

107TH CONGRESS
2D SESSION

H. R. 4722

To provide for the establishment of the Lake Erie Western Basin International Wildlife Refuge in the States of Ohio and Michigan, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2002

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

A BILL

To provide for the establishment of the Lake Erie Western Basin International Wildlife Refuge in the States of Ohio and 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 “Lake Erie Western
5 Basin International Wildlife Refuge Establishment Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) The western basin of Lake Erie, as part of
9 the Great Lakes ecosystem, the largest freshwater

1 ecosystem on the face of the Earth, is vitally impor-
2 tant to the economic and environmental future of
3 the United States.

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

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

20 (4) The western basin of Lake Erie is an im-
21 portant ecosystem that includes a number of distinct
22 islands, channels, rivers, and shoals that support
23 dense populations of fish, wildlife, and aquatic
24 plants.

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

10 (6) The shallow western basin, from the Lower
11 Detroit River to Sandusky Bay, is home to the larg-
12 est concentration of marshes in Lake Erie, including
13 Mouille, Metzger, and Magee marshes, the Maumee
14 Bay wetland complex, the wetland complexes flank-
15 ing Locust Point, and the wetlands in Sandusky
16 Bay. The larger United States islands in western
17 Lake Erie have wetlands in the small ebayments.

18 (7) The wetlands in the western basin of Lake
19 Erie comprise as some of the most important water-
20 fowl habitat in the Great Lakes. Waterfowl, wading
21 birds, shore birds, gulls and terns, raptors, and
22 perching birds all use the western basin wetlands for
23 migration, nesting, and feeding. Hundreds of thou-
24 sands of diving ducks stop to rest in the Lake Erie
25 area on their fall migration from Canada to the east

1 and south. The wetlands of the western basin pro-
2 vide a major stopover for sea ducks such as migrat-
3 ing bufflehead, common goldeneye, common mergan-
4 sers, and ruddy duck.

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

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

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

22 (11) Coastal wetlands in the western basin have
23 been subjected to intense pressure for 150 years.
24 Prior to 1850, the western basin was part of an ex-
25 tensive coastal marsh and swamp system of approxi-

1 mately 122,000 hectares that comprised a portion
2 of the Great Black Swamp. By 1951, only 12,407
3 wetland hectares remained in the western basin.
4 Half of that acreage was destroyed between 1972
5 and 1987. Therefore, today only approximately
6 5,000 hectares remain. Along the Michigan shore-
7 line, coastal wetlands were reduced by 62 percent
8 between 1916 and the early 1970s. The development
9 of the city of Monroe has had a particularly signifi-
10 cant impact on the coastal wetlands at the mouth
11 of the Raisin River: only approximately 100 hectares
12 remain physically unaltered today in an area where
13 70 years ago marshes were 10 times more extensive.
14 In addition to the actual loss of coastal wetland
15 acreage along the shores of Lake Erie, the quality
16 of many remaining wetlands has been degraded by
17 numerous stressors, especially excessive loadings of
18 sediments and nutrients, contaminants, shoreline
19 modification, exotic species, and the diking of wet-
20 lands. Protective peninsula beach systems, such as
21 the former Bay Point and Woodtick, at the border
22 of Ohio and Michigan near the mouth of the Ottawa
23 River and Maumee Bay, have been eroded over the
24 years, exacerbating erosion along the shorelines and
25 impacting the breeding and spawning grounds.

1 **SEC. 3. DEFINITIONS.**

2 For purposes of this Act:

3 (1) The term “Refuge” means the Lake Erie
4 Western Basin International Wildlife Refuge estab-
5 lished by section 5.

6 (2) The term “Secretary” means the Secretary
7 of the Interior.

8 (3) The term “Lake Erie Western Basin”
9 means those lands and waters within the area de-
10 scribed in section 5(a).

11 **SEC. 4. PURPOSES.**

12 The purposes for which the Refuge is established and
13 shall be managed are as follows:

14 (1) To protect the remaining high-quality fish
15 and wildlife habitats of the western basins of Lake
16 Erie before they are lost to further development and
17 to restore and enhance degraded wildlife habitats as-
18 sociated with the western basin of Lake Erie.

19 (2) To assist in international efforts to con-
20 serve, enhance, and restore the native aquatic and
21 terrestrial community characteristics of the western
22 basin of Lake Erie (including associated fish, wild-
23 life, and plant species), both in the United States
24 and Canada in partnership with nongovernmental
25 and private organizations, as well as private individ-
26 uals dedicated to habitat enhancement.

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 Environmental Pro-
14 tection Agency, the Army Corps of Engineers, the
15 National Oceanic and Atmospheric Administration,
16 the United States Geological Survey, the Agency for
17 Toxic Substances and Disease Registry, the Forest
18 Service, and the Great Lakes Fishery Commission,
19 as well as the State governments and tribal govern-
20 ments in the Great Lakes. These goals, broadly stat-
21 ed, include working together to protect and restore
22 the chemical, physical, and biological integrity of the
23 Great Lakes basin ecosystem.

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

2 (a) BOUNDARIES.—There is hereby established the
3 Lake Erie Western Basin International Wildlife Refuge,
4 consisting of the lands and waters owned or managed by
5 the Secretary pursuant to this Act in the State of Michi-
6 gan from the southern boundary of Sterling State Park
7 to the eastern edge of Sandusky Bay, as depicted upon
8 the map entitled “Lake Erie Western Basin International
9 Wildlife Refuge Proposed”, dated May 12, 2002, which
10 shall be available for inspection in appropriate offices of
11 the United States Fish and Wildlife Service.

12 (b) EXISTING REFUGE LANDS.—The Ottawa Na-
13 tional Wildlife Refuge and the Cedar Point National Wild-
14 life Refuge are hereby included within, and shall be a part
15 of, the Lake Erie Western Basin International Wildlife
16 Refuge. All references to the Ottawa and Cedar Point na-
17 tional wildlife refuges shall hereafter be treated as ref-
18 erences to the Lake Erie Western Basin International
19 Wildlife Refuge.

20 (c) BOUNDARY REVISIONS.—The Secretary may
21 make such revisions of the boundaries of the Refuge as
22 may be appropriate to carry out the purposes of the Ref-
23 uge or to facilitate the acquisition of property within the
24 Refuge.

25 (d) ACQUISITION.—The Secretary is authorized to ac-
26 quire by donation, purchase with donated or appropriated

1 funds, or exchange the lands and waters, or interests
2 therein (including conservation easements), within the
3 boundaries of the Refuge. Any and all acquisitions of lands
4 or waters under the provisions of this Act shall be made
5 in a voluntary manner and shall not be the result of forced
6 takings.

7 (e) TRANSFERS FROM OTHER AGENCIES.—Any Fed-
8 eral property located within the boundaries of the Refuge
9 which is under the administrative jurisdiction of another
10 department or agency of the United States may, with the
11 concurrence of the head of administering department or
12 agency, be transferred without consideration to the admin-
13 istrative jurisdiction of the Secretary for the purposes of
14 this Act.

15 (f) STUDY OF ASSOCIATED AREA.—The Secretary,
16 acting through the Director of the United States Fish and
17 Wildlife Service, shall conduct a study of fish and wildlife
18 habitat and aquatic and terrestrial communities of the
19 Maumee River, from its mouth to an appropriate juncture
20 along the Maumee River Heritage Corridor between To-
21 ledo and Fort Wayne, Indiana. Not later than 18 months
22 after the date of the enactment of the Act, the Secretary
23 shall complete such study and submit a report containing
24 the results thereof to the Congress.

1 **SEC. 6. ADMINISTRATION.**

2 (a) IN GENERAL.—The Secretary shall administer all
3 federally owned lands, waters, and interests therein that
4 are within the boundaries of the Refuge in accordance
5 with the National Wildlife Refuge System Administration
6 Act of 1966 (16 U.S.C. 668dd et seq.) and this Act. The
7 Secretary may use such additional statutory authority as
8 may be available for the conservation of fish and wildlife,
9 and the provision of fish and wildlife dependent rec-
10 reational opportunities as the Secretary considers appro-
11 priate to carry out the purposes of this Act.

12 (b) PRIORITY USES.—In providing opportunities for
13 compatible fish and wildlife dependent recreation, the Sec-
14 retary, in accordance with paragraphs (3) and (4) of sec-
15 tion 4(a) of the National Wildlife Refuge System Adminis-
16 tration Act of 1966 (16 U.S.C. 668dd(a)), shall ensure
17 that hunting, fishing, wildlife observation and photog-
18 raphy, and environmental education and interpretation are
19 the priority public uses of the Refuge.

20 (c) COOPERATIVE AGREEMENTS REGARDING NON-
21 FEDERAL LANDS.—The Secretary is authorized to enter
22 into cooperative agreements with the State of Ohio or
23 Michigan, or any political subdivision thereof, and with
24 any other person or entity for the management in a man-
25 ner consistent with this Act of lands that are owned by
26 such State, subdivision, or other person or entity and lo-

1 cated within the boundaries of the Refuge and to promote
2 public awareness of the resources of the Lake Erie West-
3 ern Basin International Wildlife Refuge and encourage
4 public participation in the conservation of those resources.

5 (d) USE OF EXISTING GREENWAY AUTHORITY.—The
6 Secretary shall encourage the State of Ohio to use existing
7 authorities under the Transportation Equity Act for the
8 21st Century to provide funding for acquisition and devel-
9 opment of trails within the boundaries of the Refuge.

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