

107TH CONGRESS
2^D SESSION

H. R. 5535

To expand the boundaries of the Ottawa National Wildlife Refuge Complex
and of the Detroit River International Wildlife Refuge.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 2, 2002

Ms. KAPTUR (for herself, Mr. DINGELL, Mr. GILCHREST, and Mr. UNDERWOOD) introduced the following bill; which was referred to the Committee on Resources

A BILL

To expand the boundaries of the Ottawa National Wildlife
Refuge Complex and of the Detroit River International
Wildlife Refuge.

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 “Ottawa National Wild-
5 life Refuge Complex Expansion and Detroit River Inter-
6 national Wildlife Refuge Expansion Act”.

7 **SEC. 2. FINDINGS.**

8 The Congress finds the following:

1 (1) The western basin of Lake Erie, as part of
2 the Great Lakes ecosystem, the largest freshwater
3 ecosystem on the face of the Earth, is vitally impor-
4 tant to the economic and environmental future of
5 the United States.

6 (2) Over the past three decades, the citizens
7 and governmental institutions of both the United
8 States and Canada have devoted increasing attention
9 and resources to the restoration of the water quality
10 and fisheries of the Great Lakes, including the west-
11 ern basin. This increased awareness has been accom-
12 panied by a gradual shift to a holistic “ecosystem
13 approach” that highlights a growing recognition that
14 shoreline areas—the nearshore terrestrial eco-
15 systems—are an integral part of the western basin
16 and the Great Lakes ecosystem as a whole.

17 (3) The Great Lakes account for more than 90
18 percent of the surface freshwater in the nation. The
19 western basin receives approximately 90 percent of
20 its flow from the Detroit River and only approxi-
21 mately 10 percent from tributaries.

22 (4) The western basin of Lake Erie is an im-
23 portant ecosystem that includes a number of distinct
24 islands, channels, rivers, and shoals that support

1 dense populations of fish, wildlife, and aquatic
2 plants.

3 (5) The coastal wetlands of Lake Erie support
4 the largest diversity of plant and wildlife species in
5 the Great Lakes. The moderate climate of Lake Erie
6 and its more southern latitude allow for many spe-
7 cies that are not found in or along the northern
8 Great Lakes. More than 300 species of plants, in-
9 cluding 37 significant species, have been identified in
10 the aquatic and wetland habitats of the western
11 basin.

12 (6) The shallow western basin of Lake Erie,
13 from the Lower Detroit River to Sandusky Bay, is
14 home to the largest concentration of marshes in
15 Lake Erie, including Mouille, Metzger, and Magee
16 marshes, the Maumee Bay wetland complex, the
17 wetland complexes flanking Locust Point, and the
18 wetlands in Sandusky Bay. The larger United States
19 islands in western Lake Erie have wetlands in their
20 small embayments.

21 (7) The wetlands in the western basin of Lake
22 Erie comprise as some of the most important water-
23 fowl habitat in the Great Lakes. Waterfowl, wading
24 birds, shore birds, gulls and terns, raptors, and
25 perching birds all use the western basin wetlands for

1 migration, nesting, and feeding. Hundreds of thou-
2 sands of diving ducks stop to rest in the Lake Erie
3 area on their fall migration from Canada to the east
4 and south. The wetlands of the western basin of
5 Lake Erie provide a major stopover for ducks such
6 as migrating bufflehead, common goldeneye, com-
7 mon mergansers, and ruddy duck.

8 (8) The international importance of Lake Erie
9 is manifested in the United States congressional des-
10 ignation of the Ottawa and Cedar Point National
11 Wildlife Refuges.

12 (9) Lake Erie has an international reputation
13 for walleye, perch, and bass fishing, recreational
14 boating, birding, photography, and duck hunting. On
15 an economic basis, Lake Erie tourism accounts for
16 an estimated \$1,500,000,000 in retail sales and
17 more than 50,000 jobs.

18 (10) Many of the 417,000 boats that are reg-
19 istered in Ohio are used in the western basin of
20 Lake Erie, in part to fish for the estimated
21 10,000,000 walleye that migrate from other areas of
22 the lake to spawn. This internationally renowned
23 walleye fishery drives much of Ohio's
24 \$2,000,000,000 sport fishing industry.

1 (11) Coastal wetlands in the western basin of
2 Lake Erie have been subjected to intense pressure
3 for 150 years. Prior to 1850, the western basin was
4 part of an extensive coastal marsh and swamp sys-
5 tem of approximately 122,000 hectares that com-
6 prised a portion of the Great Black Swamp. By
7 1951, only 12,407 wetland hectares remained in the
8 western basin. Half of that acreage was destroyed
9 between 1972 and 1987. Therefore, today only ap-
10 proximately 5,000 hectares remain. Along the Michi-
11 gan shoreline, coastal wetlands were reduced by 62
12 percent between 1916 and the early 1970s. The de-
13 velopment of the city of Monroe, Michigan, has had
14 a particularly significant impact on the coastal wet-
15 lands at the mouth of the Raisin River: only ap-
16 proximately 100 hectares remain physically
17 unaltered today in an area where 70 years ago
18 marshes were 10 times more extensive. In addition
19 to the actual loss of coastal wetland acreage along
20 the shores of Lake Erie, the quality of many remain-
21 ing diked wetlands has been degraded by numerous
22 stressors, especially excessive loadings of sediments
23 and nutrients, contaminants, shoreline modification,
24 exotic species, and the diking of wetlands. Protective
25 peninsula beach systems, such as the former Bay

1 Point and Woodtick, at the border of Ohio and
2 Michigan near the mouth of the Ottawa River and
3 Maumee Bay, have been eroded over the years, exac-
4 erbating erosion along the shorelines and impacting
5 the breeding and spawning grounds.

6 **SEC. 3. DEFINITIONS.**

7 For purposes of this Act:

8 (1) The term “Refuge Complex” means the Ot-
9 tawa National Wildlife Refuge Complex and the
10 lands and waters therein, as described in the docu-
11 ment entitled “The Comprehensive Conservation
12 Plan for the Ottawa National Wildlife Refuge Com-
13 plex” and dated September 22, 2000, including Ot-
14 tawa National Wildlife Refuge, West Sister Island
15 National Wildlife Refuge, and Cedar Point National
16 Wildlife Refuge.

17 (2) The term “Secretary” means the Secretary
18 of the Interior.

19 (3) The term “International Refuge” means the
20 Detroit River International Wildlife Refuge estab-
21 lished by the Detroit River International Wildlife
22 Refuge Establishment Act (Public Law 107–91).

23 **SEC. 4. EXPANSION OF BOUNDARIES.**

24 (a) REFUGE COMPLEX BOUNDARIES.—

1 (1) EXPANSION.—The boundaries of the Refuge
2 Complex are expanded to include lands and waters
3 in the State of Ohio from the eastern boundary of
4 Maumee Bay State Park to the eastern boundary of
5 the Darby Unit, including the Bass Island archi-
6 pelago, as depicted on the map entitled “Ottawa Na-
7 tional Wildlife Refuge Complex Expansion and De-
8 troit River International Wildlife Refuge Expansion
9 Act”, dated September 6, 2002.

10 (2) BOUNDARY REVISIONS.—The Secretary may
11 make such revisions to the boundaries of the Refuge
12 Complex as may be appropriate to carry out the pur-
13 poses of the Refuge Complex or to facilitate the ac-
14 quisition of property within the Refuge Complex.

15 (b) INTERNATIONAL REFUGE BOUNDARIES.—The
16 southern boundary of the International Refuge is extended
17 south to include additional lands and waters in the State
18 of Michigan east of Interstate Highway 75 from the south-
19 ern boundary of Sterling State Park to the Ohio State
20 boundary, as depicted on the map referred to in subsection
21 (a)(1).

22 (c) AVAILABILITY OF MAP.—The Secretary shall
23 keep the map referred to in subsection (a)(1) available for
24 inspection in appropriate offices of the United States Fish
25 and Wildlife Service.

1 **SEC. 5. ACQUISITION AND TRANSFER OF LANDS FOR REF-**
2 **UGE COMPLEX.**

3 (a) ACQUISITIONS.—The Secretary may acquire by
4 donation, purchase with donated or appropriated funds,
5 or exchange the lands and waters, or interests therein (in-
6 cluding conservation easements), within the boundaries of
7 the Refuge Complex as expanded by this title. No such
8 lands, waters, or interests therein may be acquired without
9 the consent of the owner thereof.

10 (b) TRANSFERS FROM OTHER AGENCIES.—Any Fed-
11 eral property located within the boundaries of the Refuge
12 Complex, as expanded by this title, that is under the ad-
13 ministrative jurisdiction of a department or agency of the
14 United States other than the Department of the Interior
15 may, with the concurrence of the head of administering
16 department or agency, be transferred without consider-
17 ation to the administrative jurisdiction of the Secretary
18 for the purposes of this title.

19 **SEC. 6. ADMINISTRATION OF REFUGE COMPLEX.**

20 (a) IN GENERAL.—The Secretary shall administer all
21 federally owned lands, waters, and interests therein that
22 are within the boundaries of the Refuge Complex, as ex-
23 panded by this title, in accordance with the National Wild-
24 life Refuge System Administration Act of 1966 (16 U.S.C.
25 668dd et seq.) and this title. The Secretary may use such
26 additional statutory authority as may be available for the

1 conservation of fish and wildlife, and the provision of fish
2 and wildlife dependent recreational opportunities as the
3 Secretary considers appropriate to implement this title.

4 (b) ADDITIONAL PURPOSES.—In addition to the pur-
5 poses of the Refuge Complex under other laws, regula-
6 tions, executive orders, and comprehensive conservation
7 plans, the Refuge Complex shall be managed for the fol-
8 lowing purposes:

9 (1) To strengthen and complement existing re-
10 source management, conservation, and education
11 programs and activities at the Refuge Complex in a
12 manner consistent with the primary purpose of the
13 Refuge Complex to provide major resting, feeding,
14 and wintering habitats for migratory birds and other
15 wildlife, and to enhance national resource conserva-
16 tion and management in the western basin of Lake
17 Erie.

18 (2) To conserve, enhance, and restore the na-
19 tive aquatic and terrestrial community characteris-
20 tics of the western basin of Lake Erie (including as-
21 sociated fish, wildlife, and plant species), both in the
22 United States and Canada in partnership with non-
23 governmental and private organizations, as well as
24 private individuals dedicated to habitat enhance-
25 ment.

1 (3) To facilitate partnerships among the United
2 States Fish and Wildlife Service, Canadian national
3 and provincial authorities, State and local govern-
4 ments, local communities in the United States and
5 in Canada, conservation organizations, and other
6 non-Federal entities to promote public awareness of
7 the resources of the western basin of Lake Erie.

8 (4) To advance the collective goals and prior-
9 ities established in the “Great Lakes Strategy
10 2002—A Plan for the New Millennium”, by the
11 United States Policy Committee comprised of var-
12 ious Federal agencies, including the United States
13 Fish and Wildlife Service, the National Oceanic and
14 Atmospheric Administration, the United States Geo-
15 logical Survey, the Forest Service, and the Great
16 Lakes Fishery Commission, as well as the State gov-
17 ernments and tribal governments in the Great
18 Lakes. These goals, broadly stated, include working
19 together to protect and restore the chemical, phys-
20 ical, and biological integrity of the Great Lakes
21 basin ecosystem.

22 (c) 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
2 that hunting, fishing, wildlife observation and photog-
3 raphy, and environmental education and interpretation are
4 the priority public uses of the Refuge Complex.

5 (d) COOPERATIVE AGREEMENTS REGARDING NON-
6 FEDERAL LANDS.—The Secretary may enter into cooper-
7 ative agreements with the State of Ohio or the State of
8 Michigan, or any political subdivision thereof, and with
9 any other person or entity for the management in a man-
10 ner consistent with this title of lands that are owned by
11 such State, subdivision, or other person or entity and lo-
12 cated within the boundaries of the Refuge Complex and
13 to promote public awareness of the resources of the west-
14 ern basin of Lake Erie and encourage public participation
15 in the conservation of those resources.

16 (e) USE OF EXISTING GREENWAY AUTHORITY.—The
17 Secretary shall encourage the State of Ohio to use existing
18 authorities under the Transportation Equity Act for the
19 21st Century to provide funding for acquisition and devel-
20 opment of trails within the boundaries of the Refuge Com-
21 plex.

22 **SEC. 7. STUDY OF ASSOCIATED AREA.**

23 (a) IN GENERAL.—The Secretary, acting through the
24 Director of the United States Fish and Wildlife Service,
25 shall conduct a study of fish and wildlife habitat and

1 aquatic and terrestrial communities of the 2 dredge spoil
3 disposal sites referred to by the Toledo-Lucas County Port
4 Authority as Port Authority Facility Number Three and
5 Grassy Island, located within Toledo Harbor near the
6 mouth of the Maumee River.

6 (b) REPORT.—Not later than 18 months after the
7 date of the enactment of the Act, the Secretary shall com-
8 plete such study and submit a report containing the re-
9 sults thereof to the Congress.

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

11 There are authorized to be appropriated to the De-
12 partment of the Interior—

13 (1) such sums as may be necessary for the ac-
14 quisition of lands and waters within the Refuge
15 Complex;

16 (2) such sums as may be necessary for the de-
17 velopment, operation, and maintenance of the Ref-
18 uge Complex; and

19 (3) such sums as may be necessary to carry out
20 the study under section 7.

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