

107TH CONGRESS
2D SESSION

S. 3021

To establish in the State of Ohio a wildlife refuge complex comprised of land designated as national wildlife refuges, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 1, 2002

Mr. VOINOVICH (for himself, Mr. DEWINE, Mr. LEVIN, and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To establish in the State of Ohio a wildlife refuge complex comprised of land designated as national wildlife refuges, 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 “Ottawa National Wild-
5 life Refuge Complex Expansion and Detroit River Inter-
6 national Wildlife Refuge Expansion Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds that—

1 (1) the western basin of Lake Erie, as part of
2 the Great Lakes ecosystem—

3 (A) is the largest freshwater ecosystem in
4 the world; and

5 (B) is vitally important to the economic
6 and environmental future of the United States;

7 (2) over the 30-year period preceding the date
8 of enactment of this Act, the citizens and govern-
9 mental institutions of the United States and Canada
10 have devoted increasing attention and resources to
11 the restoration of the water quality and fisheries of
12 the Great Lakes, including the western basin;

13 (3) that increased awareness has been accom-
14 panied by a gradual shift toward a holistic eco-
15 system approach that highlights a growing recogni-
16 tion that shoreline areas, commonly referred to as
17 nearshore terrestrial ecosystems, are an integral part
18 of the western basin and the Great Lakes ecosystem;

19 (4) the Great Lakes account for more than 90
20 percent of the surface freshwater in the United
21 States;

22 (5) the western basin of Lake Erie receives ap-
23 proximately 90 percent of its flow from the Detroit
24 River and only approximately 10 percent from tribu-
25 taries;

1 (6) the western basin is an important ecosystem
2 that includes a number of distinct islands, channels,
3 rivers, and shoals that support dense populations of
4 fish, wildlife, and aquatic plants;

5 (7) coastal wetland of Lake Erie supports the
6 largest diversity of plant and wildlife species in the
7 Great Lakes;

8 (8) because Lake Erie is located at a more
9 southern latitude than other Great Lakes, the mod-
10 erate climate of Lake Erie is appropriate for many
11 species that are not found in or along the northern
12 Great Lakes;

13 (9) more than 300 species of plants, including
14 37 significant species, have been identified in the
15 aquatic and wetland habitats of the western basin;

16 (10) the shallow western basin of Lake Erie,
17 extending from the Lower Detroit River to Sandusky
18 Bay, is home to the greatest concentration of
19 marshes in Lake Erie, including—

20 (A) Mouille, Metzger, and Magee marshes;

21 (B) the Maumee Bay wetland complex;

22 (C) the wetland complexes flanking Locust
23 Point; and

24 (D) the wetland in Sandusky Bay;

1 (11) the larger islands of the United States in
2 western Lake Erie have wetland in small
3 embayments;

4 (12) the wetland in the western basin comprises
5 some of the most important waterfowl habitat in the
6 Great Lakes;

7 (13) waterfowl, wading birds, shore birds, gulls
8 and terns, raptors, and perching birds use the wet-
9 land in the western basin for migration, nesting, and
10 feeding;

11 (14) hundreds of thousands of diving ducks
12 stop to rest in the Lake Erie area during autumn
13 migration from Canada to points east and south;

14 (15) the wetland of the western basin provides
15 a major stopover for sea ducks, such as migrating
16 common goldeneye, common mergansers, and ruddy
17 duck;

18 (16) the international importance of Lake Erie
19 is indicated in the United States by congressional
20 designation of the Ottawa and Cedar Point National
21 Wildlife Refuges;

22 (17)(A) Lake Erie has an international reputa-
23 tion for walleye, perch, and bass fishing, recreational
24 boating, birding, photography, and duck hunting;
25 and

1 (B) on an economic basis, tourism in the Lake
2 Erie area accounts for an estimated \$1,500,000,000
3 in retail sales and more than 50,000 jobs;

4 (18)(A) many of the 417,000 boats that are
5 registered in the State of Ohio are used in the west-
6 ern basin, in part to fish for the estimated
7 10,000,000 walleye that migrate from the lake to
8 spawn; and

9 (B) that internationally renowned walleye fish-
10 ery drives much of the \$2,000,000,000 sport fishing
11 industry in the State of Ohio;

12 (19) coastal wetland in the western basin has
13 been subjected to intense pressure for 150 years;

14 (20) prior to 1850, the western basin was part
15 of an extensive coastal marsh and swamp system
16 consisting of approximately 122,000 hectares that
17 comprised a portion of the Great Black Swamp;

18 (21) by 1951, only 12,407 wetland hectares re-
19 mained in the western basin;

20 (22) 50 percent of that acreage was destroyed
21 between 1972 and 1987, leaving only approximately
22 5,000 hectares in existence today;

23 (23) along the Michigan shoreline, coastal wet-
24 land was reduced by 62 percent between 1916 and
25 the early 1970s;

1 (24) the development of the city of Monroe,
2 Michigan, has had a particularly significant impact
3 on the coastal wetland at the mouth of the Raisin
4 River;

5 (25) only approximately 100 hectares remain
6 physically unaltered today in an area in which, 70
7 years ago, marshes were 10 times more extensive;

8 (26) in addition to the actual loss of coastal
9 wetland acreage along the shores of Lake Erie, the
10 quality of much remaining dike wetland has been de-
11 graded by numerous stressors, especially excessive
12 loadings of sediments and nutrients, contaminants,
13 shoreline modification, exotic species, and the diking
14 of wetland; and

15 (27) protective peninsula beach systems, such
16 as the former Bay Point and Woodtick, at the bor-
17 der of Ohio and Michigan near the mouth of the Ot-
18 tawa River and Maumee Bay, have been eroded over
19 the years, exacerbating erosion along the shorelines
20 and negatively affecting breeding and spawning
21 grounds.

22 **SEC. 3. PURPOSE.**

23 The purpose of this Act is to establish a national
24 wildlife refuge complex in the State of Ohio—

1 (1)(A) to protect the remaining high-quality
2 fish and wildlife habitats of the western basin before
3 those habitats are lost to further development; and

4 (B) to restore and enhance degraded wildlife
5 habitats associated with the western basin;

6 (2) in partnership with nongovernmental and
7 private organizations and private individuals dedi-
8 cated to habitat enhancement, to conserve, enhance,
9 and restore the native aquatic and terrestrial com-
10 munity characteristics of the western basin (includ-
11 ing associated fish, wildlife, and plant species);

12 (3) to facilitate partnerships among the United
13 States Fish and Wildlife Service, Canadian national
14 and provincial authorities, State and local govern-
15 ments, local communities in the United States and
16 Canada, conservation organizations, and other non-
17 Federal entities to promote public awareness of the
18 resources of the western basin; and

19 (4) to advance the collective goals and priorities
20 that—

21 (A) were established in the report entitled
22 “Great Lakes Strategy 2002—A Plan for the
23 New Millennium”, developed by the United
24 States Policy Committee, comprised of Federal
25 agencies (including the United States Fish and

Wildlife Service, the National Oceanic and Atmospheric Administration, the United States Geological Survey, the Forest Service, and the Great Lakes Fishery Commission) and State governments and tribal governments in the Great Lakes basin; and

(B) include the goals of cooperating to protect and restore the chemical, physical, and biological integrity of the Great Lakes basin ecosystem.

SEC. 4. DEFINITIONS.

In this Act:

(1) CEDAR POINT REFUGE.—The term “Cedar Point Refuge” means the Cedar Point National Wildlife Refuge established by the Secretary in accordance with the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.).

(2) INTERNATIONAL REFUGE.—The term “International Refuge” means the Detroit River International Wildlife Refuge established by section 5(a) of the Detroit River International Wildlife Refuge Establishment Act (16 U.S.C. 668dd note; 115 Stat. 894).

(3) OTTAWA REFUGE.—The term “Ottawa Refuge” means the Ottawa National Wildlife Refuge,

1 established by the Secretary in accordance with the
2 Migratory Bird Conservation Act (16 U.S.C. 715 et
3 seq.).

4 (4) REFUGE COMPLEX.—The term “Refuge
5 Complex” means the national wildlife refuge complex
6 established by section 5(a).

7 (5) SECRETARY.—The term “Secretary” means
8 the Secretary of the Interior.

9 (6) WESTERN BASIN.—

10 (A) IN GENERAL.—The term “western
11 basin” means the western basin of Lake Erie,
12 consisting of the land and water in the water-
13 sheds of Lake Erie extending from the water-
14 shed of the Lower Detroit River in the State of
15 Michigan to and including Sandusky Bay and
16 the watershed of Sandusky Bay in the State of
17 Ohio.

18 (B) INCLUSION.—The term ‘western basin’
19 includes the Bass Island archipelago in the
20 State of Ohio.

21 (7) WEST SISTER ISLAND REFUGE.—The term
22 “West Sister Island Refuge” means the West Sister
23 Island National Wildlife Refuge established by Exec-
24 utive Order 7937, dated August 2, 1937.

1 **SEC. 5. NATIONAL WILDLIFE REFUGE COMPLEX.**

2 (a) ESTABLISHMENT.—There is established a na-
3 tional wildlife refuge complex in the State of Ohio, con-
4 sisting of—

5 (1) the Ottawa Refuge, as modified by sub-
6 section (b);

7 (2) the West Sister Island Refuge; and

8 (3) the Cedar Point Refuge.

9 (b) EXPANSION OF OTTAWA NATIONAL WILDLIFE
10 REFUGE.—

11 (1) IN GENERAL.—The Secretary shall expand
12 the boundaries of the Ottawa Refuge to include sur-
13 rounding land and water in the State of Ohio ex-
14 tending from the eastern boundary of the Maumee
15 Bay State Park to the eastern boundary of the
16 Darby Unit (including the Bass Island archipelago)
17 as depicted on the map entitled “Ottawa National
18 Wildlife Refuge Complex Expansion and Detroit
19 River International Wildlife Refuge Expansion Act”,
20 dated September 6, 2002.

21 (2) AVAILABILITY OF MAP.—The map referred
22 to in paragraph (1) shall be available for inspection
23 in appropriate offices of the United States Fish and
24 Wildlife Service.

1 (c) BOUNDARY REVISIONS.—The Secretary may
2 make such revisions of the boundaries of the Refuge Com-
3 plex as the Secretary determines to be appropriate—

4 (1) to facilitate the acquisition of property with-
5 in the Refuge Complex; or

6 (2) to carry out this Act.

7 (d) ACQUISITION.—

8 (1) IN GENERAL.—Subject to paragraph (2),
9 the Secretary may acquire by donation, purchase
10 with donated or appropriated funds, or exchange the
11 land and water, and interests in land and water (in-
12 cluding conservation easements), within the bound-
13 aries of the Refuge Complex.

14 (2) CONSENT.—No land, water, or interest in
15 land or water described in paragraph (1) may be ac-
16 quired by the Secretary without the consent of the
17 owner of the land, water, or interest.

18 (e) TRANSFERS FROM OTHER AGENCIES.—Adminis-
19 trative jurisdiction over any Federal property that is lo-
20 cated within the boundaries of the Refuge Complex and
21 under the administrative jurisdiction of an agency of the
22 United States other than the Department of the Interior
23 may, with the concurrence of the head of the admin-
24 istering agency, be transferred without consideration to
25 the Secretary for the purpose of this Act.

1 (f) STUDY OF ASSOCIATED AREA.—

2 (1) IN GENERAL.—The Secretary, acting
3 through the Director of the United States Fish and
4 Wildlife Service, shall conduct a study of fish and
5 wildlife habitat and aquatic and terrestrial commu-
6 nities in and around the 2 dredge spoil disposal sites
7 that are—

8 (A) referred to by the Toledo-Lucas Coun-
9 ty Port Authority as “Port Authority Facility
10 Number Three” and “Grassy Island”, respec-
11 tively; and

12 (B) located within Toledo Harbor near the
13 mouth of the Maumee River.

14 (2) REPORT.—Not later than 18 months after
15 the date of enactment of the Act, the Secretary
16 shall—

17 (A) complete the study under paragraph
18 (1); and

19 (B) submit to Congress a report on the re-
20 sults of the study.

21 **SEC. 6. EXPANSION OF INTERNATIONAL REFUGE BOUND-**
22 **ARIES.**

23 The Secretary shall expand the southern boundary of
24 the International Refuge to include additional land and
25 water in the State of Michigan located east of Interstate

1 Route 75, extending from the southern boundary of Ster-
2 ling State Park to the Ohio State line, as depicted on the
3 map referred to in section 5(b)(1).

4 **SEC. 7. ADMINISTRATION.**

5 (a) REFUGE COMPLEX.—

6 (1) IN GENERAL.—The Secretary shall admin-
7 ister all federally owned land, water, and interests in
8 land and water that are located within the bound-
9 aries of the Refuge Complex in accordance with—

10 (A) the National Wildlife Refuge System
11 Administration Act of 1966 (16 U.S.C. 668dd
12 et seq.); and

13 (B) this Act.

14 (2) ADDITIONAL AUTHORITY.—The Secretary
15 may use such additional statutory authority avail-
16 able to the Secretary for the conservation of fish and
17 wildlife, and the provision of opportunities for fish-
18 and wildlife-dependent recreation, as the Secretary
19 determines to be appropriate to carry out this Act.

20 (b) PRIORITY USES.—In providing opportunities for
21 compatible fish- and wildlife-dependent recreation, the
22 Secretary, in accordance with paragraphs (3) and (4) of
23 section 4(a) of the National Wildlife Refuge System Ad-
24 ministration Act of 1966 (16 U.S.C. 668dd(a)), shall en-
25 sure, to the maximum extent practicable, that hunting,

1 trapping, fishing, wildlife observation and photography,
2 and environmental education and interpretation are the
3 priority public uses of the Refuge Complex.

4 (c) COOPERATIVE AGREEMENTS REGARDING NON-
5 FEDERAL LAND.—To promote public awareness of the re-
6 sources of the western basin and encourage public partici-
7 pation in the conservation of those resources, the Sec-
8 retary may enter into cooperative agreements with the
9 State of Ohio or Michigan, any political subdivision of the
10 State, or any person for the management, in a manner
11 consistent with this Act, of land that—

12 (1) is owned by the State, political subdivision,
13 or person; and

14 (2) is located within the boundaries of the Ref-
15 uge Complex.

16 (d) USE OF EXISTING GREENWAY AUTHORITY.—The
17 Secretary shall encourage the State of Ohio to use author-
18 ity under the recreational trails program under section
19 206 of title 23, United States Code, to provide funding
20 for acquisition and development of trails within the bound-
21 aries of the Refuge Complex.

22 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated such sums
24 as are necessary—

- 1 (1) to acquire land and water within the Refuge
- 2 Complex under section 5(d);
- 3 (2) to carry out the study under section 5(f);
- 4 and
- 5 (3) to develop, operate, and maintain the Ref-
- 6 uge Complex.

