

# Union Calendar No. 165

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1230

[Report No. 107-270]

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2001

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

NOVEMBER 5, 2001

Additional sponsors: Ms. KILPATRICK, Mr. BROWN of Ohio, Ms. RIVERS, Mr.  
PETERSON of Minnesota, Mrs. MINK of Hawaii, Mr. LEVIN, Mr. CON-  
YERS, Mr. RANGEL, Mr. STUPAK, Mr. KILDEE, Ms. KAPTUR, Mr. BOEH-  
LERT, Ms. BALDWIN, Mr. GEORGE MILLER of California, Ms. SANCHEZ,  
Mr. TOWNS, Mr. ALLEN, Mr. BLUMENAUER, Mr. BONIOR, Mr. ABER-  
CROMBIE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr.  
PALLONE, Mr. FALEOMAVAEGA, Mr. EVANS, Mr. KIND, Mr. UNDER-  
WOOD, and Mrs. THURMAN

NOVEMBER 5, 2001

Reported with an amendment, committed to the Committee of the Whole  
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on March 27, 2001]

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## A BILL

To provide for the establishment of the Detroit River Inter-

national 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 the following:*

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.*

11              (2) *The present river channel, established when*  
 12              *falling water levels permitted erosion of the Lake*  
 13              *Plain and moraines, is a connecting channel linking*  
 14              *the Upper and Lower Great Lakes, as well as linking*  
 15              *the United States to Canada.*

16              (3) *The Lower Detroit River ecosystem is diverse*  
 17              *with a number of distinct channels, numerous shoals*  
 18              *that support dense stands of aquatic plants, and*  
 19              *many islands. These nationally and internationally*  
 20              *significant habitats and ecological features attract as*  
 21              *many as 29 species of waterfowl and 65 kinds of fish.*

22              (4) *The Detroit River is a major migration cor-*  
 23              *ridor for fish, butterflies, raptors, and other birds, in*  
 24              *addition to waterfowl. Over 300 species of birds have*

1        *been documented in the Detroit-Windsor area, of*  
2        *which about 150 species breed in the immediate area.*

3            *(5) Because the Great Lakes are situated at the*  
4        *intersection of the Atlantic and Mississippi Flyways,*  
5        *the Detroit River is an important waterfowl migra-*  
6        *tion corridor. 3,000,000 ducks, geese, swans, and coots*  
7        *migrate annually through the Great Lakes region.*

8            *(6) The importance of this corridor is recognized*  
9        *in the Canada-United States North American Water-*  
10       *fowl Management Plan that has identified the Detroit*  
11       *River as part of one of 34 Waterfowl Habitat Areas*  
12       *of Major Concern in the United States and Canada.*

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

17           *(8) The international importance of the Lower*  
18       *Detroit River area is manifested in the United States*  
19       *congressional designation of the 460-acre Wyandotte*  
20       *National Wildlife Refuge.*

21           *(9) Canada's Canard River Marsh Complex is*  
22       *an internationally significant waterfowl staging area*  
23       *which is one of the main resting and feeding areas for*  
24       *canvasbacks migrating from their nesting grounds in*

1       *the Canadian prairies to the East Coast. Many over-*  
2       *winter in the area as well.*

3               *(10) The diversity of biota and habitats in the*  
4       *Lower Detroit River ecosystem provides substantial*  
5       *benefits to the over 5,000,000 people who live in the*  
6       *vicinity. The Lower Detroit River has an inter-*  
7       *national reputation for duck hunting. On an eco-*  
8       *nomie basis, retail sales related to waterfowl hunting*  
9       *in Michigan were estimated in 1991 to be*  
10       *\$20,100,000. During the same year birding, photog-*  
11       *raphy, and other nonconsumptive uses of waterfowl*  
12       *contributed an additional \$192,800,000 in Michigan.*

13               *(11) More than 1,000,000 pleasure boats are reg-*  
14       *istered in Michigan and about half of those are used*  
15       *on the Detroit River and Lake St. Clair, in part to*  
16       *fish for the estimated 10,000,000 walleye that migrate*  
17       *to the Detroit River each spring from Lake Erie to*  
18       *spawn. These walleye have helped create an inter-*  
19       *nationally renowned sport fishery estimated to bring*  
20       *in \$1,000,000 to the economy of communities along*  
21       *the lower Detroit River each spring.*

22               *(12) All of these natural resource values and so-*  
23       *cioeconomic benefits were acclaimed when the Detroit*  
24       *River was designated an American Heritage River in*  
25       *1998. The Detroit River is also a Canadian Heritage*

1       *River, making it the first international heritage river*  
2       *system in the world.*

3               *(13) The Detroit River has lost over 95 percent*  
4       *of its coastal wetland habitats and despite increased*  
5       *awareness and supporting science of their importance,*  
6       *habitats continue to be destroyed and degraded.*

7               *(14) Protection of remaining wildlife habitats*  
8       *and enhancement of degraded wildlife habitats are es-*  
9       *sential to sustain the quality of life enjoyed by so*  
10       *many living along the Detroit River corridor.*

11   **SEC. 3. DEFINITIONS.**

12       *For purposes of this Act:*

13               *(1) The term “Refuge” means the Detroit River*  
14       *International Wildlife Refuge established by section 5.*

15               *(2) The term “Secretary” means the Secretary of*  
16       *the Interior.*

17               *(3) The term “Detroit River” means those lands*  
18       *and waters within the area described in section 5(a).*

19   **SEC. 4. PURPOSES.**

20       *The purposes for which the Refuge is established and*  
21       *shall be managed are as follows:*

22               *(1) To protect the remaining high-quality fish*  
23       *and wildlife habitats of the Detroit River before they*  
24       *are lost to further development and to restore and en-*

1        *hance degraded wildlife habitats associated with the*  
2        *Detroit River.*

3            *(2) To assist in international efforts to conserve,*  
4        *enhance, and restore the native aquatic and terres-*  
5        *trial community characteristics of the Detroit River*  
6        *(including associated fish, wildlife, and plant species)*  
7        *both in the United States and Canada.*

8            *(3) To facilitate partnerships among the United*  
9        *States Fish and Wildlife Service, Canadian national*  
10       *and provincial authorities, State and local govern-*  
11       *ments, local communities in the United States and in*  
12       *Canada, conservation organizations, and other non-*  
13       *Federal entities to promote public awareness of the re-*  
14       *sources of the Detroit River.*

15    **SEC. 5. ESTABLISHMENT OF REFUGE.**

16        *(a) BOUNDARIES.—There is hereby established the De-*  
17       *troit River International Wildlife Refuge, consisting of the*  
18       *lands and waters owned or managed by the Secretary pur-*  
19       *suant to this Act in the State of Michigan within the area*  
20       *extending from the point in Michigan directly across the*  
21       *river from northernmost point of Ojibway Shores to the*  
22       *southern boundary of the Sterling State Park, as depicted*  
23       *upon a map entitled “Detroit River International Wildlife*  
24       *Refuge Proposed”, dated July 31, 2001, which shall be*

1 *available for inspection in appropriate offices of the United*  
2 *States Fish and Wildlife Service.*

3       (b) *EXISTING REFUGE LANDS.*—*The Wyandotte Na-*  
4 *tional Wildlife Refuge is hereby included within, and shall*  
5 *be a part of, the Detroit River International Wildlife Ref-*  
6 *uge. All references to the Wyandotte National Wildlife Ref-*  
7 *uge shall hereafter be treated as references to the Detroit*  
8 *River International Wildlife Refuge.*

9       (c) *BOUNDARY REVISIONS.*—*The Secretary may make*  
10 *such revisions of the boundaries of the Refuge as may be*  
11 *appropriate to carry out the purposes of the Refuge or to*  
12 *facilitate the acquisition of property within the Refuge.*

13       (d) *ACQUISITION.*—*The Secretary is authorized to ac-*  
14 *quire by donation, purchase with donated or appropriated*  
15 *funds, or exchange the lands and waters, or interests therein*  
16 *(including conservation easements), within the boundaries*  
17 *of the Refuge.*

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

1       (f) *STUDY OF ASSOCIATED AREA.*—*The Secretary (act-*  
2 *ing through the Director of the United States Fish and*  
3 *Wildlife Service) shall conduct a study of fish and wildlife*  
4 *habitat and aquatic and terrestrial communities of the*  
5 *north reach of the Detroit River, from the northernmost*  
6 *point of Ojibway Shores north to the mouth of Lake St.*  
7 *Clair, for potential inclusion in the Refuge. Not later than*  
8 *18 months after date of enactment of the Act, the Secretary*  
9 *shall complete such study and submit a report containing*  
10 *the results thereof to the Congress.*

11 **SEC. 6. ADMINISTRATION.**

12       (a) *IN GENERAL.*—*The Secretary shall administer all*  
13 *federally owned lands, waters, and interests therein that are*  
14 *within the boundaries of the Refuge in accordance with the*  
15 *National Wildlife Refuge System Administration Act (16*  
16 *U.S.C. 668dd and following) and this Act. The Secretary*  
17 *may use such additional statutory authority as may be*  
18 *available for the conservation of fish and wildlife, and the*  
19 *provision of fish and wildlife dependent recreational oppor-*  
20 *tunities as the Secretary considers appropriate to carry out*  
21 *the purposes of this Act.*

22       (b) *PRIORITY USES.*—*In providing opportunities for*  
23 *compatible fish and wildlife dependent recreation, the Sec-*  
24 *retary, in accordance with paragraphs (3) and (4) of sec-*  
25 *tion 4(a) of the National Wildlife Refuge System Adminis-*

1 *tration Act of 1966 (16 U.S.C. 668dd(a)), shall ensure that*  
 2 *hunting, fishing, wildlife observation and photography, and*  
 3 *environmental education and interpretation are the pri-*  
 4 *ority public uses of the Refuge.*

5 *(c) COOPERATIVE AGREEMENTS REGARDING NON-*  
 6 *FEDERAL LANDS.—The Secretary is authorized to enter*  
 7 *into cooperative agreements with the State of Michigan, or*  
 8 *any political subdivision thereof, and with any other person*  
 9 *or entity for the management in a manner consistent with*  
 10 *this Act of lands that are owned by such State, subdivision,*  
 11 *or other person or entity and located within the boundaries*  
 12 *of the Refuge and to promote public awareness of the re-*  
 13 *sources of the Detroit River International Wildlife Refuge*  
 14 *and encourage public participation in the conservation of*  
 15 *those resources.*

16 *(d) USE OF EXISTING GREENWAY AUTHORITY.—The*  
 17 *Secretary shall encourage the State of Michigan to use exist-*  
 18 *ing authorities under the Transportation Equity Act for the*  
 19 *21st Century (TEA–21) to provide funding for acquisition*  
 20 *and development of trails within the boundaries of the Ref-*  
 21 *uge.*

22 **SEC. 7. INDEMNIFICATION.**

23 *(a) IN GENERAL.—Whenever any person donates to the*  
 24 *United States in fee simple real property located within*  
 25 *the boundaries of the Refuge, if—*

1           (1) *the State of Michigan has determined that*  
2           *such property meets applicable State standards re-*  
3           *garding the presence of hazardous substances, pollut-*  
4           *ants or contaminants, or petroleum or petroleum de-*  
5           *rivatives, and*

6           (2) *the Secretary determines, after public review*  
7           *and comment, that the acquisition of such real prop-*  
8           *erty by the United States will further the purposes of*  
9           *the refuge and is otherwise in the public interest,*  
10          *the Secretary is authorized to hold harmless, defend, and*  
11          *indemnify such person in full from and against any suit,*  
12          *demand, or action, liability, judgment, cost, or fee arising*  
13          *out of any claim or order that results from, or is in any*  
14          *manner predicated upon, the release or threatened release*  
15          *of, any hazardous substance, pollutant, or contaminant, or*  
16          *petroleum or petroleum derivative on such real property.*  
17          *Such indemnification may be provided at the same time*  
18          *as the owner of the property donates and transfers the prop-*  
19          *erty to the United States.*

20          (b) *BENEFITS AND RISKS.—In determining whether*  
21          *indemnification under this section is in the public interest,*  
22          *the Secretary shall consider whether the benefits to the*  
23          *United States of acquiring the real property concerned out-*  
24          *weigh the risks associated with the known or potential con-*  
25          *tamination.*

1       (c) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*  
2 *retary may require such additional terms and conditions*  
3 *in connection with granting indemnification under this sec-*  
4 *tion as he considers appropriate to protect the interests of*  
5 *the United States.*

6       (d) *DEFINITION.*—*As used in this section, the term*  
7 *“Secretary” means the Secretary of the Interior acting*  
8 *through the Director of the United States Fish and Wildlife*  
9 *Service.*

10 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

11       *There are authorized to be appropriated to the Depart-*  
12 *ment of the Interior—*

13               (1) *such sums as may be necessary for the acqui-*  
14 *sition of lands and waters within the Refuge;*

15               (2) *such sums as may be necessary for the devel-*  
16 *opment, operation, and maintenance of the Refuge;*  
17 *and*

18               (3) *such sums as may be necessary to carry out*  
19 *the study under section 5(f).*

**Union Calendar No. 165**

107TH CONGRESS  
1ST SESSION

**H. R. 1230**

**[Report No. 107-270]**

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**A BILL**

To provide for the establishment of the Detroit  
River International Wildlife Refuge in the State  
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NOVEMBER 5, 2001

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