

## 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. CONYERS, Mr. RANGEL, Mr. STUPAK, Mr. KILDEE, Ms. KAPTUR, Mr. BOEHLERT, Ms. BALDWIN, Mr. GEORGE MILLER of California, Ms. SANCHEZ, Mr. TOWNS, Mr. ALLEN, Mr. BLUMENAUER, Mr. BONIOR, Mr. ABERCROMBIE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. PALLONE, Mr. FALCOMAVEGA, Mr. EVANS, Mr. KIND, Mr. UNDERWOOD, 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 *italic*]

[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).*

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