

104TH CONGRESS  
2D SESSION

# S. 1611

To establish the Kentucky National Wildlife Refuge, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MARCH 13, 1996

Mr. McCONNELL introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To establish the Kentucky National Wildlife Refuge, 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 “Kentucky National  
5 Wildlife Refuge Authorization Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

8               (1) the area known as the Clarks River Basin,  
9       consisting of 20,000 acres of bottomland hardwood  
10       and associated wetlands along the Clarks River and  
11       the East Fork of the Clarks River in Graves, Mar-

1 shall, and McCracken Counties, Kentucky, is of crit-  
2 ical importance to a variety of migratory and resi-  
3 dent waterfowl, neotropical migratory birds, forest  
4 wildlife, and riverine species, and a wide array of  
5 other species associated with bottomland commu-  
6 nities;

7 (2) the area is the only major, natural  
8 (unchannelized) bottomland hardwood wetland eco-  
9 system remaining in western Kentucky and attracts  
10 wintering migratory waterfowl, neotropical migratory  
11 birds, and an array of raptors;

12 (3) the area provides extraordinary recreational,  
13 research, and educational opportunities for students,  
14 scientists, birdwatchers, wildlife observers, hunters,  
15 anglers, hikers, and nature photographers;

16 (4) the area is an internationally significant en-  
17 vironmental resource that is unprotected and re-  
18 quires active management to prevent vegetative en-  
19 croachment and to otherwise protect and enhance  
20 the value of the area as fish and wildlife habitat;

21 (5) the Clarks River Basin has been identified  
22 in the preliminary project proposal plan for the es-  
23 tablishment of the Kentucky National Wildlife Ref-  
24 uge, prepared by the United States Fish and Wild-

1 life Service (Southeast Region), as an area deserving  
2 permanent protection; and

3 (6) since agriculture and silviculture are essen-  
4 tial to the economies of Graves, Marshall, and  
5 McCracken Counties and can contribute to healthy  
6 ecosystems for wildlife, the refuge should not restrict  
7 agricultural and silvicultural activities on private  
8 lands.

9 **SEC. 3. PURPOSE.**

10 The purpose of this Act is to establish the Kentucky  
11 National Wildlife Refuge to be managed—

12 (1) to conserve fish and wildlife populations and  
13 the habitats of the populations, including habitats of  
14 bald eagles, golden eagles, Indiana bats, wood ducks,  
15 neotropical migratory birds, shorebirds, and other  
16 migratory birds;

17 (2) to preserve and showcase the concepts of  
18 biodiversity and ecosystem management;

19 (3) to enhance and provide a vital link to public  
20 areas containing habitat managed for waterfowl and  
21 other migratory birds;

22 (4) to fulfill international treaty obligations of  
23 the United States with regard to fish and wildlife  
24 and the habitats of the fish and wildlife;

1           (5) to restore and maintain the physical and bi-  
2           ological integrity of wetlands and other waters with-  
3           in the refuge;

4           (6) to conserve species known to be threatened  
5           with extinction; and

6           (7) to provide opportunities for scientific re-  
7           search, environmental education, and fish- and wild-  
8           life-associated recreation (including hunting, trap-  
9           ping, and fishing) and access to the extent compat-  
10          ible with the management purposes specified in  
11          paragraphs (1) through (6).

12 **SEC. 4. DEFINITIONS.**

13         In this Act:

14           (1) LAND.—The term “land” includes an inter-  
15           est in land.

16           (2) REFUGE.—The term “refuge” means the  
17           Kentucky National Wildlife Refuge established under  
18           section 5.

19           (3) SECRETARY.—The term “Secretary” means  
20           the Secretary of the Interior, acting through the Di-  
21           rector of the United States Fish and Wildlife Serv-  
22           ice.

23           (4) WATER.—The term “water” includes an in-  
24           terest in water.

1 **SEC. 5. ESTABLISHMENT OF REFUGE.**

2 (a) ESTABLISHMENT.—In accordance with this Act,  
3 the Secretary shall establish a staffed and fully functional  
4 national wildlife refuge to be known as the “Kentucky Na-  
5 tional Wildlife Refuge”.

6 (b) BOUNDARY DESIGNATION.—The Secretary  
7 shall—

8 (1) consult with appropriate State and local of-  
9 ficials, private conservation organizations, and other  
10 interested parties in designating the boundaries of  
11 the refuge, which shall comprise approximately  
12 20,000 acres;

13 (2) prepare a detailed map depicting the bound-  
14 aries designated under paragraph (1), which shall be  
15 on file and available for public inspection at offices  
16 of the United States Fish and Wildlife Service; and

17 (3) include in the boundaries of the refuge the  
18 lands, aquatic systems, wetlands, and waters de-  
19 picted on the maps prepared under paragraph (2).

20 (c) BOUNDARY REVISIONS.—The Secretary may  
21 make such minor revisions in the boundaries designated  
22 under subsection (b) as are necessary to carry out the pur-  
23 pose of the refuge and to facilitate the acquisition of prop-  
24 erty within the refuge.

25 (d) ACQUISITION.—To the extent authorized under  
26 the Land and Water Conservation Fund Act of 1965 (16

1 U.S.C. 460l–4 et seq.), the Migratory Bird Conservation  
2 Act (16 U.S.C. 715 et seq.), the Fish and Wildlife Act  
3 of 1956 (16 U.S.C. 742a et seq.), the Emergency Wet-  
4 lands Resources Act of 1986 (16 U.S.C. 3901 et seq.),  
5 and other laws, the Secretary may acquire for inclusion  
6 in the refuge, by purchase from willing sellers, donation,  
7 or exchange, lands and waters (including permanent con-  
8 servation easements) within the boundaries designated  
9 under subsection (b). All lands and waters so acquired  
10 shall become part of the refuge.

11 (e) OPERATION AND MAINTENANCE.—The Secretary  
12 shall construct such office, maintenance, and support fa-  
13 cilities as are necessary for the operation and maintenance  
14 of the refuge.

15 **SEC. 6. ADMINISTRATION.**

16 (a) GENERAL ADMINISTRATIVE AUTHORITY.—The  
17 Secretary shall administer all lands and waters acquired  
18 under section 5 in accordance with the National Wildlife  
19 Refuge System Administration Act of 1966 (16 U.S.C.  
20 668dd et seq.).

21 (b) OTHER ADMINISTRATIVE AUTHORITY.—Consist-  
22 ent with subsection (a) and to carry out the purpose of  
23 the refuge, the Secretary may use such additional author-  
24 ity as is available to the Secretary for the conservation  
25 and development of fish, wildlife, and natural resources,

1 the development of outdoor recreational opportunities (in-  
2 cluding hunting, trapping, and fishing), and interpretative  
3 education.

4 (c) MANAGEMENT PLAN.—

5 (1) IN GENERAL.—Not later than 18 months  
6 after the date of enactment of this Act, the Sec-  
7 retary shall prepare a comprehensive management  
8 plan for the development and operation of the refuge  
9 that shall include—

10 (A) refuge management priorities and  
11 strategies;

12 (B) the planning and design of observation  
13 points, trails, and access points, including park-  
14 ing and other necessary facilities; and

15 (C) such provisions as are necessary to en-  
16 sure that—

17 (i) no activity carried out in the ref-  
18 uge will result in the obstruction of the  
19 flow of water so as to affect any private  
20 land adjacent to the refuge; and

21 (ii) no buffer zone regulating any land  
22 use (other than hunting and fishing) is es-  
23 tablished.

24 (2) PUBLIC PARTICIPATION.—

1           (A) IN GENERAL.—The Secretary shall  
2           provide opportunity for public participation in  
3           developing the management plan.

4           (B) LOCAL ENTITIES.—The Secretary  
5           shall give special consideration to means by  
6           which the participation and contributions of  
7           local public and private entities in developing  
8           and implementing the management plan can be  
9           encouraged.

10          (d) OUTREACH AND EDUCATION.—The Secretary  
11          shall work with, provide technical assistance to, provide  
12          community outreach and education programs for or with,  
13          or enter into cooperative agreements with private land-  
14          owners, State and local governments or agencies, and con-  
15          servation organizations to further the purpose for which  
16          the refuge is established.

17          **SEC. 7. GIFTS.**

18          As soon as practicable after the date of enactment  
19          of this Act, the Director of the United States Fish and  
20          Wildlife Service shall request that the National Fish and  
21          Wildlife Foundation established under the National Fish  
22          and Wildlife Foundation Establishment Act (16 U.S.C.  
23          3701 et seq.) take such measures as the Foundation con-  
24          siders appropriate to encourage, accept, and administer

1 private gifts of property or funds to further the purpose  
2 of this Act.

3 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

4       There are authorized to be appropriated such sums  
5 as are necessary to carry out this Act.

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