

106TH CONGRESS
1ST SESSION

H. R. 1284

To provide for protection of the Minnesota Valley National Wildlife Refuge and endangered species and other protected species of fish and wildlife that inhabit or use that refuge, to ensure that scarce wildlife refuge land in and around the Minneapolis, Minnesota, metropolitan area is not subjected to physical or auditory impairment, and to ensure that the National Environmental Policy Act of 1969 is adequately implemented.

IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 1999

Mr. YOUNG of Alaska (for himself, Mr. POMBO, Mr. SCHAFER, and Mr. RADANOVICH) introduced the following bill; which was referred to the Committee on Resources

A BILL

To provide for protection of the Minnesota Valley National Wildlife Refuge and endangered species and other protected species of fish and wildlife that inhabit or use that refuge, to ensure that scarce wildlife refuge land in and around the Minneapolis, Minnesota, metropolitan area is not subjected to physical or auditory impairment, and to ensure that the National Environmental Policy Act of 1969 is adequately implemented.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Minnesota Valley Na-
3 tional Wildlife Refuge Protection Act of 1999”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds the following:

6 (1) On September 21, 1998, the United States
7 Fish and Wildlife Service announced an agreement
8 with the Metropolitan Airports Commission of the
9 State of Minnesota, which is the public agency that
10 operates the Minneapolis-St. Paul International Air-
11 port. The agreement would allow construction of a
12 new runway for that airport that would have severe
13 impacts on the Minnesota Valley National Wildlife
14 Refuge.

15 (2) The agreement authorizes impacts of a
16 major runway expansion that would allow more than
17 5,000 overflights per month at less than 2,000 feet
18 above the surface of the Minnesota Valley National
19 Wildlife Refuge.

20 (3) The Minnesota Valley National Wildlife
21 Refuge, in serving as an urban-oriented wildlife ref-
22 uge, is a sanctuary in the midst of the urban and
23 industrial sprawl of Minneapolis and St. Paul, Min-
24 nesota. Any agreement to allow scores of jumbo jets
25 each day to fly any closer to the one place of sanc-

1 tuary for wildlife in that region violates the very
2 concept of providing places of refuge for wildlife.

3 (4) A disparity exists in the treatment of activi-
4 ties affecting various national wildlife refuges. Al-
5 though low altitude overflights would be allowed over
6 the Minnesota Valley National Wildlife Refuge, ac-
7 tivities that would have significantly fewer impacts
8 have been prohibited on or near other national wild-
9 life refuges located in rural areas. Even emergency
10 medical services necessary to save human lives have
11 not been allowed access to some national wildlife ref-
12 uges.

13 (5) The National Environmental Policy Act of
14 1969 (42 U.S.C. 4321 et seq.) requires that for
15 every major Federal action an environmental impact
16 statement must be prepared that describes and miti-
17 gates for the impacts of the action on the environ-
18 ment.

19 (6) The environmental impact statement pre-
20 pared with respect to expansion of the Minneapolis-
21 St. Paul International Airport is totally inadequate,
22 because it fails to adequately determine and describe
23 the impacts of 5,000 overflights per month below an
24 altitude of 2,000 feet on endangered species, threat-
25 ened species, and other protected species of fish and

1 wildlife in the Minnesota Valley National Wildlife
2 Refuge.

3 **SEC. 3. MINNESOTA VALLEY NATIONAL WILDLIFE REFUGE**
4 **PROTECTION.**

5 (a) MORATORIUM ON IMPLEMENTATION OF AGREE-
6 MENT.—The Secretary of the Interior and the United
7 States Fish and Wildlife Service shall not implement any
8 agreement entered into before the date of the enactment
9 of this Act that would have the effect of allowing expan-
10 sion of the Minneapolis-St. Paul International Airport be-
11 yond the capacity of that airport on that date of enact-
12 ment.

13 (b) ENVIRONMENTAL REVIEW.—

14 (1) EXISTING ENVIRONMENTAL IMPACT STATE-
15 MENT NOT EFFECTIVE.—The environmental impact
16 statement prepared by the Department of Transpor-
17 tation and the Minneapolis-St. Paul Airport Com-
18 mission with respect to the expansion of the Min-
19 neapolis-St. Paul International Airport, dated May
20 1998, shall have no force or effect.

21 (2) PREPARATION OF NEW ENVIRONMENTAL
22 IMPACT STATEMENT REQUIRED—A new environ-
23 mental impact statement with respect to the expan-
24 sion of the Minneapolis-St. Paul International Air-
25 port shall be prepared in accordance with the Na-

1 tional Environmental Policy Act of 1969 (42 U.S.C.
2 4321 et seq.) before the date on which construction
3 is begun to expand that airport, that—

4 (A) fully determines and describes the im-
5 pacts, on each species of fish or wildlife that in-
6 habits or uses the Minnesota Valley National
7 Wildlife Refuge and is listed under section 4(c)
8 of the Endangered Species Act of 1973 (16
9 U.S.C. 1533(c)) or otherwise protected under
10 Federal or Minnesota State law, of increases in
11 overflights of the refuge resulting from the ex-
12 pansion; and

13 (B) includes a determination of whether
14 consultation is required under section 7(a)(2) of
15 the Endangered Species Act of 1973 (16 U.S.C.
16 1536(a)(2)) with respect to that expansion.

17 (c) REPORT.—Not later than 60 days after the date
18 of the enactment of this Act, the Secretary of the Interior
19 shall report to the Congress regarding whether the activi-
20 ties associated with expansion of the Minneapolis-St. Paul
21 International Airport or additional overflights of the Min-
22 nesota Valley National Wildlife Refuge by air traffic using
23 that airport may constitute a taking of an endangered spe-
24 cies or threatened species of fish or wildlife prohibited by

1 the Endangered Species Act of 1973 (16 U.S.C. 1531 et
2 seq.).

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