

Public Law 97-137  
97th Congress

An Act

To provide for the establishment of the Bandon Marsh National Wildlife Refuge, Coos County, State of Oregon, and for other purposes.

Dec. 29, 1981  
[H.R. 2241]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Bandon Marsh  
National  
Wildlife  
Refuge.  
Establishment.

**TITLE I—BANDON MARSH NATIONAL WILDLIFE REFUGE**

**PURPOSES OF REFUGE**

SEC. 101. For the preservation and enhancement of the highly significant wildlife habitat of the area known as Bandon Marsh, in the estuary of the Coquille River in the State of Oregon, for the protection of migratory waterfowl, numerous species of shorebirds and fish, including Chinook and silver salmon, and to provide opportunity for wildlife-oriented recreation and nature study on the marsh, the Secretary of the Interior (hereinafter in this title referred to as the "Secretary") shall establish as part of the national wildlife refuge system a national wildlife refuge to be known as the Bandon Marsh National Wildlife Refuge (hereinafter in this title referred to as the "refuge").

16 USC 668dd  
note.

**BOUNDARIES OF THE REFUGE**

SEC. 102. There shall be included within the boundaries of the refuge those lands and waters generally depicted on the map entitled "Bandon Marsh National Wildlife Refuge", dated September 1980, comprising approximately three hundred acres. The map shall be on file and available for public inspection in the office of the United States Fish and Wildlife Service, Department of the Interior.

**ACQUISITION**

SEC. 103. The Secretary may acquire lands or waters, or interests therein, within the boundaries of the refuge by donation, purchase with donated or appropriated funds, or exchange. Any lands, waters, or interests therein owned by the State of Oregon or by any political subdivision thereof may be acquired only with the consent of the owner thereof.

**ESTABLISHMENT**

SEC. 104. The Secretary shall establish the refuge by publication of a notice to that effect in the Federal Register at such time as he determines that lands, waters, and interests therein sufficient to constitute an efficiently administrable refuge have been acquired.

Publication in  
Federal  
Register.

## ADMINISTRATION

**SEC. 105.** The Secretary shall administer the lands, waters, and interests therein acquired for the refuge in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd and 668ee). The Secretary may utilize, to the extent he deems appropriate to carry out the purposes of this title, such additional statutory authority as may be available to him for (1) the development of outdoor recreation opportunities compatible with the wildlife resources of the refuge, and (2) interpretive education.

## AUTHORIZATION OF APPROPRIATIONS

**SEC. 106.** Beginning October 1, 1982, there are authorized to be appropriated \$270,000 for the acquisition of lands, waters, or interests therein, for the refuge.

TITLE II—FALLS OF THE OHIO NATIONAL WILDLIFE  
CONSERVATION AREA

## CONGRESSIONAL FINDINGS

**SEC. 201.** The Congress finds that—

- (1) the area along the Ohio River near the city of Louisville, Kentucky, contains highly significant and varied wildlife and supports important aquatic nurseries;
- (2) the area includes a unique and world-renowned three-hundred-million-year-old fossilized coral reef which is the only place where the Ohio River flows over bedrock;
- (3) the wetlands of this area represent one of the most valuable and unique wildlife habitat types in the United States and have extremely high value for fishermen, birdwatchers, nature photographers, paleontologists, and others; and
- (4) this area should be preserved to ensure the well-being of these species, to provide wildlife-oriented recreation for the public and encourage the study of fossils.

## DEFINITIONS

**SEC. 202.** For purposes of this title:

- (1) The term "Secretary" means the Secretary of the Interior.
- (2) The term "selection area" means those lands and waters near the McAlpine Dam in the Ohio River located in Jefferson County, Kentucky, and Clark and Floyd Counties, Indiana, depicted on the map entitled "Falls of the Ohio National Wildlife Conservation Selection Area", dated December, 1981, and on file at the United States Fish and Wildlife Service.
- (3) The term "wildlife conservation area" means the Falls of the Ohio National Wildlife Conservation Area.

## PURPOSES OF WILDLIFE CONSERVATION AREA

**SEC. 203.** The purposes for which the Falls of the Ohio National Wildlife Conservation Area is established are—

- (1) to protect wildlife populations and habitats in their natural diversity including, but not limited to, bald eagle, peregrine falcon, Canada geese, mallard, gadwall, blue-winged teal, black duck, American widgeon, and wood duck;

16 USC 668dd  
note.

(2) to conserve fish populations in their natural diversity including, but not limited to, shad, shiner, crappie, largemouth bass, striped bass, and channel catfish;

(3) to ensure, to the maximum extent practicable and in a manner consistent with paragraphs (1) and (2) and compatible with navigation on the Ohio River and operation of the McAlpine locks and dam, the necessary water quantity within the wildlife conservation area;

(4) to protect the fossilized coral reef as a unique paleontological feature; and

(5) to provide opportunities for scientific research and interpretive and environmental uses and fish and wildlife oriented recreational uses.

#### SELECTION AND ESTABLISHMENT OF WILDLIFE CONSERVATION AREA

**SEC. 204. (a) SELECTION.**—(1) Within one year after the date of the enactment of this title the Secretary shall, in consultation with the Secretary of the Army acting through the Chief of Engineers—

(A) designate approximately one thousand acres of land and water within the selection area as land which the Secretary considers appropriate for the wildlife conservation area; and

(B) publish in the Federal Register a detailed map depicting the boundaries of the land designated under subparagraph (A), which map shall be on file and available for public inspection at offices of the United States Fish and Wildlife Service and the Corps of Engineers.

Publication in  
Federal  
Register.

(2) The Secretary may make such minor revisions in the boundaries designated under paragraph 1(B) as may be appropriate to carry out the purposes of, or to facilitate the acquisition of property (and interests therein) within, the wildlife conservation area.

(b) **ESTABLISHMENT.**—The Secretary shall, in consultation with the Secretary of the Army acting through the Chief of Engineers, establish the Falls of the Ohio National Wildlife Conservation Area, by publication of a notice to that effect in the Federal Register, within one year after the date of the enactment of this title.

Publication in  
Federal  
Register.

#### ADMINISTRATION

**SEC. 205.** The Secretary of the Army, acting through the Chief of Engineers, shall administer all lands, waters, and interests therein within the wildlife conservation area to assure that the wildlife conservation area is managed to carry out the purposes for which it was established, and to that end shall consult with, and utilize the services of, the Secretary. In order to effectively manage the wildlife conservation area, the Secretary of the Army shall acquire by donation, purchase with donated or appropriated funds, or exchange lands, waters or interests therein within the boundaries of such area. The Secretary of the Army and the Secretary may utilize such additional statutory authority as may be available to them to carry out this title.

#### REGULATIONS

**SEC. 206.** The Secretary of the Army shall promulgate regulations, within one year after date of the enactment of this title, to carry out this title. Such regulations shall include, but not be limited to, a

prohibition on all hunting, as well as prohibitions on vandalism (including the removal of fossils) and the dumping of refuse, within the boundaries of the wildlife conservation area.

**AUTHORIZATION OF APPROPRIATIONS**

**SEC. 207.** Beginning October 1, 1982, there are authorized to be appropriated to the Secretary of the Army not to exceed \$300,000 to carry out this title; and such sums shall remain available until expended.

Approved December 29, 1981.

SECTION 205. (a) The Secretary of the Army shall, in consultation with the Secretary of the Interior, identify and designate areas within the boundaries of the National Wildlife Conservation Area which are suitable for the establishment of a wildlife conservation area. (b) The Secretary of the Army shall, in consultation with the Secretary of the Interior, identify and designate areas within the boundaries of the National Wildlife Conservation Area which are suitable for the establishment of a wildlife conservation area. (c) The Secretary of the Army shall, in consultation with the Secretary of the Interior, identify and designate areas within the boundaries of the National Wildlife Conservation Area which are suitable for the establishment of a wildlife conservation area.

**LEGISLATION**

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**LEGISLATIVE HISTORY—H.R. 2241:**

HOUSE REPORT: No. 97-376 (Comm. on Merchant Marine and Fisheries).  
CONGRESSIONAL RECORD, Vol. 127 (1981):  
Dec. 15, considered and passed House.  
Dec. 16, considered and passed Senate.