

INTERIOR ACTS

PUBLIC LAW 108–23—MAY 19, 2003

Public Law 108–23
108th Congress

An Act

To expand the boundaries of the Ottawa National Wildlife Refuge Complex and the Detroit River International Wildlife Refuge.

May 19, 2003

[H.R. 289]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ottawa National Wildlife Refuge Complex Expansion and Detroit River International Wildlife Refuge Expansion Act”.

SEC. 2. FINDINGS.

Congress finds that—

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

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

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

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

(3) that increased awareness has been accompanied by a gradual shift toward a holistic ecosystem approach that highlights a growing recognition that shoreline areas, commonly referred to as nearshore terrestrial ecosystems, are an integral part of the western basin and the Great Lakes ecosystem;

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

(5) the western basin receives approximately 90 percent of its flow from the Detroit River and only approximately 10 percent from tributaries;

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

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

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

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

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

(A) Mouille, Metzger, and Magee marshes;

(B) the Maumee Bay wetland complex;

(C) the wetland complexes flanking Locust Point; and

(D) the wetland in Sandusky Bay;

Ottawa National Wildlife Refuge Complex Expansion and Detroit River International Wildlife Refuge Expansion Act. Michigan. Ohio. 16 USC 668dd note.

PUBLIC LAW 108-23—MAY 19, 2003

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

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

(13) waterfowl, wading birds, shore birds, gulls and terns, raptors, and perching birds use the wetland in the western basin for migration, nesting, and feeding;

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

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

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

(17)(A) Lake Erie has an international reputation for walleye, perch, and bass fishing, recreational boating, birding, photography, and duck hunting; and

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

(18)(A) many of the 417,000 boats that are registered in the State of Ohio are used in the western basin, in part to fish for the estimated 10,000,000 walleye that migrate from the lake to spawn; and

(B) that internationally renowned walleye fishery drives much of the \$2,000,000,000 sport fishing industry in the State of Ohio;

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

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

(21) by 1951, only 12,407 wetland hectares remained in the western basin;

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

(23) along the Michigan shoreline, coastal wetland was reduced by 62 percent between 1916 and the early 1970s;

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

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

(26) in addition to the actual loss of coastal wetland acreage along the shores of Lake Erie, the quality of much remaining dike wetland has been degraded by numerous stressors, especially excessive loadings of sediments and nutrients, contaminants, shoreline modification, exotic species, and the diking of wetland; and

(27) protective peninsula beach systems, such as the former Bay Point and Woodtick, at the border of Ohio and Michigan near the mouth of the Ottawa River and Maumee Bay, have been eroded over the years, exacerbating erosion along the shorelines and negatively affecting breeding and spawning grounds.

SEC. 3. DEFINITIONS.

In this Act:

(1) INTERNATIONAL REFUGE.—The term “International Refuge” means the Detroit River International Wildlife Refuge

PUBLIC LAW 108-23—MAY 19, 2003

established by section 5(a) of the Detroit River International Wildlife Refuge Establishment Act (16 U.S.C. 668dd note; 115 Stat. 894).

(2) REFUGE COMPLEX.—The term “Refuge Complex” means the Ottawa National Wildlife Refuge Complex and the lands and waters in the complex, as described in the document entitled “The Comprehensive Conservation Plan for the Ottawa National Wildlife Refuge Complex” and dated September 22, 2000, including—

(A) the Ottawa National Wildlife Refuge, established by the Secretary in accordance with the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.);

(B) the West Sister Island National Wildlife Refuge established by Executive Order No. 7937, dated August 2, 1937; and

(C) 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.).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) WESTERN BASIN.—

(A) IN GENERAL.—The term “western basin” means the western basin of Lake Erie, consisting of the land and water in the watersheds of Lake Erie extending from the watershed of the Lower Detroit River in the State of Michigan to and including Sandusky Bay and the watershed of Sandusky Bay in the State of Ohio.

(B) INCLUSION.—The term “western basin” includes the Bass Island archipelago in the State of Ohio.

SEC. 4. EXPANSION OF BOUNDARIES.

(a) REFUGE COMPLEX BOUNDARIES.—

(1) EXPANSION.—The boundaries of the Refuge Complex are expanded to include land and water in the State of Ohio from the eastern boundary of Maumee Bay State Park to the eastern boundary of the Darby Unit (including the Bass Island archipelago), as depicted on the map entitled “Ottawa National Wildlife Refuge Complex Expansion and Detroit River International Wildlife Refuge Expansion Act” and dated September 6, 2002.

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

(b) BOUNDARY REVISIONS.—The Secretary may make such revisions of the boundaries of the Refuge Complex as the Secretary determines to be appropriate to facilitate the acquisition of property within the Refuge Complex.

(c) ACQUISITION.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may acquire by donation, purchase with donated or appropriated funds, or exchange the land and water, and interests in land and water (including conservation easements), within the boundaries of the Refuge Complex.

(2) MANNER OF ACQUISITION.—Any and all acquisitions of land or waters under the provisions of this Act shall be made in a voluntary manner and shall not be the result of forced takings.

(d) TRANSFERS FROM OTHER AGENCIES.—Administrative jurisdiction over any Federal property that is located within the boundaries of the Refuge Complex and under the administrative jurisdiction of an agency of the United States other than the Department of the Interior may, with the concurrence of the head of the administering agency, be transferred without consideration to the Secretary for the purpose of this Act.

(e) STUDY OF ASSOCIATED AREA.—

PUBLIC LAW 108-23—MAY 19, 2003

(1) **IN GENERAL.**—The Secretary, acting through the Director of the United States Fish and Wildlife Service, shall conduct a study of fish and wildlife habitat and aquatic and terrestrial communities in and around the 2 dredge spoil disposal sites that are—

(A) referred to by the Toledo-Lucas County Port Authority as “Port Authority Facility Number Three” and “Grassy Island”, respectively; and

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

Deadline.

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

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

(B) submit to Congress a report on the results of the study.

SEC. 5. EXPANSION OF INTERNATIONAL REFUGE BOUNDARIES.

The southern boundary of the International Refuge is extended south to include additional land and water in the State of Michigan located east of Interstate Route 75, extending from the southern boundary of Sterling State Park to the Ohio State boundary, as depicted on the map referred to in section 4(a)(1).

SEC. 6. ADMINISTRATION.

(a) **REFUGE COMPLEX.**—

(1) **IN GENERAL.**—The Secretary shall administer all federally owned land, water, and interests in land and water that are located within the boundaries of the Refuge Complex in accordance with—

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

(B) this Act.

(2) **ADDITIONAL AUTHORITY.**—The Secretary may use such additional statutory authority available to the Secretary for the conservation of fish and wildlife, and the provision of opportunities for fish- and wildlife-dependent recreation, as the Secretary determines to be appropriate to carry out this Act.

(b) **ADDITIONAL PURPOSES.**—In addition to the purposes of the Refuge Complex under other laws, regulations, Executive orders, and comprehensive conservation plans, the Refuge Complex shall be managed—

(1) to strengthen and complement existing resource management, conservation, and education programs and activities at the Refuge Complex in a manner consistent with the primary purposes of the Refuge Complex—

(A) to provide major resting, feeding, and wintering habitats for migratory birds and other wildlife; and

(B) to enhance national resource conservation and management in the western basin;

(2) in partnership with nongovernmental and private organizations and private individuals dedicated to habitat enhancement, to conserve, enhance, and restore the native aquatic and terrestrial community characteristics of the western basin (including associated fish, wildlife, and plant species);

(3) to facilitate partnerships among the United States Fish and Wildlife Service, Canadian national and provincial authorities, State and local governments, local communities in the United States and Canada, conservation organizations, and other non-Federal entities to promote public awareness of the resources of the western basin; and

PUBLIC LAW 108-23—MAY 19, 2003

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

(A) were established in the report entitled “Great Lakes Strategy 2002—A Plan for the New Millennium”, developed by the United States Policy Committee, comprised of Federal 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.

(c) **PRIORITY USES.**—In providing opportunities for compatible fish- and wildlife-dependent recreation, the Secretary, in accordance with paragraphs (3) and (4) of section 4(a) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)), shall ensure that hunting, fishing, wildlife observation and photography, and environmental education and interpretation are the priority public uses of the Refuge Complex.

(d) **COOPERATIVE AGREEMENTS REGARDING NON-FEDERAL LAND.**—To promote public awareness of the resources of the western basin and encourage public participation in the conservation of those resources, the Secretary may enter into cooperative agreements with the State of Ohio or Michigan, any political subdivision of the State, or any person for the management, in a manner consistent with this Act, of land that—

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

and

(2) is located within the boundaries of the Refuge Complex.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

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

(1) to acquire land and water within the Refuge Complex under section 4(c);

(2) to carry out the study under section 4(e); and

(3) to develop, operate, and maintain the Refuge Complex.

Approved May 19, 2003.

LEGISLATIVE HISTORY—H.R. 289:

CONGRESSIONAL RECORD, Vol. 149 (2003):

Apr. 1, considered and passed House.

May 1, considered and passed Senate.