

104TH CONGRESS
2D SESSION

H. R. 3297

To provide for improved access to and use of the Boundary Waters Canoe Area Wilderness, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 1996

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

A BILL

To provide for improved access to and use of the Boundary Waters Canoe Area Wilderness, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. MOTORBOATS IN BOUNDARY WATERS CANOE**

4 **AREA WILDERNESS.**

5 (a) BASSWOOD, SAGANAGA, AND BIRCH LAKES.—

6 Section 4(c) of Public Law 95–495 (92 Stat. 1650) is

7 amended—

8 (1) in paragraph (1)—

1 (A) by striking “Basswood, except” and all
2 that follows through “Washington Island;” and
3 inserting “Basswood, Lake County;”;

4 (B) by striking “, except for that portion
5 west of American Point”; and

6 (C) by inserting “Birch, Lake County;”
7 after “Moose, Lake County;”; and

8 (2) by striking paragraph (4).

9 (b) LAC LA CROIX.—Section 4(d) of Public Law 95–
10 495 (92 Stat. 1651) is amended by striking “that portion
11 of the Lac La Croix, Saint Louis County, south of Snow
12 Bay and east of Wilkins Bay” and inserting “and Lac la
13 Croix, Saint Louis County”.

14 (c) SEAGULL LAKE.—Section 4(c) of Public Law 95–
15 495 (92 Stat. 1650) is amended—

16 (1) in paragraph (2), by striking “, that portion
17 generally east of Threemile Island, Cook County”;
18 and

19 (2) in paragraph (3), by striking “Sea Gull,
20 Cook County, that portion generally west of
21 Threemile Island, until January 1, 1999;”.

22 **SEC. 2. GUESTS.**

23 The second proviso of section 4(f) of Public Law 95–
24 495 (92 Stat. 1651) is amended—

1 (1) by striking “homeowners and their guests
2 and resort owners and their guests” and inserting in
3 lieu thereof “homeowners and resort owners and the
4 day and overnight guests of homeowners and resort
5 owners who buy or rent goods and services”; and

6 (2) by inserting “or chain of lakes” after “shall
7 have access to that particular lake”.

8 **SEC. 3. MOTORIZED PORTAGES.**

9 Section 4(g) of Public Law 95–495 (92 Stat. 1651)
10 is amended to read as follows:

11 “(g) Nothing in this Act shall be construed to prevent
12 the operation of motorized vehicles and associated equip-
13 ment which is necessary to assist in the transport of boats
14 across the portages from Moose Lake Chain to Basswood
15 Lake, from Fall Lake to Basswood Lake, and from Lake
16 Vermilion to Trout Lake.”.

17 **SEC. 4. BOUNDARY WATERS CANOE AREA WILDERNESS**
18 **INTERGOVERNMENTAL COUNCIL.**

19 Public Law 95–495 (92 Stat. 1650) is amended by
20 adding at the end the following new section:

21 **“SEC. 22. BOUNDARY WATERS CANOE AREA WILDERNESS**
22 **INTERGOVERNMENTAL COUNCIL.**

23 “(a) ESTABLISHMENT.—

24 “(1) MEMBERSHIP.—There is hereby estab-
25 lished the Boundary Waters Canoe Area Wilderness

1 Intergovernmental Council (hereafter in this section
2 referred to as the “Council”). The Council shall be
3 composed of 11 members, as follows:

4 “(A) The Under Secretary for Natural Re-
5 sources and Environment, Department of Agri-
6 culture, ex officio, or his designee.

7 “(B) Three individuals, appointed by the
8 Secretary after consideration of recommenda-
9 tions by the Governor, to represent the Min-
10 nesota Department of Natural Resources, the
11 Minnesota Environmental Quality Board, and
12 the Minnesota Office of Tourism.

13 “(C) One individual appointed by the Sec-
14 retary to represent the Minnesota Historical
15 Society.

16 “(D) The Chair of the St. Louis County
17 Commissioners, or the designee of the Chair, ex
18 officio.

19 “(E) The Chair of the Lake County Com-
20 missioners, or the designee of the Chair, ex
21 officio.

22 “(F) The Chair of Cook County Commis-
23 sioners, or the designee of the Chair, ex officio.

1 “(G) The State Senator, who represents
2 the area in which the wilderness is located, or
3 the designee of the State Senator, ex officio.

4 “(H) The State Representative, who rep-
5 resents the area in which the wilderness is lo-
6 cated, or the designee of the State Representa-
7 tive, ex officio.

8 “(I) One member of the Native American
9 community to represent the 1854 Treaty Au-
10 thority.

11 “(2) TERMS.—The term of the members ap-
12 pointed to the Council under paragraph (1), other
13 than ex officio members, shall be two years. Any
14 member of the Council appointed for a definite term
15 may serve after the expiration of his term until his
16 successor is appointed.

17 “(3) COMPENSATION.—Members of the Council
18 who are not employed by the Federal Government
19 shall serve without pay. While away from their
20 homes or regular places of business in the perform-
21 ance of services of the Council, members of the
22 Council shall be allowed travel expenses, including
23 per diem in lieu of subsistence, in the same manner
24 as persons employed intermittently in Federal Gov-

1 ernment service are allowed expenses under section
2 5703 of title 5, United States Code.

3 “(b) PROVISIONS RELATING TO THE CONDUCT OF
4 COUNCIL BUSINESS.—

5 “(1) QUORUM.—Eight members of the Council
6 shall constitute a quorum.

7 “(2) CHAIRPERSON.—The members of the
8 Council shall elect a chairperson of the Council from
9 among the members of the Council.

10 “(3) VACANCY.—Any vacancy in the Council
11 shall be filled in the same manner in which the origi-
12 nal appointment was made.

13 “(4) MEETINGS.—The Council shall meet at
14 the call of the chairperson or a majority of the mem-
15 bers.

16 “(5) STAFF.—The Secretary shall provide the
17 Council with such staff and technical assistance as
18 the Secretary, after consultation with the Council,
19 considers appropriate to enable the Council to carry
20 out its duties. Upon request of the Secretary, any
21 Federal agency may provide information, personnel,
22 property, and services, on a reimbursable basis, to
23 the Council to assist in carrying out its duties under
24 this section. The Secretary may accept the services
25 of personnel detailed from the State of Minnesota or

1 any political subdivision of the State and may reim-
2 burse the State or such political subdivision for such
3 services.

4 “(6) PROCEDURAL MATTERS.—

5 “(A) FACA.—The Federal Advisory Com-
6 mittee Act (5 U.S.C. App.) shall not apply to
7 the Council.

8 “(B) GUIDELINES FOR CONDUCT OF BUSI-
9 NESS.—The following guidelines apply with re-
10 spect to the conduct of business at meetings of
11 the Council:

12 “(i) Each regular meeting and each
13 emergency meeting shall be open to the
14 public.

15 “(ii) Emergency meetings shall be
16 held at the call of the chair or equivalent
17 presiding officer.

18 “(iii) Timely public notice of each reg-
19 ular meeting and each emergency meeting,
20 including the time, place, and agenda of
21 the meeting, shall be published in local
22 newspapers and such notice may be given
23 by such other means as will result in wide
24 publicity.

1 “(iv) Interested persons shall be per-
2 mitted to present oral or written state-
3 ments regarding the matters on the agenda
4 at meetings.

5 “(v) Minutes of each meeting shall be
6 kept and shall contain a record of the per-
7 sons present, an accurate description of
8 matters discussed and conclusions reached,
9 and copies of all statements filed.

10 “(vi) The administrative record, in-
11 cluding minutes required under clause (v),
12 of each meeting, and records or other doc-
13 uments which were made available to or
14 prepared for or by the Council incident to
15 the meeting, shall be available for public
16 inspection and copying at a single location
17 in the offices of the Council.

18 “(C) NEW INFORMATION.—At any time
19 when the Council determines it appropriate to
20 consider new information from a State or Fed-
21 eral agency or from a Council advisory body,
22 the Council shall give comparable consideration
23 to new information offered at that time by in-
24 terested members of the public. Interested par-
25 ties shall have a reasonable opportunity to re-

1 spond to new data or information before the
2 Council takes final action on management
3 measures.

4 “(c) FUNCTIONS.—The Council shall, in accordance
5 with the provisions of this Act—

6 “(1) prepare and submit to the Secretary draft
7 amendments to the management plan and, from
8 time to time, such additional amendments to the
9 plan as are necessary, which provides for as broad
10 a range of sustainable land and water uses and sce-
11 nic and recreational activities as are compatible with
12 the laws and regulations governing the wilderness
13 and other local, State, or Federal public lands, as
14 may be decided upon in the plan;

15 “(2) after considering public comment and com-
16 ment from the Secretary, prepare and submit to the
17 Secretary revisions of the management plan when
18 appropriate for the purposes of making regularly
19 scheduled management plan revisions under section
20 6 of the Forest and Rangeland Renewable Resources
21 Planning Act of 1974 (16 U.S.C. 1604);

22 “(3) consult with and provide comments to the
23 Secretary regarding the environmental impact of
24 major Federal actions significantly affecting the

1 quality of the human environment which are pro-
2 posed by the Secretary;

3 “(4) analyze the economic and environmental
4 costs and benefits of implementing sustainable prac-
5 tices for the wilderness;

6 “(5) conduct public hearings, at appropriate
7 times and in appropriate locations, so as to allow all
8 interested persons an opportunity to be heard in the
9 development of the amendments to and revisions of
10 the management plan, in the development of major
11 Federal actions referred to in paragraph (3), and
12 with respect to the administration and implementa-
13 tion of the provisions of this Act;

14 “(6) establish an ongoing process of review and
15 evaluation of local, State, and Federal actions,
16 plans, ordinances, regulations, laws, and land use
17 decisions for the purpose of assessing their effect on
18 the long-term sustainability of the economic and en-
19 vironmental values and resources of the region;

20 “(7) submit to the Secretary such periodic re-
21 ports as the Council deems appropriate, and any
22 other relevant report which may be requested by the
23 Secretary; and

24 “(8) conduct other activities which are required
25 by, or provided for in, this Act or which are nec-

1 essary and appropriate to the functions specified in
2 paragraphs (1) through (7).

3 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated such sums as may be
5 necessary to carry out this section.”.

6 **SEC. 5. MANAGEMENT PLAN.**

7 Public Law 95–495 (92 Stat. 1650), as amended by
8 section 4 of this Act, is further amended by adding at the
9 end the following new section:

10 **“SEC. 23. MANAGEMENT PLAN.**

11 “(a) IN GENERAL.—The provisions of this section
12 shall apply when the Secretary is amending and revising
13 management plans for the wilderness or considering deci-
14 sions that require public involvement and notification
15 under the National Environmental Policy Act of 1969.

16 “(b) MANAGEMENT PLAN.—

17 “(1) RECEIVED FROM COUNCIL.—The Sec-
18 retary shall receive the draft amendments to the re-
19 visions of the management plan prepared and sub-
20 mitted by the Boundary Waters Canoe Area Wilder-
21 ness Intergovernmental Council under section 22(e),
22 together with public comments on the draft amend-
23 ments or revisions, and shall review and, if nec-
24 essary, submit to the Council such recommendations

1 as the Secretary determines appropriate for revising
2 the draft amendments or revisions.

3 “(2) REVISIONS.—The Secretary shall accept a
4 revised drafts prepared and submitted by the Coun-
5 cil by reason of paragraph (1).

6 “(3) FINAL PLAN.—

7 “(A) IN GENERAL.—If the Secretary deter-
8 mines that the amendments to or revisions of
9 the management plan are not inconsistent with
10 other provisions of this Act or applicable laws,
11 treaties, executive orders, and that the amended
12 or revised management plan is in the public in-
13 terest, the Secretary shall adopt the amended
14 or revised management plan.

15 “(B) MANAGEMENT PLAN BOARD.—

16 “(i) If the Secretary decides not to
17 adopt the revised amendments to the man-
18 agement plan, the amendments to the
19 management plan shall be made by the
20 Secretary in accordance with clause (iii)
21 pursuant to recommendations made by a
22 management plan board appointed under
23 clause (ii).

1 “(ii) The management plan board
2 shall consist of three members, appointed
3 as follows:

4 “(I) One member appointed by
5 the Secretary,

6 “(II) One member appointed by
7 the Secretary from a list of 5 or more
8 individuals submitted by the Bound-
9 ary Waters Canoe Area Wilderness
10 Intergovernmental Council, by major-
11 ity vote. The Secretary may request
12 additional lists.

13 “(III) One member appointed by
14 the Secretary from a list of 5 or more
15 individuals submitted by the two
16 members appointed under subclauses
17 (I) and (II). The Secretary may re-
18 quest additional lists.

19 Members of a management plan board who
20 are not employed by the Federal Govern-
21 ment shall serve without pay. While away
22 from their homes or regular places of busi-
23 ness in the performance of services of the
24 board, members of the board shall be al-
25 lowed travel expenses, including per diem

1 in lieu of subsistence, in the same manner
2 as persons employed intermittently in Fed-
3 eral Government service are allowed ex-
4 penses under section 5703 of title 5, Unit-
5 ed States Code. The Federal Advisory
6 Committee Act (5 U.S.C. App.) shall not
7 apply to a management plan board.

8 “(iii) The management plan board
9 shall review the revised amendments to the
10 management plan submitted by the Council
11 to the Secretary under section 22(c), and
12 such comments on the revised amendments
13 and recommendations for such amend-
14 ments as the Secretary submits to the
15 board. Following such review, the board
16 shall submit to the Secretary such amend-
17 ments as the board finds to be appropriate
18 under the provisions of this Act. The Sec-
19 retary shall revise the management plan in
20 a manner based on the amendments sub-
21 mitted by the board.

22 “(4) NOT ACCEPTED.—If the Secretary deter-
23 mines not to adopt the amendments to or revisions
24 of the management plan under subparagraph (A),
25 the Secretary shall notify the Council in writing

1 within 95 days of the determination and shall make
2 recommendations for further action by the Council.
3 No amendment to the management plan shall be im-
4 plemented by the Secretary until the Secretary com-
5 plies with paragraphs (1), (2), and (3).

6 “(5) FAILURE OF COUNCIL TO ACT.—If the
7 Council declines to submit to the Secretary a revised
8 management plan, or amendments to a revised plan,
9 the Secretary may make such revisions as the Sec-
10 retary considers necessary or appropriate and imple-
11 ment the plan.

12 “(c) MAJOR FEDERAL ACTIONS.—The Secretary
13 shall seek the comment of the Council when considering
14 major Federal actions that require public involvement and
15 notification under the National Environmental Policy Act
16 of 1969.

17 “(d) STATUS QUO.—The management plan of the
18 wilderness may not be changed except in accordance with
19 this section.”

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