary to coerce or badger local subdivisions or to attempt to preempt their constitutional authorities or responsibilities.

The use of scenic easements should also be a major part of the land acquisition program for the area. The intent here is to allow fee acquisition to be concentrated in those areas needed for direct visitor use, while acquisition funds can be spent to protect a larger surrounding

area through easements than would be possible by using the same dollar amounts for the acquisition.

Transportation planning is also seen as a vital link in fulfilling the potential of the recreation area to serve the nearby urban residents. There is an existing network of roads in the area, and a railroad runs the length of the valley between Cleveland and Akron. The Secretary is encouraged to explore the opportunities to engage in transportation planning that will assist visitors in enjoying the area, and will also cause minimum disruptions in places of recognized historic importance, such as the town of Peninsula in the valley. In being specifically charged to consult with the State and local governments in planning for the area, the Secretary has an excellent opportunity to deal with visitor access and circulation even outside the established area boundaries.

It is the Committee's intention that the Secretary of the Interior shall be authorized to establish the Cuyahoga National Recreation Area within six months of enactment, but that if the Secretary has not done so, the area is to be established within that time frame in accordance with the provisions of the Act.

The Committee, then, views the Cuyahoga Valley National Recreation Area as a proper and important addition to our National Park System. The protection of this unspoiled valley, and the opportunity to make available its outdoor recreation values, are compelling reasons for the passage of H.R. 7077.

#### SECTION-BY-SECTION ANALYSIS OF H.R. 7077 AS REPORTED

Section 1 directs that the Cuyahoga Valley National Recreation Area be established within six months of the enactment of this legislation. The dual purpose of the bill, to preserve the historic, scenic, natural, and recreational values of the area, as well as to provide for the maintenance and use of the lands for recreational purposes, is stated. The Secretary of the Interior is directed to make the recreation area available for public uses in such a way that its natural and historic qualities will be preserved.

Section 2 includes a reference to a boundary map for the recreation area. In addition, the Secretary is authorized to make minor boundary revisions in the area after informing the Interior Committees of the Congress in writing. Such changes will also be published in the Federal Register. The boundary map, as well as any revisions, will be available for inspection in the main public libraries in Akron and Cleveland, Ohio, as well as in the offices of the National Park Service in Washington, D.C.

In acquiring lands within the recreation area, the Secretary, after consulting with the Governor of Ohio and the Advisory Commission established in section 5, is authorized to acquire lands, improvements, waters, or interests therein by donation, exchange, transfer, or purchase with donated or appropriated funds. However, lands or interests owned or later acquired by the State of Ohio, or any political subdivision thereof, may only be acquired by donation. Since the State has and is continuing to acquire parcels of land in the area with matching grants from the Land and Water Conservation Fund, these tracts could be donated as portions of the recreation area. The State had

acquired over 1,000 acres of land in the area at the time the Committee considered the bill, and has indicated that these lands would be donated to the recreation area. State and local governments have also acquired easements which protect portions of the area as well. In addition, the revised boundary adopted by the Committee for the area includes several existing State and local parks which would be acquired only by donation. While it is anticipated that these parks may continue to be operated in their existing status, their inclusion within the boundary clears the way for later donations, should this become desirable. These areas would also be included in the planning for visitor access, circulation, and recreation opportunities in which the National Park Service will be engaged.

The Secretary is restricted from acquiring privately owned lands used for public recreation unless such acquisition is deemed to be essential to carry out the purposes of the Act. Such properties fall into two categories. First, commercially operated facilities, such as golf courses or ski areas, could continue to operate within the area. However, these operations could be acquired if necessary to preclude adverse conditions arising from their operations which would be to the detriment of the recreation area. The second category would include the Blossom Music Center, Hale Homestead, Boy Scout camps, and similar properties. These would also continue to operate as they now exist, and should complement the activities taking place on the federally administered portion of the area. The National Park Service would generally not need to acquire any of these areas unless they were threatened with an adverse change in use.

Fee title to any improved properties in the area is not to be acquired unless the Secretary finds that such properties are used or being threatened with uses detrimental to the purposes of the recreation area, or unless fee acquisition is necessary to fulfill the purposes of the Act. The Secretary may, however, acquire scenic easements as he deems necessary on such properties. Obviously, where appropriate scenic easements have already been granted to a public body, the chance of adverse uses occurring which might be detrimental to the recreation area is precluded, and these properties can generally be left under the existing easements.

"Improved property" is defined here as either a detached single family dwelling and surrounding lands, or as property developed for agricultural use, including associated structures. For example, that portion of a tract considered by the owner to be related to the use of his dwelling might be covered by a scenic easement, while other portions of the property might be acquired in fee. The Secretary shall consider the use of properties prior to January 1, 1975, in determining what is to be considered an "improved property." The Secretary is also to designate such lands to be included with improved property as he shall deem necessary for the continued use and enjoyment of the property. The owner of such improved property may elect to retain a right of use and occupancy for a fixed term of not more than 25 years, or for a life term. The value of such a reservation of use shall be deducted from the purchase price to be paid for the property. The retained right may be terminated upon the determination by the Secretary of use inconsistent with the purposes of the Act, and upon payment of the fair market value of the unexpired portion of the retained right.

The Secretary is also to give prompt and careful consideration to any offer to sell property within the recreation area, if the owner states that continued ownership of such property would result in undue hardship. Federal properties within the area may be transferred to the administrative jurisdiction of the Secretary. The Secretary may also acquire tracts located only partially within the area, and use those portions of such tracts outside the boundaries for exchange. Such lands not used for exchange are to be reported to the General Services Administration for disposal.

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Finally, the report will list the annual acquisition program which the Secretary recommends for the next five years. The plan is to be prepared with the understanding that the land acquisition program be essentially completed at the conclusion of the five-year acquisition plan. The report should reflect the intent of the Committee that the use of scenic easements should be an important feature of the land acquisition program for the recreation area. To achieve the maximum degree of protection for the valley with the authorized funding, the Secretary should plan to emphasize fee acquisition in the areas directly needed for public use, while easements are used to preserve the character of the area.

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The Committee also took note that, while the Cuyahoga Valley is to be administered as a recreation area, the National Park Service is charged with broad conservation responsibilities under its enabling legislation. In managing wildlife in this area, it is recognized that, while the Secretary might permit hunting in a recreation area, he may prohibit hunting wherever the proximity of inhabited areas poses hazards, or in areas where wildlife populations are being protected for observation by visitors. Historical values are also a particularly important part of this recreation area, and it was recognized by the Committee that the preservation and interpretation of these features will be a responsibility of the Secretary here.

Within the recreation area, the Secretary is to inventory and evaluate, in consultation with the Governor of Ohio, all sites of present or potential historical, cultural, or architectural significance. The Secretary is to develop programs for preserving and interpreting these sites. The Secretary may also accept at his discretion donations of funds, property, or services from a variety of sources as he deems consistent with this bill.

A particular feature of this section deals with the authority given to the Secretary to consult with officials of local governments to encourage the adoption of zoning laws and ordinances which will contribute to achieving the purposes of this bill. The Secretary is to encourage provisions which will prohibit commercial use other than for agricultural purposes adjacent to the recreation area. Restrictions on a variety of uses, such as construction, signs and billboards, dumping, timber cutting, and other uses which might detract from the character of the area, are to be encouraged in the vicinity, as well as provisions that would call for notification of the Secretary in the event of any exceptions or variances contemplated or granted under such zoning codes.

As stated earlier in this report, the Committee wishes to emphasize that the Secretary's involvement in such zoning matters is to be considered in conjunction with the permissive language in subsection (f) and is not to be construed as a directive to the Secretary to preempt the constitutional authorities of local governments.

Section 5 establishes the Cuyahoga Valley National Recreation Area Advisory Commission for a period of ten years from the establishment of the area, unless extended by Congress. The thirteen member Commission is to be appointed from a variety of specified sources, with members serving five-year terms without compensation as such, although documented expenses may be reimbursed. The Commission will meet at least semiannually to consult with the Secretary or his designee on matters relating to the recreation area.

Section 6 authorizes not more than \$34,500,000 to be appropriated for the acquisition of lands and interests in lands within the recreation area. This section also makes an initial authorization of not more than \$500,000 which may be appropriated for the development of essential public facilities within the area. In addition, the Secretary is to prepare and transmit to the appropriate Committees within one year from the date of establishment of the recreation area, a master plan for development of the area consistent with the objectives of the bill. This plan is to include descriptions, locations, and estimated costs of all such facilities, as well as the projected need for any additional facilities. Further development authorizations may then be based on the information developed through this plan. The short deadline for submission of this plan is in recognition of the previous work done at the State and local level, particularly in working with the Bureau of Outdoor Recreation in planning for the protection and use of the valley, as well as prior National Park Service feasibility studies. These planning efforts should be the basis for preparing a plan which takes into account the recreational efforts in the surrounding jurisdictions. The plan could then give special attention to items such as transportation systems for the area.

## COST

H.R. 7077, as reported, authorizes the appropriation of up to \$34,500,000 for acquiring lands and easements in the area. Lands owned by the State or local governments would be acquired only by donation. An initial authorization of \$500,000 is made for development in the area. This will allow master planning to proceed, at the conclusion of which the National Park Service will be able to make recommendations as to further development needs.

## COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs, in open mark-up session on December 10, 1974, by voice vote, ordered H.R. 7077 favorably reported to the Senate without amendment.

## DEPARTMENTAL REPORTS

The reports of the Department of the Interior and the Office of Management and Budget on S. 1862, the Senate companion measure, are set forth in full as follows:

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
Washington, D.C., March 5, 1974.

HON. HENRY M. JACKSON,  
Chairman, Committee on Interior and Insular Affairs,  
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Your Committee has requested the views of this Department on S. 1862, a bill "To provide for the establishment of the Cuyahoga Valley National Historical Park and Recreation Area."

We recommend against enactment of this bill.

S. 1862 would authorize the Secretary of the Interior to establish not more than 20,000 acres of the Cuyahoga River Valley between Cleveland and Akron, Ohio, as a national historical park and recreation area. The National Park Service would administer the proposed area in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), as amended and supplemented.

The Cleveland and Akron Metropolitan Park Districts, with assistance and support from the State of Ohio and the Land and Water Conservation Fund grant program administered by the Bureau of Outdoor Recreation, (FOR) of this Department, are already in the process of acquiring some 14,500 acres of outdoor recreation and open space land in the Cuyahoga Valley. The first two stages of the Park District project whereby 6,212 acres will be acquired for approximately \$12,167,600 have been approved by the Bureau of Outdoor Recreation. When completed the total project for the acquisition of 14,500 acres will cost \$35,446,900.

It is the policy of this Administration that the Federal Government should provide assistance and guidance to the States in the development of outdoor recreation resources but that the major responsibility for providing such resources resides with the State and local author-

ities. We believe that the present combination of BOR financial, planning and technical assistance and State and local governmental efforts will provide sufficient public outdoor recreation and open space in the Cuyahoga Valley area without making such resource development primarily a Federal effort as envisioned in S. 1862.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

NATHANIEL REED,  
*Assistant Secretary of the Interior.*

EXECUTIVE OFFICE OF THE PRESIDENT,  
OFFICE OF MANAGEMENT AND BUDGET,  
*Washington, D.C., March 8, 1974.*

HON. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs, U.S. Senate,  
New Senate Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your request of February 22, 1974, for the views of the Office of Management and Budget on S. 1862, a bill "To provide for the establishment of the Cuyahoga Valley National Historical Park and Recreation Area."

The Office of Management and Budget concurs in the views of the Department of the Interior in its report on S. 1862, and accordingly recommends against enactment of this legislation.

Sincerely,

WILFRED H. ROMMEL,  
*Assistant Director for Legislative Reference.*

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# Ninety-third Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-first day of January,  
one thousand nine hundred and seventy-four*

## An Act

To provide for the establishment of the Cuyahoga Valley National Recreation Area.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### PURPOSE

SECTION 1. For the purpose of preserving and protecting for public use and enjoyment, the historic, scenic, natural, and recreational values of the Cuyahoga River and the adjacent lands of the Cuyahoga Valley and for the purpose of providing for the maintenance of needed recreational open space necessary to the urban environment, the Cuyahoga Valley National Recreation Area, hereafter referred to as the "recreation area", shall be established within six months after the date of enactment of this Act. In the management of the recreation area, the Secretary of the Interior (hereafter referred to as the "Secretary") shall utilize the recreation area resources in a manner which will preserve its scenic, natural, and historic setting while providing for the recreational and educational needs of the visiting public.

### LAND ACQUISITION

SEC. 2. (a) The recreational area shall comprise the lands and waters generally depicted on the map entitled "Boundary Map, Cuyahoga Valley National Recreation Area, Ohio", numbered NRA-CUYA-20,000-A, and dated December 1974, which shall be on file and available for inspection in the offices of the National Park Service, Department of the Interior, Washington, District of Columbia, and in the main public library of Akron, Ohio, and Cleveland, Ohio. After advising the Committees on Interior and Insular Affairs of the United States Congress, in writing, the Secretary may make minor revisions of the boundaries of the recreation area when necessary by publication of a revised drawing or other boundary description in the Federal Register.

(b) Within the boundaries of the recreation area, the Secretary, after consultation with the Governor of the State of Ohio and the Advisory Commission established in section 5 of this Act, may acquire lands, improvements, waters, or interests therein by donation, purchase with donated or appropriated funds, exchange, or transfer. Any lands or interests owned therein, as well as any lands hereafter acquired, by the State of Ohio or any political subdivision thereof (including any park district or other public entity) may be acquired only by donation. The Secretary shall not acquire privately owned lands which are held and used for public recreation uses unless he determines that such lands are essential to carry out the purposes of this Act. Notwithstanding any other provisions of law, any Federal property located within the boundaries of the recreation area may, with the concurrence of the agency having custody thereof, be transferred without transfer of funds to the administrative jurisdiction of the Secretary for the purposes of the recreation area.

(c) With respect to improved properties, as defined in this Act, the Secretary may acquire scenic easements or such other interests as, in his judgment, are necessary for the purposes of the recreation area. Fee title to such improved properties shall not be acquired unless the Secretary finds that such lands are being used, or are threatened with uses, which are detrimental to the purposes of the recreation area, or unless such acquisition is necessary to fulfill the purposes of this Act.



(d) When any tract of land is only partly within the boundaries of the recreation area, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs. Land so acquired outside of the boundaries may be exchanged by the Secretary for non-Federal lands within the boundaries. Any portion of the land acquired outside the boundaries and not utilized for exchange shall be reported to the General Services Administration for disposal under the Federal Property and Administrative Services Act of 1949, as amended: *Provided*, That no disposal shall be for less than the fair market value of the lands involved.

(e) For the purposes of this Act, the term "improved property" means: (i) a detached single family dwelling, the construction of which was begun before January 1, 1975 (hereafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures necessary to the dwelling which are situated on the land so designated, or (ii) property developed for agricultural uses, together with any structures accessory thereto which were so used on or before January 1, 1975. In determining when and to what extent a property is to be considered an "improved property", the Secretary shall take into consideration the manner of use of such buildings and lands prior to January 1, 1975, and shall designate such lands as are reasonably necessary for the continued enjoyment of the property in the same manner and to the same extent as existed prior to such date.

(f) The owner of an improved property, as defined in this Act, on the date of its acquisition, as a condition of such acquisition, may retain for himself, his heirs and assigns, a right of use and occupancy of the improved property for noncommercial residential or agricultural purposes, as the case may be, for a definite term of not more than twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated, the Secretary shall pay to the owner the fair market value of the property on the date of its acquisition, less the fair market value on that date of the right retained by the owner. A right retained by the owner pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of this Act, and it shall terminate by operation of law upon notification by the Secretary to the holder of the right of such determination and tendering to him the amount equal to the fair market value of that portion which remains unexpired.

(g) In exercising his authority to acquire property under this Act, the Secretary shall give prompt and careful consideration to any offer made by an individual owning property within the recreation area to sell such property, if such individual notifies the Secretary that the continued ownership of such property is causing, or would result in, undue hardship.

SEC. 3. (a) Within one year after the date of the enactment of this Act, the Secretary shall submit, in writing, to the Committees on Interior and Insular Affairs and to the Committees on Appropriations of the United States Congress a detailed plan which shall indicate:

- (i) the lands and areas which he deems essential to the protection and public enjoyment of this recreation area,
- (ii) the lands which he has previously acquired by purchase, donation, exchange, or transfer for the purpose of this recreation area, and

(iii) the annual acquisition program (including the level of funding) which he recommends for the ensuing five fiscal years.

(b) It is the express intent of the Congress that the Secretary should substantially complete the land acquisition program contemplated by this Act within six years after the date of its enactment.

ADMINISTRATION

SEC. 4. (a) The Secretary shall administer the recreation area in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535) as amended and supplemented (16 U.S.C. 1, 2-4). In the administration of the recreation area, the Secretary may utilize such statutory authority available to him for the conservation and management of wildlife and natural resources as he deems appropriate to carry out the purposes of this Act.

(b) The Secretary may enter into cooperative agreements with the State of Ohio, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.

(c) The authority of the Secretary of the Army to undertake or contribute to water resource development, including erosion control and flood control, on land or waters within the recreation area shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and which are consistent with both the purposes of this Act and the purposes of existing statutes dealing with water and related land resource development.

(d) The Secretary, in consultation with the Governor of the State of Ohio, shall inventory and evaluate all sites and structures within the recreation area having present and potential historical, cultural, or architectural significance and shall provide for appropriate programs for the preservation, restoration, interpretation, and utilization of them.

(e) Notwithstanding any other provision of law, the Secretary is authorized to accept donations of funds, property, or services from individuals, foundations, corporations, or public entities for the purpose of providing services and facilities which he deems consistent with the purposes of this Act.

(f) The Secretary may, on his own initiative, or at the request of any local government having jurisdiction over land located within or adjacent to the recreation area, assist and consult with the appropriate officers and employees of such local government in establishing zoning laws or ordinances which will assist in achieving the purposes of this Act. In providing assistance pursuant to this subsection, the Secretary shall endeavor to obtain provisions in such zoning laws or ordinances which—

(1) have the effect of prohibiting the commercial and industrial use (other than a use for commercial farms and orchards) of all real property adjacent to the recreation area;

(2) aid in preserving the character of the recreation area by appropriate restrictions on the use of real property in the vicinity including, but not limited to, restrictions upon: building and construction of all types; signs and billboards; the burning of cover; cutting of timber (except tracts managed for sustained yield); removal of topsoil, sand, or gravel; dumping, storage, or piling of refuse; or any other use which would detract from the aesthetic character of the recreation area; and

(3) have the effect of providing that the Secretary shall receive notice of any hearing for the purpose of granting a variance and any variance granted under, and of any exception made to, the application of such law or ordinance.

ADVISORY COMMISSION

SEC. 5. (a) There is hereby established the Cuyahoga Valley National Recreation Area Advisory Commission (hereafter referred to as the "Commission") which shall be composed of thirteen members to be appointed by the Secretary for terms of five years as follows:

(1) two members to be appointed from recommendations submitted by the Board of Park Commissioners of the Akron Metropolitan Park District;

(2) two members to be appointed from recommendations submitted by the Board of Park Commissioners of the Cleveland Metropolitan Park District;

(3) two members to be appointed from recommendations submitted by the Governor of the State;

(4) one from the membership of an Ohio conservation organization;

(5) one from the membership of an Ohio historical society; and

(6) five members representing the general public, of which no fewer than three shall be from among the permanent residents and electors of Summit and Cuyahoga Counties.

The Secretary shall designate one member of the Commission as Chairman and any vacancy shall be filled in the same manner in which the original appointment was made.

(b) Members of the Commission shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred by the Commission and reimburse members for reasonable expenses incurred in carrying out their responsibilities under this Act on vouchers signed by the Chairman.

(c) The Secretary, or his designee, shall from time to time but at least semiannually, meet and consult with the Advisory Commission on matters relating to the development of the recreation area and with respect to carrying out the provisions of this Act.

(d) Unless extended by the Congress, the Commission shall terminate ten years after the date of the establishment of the recreation area.

SEC. 6. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, but not more than \$34,500,000 for the acquisition of lands and interests in lands.

(b) For the development of essential public facilities there are authorized to be appropriated not more than \$500,000. Within one year from the date of establishment of the recreation area pursuant to this Act, the Secretary shall, after consulting with the Governor of the State of Ohio, develop and transmit to the Committees on Interior and Insular Affairs of the United States Congress a final master plan for the development of the recreation area consistent with the objectives of this Act, indicating:

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- (1) the facilities needed to accommodate the health, safety, and recreation needs of the visiting public;
- (2) the location and estimated cost of all facilities; and
- (3) the projected need for any additional facilities within the area.

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*

DECEMBER 28, 1974

Office of the White House Press Secretary  
(Vail, Colorado)

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THE WHITE HOUSE

I have approved H. R. 7077, which establishes the Cuyahoga Valley National Recreation Area in Ohio. The establishment of this area paves the way for the preservation of thousands of acres of unspoiled land for the enjoyment of present and future generations.

In signing this bill, I want to express my reservation about a provision of the bill which authorizes the Secretary of the Interior to provide Federal police and fire services to the area, or reimburse local agencies which perform these services. I ask the Congress to amend this legislation to remove this provision so that police and fire services are provided by local agencies, without reimbursement, as in other such Federal recreational areas.

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December 16, 1974

Dear Mr. Director:

The following bills were received at the White House on December 16th:

S.J. Res. 261	H.R. 14349
H.R. 1355	H.R. 15067
H.R. 5056	H.R. 15818 ✓
H.R. 7072 ✓	H.R. 16006
H.R. 7077	H.R. 16008
H.R. 11013	

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder  
Chief Executive Clerk

The Honorable Roy L. Ash  
Director  
Office of Management and Budget  
Washington, D. C.