

109TH CONGRESS
2^D SESSION

H. R. 5232

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.

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2006

Mr. KANJORSKI introduced the following bill; which was referred to the
Committee on Resources

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Cherry Valley National
5 Wildlife Refuge Study 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 as demonstrated by the following:

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

9 (B) Numerous local communities and pub-
10 lic and private conservation entities share com-
11plementary goals for protecting Cherry Valley
12 and are energetically conserving wildlife habitat
13 and farmland. Along with State land-manage-
14 ment agencies and the National Park Service,
15 these local entities represent potential strong
16 partners for the United States Fish and Wild-
17 life Service, and view a Cherry Valley National
18 Wildlife Refuge as a complement to existing
19 private, county, municipal, and State efforts.

20 (C) A number of local landowners have al-
21 ready put their land into conservation ease-
22 ments or other conservation arrangements.

23 (D) A voter-approved Monroe County Open
24 Space Fund and a voter-approved Stroud

1 Township municipal land conservation fund
2 have contributed to many of these projects.

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

10 **SEC. 3. STUDY OF REFUGE POTENTIAL AND FUTURE REF-**
11 **UGE LAND ACQUISITION.**

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

23 (b) CONSULTATION.—The Secretary, while con-
24 ducting the study required under this section, shall consult
25 appropriate State and local officials, private conservation

1 organizations, major landowners and other interested per-
2 sons, regarding the identification of eligible lands, waters,
3 and interests therein that are appropriate for acquisition
4 for a national wildlife refuge and the determination of
5 boundaries within which such acquisitions should be made.

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

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

14 (2) Assess the conservation benefits to be
15 gained from the establishment of a Cherry Valley
16 National Wildlife Refuge including—

17 (A) preservation and maintenance of di-
18 verse populations of fish, wildlife, and plants,
19 including species listed as threatened species or
20 endangered species;

21 (B) protection and enhancement of aquatic
22 and wetland habitats;

23 (C) opportunities for compatible wildlife-
24 dependent recreation, scientific research, and

1 environmental education and interpretation;
2 and

3 (D) fulfillment of international obligations
4 of the United States with respect to fish, wild-
5 life, and their habitats.

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

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

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

21 (1) a map that identifies and prioritizes specific
22 lands, waters, and interests therein for future acqui-
23 sition, and that delineates an acquisition boundary,
24 for a potential Cherry Valley National Wildlife Ref-
25 uge;

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

4 (3) an estimate of potentially available acquisi-
5 tion and management funds from non-Federal
6 sources.

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

10 **SEC. 4. DEFINITIONS.**

11 In this Act the term “Secretary” means the Secretary
12 of the Interior acting through the Director of the United
13 States Fish and Wildlife Service.

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