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APPROVED
OCT 08 1976

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akla.

THE WHITE HOUSE
WASHINGTON
October 4, 1976

ACTION

Last Day: October 9

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON *[Signature]*

SUBJECT:

H.R. 13374 - Minnesota River Valley
National Wildlife Refuge

Posted
10/9/76

archives
10/12/76

Attached for your consideration is H.R. 13374, sponsored by Representative Oberstar.

The enrolled bill would establish the Minnesota River Valley National Wildlife Refuge and an adjacent wildlife recreation area along the lower Minnesota River. It would authorize the appropriation of \$14.5 million for the acquisition of refuge and recreation area lands and \$6 million for facilities and other development over the next five years.

A detailed discussion of the provisions of the enrolled bill is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Kilberg) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 13374 at Tab B.





EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OCT 2 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 13374 - Minnesota
River Valley National Wildlife Refuge
Sponsor - Rep. Oberstar (D) Minnesota

Last Day for Action

October 9, 1976 - Saturday

Purpose

Establishes the Minnesota River Valley National Wildlife Refuge and an adjacent wildlife recreation area, and authorizes appropriations of not more than \$14.5 million and \$6 million for land acquisition and development, respectively.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval
Council on Environmental Quality	Approval
Department of the Army	No objection
Department of Transportation	Defers to Interior

Discussion

The National Wildlife Refuge System Administration Act, as amended, assigns responsibility to the Secretary of the Interior, acting through the U.S. Fish and Wildlife Service, to provide for the preservation, development, and management of wildlife habitat areas included in the National Wildlife Refuge System. Under the Act, new units of the system may be established by law, executive order, or administrative designation by the Secretary of the Interior. The Secretary is

generally authorized to cooperate with any State or other Federal agency in the acquisition, development, and regulation of public use of refuge lands, consistent with the overall purpose of conservation and management of designated wildlife habitat.

The Lower Minnesota River Valley consists of an extensive network of floodplain marshes along the main channel of the Minnesota River. Set in a developing urban area, the valley provides wetlands habitat to a variety of wildlife, including numbers of migratory waterfowl each spring. However, with increased agricultural and other commercial development of the surrounding region, these wetlands face serious damage as additional sections of the river are channelized, diked, filled, or otherwise modified. Several large grain terminals are already located in the area. Also, continued dredging operations in the river channel have created pressure on the State to locate fill sites within the proposed wetlands area. Should the current rate of development persist over the next ten years, it is contended that serious depletion of wildlife populations will result.

The enrolled bill would establish a Minnesota River Valley National Wildlife Refuge and an adjacent wildlife recreation area along a section of the Lower Minnesota River approximately 30 miles southwest of the Minneapolis - St. Paul metropolitan area. It would authorize the appropriation of \$14.5 million for the acquisition of refuge and recreation area lands, and \$6 million for facilities and other development over the next five years. The bill would direct the Secretary of the Interior to acquire approximately 9,500 acres within the boundaries of the proposed refuge area within six years of enactment. Acquisition costs would be financed through the Federal portion of the Land and Water Conservation Fund.

H.R. 13374 would also direct the establishment of an 8,000-acre wildlife recreation area on lands

adjacent to the refuge. These lands would be acquired and administered by the State of Minnesota in cooperation with the Fish and Wildlife Service. For this purpose, the Secretary would be authorized to reimburse the State for up to 50 percent of the cost of planning, acquisition, and development of the area.

The bill further directs the Secretary, in cooperation with the State, to develop a comprehensive plan for the preservation and development of the refuge and adjacent recreation area. This plan, to be completed within three years of enactment, would provide management guidelines for both federally controlled refuge lands and State-Federal recreation areas. In addition, the plan would provide for inclusion of the Minnesota Valley Trail Corridor, authorized and administered by the State, as an integral part of the refuge and recreation area, as well as other provisions considered necessary by the Secretary and the State.

Other provisions of the enrolled bill would:

- direct the construction of a Wildlife Interpretation and Education Center within the boundaries of the refuge for the purpose of encouraging the study and enjoyment of wildlife and its habitat;
- authorize the Fish and Wildlife Service and the Corps of Engineers to cooperate with local authorities in the disposal of materials dredged from the Minnesota River channel within the wildlife refuge/recreation area (to include, where necessary, acquisition of alternative fill sites outside of the protected area); and,
- specifically permit continued provision of vital public services in the area including commercial river navigation, construction and maintenance of highways and bridges, and other services, provided that such activities be carried out with minimum disruption to the natural environment.

In hearings before both the Senate and House Interior Committees on an earlier version of the bill, the Department of the Interior recommended against enactment. That bill would have authorized grants to the State of Minnesota from Land and Water Conservation Fund monies specifically earmarked for Federal refuge projects. Though not opposing the concept of a protected wildlife area on the Lower Minnesota River, the Department pointed out that existing wetlands acquisition authority would permit appropriate protection of this area.

In reporting on the bill, the House Interior Committee noted that recent legislation increasing the authorized level of the Land and Water Conservation Fund, approved by you on September 28, 1976, would increase the estimated apportionment of grant funds available to the State of Minnesota to \$6.1 million in 1978, \$7.6 million in 1979, and \$10.2 million in 1980. Although the Committee report cited an understanding that grants authorized by the bill would be taken from these apportionments, the specific language of the bill would not necessarily preclude an interpretation that these would be new monies to be taken from other discretionary funds.

In its attached enrolled bill letter, Interior reverses its earlier position and now recommends approval. Specifically, the Department notes that:

"The presence of wildlife in an urban setting such as exists in the Minnesota River Valley provides an exceptional opportunity for wildlife and wildlands observation and education. While the refuge created by this bill would be managed primarily to protect and enhance migratory bird resources, visitors could be assisted by such means as foot trails to enjoy wildlife through programs and facilities specifically designed for that purpose. Because of its urban location, this refuge could also provide an excellent

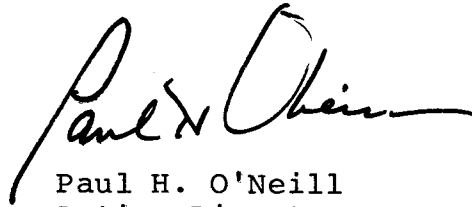
opportunity for scientific research studies by a multitude of education and other research institutions."

While we generally concur in Interior's recommendation for approval, we continue to have several serious reservations concerning the bill.

- First, the Secretary of the Interior already has adequate funds and authority to create a protected wildlife area on the Minnesota River for those animals under Federal jurisdiction. This authority is being used to protect other areas of greater priority for wildlife, since the Minnesota River Valley is not nationally significant for wildlife.
- Second, this bill makes the provision of local education and recreation a primary purpose of the wildlife refuge/recreation area. These activities have traditionally been local responsibilities.
- Third, the bill establishes another urban recreation area under Federal jurisdiction. Yet, neither local government nor the State has moved to protect the area. While the Tinnicum National Environmental Center and San Francisco Bay National Refuge do provide some precedent, we believe this practice is undesirable.

In recommending approval of the bill, in spite of reservations concerning the extent of required Federal involvement, we would point out that a significant portion of the total costs of the project would still be borne by the State of Minnesota either through its own funds or discretionary Federal grant funds apportioned to it. With respect to this latter consideration, we understand that the Department of the Interior will not seek additional

budget authority for this project, but that grants authorized to the State will be taken from its normal Land and Water Conservation Fund apportionment.

A handwritten signature in black ink, appearing to read "Paul H. O'Neill", with a long horizontal flourish extending to the right.

Paul H. O'Neill
Acting Director

Enclosure



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

SEP 28 1976

Dear Mr. Lynn:

This responds to your request for the views of this Department on the enrolled bill H.R. 13374, "To provide for a national wildlife refuge in the Minnesota River Valley, and for other purposes."

We recommend that the President approve the enrolled bill.

H.R. 13374 authorizes the establishment of a 9,500 acre national wildlife refuge along the lower stretches of the Minnesota River between Carver and Fort Snelling. The Secretary is directed, in cooperation with the State of Minnesota, to develop within three years a comprehensive plan for protection, preservation and interpretation of the refuge. Specific direction is provided in this bill to assure continued maintenance of the river for navigation and the construction of roads, bridges and other public services. An authorization of \$14.5 million for the period October 1, 1977, through September 30, 1983, is provided for land acquisition. Six million dollars are provided for development for the period October 1, 1977, through June 30, 1986. Not more than \$500,000 of this sum is to be used for development of a comprehensive plan.

Some eleven thousand years ago, vast melting waters of a retreating glacier formed an inland sea called Lake Agassiz. The only outlet for this inland water carved the wide valley that is today known as the Minnesota River Valley. In the lower stretches of the river valley there is an abundance of seeps and springs. This water, trapped by a natural levee adjacent to the river channel, has resulted in the formation of a series of marshes and lakes which is ideal habitat for an abundance of living natural resources.

During spring migration tens of thousands of waterfowl use the lower Minnesota River floodplains. Some 275 species of migratory birds have been identified in this area. White-tailed deer use the valley continuously with the largest concentrations occurring in winter. Minks, muskrats, raccoons, gray and red foxes, beavers and woodchucks are but a few of the small mammals inhabiting the



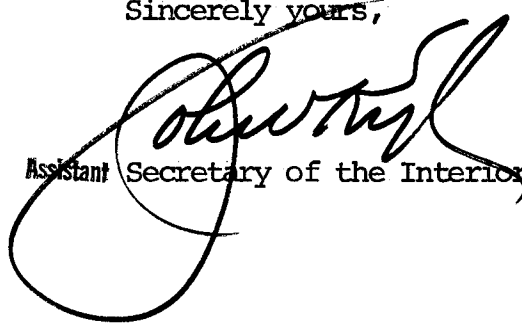
area. While fish in the shallow floodplain lakes are frequently winter killed, carp, pike, sunfish, drum, catfish, shad and gar are abundant in the larger lakes and marshes.

Today the lower Minnesota river is located in the midst of a metropolitan area of some two million people. As would be expected for any navigable waterway in the vicinity of a large urban population, the river has been channelized, diked, filled and otherwise modified for agricultural, industrial and recreational development. The floodplains are extensively farmed and a complex system of roadways run parallel to and across the valley. However, frequent flooding, numerous springs and local citizen efforts have helped to maintain natural areas in several locations that are extremely worthy of protection.

In 1973, concerned citizens of this metropolitan area, who were alarmed at the continued destruction of this urban natural resource, organized to protect the river floodplain. These citizens adopted the national recreation area concept contained in this bill as an innovative means by which to preserve this area.

The presence of wildlife in an urban setting such as exists in the Minnesota River Valley provides an exceptional opportunity for wildlife and wildlands observation and education. While the refuge created by this bill would be managed primarily to protect and enhance migratory bird resources, visitors could be assisted by such means as foot trails to enjoy wildlife through programs and facilities specifically designed for that purpose. Because of its urban location, this refuge could also provide an excellent opportunity for scientific research studies by a multitude of education and other research institutions.

Sincerely yours,


Assistant Secretary of the Interior

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C. 20503

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 2

Time: 600pm

FOR ACTION:

George Humphreys *etc* (for information): Mack Marsh
 Max Friedersdorf *on* Jim Connor
 Bobbie Kilberg *ah* Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 4

Time: noon

SUBJECT:

H.R. 13374-Minnesota River Valley National Wildlife Refuge

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks


REMARKS:

please return to judy johnstongground floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

To: Johnston
10-2-76
5:30


EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OCT 2 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 13374 - Minnesota
River Valley National Wildlife Refuge
Sponsor - Rep. Oberstar (D) Minnesota

Last Day for Action

October 9, 1976 - Saturday

Purpose

Establishes the Minnesota River Valley National Wildlife Refuge and an adjacent wildlife recreation area, and authorizes appropriations of not more than \$14.5 million and \$6 million for land acquisition and development, respectively.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval
Council on Environmental Quality	Approval
Department of the Army	No objection
Department of Transportation	Defers to Interior

Discussion

The National Wildlife Refuge System Administration Act, as amended, assigns responsibility to the Secretary of the Interior, acting through the U.S. Fish and Wildlife Service, to provide for the preservation, development, and management of wildlife habitat areas included in the National Wildlife Refuge System. Under the Act, new units of the system may be established by law, executive order, or administrative designation by the Secretary of the Interior. The Secretary is

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
722 JACKSON PLACE, N. W.
WASHINGTON, D. C. 20006


September 29, 1976

MEMORANDUM FOR JAMES M. FREY
OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: H.R. 13374, a bill "to provide for a national wildlife
refuge in the Minnesota River Valley, and for other
purposes"

Thank you for the opportunity to comment on the above
referenced bill. The Council recommends that the President
sign this legislation.

Establishment of the Minnesota Valley National Wildlife
Refuge will promote environmental education and will provide an
opportunity for the study and enjoyment of wildlife in its
natural habitat. It will also allow the Fish and Wildlife
Service to manage the ecosystem of this area for the benefit of
all species of fish and wildlife concerned.



Constance K. Lundberg
Acting General Counsel



DEPARTMENT OF THE ARMY
WASHINGTON, D.C. 20310

1 OCT 1976

Honorable James T. Lynn

Director, Office of Management and Budget

Dear Mr. Lynn:

The Secretary of Defense has delegated responsibility to the Department of the Army for reporting the views of the Department of Defense on enrolled enactment H.R. 13374, 94th Congress "To establish the Minnesota River Valley National Wildlife Refuge, and for other purposes."

The Department of the Army, on behalf of the Department of Defense, has no objection to the approval of the enrolled enactment.

The purpose of the enactment is to authorize and direct the Secretary of the Interior to establish the Minnesota Valley National Wildlife Refuge consisting of approximately nine thousand five hundred acres which are depicted on the map entitled "Official Map--Minnesota Valley National Wildlife Recreation Area" dated November 1975. The area may be generally described as the Lower Minnesota River floodplain.

The enactment would preserve a unique environmental resource which provides habitat for a large number of migratory waterfowl and other fish and wildlife species. In addition, the enactment would not prohibit or prevent the provision of any vital public service within the refuge, including the continuation of commercial navigation along the main navigation channel of the Minnesota River, or the construction, improvement, and replacement of highways and bridges.

The United States Army Corps of Engineers currently maintains the existing Federal Minnesota River 9-foot channel navigation project which extends from the confluence of the Mississippi and Minnesota Rivers at Minneapolis-St. Paul to above Savage, a distance of 14.7 river miles. Local interests provide, in accordance with the law authorizing the Federal project, disposal sites for material dredged by the Corps of Engineers at Federal expense during channel maintenance. The Department of the Army, on behalf of the Department of Defense, understands

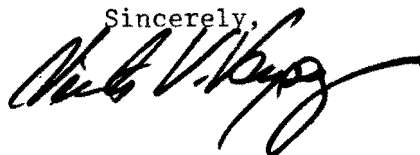
that this Federal project will not be adversely affected by the enactment.

It is noted that the bill overlooks the fact that the Department of the Air Force controls 26.9 acres used for a small arms range and training site which lie within the boundary of the proposed National Wildlife Recreation Area, and that military flying operations are conducted at nearby Minneapolis/St. Paul International Airport. It is recommended that remedial legislation be initiated to recognize these Air Force requirements.

The approval of this enactment will cause no apparent increase in budgetary requirements of the Department of Defense.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

Sincerely,



Victor V. Veysey
Assistant Secretary of the Army
(Civil Works)



THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

SEP 29 1976

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Lynn:

This is in response to your request for this Department's comments on enrolled bill H.R. 13374,

"To provide for a national wildlife refuge in the Minnesota River Valley, and for other purposes."

This enrolled bill would provide for the establishment of a national wildlife refuge, including a wildlife recreation area, in the Minnesota River Valley. The refuge would be located close to the Minneapolis-St. Paul metropolitan area. The Secretary of the Interior is assigned responsibility for implementation of the Act.

The Act has a minor impact upon the programs of this Department because airport-related facilities, including an approach lighting system and a planned waste water treatment plant, appear to be located within the proposed wildlife refuge area. However, Section 9 of the Act prevents the prohibition of public services in the designated refuge area if the Secretary of the Interior determines such services to be necessary. We are confident that the Secretary would determine that the maintenance of air commerce to this area is a necessary public service. The Department would, of course, ensure that all airport-related activities in the area of the wildlife refuge are conducted in a manner consistent with the objectives of the Act.

In view of the significant impact of the bill on the Department of the Interior we defer to their recommendation concerning approval or disapproval. With respect to the bill's described effect on this Department's programs we have no objection to the signing of this bill by the President.

Sincerely,

A handwritten signature in black ink, reading "William T. Coleman, Jr.", is written over the typed name. The signature is fluid and cursive.

William T. Coleman, Jr.

Date: October 2

Time: 600pm

FOR ACTION

George Humphreys
Max Friedersdorf
Bobbie Kilberg

cc (for information):

Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 4

Time: noon

SUBJECT:

H.R. 13374-Minnesota River Valley National Wildlife
Refuge

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

10/4

No objection.

B. Rott

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

Date: October 2

Time: 600pm

FO ACTION:

George Humphreys ✓	cc (for information):	Jack Marsh
Max Friedersdorf		Jim Connor
Bobbie Kilberg		Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 4

Time: noon

SUBJECT:

H.R. 13374-Minnesota River Valley National Wildlife Refuge

ACTION REQUESTED:

- | | |
|---|---|
| <input type="checkbox"/> For Necessary Action | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply |
| <input checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks |

REMARKS:

please return to judy johnston, ground floor west wing

I recommend approval
ACT

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

Date: October 2

Time: 600pm

FOR ACTION:

George Humphreys
Max Friedersdorf
Bobbie Kilberg

cc (for information):

Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 4

Time: noon

SUBJECT:

H.R. 13374-Minnesota River Valley National Wildlife
Refuge

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

*Recommend Approval. (ref)*PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

MINNESOTA RIVER VALLEY NATIONAL WILDLIFE REFUGE

SEPTEMBER 2, 1976.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mrs. SULLIVAN, from the Committee on Merchant Marine and
Fisheries, submitted the following

REPORT

[Including cost estimate of the Congressional Budget Office]

[To accompany H.R. 13374]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H.R. 13374) to establish the Minnesota River Valley National Wildlife Refuge, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Minnesota Valley National Wildlife Refuge Act".

DECLARATION OF POLICY

SEC. 2. (a) FINDINGS.—The Congress finds and declares the following:

(1) The Lower Minnesota River Valley, which provides habitat for a large number of migratory waterfowl, fish, and other wildlife species, is a unique environmental resource.

(2) This valley is located close to a large metropolitan area and, accordingly, it is of great value as a source of environmental education, recreational opportunities, and interpretive programs for hundreds of thousands of urban dwellers.

(3) This valley is currently threatened with spoilation, removal from public access, and ecological downgrading, through commercial and industrial development.

(4) Despoliment of this valley and its flood plain will result in the permanent loss of unique social, educational, and environmental assets.

(b) POLICY.—It is therefore declared to be the policy of the Congress in this Act to preserve the Minnesota River Valley through the establishment of the Minnesota Valley National Wildlife Refuge.

DEFINITIONS

SEC. 3. As used in this Act:

(1) The terms "conserve" and "conservation" mean to use, and the use of, methods and procedures which are necessary to assure, to the maximum extent practicable, the continued existence of populations of fish and wildlife. Such methods and procedures may include, but are not limited to, all activities associated with scientific resource management, including research, census, law enforcement, habitat acquisition, and public information and education.

(2) The term "interests therein" means any property interest in lands and waters, including, but not limited to, a leasehold, an easement, a future interest, or an equitable use.

(3) The term "refuge" means the Minnesota Valley National Wildlife Refuge, established pursuant to section 4 of this Act.

(4) The term "Secretary" means the Secretary of the Interior, acting through the United States Fish and Wildlife Service.

(5) The term "State" means the State of Minnesota and any political subdivision thereof.

(6) The term "wildlife recreation area" means the wildlife recreation area established adjacent to the refuge, pursuant to section 5 of this Act.

THE REFUGE

SEC. 4. (a) ESTABLISHMENT.—The Secretary shall establish, in accordance with this section, the Minnesota Valley National Wildlife Refuge by publication of a notice to that effect in the Federal Register upon completion of the comprehensive plan pursuant to section 6 of this Act. The refuge shall consist of—

(1) approximately 9,500 acres of lands, marshes, submerged lands, and open waters in the lower Minnesota River Valley, which are depicted as a wildlife refuge on a map dated November 1975 and entitled "Official Map—Minnesota Valley National Wildlife Refuge-Recreation Area", which shall be on file and available for public inspection in the offices of the United States Fish and Wildlife Service of the Department of the Interior; and

(2) any additional lands, waters, and interests therein, which the Secretary may acquire and designate for inclusion in the refuge.

(b) ACQUISITION AND ADMINISTRATION.—(1) The Secretary shall, within 6 years after the date of enactment of this Act, acquire lands, waters, and interests therein, within the boundaries of the refuge, by (A) donation; (B) purchase (with donated, transferred, or appropriated funds); or (C) exchange.

(2) With respect to the Black Dog Lake unit, as identified on the map referred to in subsection (a) (1) of this section, the Secretary may not acquire any lands, waters, or interests therein unless such acquisition is compatible with the continued operation of the electric power generation plant presently located within such unit. The Secretary may negotiate and enter into an agreement, with the owner of such powerplant, for the joint or cooperative conservation and management of such unit.

(3) The Secretary shall develop and administer the lands, waters, and interests therein, which are acquired for the refuge, in accordance with the National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C. 688dd et seq.). The Secretary may also exercise any other authority available to him for the conservation and management of wildlife and natural resources, the development of wildlife recreational opportunities, wildlife interpretation, and environmental education, to the extent deemed by him to be appropriate to carry out the purposes of this Act.

(c) WILDLIFE INTERPRETATION AND EDUCATION CENTER.—The Secretary shall construct, administer, and maintain, at an appropriate site within the refuge, a wildlife interpretation and education center. Such center shall be designed and operated to promote environmental education and to provide an opportunity for the study and enjoyment of wildlife in its natural habitat.

(d) REVENUE SHARING.—Payments made, in accordance with the Refuge Revenue Sharing Act (16 U.S.C. 715s), to the counties in which units of the refuge are located shall be distributed by such counties to municipalities and townships on the same pro rata basis as is used in the distribution of real estate taxes.

THE WILDLIFE RECREATION AREA

SEC. 5. (a) GENERAL.—The Secretary shall establish, in cooperation with the State and in an area adjacent to the refuge, a wildlife recreation area by publication of a notice to that effect in the Federal Register upon completion of the comprehensive plan pursuant to section 6 of this Act. Such area shall consist of the lands, waters, and interests therein which are depicted as a recreation area on the map referred to in section 4 (a) (1) of this Act. The wildlife recreation area shall, in general, consist of—

(1) those portions of the Lower Minnesota River floodplain and which are necessary for one or more of the following: public access to such area; safety; the well-being of the visiting public; and the operation and maintenance of such area; and

(2) any additional areas which are adjacent to such floodplain and which are located between the city of Jordan, Minnesota, and Fort Snelling State Park, excluding the industrialized component thereof located in the municipalities of Savage, Chaska, Shakopee, and Burnsville, Minnesota.

(b) ACQUISITION AND ADMINISTRATION.—Lands, waters, and interests therein, which are within the boundaries of the wildlife recreation area, shall, with the agreement of the State, be acquired, developed, and administered by the State (in cooperation with the Secretary) in accordance with the provisions of the comprehensive plan developed under section 6 of this Act.

COMPREHENSIVE PLAN

SEC. 6. (a) GENERAL.—Within 3 years after the date of enactment of this Act, the Secretary shall, in cooperation with the State and political subdivisions thereof, develop a comprehensive plan for the conservation, protection, preservation, and interpretation of the Minnesota Valley National Wildlife Refuge and the adjacent wildlife recreation area.

(b) MANAGEMENT CATEGORIES.—The plan required by subsection (a) of this section shall delineate and provide appropriate management guidelines for the following two categories of property:

(1) Category I.—The Minnesota Valley National Wildlife Refuge, to be acquired and managed by the Secretary pursuant to section 4 (b) of this Act.

(2) Category II.—Public nature-recreation areas, to be acquired (in fee or by lease, easement, donation, or other agreement) and managed by the State (in cooperation with the Secretary) pursuant to section 5 (b) of this Act.

(c) OTHER REQUIREMENTS.—The plan required by subsection (a) of this section shall—

(1) provide for the Minnesota Valley Trail Corridor, authorized by Minnesota Statute, 1969, section 85.198, as an integral part of the Minnesota Valley National Wildlife Refuge and the adjacent wildlife recreation area; and

(2) contain such other provisions relating to public use, law enforcement, wildlife conservation, environmental education and interpretation, and other matters as the Secretary and the State deem necessary to preserve, protect, and enhance the refuge-recreation area and to carry out the purposes of this Act.

FINANCIAL ASSISTANCE

SEC. 7. (a) GRANTS.—The Secretary shall provide sufficient financial assistance to the State to enable it to acquire and develop lands, waters, and interests therein in the wildlife recreation area. A grant made under this section shall only be used with respect to lands, waters, and interests therein which are acquired by the State after the establishment of the wildlife recreation area. The Secretary may reimburse the State for lands, waters, and interests therein which are acquired prior to the establishment of the wildlife recreation area if such lands, waters, and interests therein are contained within the area at the time of its establishment. Such grants shall be subject to such other terms and conditions as may be prescribed by the Secretary. Any grants made from the Land and Water Conservation Fund shall be subject to the provisions of section 6 of the Land and Water Conservation Fund Act, as amended (16 U.S.C. 4601-8).

(b) LIMITATIONS.—Any payment made by the Secretary under this section shall be subject to the following condition: The conversion, use, or disposal of

any lands, waters, and interests therein which are required by the State, directly or indirectly, with Federal financial assistance provided under this section, for purposes contrary to the purposes of this Act (as determined by the Secretary), shall create in the United States a right to compensation from the State in an amount equal to the fair market value of the land at the time of conversion, use or disposal, or an amount equal to the Federal payment for acquisition and development of the land, whichever is greater.

SPOIL SITES

SEC. 8. The Secretary and the United States Corps of Engineers shall assist appropriate local authorities in the disposal of dredge material and in the designation of sites for deposit of dredge material, so as to minimize the disruption of wildlife and the reduction of scenic and recreational values and so as to assure the continuation of navigation on the riverway. The Secretary may acquire such alternative sites, outside the boundary of the refuge-recreation area, as may be necessary, in exchange for sites existing in the area on the date of enactment of this Act. The value of any properties so exchanged shall be approximately equal as determined by the Secretary or, if not, such value shall be equalized by the payment of cash, to the owners of the property within the refuge-recreation area or to the Secretary, as the circumstances require. The Secretary is authorized to expend not more than 20 per centum of the funds appropriated for acquisition of the refuge under section 10(a) of this Act to assist in the disposal of dredge material and to purchase alternative sites for deposit of dredge material as may be necessary outside the boundaries of the refuge and recreation area.

CONTINUED PUBLIC SERVICES

SEC. 9. Nothing contained in this Act shall be construed as prohibiting or preventing the provision of vital public services, including—

- (1) the continuation of commercial navigation in the main navigation channel of the Minnesota River which lies within the refuge-recreation area;
- (2) the construction, improvement, and replacement of highways and bridges, whether or not the highway is a Federal-aid highway; or
- (3) any other activity which the Secretary determines to be necessary; if the provision of such services is otherwise in accordance with law. Any activity referred to in this section shall be carried out so as to minimize the disruption of the wildlife and the reduction of recreational and scenic values of the area, consistent with economic feasibility.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 10. (a) ACQUISITION.—There are authorized to be appropriated such amounts as may be necessary for acquisition of lands, waters, and interests therein in the refuge-recreation area, pursuant to sections 4(b)(1) and (7)(a) of this Act, except that such sums shall not exceed a total of \$14,500,000 for the period beginning October 1, 1977, and ending September 30, 1983.

(b) DEVELOPMENT.—There are authorized to be appropriated such amounts as may be necessary for the development of the refuge-recreation area, except that such sums shall not exceed \$6,000,000 for the period beginning October 1, 1977, and ending September 30, 1986. Not more than \$500,000 of such sums shall be used for the development of the comprehensive plan pursuant to section 6 of this Act.

Amend the title so as to read:

A bill to provide for a national wildlife refuge in the Minnesota River Valley, and for other purposes.

PURPOSE OF THE LEGISLATION

The purpose of the legislation is to preserve and enhance wildlife habitat of migratory waterfowl, fish and other wildlife species and to provide wildlife recreational opportunities including environmental

education and interpretive programs in the lower Minnesota River Valley through the establishment of the Minnesota Valley National Wildlife Refuge and an adjacent wildlife recreation area.

In accordance with this purpose, the legislation would authorize and direct the Secretary of the Interior to establish and administer, through the U.S. Fish and Wildlife Service, a wildlife refuge of approximately 9,500 acres in the lower Minnesota River Valley and to acquire such lands within six years. The Secretary is also authorized to establish adjacent to the refuge and in cooperation with the State of Minnesota and its political subdivisions a wildlife recreation area of approximately 8,000 acres. Lands within the recreation area are to be acquired and administered by the State and units of local government in cooperation with the U.S. Fish and Wildlife Service. The Secretary is authorized to grant financial assistance to the State for acquisition of the recreation area lands. The legislation authorizes the appropriation of \$14½ million for acquisition of the refuge and wildlife recreation area and \$6 million for development beginning in fiscal year 1978.

LEGISLATIVE BACKGROUND

H.R. 13374 was introduced on April 28, 1976, by Mr. Oberstar of Minnesota, and referred to the Merchant Marine and Fisheries Committee. A similar bill, H.R. 11323, had also been introduced by Mr. Frenzel and Mr. Hagedorn of Minnesota which was jointly referred to the Interior and Insular Affairs Committee and this Committee. In addition, the Senate Commerce Committee reported S. 2097 on June 8, 1976, a similar bill on which hearings were held in November 1975.

The House Subcommittee on Fisheries and Wildlife Conservation and the Environment held one day of hearings on all related bills in Minneapolis, Minnesota, on July 8, 1976. Some 35 witnesses representing the Federal, State, and local governments, land owners and interested citizens all testified in favor of the legislation, although concern was expressed by several local residents regarding the maintenance of vital public services in the area.

The Department of the Interior, in its legislative report, opposed enactment of the legislation for the reason that present authority already existed for this purpose.

After considering the testimony presented and the Departmental Report, the Subcommittee amended H.R. 13374 by adopting the language of S. 2097 with several minor changes and reported a clean bill to the Full Committee. The clean bill, H.R. 13374, with amendments, was then unanimously ordered reported by the Full Committee to the House.

BACKGROUND AND NEED FOR THE LEGISLATION

The Lower Minnesota River Valley is a unique environmental resource composed of a series of floodplain marshes along the main channel of the Minnesota River. The valley provides extensive wildlife habitat in an urban setting with nearly 2 million people within a 30-minute drive. The extensive marshlands are specially noted for their large populations of waterfowl which use them as production, migration and wintering grounds. At one time or another 24 species of waterfowl have been recorded on the marshes along with 250 other

species of birds. Over 600 deer have been counted during the winter along this 30-mile stretch of river. Mink, muskrat, raccoon, fox, beaver, and rabbit are abundant. The river valley has value to those who hunt or fish or simply enjoy wildlife. It also has value for scientific and environmental education study purposes. It provides open space; it functions as a natural system for handling flood waters; and it has high historical value for the citizens of Minnesota.

The floodplain marshes are in constant danger of destruction. Annually, new plans come forth that describe the modification of natural habitat for commercial gain. Without protection, economic development of the Lower Minnesota River floodplain would occur in two major forms—river navigation development in the floodway and non-water oriented commercial/industrial development in the floodplain (flood storage area).

The current and projected future demand for commercial navigation on the Lower Minnesota River primarily centers around the grain market—corn and soybeans from Minnesota and the Dakotas. It is assumed that the Corps of Engineers' 9-foot channel will never be extended upstream from its existing limit at Savage, Minnesota (river mile 14.7). Therefore, commercial navigation development will be greatly limited beyond this point due to the shallow river depths and the need for additional dredging—already a problem of great magnitude on the existing 9-foot channel. It also is assumed that the State of Minnesota will deviate little from its strict regulations which prohibit certain types of development within the floodway of the Lower Minnesota River floodplain. Some of the north bank of the Lower Minnesota River is park land. Thus, the most likely stretch of the river to receive commercial navigation development pressure would be the south bank between the I-35W highway bridge and upstream to Savage. Here, the floodway boundary is located relatively close to the river channel, thus allowing construction of grain loading and storage facilities adjacent to a river-connected barge slip.

This 5-mile stretch of river already contains three grain terminals. A permit to build a fourth grain terminal near Savage has recently been under review. A fifth grain terminal is proposed near Burnsville landfill. Another grain terminal has been suggested near the Freeway landfill. In addition to the new projects, expansion of two of the three existing grain terminals can be expected. It is quite possible that a seventh terminal could also be constructed in this 5-mile stretch.

The new or proposed grain terminals are located where the environment has long since been altered. Few wetlands remain. Currently, the area is faced with the problem of periodic dredging to maintain the river channel depth and disposal of the dredged material. Although several temporary dredged material disposal sites exist, there are not enough sites between Fort Snelling and Savage to meet the current disposal needs nor are the existing sites adequate to meet future needs.

The proposed national wildlife area lands are located on the north bank of the river along this 5-mile stretch. Most of these areas are wetlands. Without protection, the Lower Minnesota River Watershed District and the Corps of Engineers would continue to put pressure on the State of Minnesota to obtain part of the wetlands as "temporary" storage basins for dredged materials. At a later date, the dredged materials could be trucked to other locations. This activity could be

considered "legal" in the floodway since disposal is not permanent. It would also encourage further development of the remaining floodplain on the south banks. In addition to the degradation of wetlands on the north bank, these future developments could substantially increase the regional flood levels further upstream. Ultimately, the degradation of upstream wetlands and open space lands would be accelerated.

The other major form of economic development to occur would be non-water oriented commercial/industrial facilities in the floodplain. These developments are directly enhanced by the presence of Minnesota Highways 13 and 101 and the Chicago Northwestern Railroad. Today, the floodplain between Burnsville and Shakopee contains a great variety of commercial and industrial developments. These developments include, in part, landfills, sand and gravel mining, amusement/recreation parks, warehouses, small businesses, a restaurant and an oil transfer company. It is estimated that 25 percent of the floodplain between Burnsville and Shakopee is currently under intensive development. Without the proposed national wildlife recreation area, it is estimated that another 25 percent of the floodplain—totaling 50 percent—could legally be developed within 10 years.

The projected loss of "forestland" would adversely affect the deer and pheasant populations. Currently, over 600 deer winter in the woods and shrub lands between Fort Snelling and Chaska. Between 10 and 25 percent of the winter herd could be reduced as the natural habitat is converted to commercial and industrial developments.

Without the proposed refuge/recreation area, overuse and depletion of the wildlife populations will occur as a result of overcrowded and uncontrolled recreational public use. A quality hunting, fishing or nonconsumptive experience will be increasingly rare. With 2 million people only minutes away, the need to properly manage the area to provide a quality outdoor experience is a necessity.

The future of the fish and wildlife resources without the national wildlife recreation area can be categorized in two ways—direct loss of fish and wildlife populations and loss of fish and wildlife recreational use opportunities.

The high productivity of the Lower Minnesota River floodplain wetlands is attributed to the diverse association of many wetland areas and types. The loss of wetland areas and diversity will result in a proportionately greater loss of associated fish and wildlife populations. For instance, preliminary surveys indicate that approximately two ducks are produced to flight stage per wetland acre, compared to 1.0 to 1.5 ducks per acre in other areas in the seven county metropolitan area. If 20 percent of these wetlands are filled or drained in the next 10 years, it is estimated that between 25 to 30 percent of the current waterfowl production could be eliminated. Likewise, the attractiveness of the area to migrant and nesting waterfowl would also reduce the area's attractiveness to raptors, particularly the occasional osprey, bald eagle and endangered peregrine falcon.

A group of local citizens alarmed with the prospects of destruction of this unique urban resource organized to protect the river floodplain. Their organization, the Lower Minnesota River Valley Citizen's Committee, held public meetings, distributed materials and encouraged action by the U.S. Fish and Wildlife Service and the Congress. In response, the U.S. Fish and Wildlife Service studied the Minnesota Valley area that lies between Jordan and Fort Snelling. The

study report concluded that establishment of a refuge was warranted. Shortly thereafter, legislation was introduced into the Congress.

The legislation is significant in several ways in addition to the protection it would afford. First, it provides for direct involvement of the State and local communities in the development and administration of the area and; second, it creates an urban wildlife refuge, of which there are presently only seven.

Although the Department of the Interior opposed enactment of this legislation creating the Minnesota River Valley National Wildlife Refuge on the grounds that general authority already existed for this purpose, the Committee concluded that the developing pressures on this unique area were rapidly growing and that expeditious action was warranted.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 cites as the short title of the bill the "Minnesota Valley National Wildlife Refuge Act".

Section 2. Declaration of policy

Subsection 2(a) sets forth congressional findings that the lower Minnesota River Valley (1) is a unique environmental resource which provides habitat for a large number of wildlife species; (2) offers wildlife-oriented educational and recreational opportunities for hundreds of thousands of urban dwellers; (3) is currently threatened with industrial and commercial development; and (4) would lose its unique social, educational, and environmental assets if despoiled.

Subsection 2(b) declares the policy of Congress to be the preservation of the lower Minnesota River Valley through the establishment of the Minnesota Valley National Wildlife Refuge.

Section 3. Definitions

Paragraph (1) defines the terms "conserve" and "conservation" as the use of methods and procedures which are necessary to assure the continued existence of populations of fish and wildlife, including research, census, law enforcement, habitat acquisition, and public information and education.

Paragraph (2) defines the term "interest therein" as any property interest in lands and waters, including, but not limited to, a lease, an easement, a future interest or an equitable use.

Paragraph (3) defines the term "refuge" as the Minnesota Valley National Wildlife Refuge, established pursuant to section 4 of the Act.

Paragraph (4) defines the term "Secretary" as the Secretary of the Interior, acting through the U.S. Fish and Wildlife Service.

Paragraph (5) defines the term "State" as the State of Minnesota and any political subdivision thereof.

Paragraph (6) defines the term "wildlife recreation area" as the wildlife recreation area established adjacent to the refuge, pursuant to section 5 of the Act.

Section 4. The refuge

Subsection 4(a) directs the Secretary of the Interior to establish a 9,500-acre Minnesota Valley National Wildlife Refuge, consisting of the lands and waters depicted as a wildlife refuge on the map dated November 1975, and entitled "Minnesota Valley National Wildlife Refuge-Recreation Area," which is on file with the U.S. Fish and Wild-

life Service. The Secretary is authorized to add to the refuge, from time to time, such lands as he sees fit. Establishment of the refuge will be through publication of a notice in the Federal Register upon completion of the comprehensive plan pursuant to section 6.

Paragraph 4(b)(1) directs the Secretary to acquire the lands within the refuge within 6 years after the enactment of this legislation. Lands may be acquired by donation, purchase or exchange.

Paragraph 4(b)(2) specifies that, with respect to the Black Dog Lake Unit of the refuge, the Secretary may acquire only those lands, waters or interest therein, as are compatible with the continued operation of the electric power generation plant presently located on the property. This subsection also authorizes the Secretary to enter into a cooperative agreement with the owner of the powerplant for the management of the unit.

Paragraph 4(b)(3) directs the Secretary to administer the refuge in accordance with the National Wildlife Refuge System Administration Act of 1966. This subsection also authorizes the Secretary to use such additional authority as may be available to him for the management of the refuge.

Subsection 4(c) directs the Secretary to construct, administer and maintain, at an appropriate site within the refuge, a Wildlife Interpretation and Education Center for the study and enjoyment of wildlife in its natural habitat.

Subsection 4(d) provides that payments made to the counties in accordance with the Refuge Revenue Sharing Act (16 U.S.C. 715s) shall be distributed to municipalities and townships on the same pro rata basis as is used in the distribution of real estate taxes. This subsection is designed to provide compensation to localities for loss of revenue which may be incurred by the removal of the refuge lands from the tax rolls.

Section 5. The wildlife recreation area

Subsection 5(a) directs the Secretary to establish, in cooperation with the State, and adjacent to the refuge, a wildlife recreation area, as depicted in the map referred to in section 4(a)(1). Establishment of the area will be through publication of a notice in the Federal Register upon completion of the comprehensive plan pursuant to section 6 of the Act.

Subsection 5(b) provides that, with the consent of the State, the lands contained in the recreation area shall be acquired, developed, and administered by the State in cooperation with the U.S. Fish and Wildlife Service, and in accordance with the terms of the comprehensive plan provided for under section 6 of the Act.

Section 6. Comprehensive plan

Subsection 6(a) directs the Secretary to formulate in cooperation with the State, and within 3 years of the enactment a comprehensive plan for the protection, preservation and interpretation of the refuge and the adjacent wildlife recreation area.

Subsection 6(b) stipulates that the above-mentioned comprehensive plan provide management guidelines for two categories of land: (1) refuge lands, which are to be acquired and managed by the Secretary, and (2) public nature-recreation lands to be acquired and managed by the State in cooperation with the U.S. Fish and Wildlife Service.

Subsection 6(c) directs that the comprehensive plan shall also provide for the Minnesota Valley Trail Corridor, which has already been established pursuant to State law, as an integral part of the refuge and recreation area. In that regard, snowmobiling would be allowed on portions of the Minnesota Valley trail provided it is a use authorized by the State of Minnesota. However, it would not be allowed anywhere on the wildlife refuge except the State trail. The comprehensive plan may also contain such other provisions as the Secretary and the State deem necessary to preserve, protect, and enhance the refuge and recreation area.

Section 7. Financial assistance

Subsection 7(a) authorizes the Secretary to provide financial assistance to the State to acquire lands within the recreation area, although such assistance may be provided only after the area has been established by publication of a Federal Register notice, as provided for in section 5. The Secretary may reimburse the State for lands acquired prior to this time provided that these lands are included in the recreation area when it is established. Any grants made under this section from Land and Water Conservation Funds shall be subject to Section 6 of the Land and Water Conservation Act, as amended (16 U.S.C. 4601-8). The Act currently authorizes the Secretary to reimburse a State for up to 50 percent of the cost of planning, developing or acquiring a wildlife recreation project.

Subsection 7(b) provides that in the event the State uses land acquired or developed with Federal funds provided pursuant to section 7(a) in a manner contrary to the purposes of the Act, the Federal Government would be entitled to compensation from the State in the amount equal to the fair market value of the land at the time of conversion, use or disposal or an amount equal to the Federal payment for acquisition and development of the land whichever is greater.

Section 8. Spoil sites

Section 8 directs the U.S. Fish and Wildlife Service and the Corps of Engineers to assist local authorities in the disposal of dredge material and in the designation of sites appropriate for the deposit of such material.

The Secretary is also authorized to acquire, as necessary, spoil sites outside the boundaries of the refuge and recreation area in exchange for sites existing at the time that this legislation is enacted. The value of the exchanged properties must be approximately equal or be equalized by the payment of cash to the owners of the property or to the Secretary, as appropriate.

Section 9. Continued public services

Section 9 clarifies that nothing contained in this legislation shall in and of itself, be construed as prohibiting the provision of vital public services which may affect the refuge and recreation area, if these services are provided in a manner otherwise in accordance with law. New highway and bridge construction, maintenance and improvement would be permitted in accordance with this Act and other applicable law, subject only to the condition that such activities be carried out with minimum disruption of wildlife consistent with economic feasibility. This condition is intended to insure proper protection for wildlife and related values but to make clear that the designation

of the Minnesota Valley as a wildlife refuge and recreation area shall not be construed as a legal bar to maintenance of the navigation channel or future highway and bridge development.

Two specific transportation projects were mentioned during the hearings. The first is the replacement of the present Cedar Avenue bridge located in Bloomington, Minn. It is anticipated that land acquisition for this project will be well underway before land acquisition for the refuge begins. In the event that State acquisition is delayed, however, the Committee intends that the U.S. Fish and Wildlife Service cooperate with the Minnesota Highway Department in the acquisition of refuge lands to avoid conflict with the bridge project. The second undertaking involves the construction of a bridge between the cities of Savage and Shakopee in Scott County, which will provide a modern corridor linking Highway 169 north and south of the river. (Highway 169 is used to carry grain from the Iowa border and points as far south as Texas to terminals in the Minneapolis-St. Paul metropolitan area.) The Committee anticipates that a future Highway 169 bridge will be constructed, subject to existing procedures for approval of State and/or federally aided highways. To insure that enactment of this legislation constitutes no new obstacle to construction of the bridge, the comprehensive plan prepared pursuant to section 6 should include recognition of plans for the future Highway 169 bridge crossing.

Section 9 also authorizes the Secretary to permit other uses of the refuge which he determines are needed to fulfill the public service requirements of communities adjacent to the Minnesota River Valley. An example of such activity is the construction of electrical transmission lines, which the Secretary could approve provided that the lines can be installed and maintained without jeopardizing the wildlife and recreational qualities of the refuge and recreation area.

Section 10. Authorization for appropriations

Subsection 10(a) authorizes to be appropriated such amounts as necessary not to exceed \$14.5 million for fiscal years 1978 through 1983 for acquisition of the refuge lands and for assistance to the State for acquisition of the recreation area lands.

The U.S. Fish and Wildlife Service anticipates using Land and Water Conservation Funds to provide financial assistance to the States for acquisition and development of the wildlife recreation area. Under the recent amendments to the Land and Water Conservation Fund Act, the State of Minnesota estimated apportionment would be \$6.1 million in the first year, \$7.6 million in the second year, and \$10.2 million in the third year. These amounts should be sufficient to provide financial assistance to the States under section 7.

Subsection 10(b) authorizes to be appropriated not to exceed \$6 million for fiscal years 1978 through 1986 for development of the refuge and recreation area. Not more than \$500,000 of this money may be used for the development of the comprehensive plan pursuant to section 6 of the act.

COST OF THE LEGISLATION

The Committee estimates that in the event this legislation is enacted into law, the additional cost to the Federal Government would be \$20.5 million from fiscal years 1978 through 1986.

COMPLIANCE WITH CLAUSE 2(1)(3) OF RULE XI

With respect to the requirements of Clause 2(1)(3) of the Rule XI of the Rules of the House of Representatives—

(a) No oversight hearings were held on the administration of this Act during this session of Congress, beyond the one day of hearings on the legislation held by the Subcommittee on Fisheries and Wildlife Conservation and the Environment.

(b) Section 308(a) of the Congressional Budget Act of 1974 is not applicable. Therefore, no statement is furnished.

(c) The Committee on Government Operations has sent no report to the Committee on Merchant Marine and Fisheries pursuant to Clause 2(b)(2) of Rule X.

(d) An estimate and comparison of costs has been received by the Committee from the Director of the Congressional Budget Office, pursuant to section 403 of the Congressional Budget Act of 1974. The letter follows.

CONGRESSIONAL BUDGET OFFICE, *September 2, 1976.*

COST ESTIMATE

1. Bill number: H.R. 13374.

2. Bill title: A bill to provide for a national wildlife refuge in the Minnesota River Valley, and for other purposes.

3. Purpose of bill: This bill instructs the Secretary of the Interior to establish a wildlife refuge in the lower Minnesota River Valley, and adjacent to it, a wildlife recreation area. The Secretary is also charged with acquiring all lands within the refuge, developing with the State a comprehensive plan for both the refuge and the recreation area, assisting the State financially to acquire lands and waters within the recreation area, and establishing a wildlife interpretation and education center. The bill authorizes appropriations for both acquisition and development of the refuge-recreation area. This is an authorization bill that requires subsequent appropriation action.

4. Cost estimate:

	<i>Millions</i>
Fiscal year 1978:	
Authorization level -----	\$20.5
Cost -----	1.5
Fiscal year 1979:	
Authorization level -----	3.3
Cost -----	3.3
Fiscal year 1980:	
Authorization level -----	4.
Cost -----	4.
Fiscal year 1981:	
Authorization level -----	6.8
Cost -----	6.8
Fiscal year 1982:	
Authorization level -----	3.1
Cost -----	3.1
Fiscal years 1983-86:	
Authorization level -----	1.8
Cost -----	1.8

5. Basis of estimate: The authorization amounts are specified in the bill. Up to \$14.5 million is authorized to be appropriated from fiscal

year 1978 through fiscal year 1983 for the acquisition of lands, waters and interests within the refuge and recreation area. In addition, a maximum of \$6 million is authorized for the development of the refuge and recreation area. The bill also specifies that up to a maximum of \$500,000 of the \$6 million development authorization is intended for the development of the comprehensive plan for the area. The plan is to be completed within 3 years of enactment.

Acquisition.—Based upon current real estate values, acquiring the property in the refuge will cost \$8.3 million, and in the recreation area, \$12.4 million. It is assumed here that the Federal Government will make grants to the State of Minnesota for half the \$12.4 million for the recreation area and will pay the full cost of acquiring the refuge.

The speed with which the property can be purchased will be constrained by the timeconsuming nature of real estate transactions, the many owners with whom negotiations must take place, and the limited number of real estate people working in the Fish and Wildlife Service. From fiscal year 1978 through fiscal year 1983, the yearly spending pattern is projected to be: fiscal year 1978—\$1 million, fiscal year 1979—\$3 million, fiscal year 1980—\$3.5 million, fiscal year 1981—\$3.5 million, fiscal year 1982—\$2.5 million, and fiscal year 1983—\$1 million.

Development.—Over the several years for which funds are authorized, the entire \$6 million for development is expected to be needed. Only a small portion of the funds will be spent in the first 3 years, as a comprehensive plan is agreed upon and designing takes place, initial construction begins, and the lands are assembled. Most of the construction will be done and costs incurred in the fourth and fifth years of the program. The projected spend-out rate is as follows: fiscal year 1978—\$500,000, fiscal year 1979—\$300,000, fiscal year 1980—\$500,000, fiscal year 1981—\$3.3 million, fiscal year 1982—\$600,000, and fiscal year 1983-86—\$800,000.

6. Estimate comparison: None.

7. Previous estimate: An estimate for S. 2097 was prepared for the Senate on June 30, 1976.

8. Estimate prepared by: Leo J. Corbett and Terry Nelson.

9. Estimate approved by:

JAMES L. BLUM,
Assistant Director for Budget Analysis.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 13374 would have no inflationary impact on the prices and cost in the national economy.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

DEPARTMENTAL REPORT

H.R. 13374 was the subject of a report from the Department of the Interior and follows herewith:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 29, 1976.

HON. LEONOR K. SULLIVAN,
*Chairman, Committee on Merchant Marine and Fisheries, House of
Representatives, Washington, D.C.*

DEAR MADAM CHAIRMAN: This responds to the request of your Committee for the views of this Department on H.R. 11323, a bill "To provide for the establishment of the Minnesota Valley Wildlife Recreation Area", and H.R. 13374, a bill "To establish the Minnesota River Valley National Wildlife Refuge, and for other purposes." Your Committee also has before it H.R. 12310 which is identical to H.R. 11323 and H.R. 13263 which is identical to H.R. 13374.

We recommend against the enactment of these bills.

H.R. 11323 and H.R. 12310 would establish a national wildlife refuge consisting of approximately 9,500 acres along the lower stretches of the Minnesota River between Carver and Fort Snelling. These bills authorize establishment of a State and locally administered recreation area consisting of approximately 8,000 acres which would be preserved by donation, easements or acquisition with Land and Water Conservation Fund Act money. The refuge established by these bills, if enacted, would be managed in concert with other natural resource units in the river valley that are or will be managed by the State or local governmental organizations.

H.R. 13263 and H.R. 13374 authorize the establishment of a 9,500 acre national wildlife refuge along the lower stretches of the Minnesota River between Carver and Fort Snelling. The Secretary is directed, in cooperation with the State of Minnesota, to develop within three years a comprehensive plan for protection, preservation and interpretation of the refuge. Specific direction is provided in these bills to assure continued maintenance of the river for navigation and the construction of roads, bridges and other public services. An authorization of \$14.5 million for the period October 1, 1978, through September 30, 1983, is provided for land acquisition. \$20 million are provided for development for the period October 1, 1978, through June 30, 1986. Not more than \$500,000 of this sum is to be used for development of a comprehensive plan.

This Department opposes the enactment of these bills for the following reasons: (1) the refuge portion of this proposal can be acquired by the Fish and Wildlife Service under present legislative authority with funds for the Migratory Bird Conservation Fund; and (2) the acquisition of the recreation portion of the proposal can be more appropriately conducted under the existing legislative authority of the Land and Water Conservation Fund program.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

JOHN H. KYL,
Assistant Secretary of the Interior.

MINNESOTA VALLEY NATIONAL WILDLIFE
REFUGE ACT

REPORT

OF THE

SENATE COMMITTEE ON COMMERCE

ON

S. 2097

TO PROVIDE FOR THE ESTABLISHMENT OF THE MINNE-
SOTA VALLEY NATIONAL WILDLIFE RECREATION AREA



JUNE 8 (legislative day, JUNE 3), 1976.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

MINNESOTA VALLEY NATIONAL WILDLIFE REFUGE ACT

JUNE 8 (legislative day, JUNE 3), 1976.—Ordered to be printed

Mr. FORD, from the Committee on Commerce,
submitted the following

REPORT

[To accompany S. 2097]

The Committee on Commerce, to which was referred the bill (S. 2097), having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill as amended do pass.

PURPOSE AND SUMMARY

The purpose of S. 2097 is to preserve the lower Minnesota River Valley through the creation of the Minnesota Valley National Wildlife Refuge and an adjacent wildlife recreation area.

The legislation directs the Secretary of the Interior to establish and administer through the U.S. Fish and Wildlife Service a 9,500-acre wildlife refuge in the lower Minnesota River Valley and to acquire lands within the boundary of this refuge within 6 years of its enactment. The Secretary is also authorized to establish, adjacent to the refuge and in cooperation with the State of Minnesota and its political subdivisions, a 17,500-acre wildlife recreation area. Lands within the recreation area are to be acquired and administered by the State and units of local government in cooperation with the U.S. Fish and Wildlife Service. The Secretary is authorized to grant financial assistance to the State for acquisition of the recreation area lands. Funding for the acquisition of the refuge, and for financial assistance to the State for acquisition of the recreation area, would be obtained from the Land and Water Conservation Fund.

Within 3 years of enactment of S. 2097, the Secretary, in cooperation with the State, would be required to formulate a comprehensive plan for the protection and public use of the refuge and the wildlife recreation area. The U.S. Fish and Wildlife Service and the Army Corps of Engineers are authorized to assist local authorities in the designation of sites for the deposit of spoil material obtained from the

dredging of the Minnesota River. Other provisions of the bill make clear that the creation of the refuge and wildlife recreation area shall not be deemed as prohibiting or preventing the provision of vital public services, including navigation on the Minnesota River, and construction, improvement, or replacement of highways or bridges, so long as these activities are otherwise in accordance with law.

Finally, the bill authorizes to be appropriated from the Land and Water Conservation Fund a total of \$14,500,000 for fiscal years 1978 through 1983 for acquisition of the refuge and wildlife recreation area lands. In addition, there is authorized to be appropriated from the general fund not to exceed \$6 million for fiscal years 1978 through 1986 for the development of the area.

BACKGROUND AND NEED

The lower Minnesota River Valley, located near the Minneapolis-St. Paul metropolitan area, is a unique environmental resource. Located within a 30-minute drive of nearly two million people, it is one of the few river valleys in the Nation which lies in proximity to a metropolitan area, and yet remains in a natural state. The area provides habitat for an abundance of wildlife, including over 275 species of migratory birds and a variety of mammals, such as the white tailed deer, beaver, mink, fox, and raccoon. The area also provides a full range of outdoor recreational opportunities not usually available to urban residents, including hunting, fishing, and wildlife appreciation.

Although the State of Minnesota has prohibited certain types of development within the river valley, these prohibitions do not necessarily protect the area from degradation. The intent of the State's flood plain regulations is to regulate flood flows rather than to protect the environmental values of the area. Thus, while certain types of commercial development have been restricted in the past, development which does not have an adverse affect on flood flows has been, and will continue to be, permitted. Approximately 25 percent of the flood plain between Burnsville and Shakopee is currently under intensive development. Without additional protection, it is estimated that another 25 percent—totaling 50 percent—will succumb to development within the next 10 years. Development of these wetlands would result in a proportionate loss of fish and wildlife populations supported by this habitat. In short, if this area, like too many of the Nation's wetlands, were to succumb to pressures for commercial development, the aesthetic, educational and environmental loss would be significant. Enactment of S. 2097 will help to prevent this loss by providing a statutory plan for the preservation of the Minnesota River Valley.

The impetus for the legislation was generated approximately 2 years ago when the Lower Minnesota River Valley Citizens' Committee, composed of Valley residents and other interested persons, requested the U.S. Fish and Wildlife Service to study the feasibility of preserving the area through the creation of a national wildlife refuge. In its report entitled "A Wildlife Resource in an Urban Environment" the Service outlined the river valley's potential as a wildlife refuge. The study noted that the area could be managed to produce important species of ducks, including mallards, wood ducks

and blue-winged teal as well as to restore area populations of other birds, like the trumpeter swan. Another important use of the proposed refuge would be for maintenance of waterfowl during spring and fall migrations. In this regard the area could serve to improve the distribution of central Minnesota's large Canadian goose population. The study also noted that the area's unique urban location made it particularly suitable for use in environmental education and recreation programs, as well as in scientific research studies related to monitoring, preserving and improving the natural environment. The report concluded that establishment of a refuge was warranted. Subsequently, on July 11, 1975 Minnesota Senators Mondale and Humphrey introduced legislation in the form of S. 2097 to establish the Minnesota Valley National Wildlife Refuge and an adjacent wildlife recreation area.

In addition to its importance for preserving the wildlife and other values of the lower Minnesota River Valley, S. 2097 is significant for two other reasons. First, it provides for the direct involvement of the State and local communities in the development and administration of the refuge and wildlife recreation area. Second, the bill establishes an urban wildlife refuge, of which there are presently only seven.

While current law provides for public recreation and education on wildlife refuges, greater emphasis within the Refuge System must be placed on meeting the needs of our urban residents, consistent with the need for preserving wildlife. The National Wildlife Refuge System should not be the exclusive domain of the affluent and the mobile who are able to travel to outlying areas to reach these preserves. Experience with other urban refuges, including the San Francisco Bay Refuge near San Francisco, the Tinicum Environmental Center near Philadelphia, and the Great Swamp Refuge near Trenton, shows that when provided, these areas are widely utilized by urban residents. Given the enthusiastic support S. 2097 has received from residents of the Minnesota River Valley and from other citizens of Minnesota, the experience with the Minnesota Valley National Wildlife Refuge will no doubt be the same.

In its formal comments on S. 2097, the Department of the Interior opposed enactment of special legislation creating the Minnesota Valley National Wildlife Refuge and wildlife recreation area. While establishment of the area is not opposed, it is the view of the Department that this could be accomplished under the present funding authority of the Migratory Bird Conservation Act and the Land and Water Conservation Act. This approach, however, will not permit timely acquisition of the areas. Duck stamp receipts, which are deposited into the Migratory Bird Conservation Fund for acquisition of refuges and other waterfowl habitat, currently total approximately \$12 million annually. Habitat must be acquired on a priority basis. Although the proposed refuge supports hundreds of species of migratory waterfowl, it is not considered prime habitat. Thus, much of the area could be destroyed before duck stamp money is available for its acquisition. Likewise, the \$3.1 million received annually by the State of Minnesota under the Land and Water Conservation Fund Act is

heavily committed for at least the next 5 years to other outdoor recreation projects and would not be sufficient to permit the State to acquire the wildlife recreation area in the immediate future. Based on testimony received at the field hearing, the Committee concluded that special legislation such as S. 2097 is in order.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 cites as the short title of the bill the "Minnesota Valley National Wildlife Refuge Act".

Section 2. Declaration of policy

Subsection 2(a) sets forth congressional findings that the lower Minnesota River Valley (1) is a unique environmental resource which provides habitat for a large number of wildlife species; (2) offers wildlife-oriented educational and recreational opportunities for hundreds of thousands of urban dwellers; (3) is currently threatened with industrial and commercial development; and (4) would lose its unique social, educational, and environmental assets if despoiled.

Subsection 2(b) declares the policy of Congress to be the preservation of the lower Minnesota River Valley through the establishment of the Minnesota Valley National Wildlife Refuge.

Section 3. Definitions

Paragraph (1) defines the terms "conserve" and "conservation" as the use of methods and procedures which are necessary to assure the continued existence of populations of fish and wildlife, including research, census, law enforcement, habitat acquisition, and public information and education.

Paragraph (2) defines the term "interest therein" as any property interest in lands and waters, including, but not limited to, a lease, an easement, a future interest or an equitable use.

Paragraph (3) defines the term "refuge" as the Minnesota Valley National Wildlife Refuge, established pursuant to section 4 of the Act.

Paragraph (4) defines the term "Secretary" as the Secretary of the Interior, acting through the U.S. Fish and Wildlife Service.

Paragraph (5) defines the term "State" as the State of Minnesota and any political subdivision thereof.

Paragraph (6) defines the term "wildlife recreation area" as the wildlife recreation area established adjacent to the refuge, pursuant to section 5 of the Act.

Section 4. The refuge

Subsection 4(a) directs the Secretary of the Interior to establish a 9,500-acre Minnesota Valley National Wildlife Refuge, consisting of the lands and waters depicted as a wildlife refuge on the map dated November 1975, and entitled "Minnesota Valley National Wildlife Refuge-Recreation Area," which is on file with the U.S. Fish and Wildlife Service. The Secretary is authorized to add to the refuge, from time to time, such lands as he sees fit. Establishment of the refuge will be through publication of a notice in the Federal

Register upon completion of the comprehensive plan pursuant to section 6.

Paragraph 4(b)(1) directs the Secretary to acquire the lands within the refuge within 6 years after the enactment of S. 2097. Lands may be acquired by donation, purchase or exchange.

Paragraph 4(b)(2) specifies that, with respect to the Black Dog Lake Unit of the refuge, the Secretary may acquire only those lands, waters or interest therein, as are compatible with the continued operation of the electric power generation plant presently located on the property. This subsection also authorizes the Secretary to enter into a cooperative agreement with the owner of the powerplant for the management of the unit.

Paragraph 4(b)(3) directs the Secretary to administer the refuge in accordance with the National Wildlife Refuge System Administration Act of 1966. This subsection also authorizes the Secretary to use such additional authority as may be available to him for the management of the refuge.

Subsection 4(c) directs the Secretary to construct, administer and maintain, at an appropriate site within the refuge, a Wildlife Interpretation and Education Center for the study and enjoyment of wildlife in its natural habitat.

Subsection 4(d) provides that payments made to the counties in accordance with the Refuge Revenue Sharing Act (16 U.S.C. 715s) shall be distributed to municipalities and townships on the same pro rata basis as is used in the distribution of real estate taxes. This subsection is designed to provide compensation to localities for loss of revenue which may be incurred by the removal of the refuge lands from the tax rolls.

Section 5. The Wildlife Recreation Area

Subsection 5(a) directs the Secretary to establish, in cooperation with the State, and adjacent to the refuge, a wildlife recreation area, as depicted in the map referred to in section 4(a)(1). Establishment of the area will be through publication of a notice in the Federal Register upon completion of the comprehensive plan pursuant to section 6 of the Act.

Subsection 5(b) provides that, with the consent of the State, the lands contained in the recreation area shall be acquired, developed, and administered by the State in cooperation with the U.S. Fish and Wildlife Service, and in accordance with the terms of the comprehensive plan provided for under section 6 of the Act.

Section 6. Comprehensive plan

Subsection 6(a) directs the Secretary to formulate in cooperation with the State, and within 3 years of the enactment of S. 2097, a comprehensive plan for the protection, preservation and interpretation of the refuge and the adjacent wildlife recreation area.

Subsection 6(b) stipulates that the above-mentioned comprehensive plan provide management guidelines for two categories of land: (1) refuge lands, which are to be acquired and managed by the Secretary, and (2) public nature-recreation lands to be acquired and managed by the State in cooperation with the U.S. Fish and Wildlife Service.

Subsection 6(c) directs that the comprehensive plan shall also provide for the Minnesota Valley Trail Corridor, which has already been established pursuant to State law, as an integral part of the refuge and recreation area. The comprehensive plan may also contain such other provisions as the Secretary and the State deem necessary to preserve, protect, and enhance the refuge and recreation area.

Section 7. Financial assistance

Subsection 7(a) authorizes the Secretary to provide financial assistance to the State to acquire lands within the recreation area, although such assistance may be provided only after the area has been established by publication of a Federal Register notice, as provided for in section 5. The Secretary may reimburse the State for lands acquired prior to this time provided that these lands are included in the recreation area when it is established. Grants made under this section may not exceed the amount authorized by section 6(c) of the Land and Water Conservation Act, as amended (16 U.S.C. 4601-8(c)). The Act currently authorizes the Secretary to reimburse a State for up to 50 percent of the cost of planning, developing or acquiring a wildlife recreation project. Should this reimbursement formula be increased through passage of legislation like S. 327 (amendments to the Land and Water Conservation Fund Act of 1965) the reimbursement formula for S. 2097 would reflect this increase.

Subsection 7(b) provides that in the event the State uses land acquired or developed with Federal funds provided pursuant to section 7(a) in a manner contrary to the purposes of the Act, the Federal Government would be entitled to compensation in the amount of such payment, plus interest.

Section 8. Spoil sites

Section 8 directs the U.S. Fish and Wildlife Service and the Corps of Engineers to assist local authorities in the designation of sites appropriate for the deposit of spoil material which is obtained from the dredging of the Minnesota River. The Secretary is also authorized to acquire, as necessary, spoil sites outside the boundaries of the refuge and recreation area in exchange for sites existing at the time that S. 2097 is enacted. The value of the exchanged properties must be approximately equal or be equalized by the payment of cash to the owners of the property or to the Secretary, as appropriate.

Dredging of the 9-foot channel on the Minnesota River is necessary for the continuation of navigation on the riverway. Passage of S. 2097 would not prohibit deposit of dredge material within the boundaries of the refuge or the recreation area, provided that this deposit is carried out in a manner consistent with the State flood plain regulations and with the protection of wildlife habitat. Indeed, there may be many instances where proper disposal of dredge material within the area will actually enhance the wildlife and other values of the river corridor. If, however, it becomes necessary to locate new deposit sites outside of the refuge and recreation area due to added use restrictions which result from the passage of S. 2097, the Secretary would be authorized to pay the cost of this acquisition in exchange for, and at a

cost equivalent to, existing property rights. In determining the location of these new sites, and in deciding where dredge materials may be deposited, the U.S. Fish and Wildlife Service is expected to take into consideration the cost and feasibility of transporting spoil to these locations.

Section 9. Continued public services

Section 9 clarifies that nothing contained in S. 2097 shall, in and of itself, be construed as prohibiting the provision of vital public services which may affect the refuge and recreation area, if these services are provided in a manner otherwise in accordance with law. New highway and bridge construction, maintenance and improvement would be permitted in accordance with this Act and other applicable law, subject only to the condition that such activities be carried out with minimum disruption of wildlife consistent with economic feasibility. This condition is intended to insure proper protection for wildlife and related values but to make clear that the designation of the Minnesota Valley as a wildlife refuge and recreation area shall not be construed as a legal bar to maintenance of the navigation channel or future highway and bridge development.

Section 9 responds to testimony received during Committee hearings from State and local officials regarding multiple use of the Minnesota River Valley. While there was widespread agreement that the primary use of lands within the floodway should be for wildlife management, recreation, environmental education and habitat protection, other needs were brought to the Committee's attention, including transportation and navigation on the river.

Two specific transportation projects were mentioned during the hearings. The first is the replacement of the present Cedar Avenue bridge located in Bloomington, Minn. It is anticipated that land acquisition for this project will be well underway before land acquisition for the refuge begins. In the event that State acquisition is delayed, however, the Committee intends that the U.S. Fish and Wildlife Service cooperate with the Minnesota Highway Department in the acquisition of refuge lands to avoid conflict with the bridge project. The second undertaking involves the construction of a bridge between the cities of Savage and Shakopee in Scott County, which will provide a modern corridor linking Highway 169 north and south of the river. (Highway 169 is used to carry grain from the Iowa border and points as far south as Texas to terminals in the Minneapolis-St. Paul metropolitan area.) In approving S. 2097, the Committee anticipates that a future Highway 169 bridge will be constructed, subject to existing procedures for approval of State and/or federally aided highways. To insure that enactment of S. 2097 constitutes no new obstacle to construction of the bridge, the comprehensive plan prepared pursuant to section 6 should include recognition of plans for the future Highway 169 bridge crossing. In addition the Environmental Impact Statement prepared for the refuge and recreation area should include an analysis of the relative effects of the proposed bridge site and alternatives thereto, on the area.

Section 9 also authorizes the Secretary to permit other uses of the refuge which he determines are needed to fulfill the public service requirements of communities adjacent to the Minnesota River Valley. An example of such activity is the construction of electrical transmission lines, which the Secretary could approve provided that the lines can be installed and maintained without jeopardizing the wildlife and recreational qualities of the refuge and recreation area.

Section 10. Authorization for appropriations

Subsection 10(a) authorizes to be appropriated to the Secretary from the Federal portion of the Land and Water Conservation Fund not to exceed \$14,500,000 for fiscal years 1978 through 1983 for acquisition of the refuge lands and for assistance to the State for acquisition of the recreation area lands.

Appropriations to the Land and Water Conservation Fund currently totals approximately \$300 million annually, with 60 percent reserved for allocation to the States for acquisition and development of recreation lands, and 40 percent authorized for similar use by the Federal Government. Testimony received at the Committee's hearing indicated that the \$3.1 million per year currently received by the State under the Act would be insufficient to permit acquisition of the wildlife recreation area lands within the 6-year time frame envisioned by the Act, particularly since the State's projected commitment for acquisition of other recreational lands over the next 5 years is at least \$105 million. Thus, in order to avoid adding an additional burden to the State's other recreational programs, S. 2097 specifies that financial assistance to Minnesota for acquisition of the wildlife recreation area should be taken from the Federal portion of the fund, rather than from the State's regular allotment.

Subsection 10(b) authorizes to be appropriated from the general fund not to exceed \$6 million for fiscal years 1978 through 1986 for development of the refuge and recreation area. Not more than \$500,000 of this money may be used for the development of the comprehensive plan pursuant to section 6 of the act.

LEGISLATIVE HISTORY

S. 2097 was introduced in the Senate on July 11, 1975, by Senator Mondale. Senators Mondale and Humphrey introduced amendment No. 1023 to S. 2097 on October 28, 1975. The Senate Commerce Committee held day of hearings in Bloomington, Minn., on the bill on November 10, 1975. At a May 11, 1976 executive session, the Committee ordered reported S. 2097 with an amendment in the nature of a substitute.

ESTIMATED COSTS

Pursuant to the requirements of section 252 of the Legislative Reorganization Act of 1969, the Committee estimates that in the event this legislation is enacted into law, the additional cost to the Federal Government would be \$20.5 million from fiscal years 1978 through 1986.

CHANGES IN EXISTING LAW

In compliance with section (4) of rule XXIX of the Standing Rules of the Senate, no changes in existing law would be made by the bill.

TEXT OF S. 2097, AS REPORTED

A BILL To provide for a national wildlife refuge in the Minnesota River Valley, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Minnesota Valley National Wildlife Refuge Act".

DECLARATION OF POLICY

SEC. 2. (a) FINDINGS.—The Congress finds and declares the following:

(1) The Lower Minnesota River Valley, which provides habitat for a large number of migratory waterfowl, fish, and other wildlife species, is a unique environmental resource.

(2) This valley is located close to a large metropolitan area and, accordingly, it is of great value as a source of environmental education, recreational opportunities, and interpretive programs for hundreds of thousands of urban dwellers.

(3) This valley is currently threatened with spoilation, removal from public access, and ecological downgrading, through commercial and industrial development.

(4) Despoilment of this valley and its flood plain will result in the permanent loss of unique social, educational, and environmental assets.

(b) POLICY.—It is therefore declared to be the policy of the Congress in this Act to preserve the Minnesota River Valley through the establishment of the Minnesota Valley National Wildlife Refuge.

DEFINITIONS

SEC. 3. As used in this Act:

(1) The terms "conserve" and "conservation" mean to use, and the use of, methods and procedures which are necessary to assure, to the maximum extent practicable, the continued existence of populations of fish and wildlife. Such methods and procedures may include, but are not limited to, all activities associated with scientific resource management, including research, census, law enforcement, habitat acquisition, and public information and education.

(2) The term "interests therein" means any property interest in lands and waters, including, but not limited to, a leasehold, an easement, a future interest, or an equitable use.

(3) The term "refuge" means the Minnesota Valley National Wildlife Refuge, established pursuant to section 4 of this Act.

(4) The term "Secretary" means the Secretary of the Interior, acting through the U.S. Fish and Wildlife Service.

(5) The term "State" means the State of Minnesota and any political subdivision thereof.

(6) The term "wildlife recreation area" means the wildlife recreation area established adjacent to the refuge, pursuant to section 5 of this Act.

THE REFUGE

SEC. 4. (a) ESTABLISHMENT.—The Secretary shall establish, in accordance with this section, the Minnesota Valley National Wildlife Refuge by publication of a notice to that effect in the Federal Register upon completion of the comprehensive plan pursuant to section 6 of this Act. The refuge shall consist of—

(1) the 9,500 acres of lands, marshes, submerged lands, and open waters in the lower Minnesota River Valley, which are depicted as a wildlife refuge on a map dated November 1975 and entitled "Official Map—Minnesota Valley National Wildlife Refuge-Recreation Area", which shall be on file and available for public inspection in the offices of the United States Fish and Wildlife Service of the Department of the Interior; and

(2) any additional lands, waters, and interests therein, which the Secretary may acquire and designate for inclusion in the refuge.

(b) ACQUISITION AND ADMINISTRATION.—(1) The Secretary shall, within 6 years after the date of enactment of this Act, acquire lands, waters, and interests therein, within the boundaries of the refuge, by (A) donation; (B) purchase (with donated, transferred, or appropriated funds); or (C) exchange.

(2) With respect to the Black Dog Lake unit, as identified on the map referred to in subsection (a)(1) of this section, the Secretary may not acquire any lands, waters, or interests therein unless such acquisition is compatible with the continued operation of the electric power generation plant presently located within such unit. The Secretary may negotiate and enter into an agreement, with the owner of such powerplant, for the joint or cooperative conservation and management of such unit.

(3) The Secretary shall develop and administer the lands, waters, and interests therein, which are acquired for the refuge, in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 688dd). The Secretary may also exercise any other authority available to him for the conservation and management of wildlife and natural resources, the development of wildlife recreational opportunities, wildlife interpretation, and environmental education, to the extent deemed by him to be appropriate to carry out the purposes of this Act.

(c) WILDLIFE INTERPRETATION AND EDUCATION CENTER.—The Secretary shall construct, administer, and maintain, at an appropriate site within the refuge, a wildlife interpretation and education center. Such center shall be designed and operated to promote environmental education and to provide an opportunity for the study and enjoyment of wildlife in its natural habitat.

(d) REVENUE SHARING.—Payments made, in accordance with the Refuge Revenue Sharing Act (16 U.S.C. 715s) to the counties in

which units of the refuge are located shall be distributed by such counties to municipalities and townships on the same pro rata basis as is used in the distribution of real estate taxes.

THE WILDLIFE RECREATION AREA

SEC. 5. (a) GENERAL.—The Secretary shall establish, in cooperation with the State and in an area adjacent to the refuge, a wildlife recreation area by publication of a notice to that effect in the Federal Register upon completion of the comprehensive plan pursuant to section 6 of this Act. Such area shall consist of the lands, waters, and interests therein which are depicted as a recreation area on the map referred to in section 4(a)(1) of this Act. The wildlife recreation area shall, in general, consist of—

(1) those portions of the Lower Minnesota River floodplain which are necessary for one or more of the following: public access to such area; safety; the well-being of the visiting public; and the operation and maintenance of such area; and

(2) any additional areas which are adjacent to such floodplain and which are located between the city of Jordan, Minnesota and Fort Snelling State Park, excluding the industrialized component thereof located in the municipalities of Savage, Chaska, Shakopee, and Burnsville, Minnesota.

(b) ACQUISITION AND ADMINISTRATION.—Lands, waters, and interests therein, which are within the boundaries of the wildlife recreation area, shall, with the agreement of the State, be acquired, developed, and administered by the State (in cooperation with the United States Fish and Wildlife Service) in accordance with the provisions of the comprehensive plan developed under section 6 of this Act.

COMPREHENSIVE PLAN

SEC. 6. (a) GENERAL.—Within 3 years after the date of enactment of this Act, the Secretary shall, in cooperation with the State, develop a comprehensive plan for the conservation, protection, preservation, and interpretation of the Minnesota Valley National Wildlife Refuge and the adjacent wildlife recreation area.

(b) MANAGEMENT CATEGORIES.—The plan required by subsection (a) of this section shall delineate and provide appropriate management guidelines for the following two categories of property:

(1) Category I.—The Minnesota Valley National Wildlife Refuge, to be acquired and managed by the Secretary pursuant to section 4(b) of this Act.

(2) Category II.—Public nature-recreation areas, to be acquired (in fee or by lease, easement, donation, or other agreement) and managed by the State (in cooperation with the United States Fish and Wildlife Service) pursuant to section 5(b) of this Act.

(c) OTHER REQUIREMENTS.—The plan required by subsection (a) of this section shall—

(1) provide for the Minnesota Valley Trail Corridor, authorized by Minnesota Statute, 1969, section 85.198, to be administered by the State as a multiple-use trail, as an integral part of the Minnesota Valley National Wildlife Refuge and the adjacent wildlife recreation area; and

(2) contain such other provisions relating to public use, law enforcement, wildlife conservation, environmental education and interpretation, and other matters as the Secretary and the State deem necessary to preserve, protect, and enhance the refuge-recreation area and to carry out the purposes of this Act.

FINANCIAL ASSISTANCE

SEC. 7. (a) GRANTS.—The Secretary shall provide sufficient financial assistance to the State to enable it to acquire and develop lands, waters, and interests therein in the wildlife recreation area. A grant made under this section shall only be used with respect to lands, waters, and interests therein which are acquired by the State after the establishment of the wildlife recreation area. The Secretary may reimburse the State for lands, waters, and interests therein which are acquired prior to the establishment of the wildlife recreation area if such lands, waters, and interests therein are contained within the area at the time of its establishment. Grants made under this section for acquisition, development, or reimbursement shall not exceed the amount authorized in section 6(c) of the Land and Water Conservation Fund Act (16 U.S.C. 4601-8(c)). Such grants shall be subject to such other terms and conditions as may be prescribed by the Secretary.

(b) LIMITATIONS.—Any payment made by the Secretary under this section shall be subject to the following condition: The conversion, use, or disposal of any lands, waters, and interests therein which are acquired by the State, directly or indirectly, with Federal financial assistance provided under this section, for purposes contrary to the purposes of this Act (as determined by the Secretary), shall create in the United States a right to compensation from the State in the amount of such payment, plus interest, for land acquisition and development.

SPOIL SITES

SEC. 8. The United States Fish and Wildlife Service and the United States Corps of Engineers shall assist appropriate local authorities in the designation of sites for deposit of spoil material, so as to minimize the disruption of wildlife and the reduction of scenic and recreational values and so as to assure the continuation of navigation on the riverway. The Secretary may acquire such alternative sites, outside the boundary of the refuge recreation area, as may be necessary, in exchange for sites existing in the area on the date of enactment of this Act. The value of any properties so exchanged shall be approximately equal, as determined by the Secretary, or, if not, such value shall be equalized by the payment of cash, to the owners of the property within the refuge-recreation area or to the Secretary, as the circumstances require. The Secretary may expend funds appropriated under section 10(a) of this Act for the purchase of such alternative sites.

CONTINUED PUBLIC SERVICES

SEC. 9. Nothing contained in this Act shall be construed as prohibiting or preventing the provision of vital public services, including—

(1) the continuation of commercial navigation in the main navi-

gation channel of the Minnesota River which lies within the refuge-recreation area;

(2) the construction, improvement, and replacement of highways and bridges, whether or not the highway is a Federal-aid highway; or

(3) any other activity which the Secretary determines to be necessary;

if the provision of such services is otherwise in accordance with law. Any activity referred to in this section shall be carried out so as to minimize the disruption of the wildlife and the reduction of recreational and scenic values of the area, consistent with economic feasibility.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 10. (a) ACQUISITION.—There are authorized to be appropriated from moneys in the Land and Water Conservation Fund (16 U.S.C. 460), which are available for Federal purposes thereunder, such amounts as may be necessary for acquisition of lands, water, and interests therein in the refuge-recreation area, pursuant to sections 4(b)(1) and 7(a) of this Act, except that such sums shall not exceed a total of \$14,500,000 for the period beginning October 1, 1978 and ending September 30, 1983.

(b) DEVELOPMENT.—There are authorized to be appropriated such amounts as may be necessary for the development of the refuge-recreation area, except that such sums shall not exceed \$6,000,000 for the period beginning October 1, 1978 and ending June 30, 1986. Not more than \$500,000 of such sums shall be used for the development of the comprehensive plan pursuant to section 6 of this Act.

AGENCY COMMENTS

The following comment was received from the Department of the Interior on S. 2097:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., January 15, 1976.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to the request of your Committee for the views of this Department on S. 2097, a bill "To provide for the establishment of the Minnesota Valley National Wildlife Recreation Area." Our report also addresses amendment No. 1023 to S. 2097.

We recommend against the enactment of S. 2097 and amendment No. 1023 to S. 2097.

S. 2097 would establish a national wildlife refuge consisting of nine units totalling 9,540 acres along the lower stretches of the Minnesota River between Carver and Fort Snelling. The bill authorizes establishment of a State and locally administered recreation area consisting of some 8,000 acres of which 4,000 acres would be preserved by

donation, easements or acquisition with Land and Water Conservation Fund Act money. The refuge established by this bill, if enacted, would be managed in concert with other natural resource units in the river valley that are or will be managed by the State or local governmental organizations.

This Department opposes the enactment of S. 2097 for the following reasons: (1) the refuge portion of this proposal can be acquired by the Fish and Wildlife Service under present legislative authority with funds from the Migratory Bird Conservation Fund; and (2) the acquisition of the recreation portion of the proposal can be more appropriately conducted under the existing legislative authority of the Land and Water Conservation Fund program.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

THOMAS S. KLEPPE,
Secretary of the Interior.

○

H. R. 13374

Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

To provide for a national wildlife refuge in the Minnesota River Valley, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Minnesota Valley National Wildlife Refuge Act".

DECLARATION OF POLICY

SEC. 2. (a) FINDINGS.—The Congress finds and declares the following:

(1) The Lower Minnesota River Valley, which provides habitat for a large number of migratory waterfowl, fish, and other wildlife species, is a unique environmental resource.

(2) This valley is located close to a large metropolitan area and, accordingly, it is of great value as a source of environmental education, recreational opportunities, and interpretive programs for hundreds of thousands of urban dwellers.

(3) This valley is currently threatened with spoliation, removal from public access, and ecological downgrading, through commercial and industrial development.

(4) Despoilment of this valley and its flood plain will result in the permanent loss of unique social, educational, and environmental assets.

(b) POLICY.—It is therefore declared to be the policy of the Congress in this Act to preserve the Minnesota River Valley through the establishment of the Minnesota Valley National Wildlife Refuge.

DEFINITIONS

SEC. 3. As used in this Act:

(1) The terms "conserve" and "conservation" mean to use, and the use of, methods and procedures which are necessary to assure, to the maximum extent practicable, the continued existence of populations of fish and wildlife. Such methods and procedures may include, but are not limited to, all activities associated with scientific resource management, including research, census, law enforcement, habitat acquisition, and public information and education.

(2) The term "interests therein" means any property interest in lands and waters, including, but not limited to, a leasehold, an easement, a future interest, or an equitable use.

(3) The term "refuge" means the Minnesota Valley National Wildlife Refuge, established pursuant to section 4 of this Act.

(4) The term "Secretary" means the Secretary of the Interior, acting through the United States Fish and Wildlife Service.

(5) The term "State" means the State of Minnesota and any political subdivision thereof.

(6) The term "wildlife recreation area" means the wildlife recreation area established adjacent to the refuge, pursuant to section 5 of this Act.

H. R. 13374—2

THE REFUGE

SEC. 4. (a) ESTABLISHMENT.—The Secretary shall establish, in accordance with this section, the Minnesota Valley National Wildlife Refuge by publication of a notice to that effect in the Federal Register upon completion of the comprehensive plan pursuant to section 6 of this Act. The refuge shall consist of—

(1) approximately 9,500 acres of lands, marshes, submerged lands, and open waters in the lower Minnesota River Valley, which are depicted as a wildlife refuge on a map dated November 1975 and entitled "Official Map—Minnesota Valley National Wildlife Refuge-Recreation Area", which shall be on file and available for public inspection in the offices of the United States Fish and Wildlife Service of the Department of the Interior; and

(2) any additional lands, waters, and interests therein, which the Secretary may acquire and designate for inclusion in the refuge.

(b) ACQUISITION AND ADMINISTRATION.—(1) The Secretary shall, within 6 years after the date of enactment of this Act, acquire lands, waters, and interests therein, within the boundaries of the refuge, by (A) donation; (B) purchase (with donated, transferred, or appropriated funds); or (C) exchange.

(2) With respect to the Black Dog Lake unit, as identified on the map referred to in subsection (a) (1) of this section, the Secretary may not acquire any lands, waters, or interests therein unless such acquisition is compatible with the continued operation of the electric power generation plant presently located within such unit. The Secretary may negotiate and enter into an agreement, with the owner of such powerplant, for the joint or cooperative conservation and management of such unit.

(3) The Secretary shall develop and administer the lands, waters, and interests therein, which are acquired for the refuge, in accordance with the National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C. 688dd et seq.). The Secretary may also exercise any other authority available to him for the conservation and management of wildlife and natural resources, the development of wildlife recreational opportunities, wildlife interpretation, and environmental education, to the extent deemed by him to be appropriate to carry out the purposes of this Act.

(c) WILDLIFE INTERPRETATION AND EDUCATION CENTER.—The Secretary shall construct, administer, and maintain, at an appropriate site within the refuge, a wildlife interpretation and education center. Such center shall be designed and operated to promote environmental education and to provide an opportunity for the study and enjoyment of wildlife in its natural habitat.

(d) REVENUE SHARING.—Payments made, in accordance with the Refuge Revenue Sharing Act (16 U.S.C. 715s), to the counties in which units of the refuge are located shall be distributed by such counties to municipalities and townships on the same pro rata basis as is used in the distribution of real estate taxes.

THE WILDLIFE RECREATION AREA

SEC. 5. (a) GENERAL.—The Secretary shall establish, in cooperation with the State and in an area adjacent to the refuge, a wildlife recreation area by publication of a notice to that effect in the Federal Register upon completion of the comprehensive plan pursuant to

section 6 of this Act. Such area shall consist of the lands, waters, and interests therein which are depicted as a recreation area on the map referred to in section 4(a)(1) of this Act. The wildlife recreation area shall, in general, consist of—

(1) those portions of the Lower Minnesota River floodplain and which are necessary for one or more of the following: public access to such area; safety; the well-being of the visiting public; and the operation and maintenance of such area; and

(2) any additional areas which are adjacent to such floodplain and which are located between the city of Jordan, Minnesota, and Fort Snelling State Park, excluding the industrialized component thereof located in the municipalities of Savage, Chaska, Shakopee, and Burnsville, Minnesota.

(b) ACQUISITION AND ADMINISTRATION.—Lands, waters, and interests therein, which are within the boundaries of the wildlife recreation area, shall, with the agreement of the State, be acquired, developed, and administered by the State (in cooperation with the Secretary) in accordance with the provisions of the comprehensive plan developed under section 6 of this Act.

COMPREHENSIVE PLAN

SEC. 6. (a) GENERAL.—Within 3 years after the date of enactment of this Act, the Secretary shall, in cooperation with the State and political subdivisions thereof, develop a comprehensive plan for the conservation, protection, preservation, and interpretation of the Minnesota Valley National Wildlife Refuge and the adjacent wildlife recreation area.

(b) MANAGEMENT CATEGORIES.—The plan required by subsection (a) of this section shall delineate and provide appropriate management guidelines for the following two categories of property:

(1) Category I.—The Minnesota Valley National Wildlife Refuge, to be acquired and managed by the Secretary pursuant to section 4(b) of this Act.

(2) Category II.—Public nature-recreation areas, to be acquired (in fee or by lease, easement, donation, or other agreement) and managed by the State (in cooperation with the Secretary) pursuant to section 5(b) of this Act.

(c) OTHER REQUIREMENTS.—The plan required by subsection (a) of this section shall—

(1) provide for the Minnesota Valley Trail Corridor, authorized by Minnesota Statute, 1969, section 85.198, as an integral part of the Minnesota Valley National Wildlife Refuge and the adjacent wildlife recreation area; and

(2) contain such other provisions relating to public use, law enforcement, wildlife conservation, environmental education and interpretation, and other matters as the Secretary and the State deem necessary to preserve, protect, and enhance the refuge-recreation area and to carry out the purposes of this Act.

FINANCIAL ASSISTANCE

SEC. 7. (a) GRANTS.—The Secretary shall provide sufficient financial assistance to the State to enable it to acquire and develop lands, waters, and interests therein in the wildlife recreation area. A grant made under this section shall only be used with respect to lands, waters, and interests therein which are acquired by the State after the establish-

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ment of the wildlife recreation area. The Secretary may reimburse the State for lands, waters, and interests therein which are acquired prior to the establishment of the wildlife recreation area if such lands, waters, and interests therein are contained within the area at the time of its establishment. Such grants shall be subject to such other terms and conditions as may be prescribed by the Secretary. Any grants made from the Land and Water Conservation Fund shall be subject to the provisions of section 6 of the Land and Water Conservation Fund Act, as amended (16 U.S.C. 4601-8).

(b) LIMITATIONS.—Any payment made by the Secretary under this section shall be subject to the following condition: The conversion, use, or disposal of any lands, waters, and interests therein which are required by the State, directly or indirectly, with Federal financial assistance provided under this section, for purposes contrary to the purposes of this Act (as determined by the Secretary), shall create in the United States a right to compensation from the State in an amount equal to the fair market value of the land at the time of conversion, use or disposal, or an amount equal to the Federal payment for acquisition and development of the land, whichever is greater.

SPOIL SITES

SEC. 8. The Secretary and the United States Corps of Engineers shall assist appropriate local authorities in the disposal of dredge material and in the designation of sites for deposit of dredge material, so as to minimize the disruption of wildlife and the reduction of scenic and recreational values and so as to assure the continuation of navigation on the riverway. The Secretary may acquire such alternative sites, outside the boundary of the refuge-recreation area, as may be necessary, in exchange for sites existing in the area on the date of enactment of this Act. The value of any properties so exchanged shall be approximately equal as determined by the Secretary or, if not, such value shall be equalized by the payment of cash, to the owners of the property within the refuge-recreation area or to the Secretary, as the circumstances require. The Secretary is authorized to expend not more than 20 per centum of the funds appropriated for acquisition of the refuge under section 10(a) of this Act to assist in the disposal of dredge material and to purchase alternative sites for deposit of dredge material as may be necessary outside the boundaries of the refuge and recreation area.

CONTINUED PUBLIC SERVICES

SEC. 9. Nothing contained in this Act shall be construed as prohibiting or preventing the provision of vital public services, including—

- (1) the continuation of commercial navigation in the main navigation channel of the Minnesota River which lies within the refuge-recreation area;
- (2) the construction, improvement, and replacement of highways and bridges, whether or not the highway is a Federal-aid highway; or
- (3) any other activity which the Secretary determines to be necessary;

if the provision of such services is otherwise in accordance with law. Any activity referred to in this section shall be carried out so as to minimize the disruption of the wildlife and the reduction of recreational and scenic values of the area, consistent with economic feasibility.

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AUTHORIZATION FOR APPROPRIATIONS

SEC. 10. (a) ACQUISITION.—There are authorized to be appropriated such amounts as may be necessary for acquisition of lands, waters, and interests therein in the refuge-recreation area, pursuant to sections 4(b)(1) and (7)(a) of this Act, except that such sums shall not exceed a total of \$14,500,000 for the period beginning October 1, 1977, and ending September 30, 1983.

(b) DEVELOPMENT.—There are authorized to be appropriated such amounts as may be necessary for the development of the refuge-recreation area, except that such sums shall not exceed \$6,000,000 for the period beginning October 1, 1977, and ending September 30, 1986. Not more than \$500,000 of such sums shall be used for the development of the comprehensive plan pursuant to section 6 of this Act.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*