

109TH CONGRESS  
1ST SESSION

# H. R. 3281

To direct the Secretary of the Interior to establish the Cherry Valley National Wildlife Refuge in Northeastern Pennsylvania, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2005

Mr. KANJORSKI (for himself, Mr. DENT, Mr. HOLDEN, Mr. PLATTS, Ms. SCHWARTZ of Pennsylvania, Mr. GERLACH, Mr. SHERWOOD, Mr. BRADY of Pennsylvania, Mr. MURTHA, and Mr. ENGLISH of Pennsylvania) introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To direct the Secretary of the Interior to establish the Cherry Valley National Wildlife Refuge in Northeastern Pennsylvania, 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 “Cherry Valley National  
5       Wildlife Refuge Act”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds the following:

1           (1) The scenic Cherry Valley area of North-  
2           eastern Pennsylvania is blessed with more than 80  
3           special-concern animal and plant species and natural  
4           habitats.

5           (2) In a preliminary assessment of Cherry Val-  
6           ley, United States Fish and Wildlife Service biolo-  
7           gists ranked Cherry Valley very high as a potential  
8           national wildlife refuge.

9           (3) Six species that are listed as endangered  
10          species or threatened species under the Endangered  
11          Species Act of 1973 (16 U.S.C. 1531 et seq.) have  
12          been documented within or near Cherry Valley: The  
13          bog turtle (possibly the most significant population  
14          of the listed subspecies), the dwarf wedge mussel,  
15          the northeastern bulrush, the small whorled pogonia,  
16          the bald eagle, and the Indiana bat (a historic resi-  
17          dent, with efforts under way to re-establish favorable  
18          conditions).

19          (4) Cherry Valley provides habitat for at least  
20          79 species of national or regional concern, which ei-  
21          ther nest in Cherry Valley or migrate through the  
22          area during critical times in their life cycle, includ-  
23          ing—

24                  (A) neo-tropical migratory birds such as  
25          the Cerulean Warbler, the Worm-eating War-

1           bler, and the Wood Thrush, all of which nest in  
2           Cherry Valley;

3                 (B) waterfowl such as the American Black  
4           Duck;

5                 (C) several globally rare plants, such as  
6           the spreading globeflower; and

7                 (D) anadromous fish species.

8           (5) The Cherry Valley watershed encompasses a  
9           large segment of the Kittatinny Ridge, an important  
10          migration route for birds of prey throughout the  
11          Northeastern United States. Every migratory raptor  
12          species in the Northeast is regularly observed along  
13          the Kittatinny Ridge during the autumnal migra-  
14          tion, including the bald eagle, the golden eagle, and  
15          the broad-winged hawk.

16          (6) The Kittatinny Ridge also includes a long  
17          segment of the Appalachian Trail, a nationally sig-  
18          nificant natural-cultural-recreational feature.

19          (7) Many of the significant wildlife habitats  
20          found in the Cherry Valley, especially the rare cal-  
21          careous wetlands, have disappeared from other local-  
22          ities in their range.

23          (8) Ongoing studies have documented the high  
24          water quality of Cherry Creek.

1           (9) Public meetings over several years have  
2       demonstrated strong, deep, and growing local sup-  
3       port for a Cherry Valley National Wildlife Refuge:

4           (A) Area landowners, business and commu-  
5       nity leaders, media, and elected officials have  
6       consistently voiced their enthusiasm for a Cher-  
7       ry Valley National Wildlife Refuge.

8           (B) Numerous local communities and pub-  
9       lic and private conservation entities share com-  
10      plementary goals for protecting Cherry Valley  
11      and are energetically conserving wildlife habitat  
12      and farmland. Along with State land-manage-  
13      ment agencies and the National Park Service,  
14      these local entities represent potential strong  
15      partners for the United States Fish and Wild-  
16      life Service.

17          (C) A number of local landowners have al-  
18      ready put their land into conservation ease-  
19      ments or other conservation arrangements.

20          (D) A voter-approved Monroe County Open  
21      Space Fund and a voter-approved Stroud  
22      Township municipal land conservation fund  
23      have contributed to many of these projects.

24          (10) Two federally owned parcels of land are  
25      contiguous to the area to be established by this Act

1 as the Cherry Valley National Wildlife Refuge: The  
2 Delaware Water Gap National Recreation Area and  
3 a 700-acre segment of the Appalachian Trail owned  
4 by the National Park Service.

5 **SEC. 3. ESTABLISHMENT AND PURPOSE OF REFUGE.**

6 (a) ESTABLISHMENT.—The Secretary shall establish  
7 as a national wildlife refuge the lands, waters, and inter-  
8 ests therein acquired under section 5, at such time as the  
9 Secretary determines that sufficient property has been ac-  
10 quired by the United States to constitute an area that can  
11 be effectively managed as a national wildlife refuge for the  
12 purposes set forth in subsection (b) of this section. The  
13 national wildlife refuge so established shall be known as  
14 the “Cherry Valley National Wildlife Refuge”.

15 (b) PURPOSES.—The primary purposes of the Refuge  
16 are the following:

17 (1) To preserve and enhance the Refuge’s lands  
18 and waters in a manner that will conserve the nat-  
19 ural diversity of fish, wildlife, plants, and their habi-  
20 tats for present and future generations, through vol-  
21 untary conservation agreements, partnerships with  
22 local communities, and transactions with willing  
23 landowners.

24 (2) To conserve and enhance populations of  
25 fish, wildlife, and plants within the Refuge, including

1 populations of bog turtle, waterfowl, raptors, pas-  
2 serines, and neo-tropical migratory birds.

3 (3) To protect and enhance the quality of  
4 aquatic and wetland habitats within the Refuge.

5 (4) To fulfill international obligations of the  
6 United States with respect to fish, wildlife, and their  
7 habitats.

8 (5) To provide opportunities for compatible sci-  
9 entific research, environmental education, and fish  
10 and wildlife-oriented recreation in collaboration with  
11 private and public entities.

12 (c) NOTICE OF ESTABLISHMENT.—The Secretary  
13 shall publish a notice of the establishment of the Refuge—

14 (1) in the Federal Register; and

15 (2) in publications of local circulation in the vi-  
16 cinity of the Refuge.

17 **SEC. 4. ADMINISTRATION OF REFUGE.**

18 (a) IN GENERAL.—The Secretary shall administer all  
19 lands, waters, and interests therein acquired under section  
20 5 in accordance with—

21 (1) the National Wildlife Refuge System Ad-  
22 ministration Act of 1966 (16 U.S.C. 668dd et seq.)  
23 and the Act of September 28, 1962 (76 Stat. 653;  
24 16 U.S.C. 460k et seq.; popularly known as the Ref-  
25 uge Recreation Act);

1           (2) the purposes of the Refuge set forth in sec-  
2       tion 3(b); and

3           (3) the management plan issued under sub-  
4       section (c).

5       (b) STUDY OF SELECTION AREA.—

6           (1) REQUIREMENT.—The Secretary, acting  
7       through the Director of the United States Fish and  
8       Wildlife Service, shall conduct a study of fish and  
9       wildlife habitat and aquatic and terrestrial commu-  
10      nities of the selection area described in section  
11      5(c)(2).

12          (2) REPORT.—Not later than 18 months after  
13      the date of the enactment of the Act, the Secretary  
14      shall complete such study and submit a report con-  
15      taining the results thereof to the Congress.

16          (3) AUTHORIZATION OF APPROPRIATIONS.—  
17      There is authorized to be appropriated to the Sec-  
18      retary \$200,000 to carry out the study.

19       (c) MANAGEMENT PLAN.—

20          (1) IN GENERAL.—Not later than 30 months  
21      after the date of the enactment of this Act, the Sec-  
22      retary shall issue a management plan for the Ref-  
23      uge.

24          (2) CONTENTS.—The management plan shall  
25      include provisions that provide for the following:

1 (A) Planning and design of trails and ac-  
2 cess points.

3 (B) Planning of wildlife and habitat res-  
4 toration, including reforestation.

5 (C) Permanent exhibits and facilities and  
6 regular educational programs throughout the  
7 Refuge.

8 (3) PUBLIC PARTICIPATION.—

9 (A) IN GENERAL.—The Secretary shall  
10 provide an opportunity for public participation  
11 in developing the management plan.

12 (B) LOCAL VIEWS.—The Secretary shall  
13 give special consideration to views by local pub-  
14 lic and private entities and individuals in devel-  
15 oping the management plan.

16 **SEC. 5. ACQUISITION OF LANDS, WATERS, AND INTERESTS**  
17 **THEREIN.**

18 (a) IN GENERAL.—The Secretary shall seek to ac-  
19 quire up to 30,000 acres of land, water, or interests there-  
20 in (including permanent conservation easements or ser-  
21 vitudes) within the boundaries designated under sub-  
22 section (c). All lands, waters, and interests acquired under  
23 this subsection shall be part of the Refuge.

24 (b) METHOD OF ACQUISITION.—The Secretary may  
25 acquire an interest in land or water for inclusion in the



1 Refuge only by donation, exchange, or purchase from a  
2 willing seller.

3 (c) DESIGNATION OF BOUNDARIES.—

4 (1) IN GENERAL.—Not later than 12 months  
5 after the date of the enactment of this Act, the Sec-  
6 retary shall—

7 (A) consult with appropriate State and  
8 local officials, private conservation organiza-  
9 tions, and other interested parties, regarding  
10 the designation of appropriate boundaries for  
11 the Refuge within the selection area;

12 (B) designate boundaries of the Refuge  
13 that are within the selection area and adequate  
14 for fulfilling the purposes of the Refuge set  
15 forth in section 3(b); and

16 (C) prepare a detailed map, entitled  
17 “Cherry Valley National Wildlife Refuge”, de-  
18 picting the boundaries of the Refuge designated  
19 under subparagraph (B).

20 (2) SELECTION AREA.—For purposes of this  
21 subsection, the selection area consists of approxi-  
22 mately 30,000 acres located in Monroe County,  
23 Pennsylvania, that—

24 (A) encompasses the watershed of Cherry  
25 Creek, portions of the McMichaels and

1           Aquashicola Creeks watersheds, and an area  
2           that drains directly into the Delaware River;  
3           and

4                   (B) is contiguous to the Delaware Water  
5           Gap National Recreation Area.

6           (3) AVAILABILITY OF MAP; NOTICE.—The Sec-  
7   retary shall—

8                   (A) keep the map prepared under para-  
9           graph (1) on file and available for public in-  
10          spection at offices of the United States Fish  
11          and Wildlife Service in the District of Columbia  
12          and Pennsylvania; and

13                   (B) publish in the Federal Register a no-  
14          tice of that availability.

15          (d) BOUNDARY REVISIONS.—The Secretary may  
16          make such minor revisions in the boundaries designated  
17          under subsection (c) as may be appropriate to achieve the  
18          purposes of the Refuge under section 3(b) or to facilitate  
19          the acquisition of property for the Refuge.

20   **SEC. 6. DEFINITIONS.**

21          For purposes of this Act:

22                   (1) REFUGE.—The term “Refuge” means the  
23          Cherry Valley National Wildlife Refuge established  
24          under section 3.

- 1           (2) SECRETARY.—The term “Secretary” means  
2       the Secretary of the Interior.

