

Calendar No. 133

105TH CONGRESS
1ST Session

S. 1085

A BILL

To improve the management of the Boundary Waters Canoe Area Wilderness, and for other purposes.

JULY 30, 1997

Read the second time and placed on the calendar

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To improve the management of the Boundary Waters Canoe Area Wilderness,
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IN THE SENATE OF THE UNITED STATES

JULY 29, 1997

Mr. WELLSTONE introduced the following bill; which was read the first time

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Read the second time and placed on the calendar

A BILL

To improve the management 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. SHORT TITLE.**

4 This Act may be cited as the “Boundary Waters
5 Canoe Area Wilderness Expansion, Protection, and Access
6 Act of 1997”.

1 **SEC. 2. MOTORIZED PORTAGES.**

2 Section 4 of Public Law 95–495 (16 U.S.C. 1132
3 note; 92 Stat. 1650) is amended by striking subsection
4 (g) and inserting the following:

5 “(g) MOTORIZED PORTAGES.—

6 “(1) IN GENERAL.—Subject to paragraph (2),
7 nothing in this Act shall prevent the operation of a
8 motorized vehicle and associated equipment that is
9 necessary to assist in the transport of a boat across
10 Prairie Portage from the Moose Lake chain to Bass-
11 wood Lake, and from Lake Vermilion to Trout Lake
12 across the Trout Lake Portage.

13 “(2) CLEAN AND EFFICIENT VEHICLES.—A ve-
14 hicle operated as permitted under paragraph (1)—

15 “(A) may not exceed the dimensions of a
16 $\frac{3}{4}$ ton pickup truck; and

17 “(B) shall be a clean-emission and energy-
18 efficient vehicle, as determined by the Sec-
19 retary.

20 “(3) NEW TECHNOLOGY.—The Secretary may
21 require the use of vehicles under paragraph (1) that
22 utilize appropriate cost-effective new technology al-
23 lowing for a cleaner and quieter motorized vehicle as
24 soon as practicable, as determined by the Secretary.

25 “(4) REMOVAL OF TOW BOATS.—Not later than
26 30 days after the date on which the operation of mo-

1 torized vehicles begins under paragraph (1), the Sec-
2 retary shall terminate any special use permit for a
3 tow boat in Basswood Lake or South Farm Lake.

4 “(5) INCREASE IN MOTORBOAT PERMITS.—The
5 Secretary shall allow an appropriate increase in the
6 number of motorboat permits for September on
7 Basswood Lake to take into account the removal of
8 commercial tow boats on Basswood Lake.

9 “(6) NO ADDITIONAL FACILITIES.—Nothing in
10 this subsection permits the building of an overnight
11 facility, building, road, or amenity at a portage site.

12 “(7) NO SUBSIDY.—The costs of operating a
13 motorized vehicle under this subsection shall be
14 borne by a concessionaire without subsidy from any
15 government.

16 “(8) CONTINUED OPERATION.—If there is no
17 operation of a motorized vehicle under this sub-
18 section by a concessionaire for a significant portion
19 of the ice-free season for 3 consecutive years, this
20 subsection shall cease to have effect.”.

21 **SEC. 3. LAND ADDITIONS TO THE WILDERNESS.**

22 Section 3 of Public Law 95–495 (16 U.S.C. 1132
23 note; 92 Stat. 1649) is amended—

24 (1) by inserting “(a) IN GENERAL.—” after
25 “SEC. 3.”; and

1 (2) by adding at the end the following:

2 “(b) ADDITIONAL LAND.—

3 “(1) IN GENERAL.—The wilderness shall in-
4 clude the land designated on the map entitled
5 ‘Boundary Waters Canoe Area—Expansion Pro-
6 posal’, dated July 29, 1997, comprising approxi-
7 mately 21,700 acres.

8 “(2) ON FILE.—The map referred to in para-
9 graph (1) shall be on file and available for public in-
10 spection in the offices of the Chief of the Forest
11 Service and the Supervisor of the Superior National
12 Forest.

13 “(3) DETAILED LEGAL DESCRIPTION AND
14 MAP.—

15 “(A) IN GENERAL.—Not later than 1 year
16 after the date of enactment of this subsection,
17 the Secretary shall publish in the Federal Reg-
18 ister a detailed legal description and map show-
19 ing the new boundaries of the wilderness.

20 “(B) FILING WITH CONGRESS.—The Sec-
21 retary shall file the legal description and map
22 described in subparagraph (A) with the Com-
23 mittee on Agriculture, Nutrition, and Forestry
24 of the Senate and the Committee on Resources
25 of the House of Representatives.

1 “(C) FORCE OF LAW.—The legal descrip-
2 tion and map described in subparagraph (A)
3 shall have the same force and effect as if in-
4 cluded in this Act.

5 “(D) CLERICAL AND TYPOGRAPHICAL ER-
6 RORS.—The Secretary may correct clerical and
7 typographical errors in the legal description and
8 map described in subparagraph (A) at any
9 time.

10 “(4) TIMBER ACCESS ROADS.—Any timber ac-
11 cess road in the land described in paragraph (1) that
12 is in existence on the date of enactment of this sub-
13 section that is needed for operations under a timber
14 sale contract in existence on that date shall remain
15 open only until such time as the operations are com-
16 pleted and the timber sale contract expires.

17 “(5) LAND EXCHANGES.—Not later than 2
18 years after the date of enactment of this subsection,
19 the Secretary shall identify and convey to the State
20 or a county, in exchange for land owned by the State
21 or county in the wilderness area described in para-
22 graph (1), Federal land of approximately comparable
23 value, taking into consideration factors such as the
24 timber species, the volume of timber, and the acces-
25 sibility of timber on the land.”.

1 **SEC. 4. MOTORBOATS ON CANOE LAKE.**

2 Section 4(c)(2) of Public Law 95–495 (16 U.S.C.
3 1132 note; 92 Stat. 1650) is amended by striking
4 “; Canoe, Cook County”.

5 **SEC. 5. USE OF PISTON BULLY.**

6 Section 4(i) of Public Law 95–495 (16 U.S.C. 1132
7 note; 92 Stat. 1652) is amended by adding at the end the
8 following: “The Secretary shall allow the use of a piston
9 bully or similar device to groom the portion of the main-
10 tained ski trail on the east end of Flour Lake.”.

11 **SEC. 6. PERMIT RESERVATION SYSTEM.**

12 Section 4 of Public Law 95–495 (16 U.S.C. 1132
13 note; 92 Stat. 1652) is amended by adding at the end the
14 following:

15 “(j) PERMIT RESERVATION SYSTEM.—It is the sense
16 of Congress that the Secretary should take steps, if fea-
17 sible, to move the permit reservation system for the wilder-
18 ness to northeastern Minnesota. In taking such steps, the
19 Secretary should give preference to a contractor located
20 in a county in which part of the wilderness lies.”.

21 **SEC. 7. ANNUAL GRANTS.**

22 Section 16 of Public Law 95–495 (16 U.S.C. 1132
23 note; 92 Stat. 1658) is amended by adding at the end the
24 following:

25 “(c) ANNUAL GRANTS.—Of the amounts made avail-
26 able under section 21, the Secretary shall make a portion

1 available each year to the State of Minnesota to be used
2 by the Department of Natural Resources to be used to
3 pay the costs of providing employees and equipment in the
4 wilderness (in addition to the employees and equipment
5 being provided before the date of enactment of this sub-
6 section) for activities such as—

7 “(1) campsite restoration;

8 “(2) trail and campsite maintenance;

9 “(3) law enforcement;

10 “(4) monitoring of the management plan de-
11 scribed in section 20;

12 “(5) user education; and

13 “(6) other appropriate activities, as determined
14 by the Secretary.”.

15 **SEC. 8. AIRSPACE RESERVATION.**

16 The provisions of Executive Order No. 10092 (14
17 Fed. Reg. 7637) shall be applicable to the areas depicted
18 as wilderness on the map referred to in the amendments
19 made by section 3.

20 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

21 Section 21 of Public Law 95–495 (16 U.S.C. 1132
22 note; 92 Stat. 1659) is amended to read as follows:

1 **“SEC. 21. AUTHORIZATION OF APPROPRIATIONS.**

2 “In addition to any other funds authorized to be ap-
3 propriated for the wilderness, there are authorized to be
4 appropriated to carry out this Act—

5 “(1) \$3,500,000 for fiscal year 1998; and

6 “(2) such sums as are necessary for each fiscal
7 year thereafter.”.

8 **SEC. 10. EFFECTIVE DATE.**

9 This Act and the amendments made by this Act take
10 effect on January 1, 1998.