

107TH CONGRESS
1ST SESSION

H. R. 1230

To provide for the establishment of the Detroit River International Wildlife Refuge in the State of Michigan, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2001

Mr. DINGELL introduced the following bill; which was referred to the Committee on Resources

A BILL

To provide for the establishment of the Detroit River International Wildlife Refuge in the State of Michigan, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Detroit River Inter-
5 national Wildlife Refuge Establishment Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) The Detroit River, one of North America’s
9 greatest rivers, was created some 14,000 years ago
10 during the retreat of the Wisconsin Glacier.

1 (2) The present river channel, established when
2 falling water levels permitted erosion of the Lake
3 Plain and moraines, is a connecting channel linking
4 the Upper and Lower Great Lakes, as well as link-
5 ing the United States to Canada.

6 (3) The Lower Detroit River ecosystem is
7 unique with a number of distinct channels, numer-
8 ous shoals that support dense stands of aquatic
9 plants, and many islands. These unique habitats and
10 ecological features attract as many as 29 species of
11 waterfowl and 65 kinds of fish.

12 (4) The Detroit River is a major migration cor-
13 ridor for fish, butterflies, raptors, and other birds, in
14 addition to waterfowl. Over 300 species of birds have
15 been documented in the Detroit-Windsor area of
16 which about 150 species breed in the immediate
17 area.

18 (5) Because the Great Lakes are situated at the
19 intersection of the Atlantic and Mississippi Flyways,
20 the Detroit River is an important waterfowl migra-
21 tion corridor. 3,000,000 ducks, geese, swans, and
22 coots migrate annually through the Great Lakes re-
23 gion.

24 (6) The importance of this corridor is recog-
25 nized in the Canada-United States North American

1 Waterfowl Management Plan that has identified the
2 Detroit River as part of one of 34 Waterfowl Habi-
3 tat Areas of Major Concern in the United States
4 and Canada.

5 (7) Some 300,000 diving ducks stop in the
6 Lower Detroit River on their fall migration from
7 Canada to the east and south each year to rest and
8 feed in beds of water celery found in the region.

9 (8) The international importance of the Lower
10 Detroit River area is manifested in the United
11 States congressional designation of the 460-acre Wy-
12 andotte National Wildlife Refuge.

13 (9) Canada's Canard River Marsh Complex is
14 an internationally significant waterfowl staging area
15 which is one of the main resting and feeding areas
16 for canvasbacks migrating from their nesting
17 grounds in the Canadian prairies to the East Coast.
18 Many over-winter in the area as well.

19 (10) The diversity of biota and habitats in the
20 Lower Detroit River ecosystem provides substantial
21 benefits to the over 5,000,000 people who live in the
22 vicinity. The Lower Detroit River has an inter-
23 national reputation for duck hunting. On an eco-
24 nomic basis, retail sales related to waterfowl hunting
25 in Michigan were estimated in 1991 to be

1 \$20,100,000. During the same year birding, photog-
2 raphy, and other nonconsumptive uses of waterfowl
3 contributed an additional \$192,800,000 in Michigan.

4 (11) More than 1,000,000 pleasure boats are
5 registered in Michigan and about half of those are
6 used on the Detroit River and Lake St. Clair, in
7 part to fish for the estimated 10,000,000 walleye
8 that migrate to the Detroit River each spring from
9 Lake Erie to spawn. These walleye have helped cre-
10 ate an internationally renowned sport fishery esti-
11 mated to bring in \$1,000,000 to the economy of
12 communities along the lower Detroit River each
13 spring.

14 (12) All of these natural resource values and
15 socioeconomic benefits were acclaimed when the De-
16 troit River was designated an American Heritage
17 River in 1998. The Detroit River is also a Canadian
18 Heritage River, making it the first international her-
19 itage river system in the world.

20 (13) The Detroit River has lost over 95 percent
21 of its coastal wetland habitats and despite increased
22 awareness and supporting science of their impor-
23 tance, habitats continue to be destroyed and de-
24 graded.

1 (14) Protection of remaining wildlife habitats
2 and enhancement of degraded wildlife habitats is es-
3 sential to sustain the quality of life enjoyed by so
4 many living along the Detroit River corridor.

5 **SEC. 3. DEFINITIONS.**

6 For purposes of this Act:

7 (1) The term “Refuge” means the Detroit
8 River International Wildlife Refuge established by
9 section 5.

10 (2) The term “Secretary” means the Secretary
11 of the Interior.

12 (3) The term “Detroit River” means those
13 lands and waters within the area described in section
14 3(a).

15 **SEC. 4. PURPOSES.**

16 The purposes for which the Refuge is established and
17 shall be managed are as follows:

18 (1) To protect the remaining high-quality fish
19 and wildlife habitats of the Detroit River before they
20 are lost to further development and to rehabilitate
21 and enhance degraded wildlife habitats associated
22 with the Detroit River.

23 (2) To authorize international efforts to con-
24 serve, restore, and manage the fish and wildlife habi-

1 tats associated with the Detroit River both in the
2 United States and Canada.

3 (3) To encourage cooperation in facilitating
4 partnerships among the United States Fish and
5 Wildlife Service, Canadian national and provincial
6 authorities, State and local governments, local com-
7 munities in the United States and in Canada, con-
8 servation organizations, and other non-Federal enti-
9 ties to promote public awareness of the resources of
10 the Detroit River.

11 **SEC. 5. ESTABLISHMENT OF REFUGE.**

12 (a) BOUNDARIES.—There is hereby established the
13 Detroit River International Wildlife Refuge, consisting of
14 the lands and waters in the State of Michigan within the
15 area extending from the point in Michigan directly across
16 the river from northernmost point of Ojibway Shores to
17 the southern boundary of the Sterling State Park, as de-
18 picted upon a map entitled “Detroit River International
19 Wildlife Refuge Proposed”, dated _____, 2001. The
20 Secretary shall keep a map of the Refuge available for in-
21 spection in appropriate offices of the United States Fish
22 and Wildlife Service.

23 (b) EXISTING REFUGE LANDS.—The Wyandotte Na-
24 tional Wildlife Refuge is hereby included within, and shall
25 be a part of, the Detroit River International Wildlife Ref-

1 uge. All references to the Wyandotte National Wildlife
2 Refuge shall hereafter be treated as references to the De-
3 troit River International Wildlife Refuge.

4 (c) BOUNDARY REVISIONS.—The Secretary may
5 make such minor revisions of the boundaries of the Refuge
6 as may be appropriate to carry out the purposes of the
7 Refuge or to facilitate the acquisition of property within
8 the Refuge .

9 (d) ACQUISITION.—The Secretary is authorized to ac-
10 quire by donation, purchase with donated or appropriated
11 funds, or exchange the lands and waters, or interests
12 therein (including conservation easements), within the
13 boundaries of the Refuge. No such lands, waters, or inter-
14 ests therein may be acquired without the consent of the
15 owner thereof.

16 (e) TRANSFERS FROM OTHER AGENCIES.—Any Fed-
17 eral property located within the boundaries of the Refuge
18 which is under the administrative jurisdiction of another
19 department or agency of the United States may, with the
20 concurrence of the head of administering department or
21 agency, be transferred without consideration to the admin-
22 istrative jurisdiction of the Secretary for the purposes of
23 this Act.

1 **SEC. 6. ADMINISTRATION.**

2 (a) IN GENERAL.—The Secretary shall administer all
3 Federally owned lands, waters, and interests therein that
4 are within the boundaries of the Refuge in accordance
5 with the National Wildlife Refuge System Administration
6 Act (16 U.S.C. 668dd and following) and this Act. The
7 Secretary may use such additional statutory authority as
8 may be available for the conservation of fish and wildlife,
9 and the provision of fish and wildlife oriented recreational
10 opportunities as the Secretary considers appropriate to
11 carry out the purposes of this Act. In administering the
12 Refuge, the Secretary shall conserve, enhance, and restore
13 the native aquatic and terrestrial community characteris-
14 ties of the Detroit River (including associated fish, wild-
15 life, and plant species).

16 (b) PRIORITY USES.—In providing opportunities for
17 compatible fish and wildlife oriented recreation, the Sec-
18 retary, in accordance with paragraphs (3) and (4) of sec-
19 tion 4(a) of the National Wildlife Refuge System Adminis-
20 tration Act of 1966 (16 U.S.C. 668dd(a)), shall ensure
21 that hunting, fishing, wildlife observation and photog-
22 raphy, and environmental education and interpretation are
23 the priority public uses of the Refuge.

24 (c) HUNTING, ETC.—The Secretary shall permit
25 hunting, trapping, and fishing on lands and waters owned
26 by the United States within refuge in accordance with ap-

1 plicable Federal and State law. The Secretary may des-
2 ignate zones where, and establish periods when, such ac-
3 tivities will not be permitted for reasons of public safety,
4 administration, fish and wildlife management or public use
5 and enjoyment. Except in emergencies any regulations
6 issued by the Secretary under this subsection shall be put
7 into effect only after consultation with the fish and wildlife
8 agency of the State of Michigan.

9 (d) COOPERATIVE AGREEMENTS REGARDING NON-
10 FEDERAL LANDS.—The Secretary is authorized to enter
11 into cooperative agreements with the State of Michigan,
12 or any political subdivision thereof, and with any other
13 person or entity for the management in a manner con-
14 sistent with this Act of lands that are owned by such
15 State, subdivision, or other person or entity and located
16 within the boundaries of the Refuge and to promote public
17 awareness of the resources of the Detroit River National
18 Wildlife Refuge and encourage public participation in the
19 conservation of those resources.

20 (e) USE OF EXISTING GREENWAY AUTHORITY.—The
21 Secretary shall encourage the State of Michigan to use
22 existing authorities under the Transportation Equity Act
23 for the 21st Entry (TEA–21) to provide funding for acqui-
24 sition and development of trails within the boundaries of
25 the Refuge.

1 SEC. 7. INDEMNIFICATION.

2 Whenever any person donates to the United States
3 in fee simple real property located within the boundaries
4 of the Refuge, if the State of Michigan has determined
5 that such property meets applicable State standards re-
6 garding the presence of hazardous substances, pollutants
7 or contaminants, or petroleum or petroleum derivatives
8 and if the President determines that the acquisition of
9 such property by the United States will further the pur-
10 poses of the refuge and is otherwise in the public interest,
11 the President is authorized to hold harmless, defend, and
12 indemnify such person in full from and against any suit,
13 demand, or action, liability, judgment, cost, or fee arising
14 out of any claim or order that results from, or is in any
15 manner predicated upon, the release or threatened release
16 of, any hazardous substance, pollutant, or contaminant,
17 or petroleum or petroleum derivative on such land. Such
18 indemnification may be provided at the same time as the
19 owner of the property donates and transfers the property
20 to the United States.

21 SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

22 There are authorized to be appropriated to the De-
23 partment of the Interior—

24 (1) such sums as may be necessary for the ac-
25 quisition of lands and waters within the Refuge; and

1 (2) such sums as may be necessary for the de-
2 velopment, operation, and maintenance of the Ref-
3 uge.

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