

Public Law 94-466
94th Congress

An Act

Oct. 8, 1976
[H.R. 13374]

Minnesota
Valley National
Wildlife
Refuge Act.
16 USC 668kk
note.
16 USC 668kk.

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

16 USC 668ll.

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—

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Federal Register.
16 USC 668mm.

(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.

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note.

(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

Establishment.
Publication in
Federal Register.
16 USC 668nn.

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

16 USC 668oo.

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.

Guidelines.

(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

16 USC 668pp.

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-

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).

Reimbursement.

Terms and conditions.

(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.

16 USC 668qq.

Alternative sites, acquisition.

CONTINUED PUBLIC SERVICES

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

16 USC 668rr.

(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

16 USC 668ss.

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.

Approved October 8, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-1470 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 94-934 accompanying S. 2097 (Comm. on Commerce).
CONGRESSIONAL RECORD, Vol. 122 (1976):
Sept. 20, considered and passed House.
Sept. 24, considered and passed Senate.