

109TH CONGRESS  
2D SESSION

# H. R. 5232

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IN THE SENATE OF THE UNITED STATES

JULY 11, 2006

Received; read twice and referred to the Committee on Environment and  
Public Works

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## AN ACT

To direct the Secretary of the Interior to initiate and complete an evaluation of lands and waters located in Northeastern Pennsylvania for their potential acquisition and inclusion in a future Cherry Valley National Wildlife Refuge, 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,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Cherry Valley National  
3 Wildlife Refuge Study Act”.

4 **SEC. 2. FINDINGS.**

5       The Congress finds the following:

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

10          (2) In a preliminary assessment of Cherry Val-  
11 ley, United States Fish and Wildlife Service biolo-  
12 gists ranked Cherry Valley very high as a potential  
13 national wildlife refuge.

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

24          (4) Cherry Valley provides habitat for at least  
25 79 species of national or regional concern, which ei-  
26 ther nest in Cherry Valley or migrate through the

1 area during critical times in their life cycle, includ-  
2 ing—

3 (A) neo-tropical migratory birds such as  
4 the Cerulean Warbler, the Worm-eating War-  
5 bler, and the Wood Thrush, all of which nest in  
6 Cherry Valley;

7 (B) waterfowl such as the American Black  
8 Duck;

9 (C) several globally rare plants, such as  
10 the spreading globeflower; and

11 (D) anadromous fish species.

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

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

23 (7) Many of the significant wildlife habitats  
24 found in the Cherry Valley, especially the rare cal-

1 careous wetlands, have disappeared from other local-  
2 ities in their range.

3 (8) Ongoing studies have documented the high  
4 water quality of Cherry Creek.

5 (9) Public meetings over several years have  
6 demonstrated strong, deep, and growing local sup-  
7 port for a Cherry Valley National Wildlife Refuge,  
8 as demonstrated by the following:

9 (A) Area landowners, business and commu-  
10 nity leaders, media, and elected officials have  
11 consistently voiced their enthusiasm for a Cher-  
12 ry Valley National Wildlife Refuge.

13 (B) Numerous local communities and pub-  
14 lic and private conservation entities share com-  
15plementary goals for protecting Cherry Valley  
16and are energetically conserving wildlife habitat  
17and farmland. Along with State land-manage-  
18ment agencies and the National Park Service,  
19these local entities represent potential strong  
20partners for the United States Fish and Wild-  
21life Service, and view a Cherry Valley National  
22Wildlife Refuge as a complement to existing  
23private, county, municipal, and State efforts.

1 (C) A number of local landowners have al-  
2 ready put their land into conservation ease-  
3 ments or other conservation arrangements.

4 (D) A voter-approved Monroe County Open  
5 Space Fund and a voter-approved Stroud  
6 Township municipal land conservation fund  
7 have contributed to many of these projects.

8 (10) Two federally owned parcels of land are  
9 contiguous to the area to be studied under this Act  
10 as for acquisition and inclusion in a future Cherry  
11 Valley National Wildlife Refuge: The Delaware  
12 Water Gap National Recreation Area and a 700-acre  
13 segment of the Appalachian Trail owned by the Na-  
14 tional Park Service.

15 **SEC. 3. STUDY OF REFUGE POTENTIAL AND FUTURE REF-**  
16 **UGE LAND ACQUISITION.**

17 (a) STUDY.—The Secretary shall initiate within 30  
18 days after the date of the enactment of this Act a study  
19 to evaluate the fish and wildlife habitat and aquatic and  
20 terrestrial communities located in Northeastern Pennsyl-  
21 vania and identified on the map entitled, “Proposed Cher-  
22 ry Valley National Wildlife Refuge—Authorization Bound-  
23 ary”, dated February 24, 2005, for their potential acquisi-  
24 tion by the United States Fish and Wildlife Service  
25 through donation, exchange, or willing seller purchase and

1 subsequent inclusion in a future Cherry Valley National  
2 Wildlife Refuge.

3 (b) CONSULTATION.—The Secretary, while con-  
4 ducting the study required under this section, shall consult  
5 appropriate State and local officials, private conservation  
6 organizations, major landowners and other interested per-  
7 sons, regarding the identification of eligible lands, waters,  
8 and interests therein that are appropriate for acquisition  
9 for a national wildlife refuge and the determination of  
10 boundaries within which such acquisitions should be made.

11 (c) COMPONENTS OF STUDY.—As part of the study  
12 under this section the Secretary shall do the following:

13 (1) Determine if the fish and wildlife habitat  
14 and aquatic and terrestrial communities to be evalu-  
15 ated are suitable for inclusion in the National Wild-  
16 life Refuge System and management under the poli-  
17 cies of the National Wildlife Refuge System Admin-  
18 istration Act of 1966 (16 U.S.C. 668dd et seq.).

19 (2) Assess the conservation benefits to be  
20 gained from the establishment of a Cherry Valley  
21 National Wildlife Refuge including—

22 (A) preservation and maintenance of di-  
23 verse populations of fish, wildlife, and plants,  
24 including species listed as threatened species or  
25 endangered species;

1 (B) protection and enhancement of aquatic  
2 and wetland habitats;

3 (C) opportunities for compatible wildlife-  
4 dependent recreation, scientific research, and  
5 environmental education and interpretation;  
6 and

7 (D) fulfillment of international obligations  
8 of the United States with respect to fish, wild-  
9 life, and their habitats.

10 (3) Provide an opportunity for public participa-  
11 tion and give special consideration to views ex-  
12 pressed by local public and private entities regarding  
13 lands, waters, and interests therein for potential fu-  
14 ture acquisition for refuge purposes.

15 (4) The total area of lands, water, and interests  
16 therein that may be acquired shall not in the aggre-  
17 gate exceed 30,000 acres.

18 (d) REPORT.—The Secretary shall, within 12 months  
19 after date of the enactment of this Act, complete the study  
20 required by this section and submit a report containing  
21 the results thereof to the Committee on Resources of the  
22 House of Representatives and the Committee on Environ-  
23 ment and Public Works of the Senate. The report shall  
24 include—

1           (1) a map that identifies and prioritizes specific  
2       lands, waters, and interests therein for future acqui-  
3       sition, and that delineates an acquisition boundary,  
4       for a potential Cherry Valley National Wildlife Ref-  
5       uge;

6           (2) a cost estimate for the acquisition of all  
7       lands, waters, and interests therein that are appro-  
8       priate for refuge status; and

9           (3) an estimate of potentially available acquisi-  
10      tion and management funds from non-Federal  
11      sources.

12       (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
13   authorized to be appropriated to the Secretary \$200,000  
14   to carry out the study.

15   **SEC. 4. DEFINITIONS.**

16       In this Act the term “Secretary” means the Secretary  
17   of the Interior acting through the Director of the United  
18   States Fish and Wildlife Service.

Passed the House of Representatives July 10, 2006.

Attest:

KAREN L. HAAS,

*Clerk.*