

TO MODIFY THE BOUNDARY OF VOYAGEURS NATIONAL
PARK IN THE STATE OF MINNESOTA, AND FOR OTHER
PURPOSES

DECEMBER 18, 2017.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 1350]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1350) to modify the boundary of Voyageurs National Park in the State of Minnesota, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 1350 is to modify the boundary of Voyageurs National Park in the State of Minnesota.

BACKGROUND AND NEED FOR LEGISLATION

Voyageurs National Park, established in 1975, is a 218,200-acre national park located on the northern edge of Minnesota's border with Canada. The name Voyageurs commemorates the French-Canadian fur traders who were the first European settlers to frequently travel through the area. The Kabetogama Peninsula, which lies entirely within the Park and makes up most of its land area, is accessible only by boat. The Park is notable for its remarkable water resources and islands and is popular with canoeists, kayakers, other boaters, and fishermen.

The Bureau of Land Management (BLM) currently manages lands within the boundaries of the Park that were not transferred to the National Park Service (NPS) when the Park was established. H.R. 1350 formally transfers these BLM lands to the NPS. Enact-

ment of the legislation is expected to save agency time and taxpayer money by eliminating duplicative land management. In addition, this legislation resolves an outstanding land management issue faced by the State of Minnesota and Koochiching County by authorizing a land exchange between the State of Minnesota and NPS for certain State tax-forfeited tracts within the boundaries of Voyageurs National Park for an NPS-owned tract outside the Park boundary.

COMMITTEE ACTION

H.R. 1350 was introduced on March 2, 2017, by Congressman Richard M. Nolan (D-MN). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On December 12, 2017, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent on December 13, 2017.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. Cost of Legislation and the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 18, 2017.

Hon. ROB BISHOP,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1350, a bill to modify the boundary of Voyageurs National Park in the State of Minnesota, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Janani Shankaran.

Sincerely,

KEITH HALL,
Director.

Enclosure.

H.R. 1350—A bill to modify the boundary of Voyageurs National Park in the State of Minnesota, and for other purposes

H.R. 1350 would authorize the National Park Service (NPS) to acquire and integrate new lands into the Voyageurs National Park in Minnesota through land exchanges with the state and local governments that own land within or adjacent to the park's boundaries. (Under current law, the federal government can only acquire lands from state or local governments through donation.) The bill also would authorize the transfer of administrative jurisdiction over certain lands within the park from the Bureau of Land Management to the NPS.

CBO expects that the properties to be exchanged by the NPS and the state and local governments under H.R. 1350 would be roughly equal in value. If the appraisals indicate that the parcels' values are different, however, existing law requires that the party receiving the more valuable land provide a cash equalization payment. If the NPS were to acquire land of a higher value than the federal land exchanged, CBO expects that the NPS would make a cash payment. Using information from the NPS, CBO expects that any costs to make any cash payment and to administer lands affected by the bill would not exceed \$500,000 in any year; such spending would be subject to the availability of appropriated funds.

Enacting H.R. 1350 could affect direct spending; therefore, pay-as-you-go procedures apply. Under the bill, if the NPS were to acquire land of a lower value than the federal land exchanged, the NPS would receive a cash payment to equalize the values; any such payments would be recorded as offsetting receipts, which are treated as reductions in direct spending. Using information from the NPS, however, CBO estimates that any such payment would not exceed \$500,000 in any year. Enacting H.R. 1350 would not affect revenues.

CBO estimates that enacting H.R. 1350 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 1350 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

On April 7, 2017, CBO transmitted a cost estimate for S. 502 as ordered reported by the Senate Committee on Energy and Natural Resources on March 30, 2017. The bills are similar, and CBO's estimates of the budgetary effects are the same.

The CBO staff contact for this estimate is Janani Shankaran. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to modify the boundary of Voyageurs National Park in the State of Minnesota.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

PUBLIC LAW 91-661

AN ACT To authorize the establishment of the Voyageurs National Park in the State of Minnesota, and for other purposes.

* * * * *

SEC. 102. (a) Except as provided in subsection (b) of this section, the park shall include the lands and waters within the boundaries as generally depicted on [the drawing entitled “A Proposed Voyageurs National Park, Minnesota,” numbered LXPMJV-VOYA-1001, dated February 1969] *the map entitled “Voyageurs National Park, Proposed Land Transfer & Boundary Adjustment”, numbered 172/80,056, and dated June 2009 (22 sheets)*, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. Within one year after acquisition of the lands owned by the State of Minnesota and its political subdivisions within the boundaries of the park the Secretary shall affix to such [drawing] *map* an exact legal description of said boundaries. The Secretary may revise the boundaries of the park from time to time by publishing in the Federal Register a revised [drawing] *map* or other boundary description, by more than one thousand acres, but such revisions shall not increase the land acreage within the park by more than one thousand acres.

(b)(1) In addition to such revisions as the Secretary may make in the boundaries of the park from time to time pursuant to other provisions of law, the Secretary may, according to the provisions of subsection (a)—

(A) delete approximately 782 acres in the Neil Point area of the park;

(B) add approximately 180 acres in the Black Bay Narrows areas of the park;

(C) add approximately 18.45 acres owned by the State of Minnesota at the Kabetogama Forestry Station;

(D) add approximately 120 acres owned by the State of Minnesota, being a strip of land through that portion of section 1, township 68 north, range 20 west, fourth principal meridian, which is parallel to and 400 feet on both sides of the unimproved road extending northward from the Ash River Trail as such road crosses each section; and

(E) subject to the provisions of paragraph (21, delete approximately 1,000 acres at Black Bay and convey such lands to the State of Minnesota. All of the aforementioned boundary changes if accomplished shall be accomplished such that the boundary of the park shall conform to that generally depicted on the drawing entitled "Boundary, Voyageurs National Park, United States Department of the Interior, National Park Service", numbered 172-80, OO8-MWR, and dated November 1981, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(2) The Secretary may not delete or convey the lands referred to in paragraph (1)(E) unless, prior to or simultaneously with such deletion or conveyance and in consideration of such conveyance, the State of Minnesota—

(A) tenders a conveyance of the lands described in [paragraph (1)(C) and (D)] *subparagraphs (C) and (D) of paragraph (1)* to the United States by such instrument and in such manner as are satisfactory to the Secretary, including but not limited to lease or easement: *Provided*, That if the interest conveyed is a lease or easement, the State of Minnesota shall substitute therefore a transfer of all right, title, and interest in the land by June 30, 1987: *Provided further*, That if the State does not transfer all right, title, and interest in such lands by June 30, 1987, the land described in [paragraph 1(E)] *paragraph (1)(E)* shall revert to the United States for administration by the Secretary as part of the park; and

(B) enters into a recordable agreement satisfactory to the Secretary which provides that—

(i) the State has established a wildlife management area in the area authorized to be deleted and conveyed to the State by paragraph (1)(E);

(ii) the State has prepared a plan acceptable to the Secretary to manage all the waters of and State lands riparian to Black Bay (including all of the State-owned lands and waters of Rainy Lake) to preserve the natural resources of the area so as to complement to the fullest extent possible the purposes for which the park was established;

(iii) the State shall not transfer any right, title, or interest in, or control over, any land described in paragraph (1)(E) to any person other than the Secretary; and

- (iv) the State shall permit access by the Secretary at reasonable times to the land described in paragraph (1)(E).
- (3) If at any time the State fails to comply with the material requirements of the agreement referred to in paragraph (2)(B), all right, title, and interest in the land described in paragraph (1)(E) shall revert to the United States for administration by the Secretary as part of the park. Such reversion shall take effect upon the delivery by the Secretary of notice to the State respecting such failure to comply without further notice or requirement for physical entry by the Secretary unless an action for judicial review is brought in the United States Court of Appeals for the appropriate circuit within ninety days following such notice. In any such action the court may issue such orders as are appropriate to carry out the requirements of this subsection.

【LAND ACQUISITION

【SEC. 201. (a) The Secretary】

SEC. 201. LAND ACQUISITIONS.

(a) AUTHORIZATION.—

- (1) *IN GENERAL.*—*The Secretary may acquire lands or interests therein within the boundaries of the park by donation, purchase with donated or appropriated funds, or exchange.* 【When any tract of land is only partly within such boundaries】

(2) *CERTAIN PORTIONS OF TRACTS.*—

- (A) *IN GENERAL.*—*In any case in which only a portion of a tract of land is within the boundaries of the park, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs.* 【Land so acquired】

(B) *EXCHANGE.*—

- (i) *IN GENERAL.*—*Any land acquired pursuant to subparagraph (A) outside of the park boundaries may be exchanged by the Secretary for non-Federal lands within the park boundaries.* 【Any portion】

- (ii) *PORTIONS NOT EXCHANGED.*—*Any portion of land acquired outside the park boundaries and not utilized for exchange shall be reported to the General Services Administration for disposal under the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended.* 【Any Federal property】

- (C) *TRANSFERS OF FEDERAL PROPERTY.*—*Any Federal property located within the boundaries of the park may be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of the park.* 【Lands within the boundaries of the park owned by the State of Minnesota, or any political subdivision thereof, may be acquired only by donation.】

- (D) *ADMINISTRATIVE JURISDICTION.*—*Effective beginning on the date of enactment of this subparagraph, there is transferred to the National Park Service administrative jurisdiction over—*

- (i) *any land managed by the Bureau of Land Management within the boundaries of the park, as depicted on the map described in section 102(a); and*

(ii) any additional public land identified by the Bureau of Land Management as appropriate for transfer within the boundaries of the park.

(E) LAND OWNED BY STATE.—

(i) DONATIONS AND EXCHANGES.—Any land located within or adjacent to the boundaries of the park that is owned by the State of Minnesota (or a political subdivision of the State) may be acquired by the Secretary only through donation or exchange.

(ii) REVISION.—On completion of an acquisition from the State under clause (i), the Secretary shall revise the boundaries of the park to reflect the acquisition.

[(b) In exercising his] (b) OFFERS BY INDIVIDUALS.—In exercising the authority to acquire property under this section, the Secretary shall give immediate and careful consideration to any offer made by any individual owning property within the park area to sell such property to the Secretary. In considering such offer, the Secretary shall take into consideration any hardship to the owner which might result from any undue delay in acquiring his property.

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