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SENATE

{ REPORT  
114-330

### BOUNDARY MODIFICATION OF VOYAGEURS NATIONAL PARK

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SEPTEMBER 6, 2016.—Ordered to be printed

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Ms. MURKOWSKI, from the Committee on Energy and Natural  
Resources, submitted the following

### R E P O R T

[To accompany S. 2805]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2805) to modify the boundary of Voyageurs National Park in the State of Minnesota, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

1. On page 2, line 3, strike “2009” and insert “2009 (22 sheets)”.

#### PURPOSE

The purpose of S. 2805 is to modify the boundary of Voyageurs National Park in the State of Minnesota to include several parcels of land administered by the National Park Service.

#### BACKGROUND AND NEED

Voyageurs National Park (Park) was established in 1975 in northern Minnesota near International Falls. 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 outstanding water resources and is popular with canoeists, kayakers, other boaters, and fisherman. Park visitors can obtain information about the Park from the three visitor centers, and can view films, see exhibits, and learn about and experience the landscape, geology, wildlife, plants, and the Park's history.

The Bureau of Land Management (BLM) currently administers lands within the boundaries of the Park that were not transferred to the National Park Service (NPS) when the Park was established. S. 2805 formally transfers these BLM lands to the NPS. Enactment of the legislation is expected to save agency time and taxpayer dollars by eliminating the need for 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 the NPS for certain State tax-forfeited tracts within the boundaries of Voyageurs National Park with a NPS owned tract outside the Park boundary.

#### LEGISLATIVE HISTORY

S. 2805 was introduced by Senators Franken and Klobuchar on April 14, 2016. The Subcommittee on National Parks held a hearing on the bill on June 15, 2016.

H.R. 4944, companion legislation to S. 2805, was introduced in the House of Representatives by Representative Nolan on April 14, 2016.

The Committee on Energy and Natural Resources met in open business session on July 13, 2016, and ordered S. 2805 favorably reported as amended.

#### COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on July 13, 2016, by a majority voice vote of a quorum present, recommends that the Senate pass S. 2805, if amended as described herein.

#### COMMITTEE AMENDMENT

During its consideration of S. 2805, the Committee adopted a technical amendment to clarify that the map “Voyageurs National Park, Proposed Land Transfer & Boundary Adjustment,” numbered 172/80,056, and dated June 2009, includes 22 sheets.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Modification of Voyageurs National Park*

Section 1(a) modifies the boundary of Voyageurs National Park to reflect the updates incorporated in the map entitled “Voyageurs National Park, Proposed Land Transfer & Boundary Adjustment,” numbered 172/80,056, and dated June 2009 (22 sheets).

Subsection (b) amends section 201 of Public Law 91-661 to transfer administrative jurisdiction over any land currently managed by the BLM to the NPS, as depicted on the map, as well as any additional public land identified as appropriate for transfer by the BLM within the boundaries of the Park. 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. Upon completion of an acquisition from the State, the Secretary shall revise the boundary of the park to reflect the acquisition.

#### COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the Congressional Budget Office completes its cost estimate, it will be posted on the internet at [www.cbo.gov](http://www.cbo.gov).

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2805. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 2805, as ordered reported.

#### CONGRESSIONALLY DIRECTED SPENDING

S. 2805, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

#### EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the June 16, 2016, Subcommittee on National Parks hearing on S. 2805 follows:

##### STATEMENT OF STEPHANIE TOOTHMAN, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, PARTNERSHIPS, AND SCIENCE, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the views of the Department of the Interior on a bill to authorize the Secretary of the Interior to modify the boundary of Voyageurs National Park (Voyageurs) in the State of Minnesota.

The Department supports S. 2805.

This bill would allow for the transfer of administrative jurisdiction of lands between the National Park Service (NPS) and the Bureau of Land Management (BLM). It would also authorize the Secretary of the Interior to acquire lands owned by the State of Minnesota by donation or exchange.

Voyageurs National Park is a 218,200-acre national park located on the northern edge of Minnesota's border, 15 miles east of International Falls, Minnesota. Fifty-five miles of the park meanders along the Canadian border with the province of Ontario. The park lies in the southern part of the Canadian Shield, representing some of the oldest exposed rock formations in the world. The surrounding

waterways once served as the route for the French-Canadian voyageurs.

The NPS seeks to transfer to the State of Minnesota a 32.79 acre parcel of NPS managed lands which is outside the park boundary. In exchange, Minnesota will transfer to the NPS, 48.87 acres of State lands within the boundary of the park. Additionally the NPS would like to acquire five more parcels of land totaling 91 acres owned by the State of Minnesota that are within the boundary of the park. This bill authorizes the Secretary of the Interior to acquire by donation or exchange any land within or adjacent to the boundary of the park that is owned by the State of Minnesota, or a political subdivision of the State. There have been incidences of activities on some of these tracts of state-owned land that are inconsistent with park purposes.

Sixty one (61) BLM land tracts encompassing forty-nine (49) acres were not transferred to the National Park Service when Voyageurs National Park was established. Without specific language directing BLM to transfer ownership of its lands to the NPS, the BLM is limited to its existing authority under the Federal Land Management Policy Act (FLMPA). FLMPA authorizes BLM to transfer management authority over the lands to the National Park Service for no more than a twenty-year period and permanent transfer of the management of these lands requires Congressional action. Transfer of these parcels to the NPS would facilitate ease of management for both agencies and eliminate any future concerns related to ownership, and other administrative issues.

The cost of managing these boundary revisions and any future acquisitions is minimal as there are no structures on any of the lands. The park would absorb the minimal cost of producing new maps and brochures and signage.

The BLM, the State of Minnesota and adjacent land owners support the boundary modifications in this bill.

Mr. Chairman, this concludes my testimony. I would be happy to answer any questions you or other members of the subcommittee may have.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the original bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

#### PUBLIC LAW 91-661

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#### ESTABLISHMENT

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 LNPMW 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, 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 \* \* \*

(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

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## 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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