

picted on the map as proposed for less than fee acquisition. The map shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior.

(b) Conditions for forced sale; right of first refusal

(1) Appropriated funds may not be used to acquire lands or interests therein within the park without the consent of the owner except when—

(A) the Secretary determines that such owner is subjecting, or is about to subject, the property to actions which would significantly degrade its value as a component of the park; or

(B) the owner fails to comply with the provisions of paragraph (2).

The Secretary shall immediately notify the owner in writing of any determination under subparagraph (A). If the owner immediately ceases the activity subject to such notification, the Secretary shall attempt to negotiate a mutually satisfactory solution prior to exercising any authority provided by subsection (a) of this section.

(2) If an owner of lands or interests therein within the park intends to transfer any such lands or interest to persons other than the owner's immediate family, the owner shall notify the Secretary in writing of such intention. Within forty-five days after receipt of such notice, the Secretary shall respond in writing as to his interest in exercising a right of first refusal to purchase fee title or lesser interests. If, within such forty-five days, the Secretary declines to respond in writing or expresses no interest in exercising such right, the owner may proceed to transfer such interests. If the Secretary responds in writing within such forty-five days and expresses an interest and intention to exercise a right of first refusal, the Secretary shall initiate an action to exercise such right within ninety days after the date of the Secretary's response. If the Secretary fails to initiate action to exercise such right within such ninety days, the owner may proceed to otherwise transfer such interests. As used in this subsection with respect to a property owner, the term "immediate family" means the spouse, brother, sister, parent, or child of such property owner. Such term includes a person bearing such relationships through adoption and a stepchild shall be treated as a natural born child for purposes of determining such relationship.

(c) Exception

Subsection (b) of this section shall not apply with respect to tract number 01-142.

(d) Notification by owner of intended actions

When an owner of property within the park desires to take an action with respect to his property, he shall request, in writing, a prompt written determination from the Secretary as to the likelihood of such action provoking a determination by the Secretary under the provisions of subsection (b)(1)(A) of this section. The Secretary is thereupon directed to promptly issue such owner a certificate of exemption from condemnation for such actions proposed by the owner which the Secretary determines to be compatible with the purposes of the park.

(e) Limited right of retention; calculation of payment

(1) An owner of improved property which is used solely for noncommercial residential purposes, or for commercial agricultural purposes found to be compatible with the General Management Plan, on the date of its acquisition by the Secretary may retain, as a condition of such an acquisition, a right of use and occupancy of the property for such residential or agricultural purposes. The right retained may be for a definite term which shall not exceed twenty-five years, or in lieu thereof, for a term ending at the death of the owner. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value, of the term retained by the owner.

(2) Except for tract number 01-142, paragraph (1) shall not apply to property which the Secretary determines to be necessary for the purposes of administration, development, access, or public use.

(f) Rapid acquisition

Any owner of lands or interests therein within the park who desires to have such lands or interests acquired by the Secretary may notify the Secretary in writing of such desire. It is the intention of the Congress that, upon receipt of such notification, and on the condition that such acquisition will transpire at fair market value and in accordance with other conditions acceptable to the Secretary, the Secretary shall endeavor to acquire such lands or interests therein within six months of the date of receipt of such notice from the owner.

(Pub. L. 97-460, § 2, Jan. 12, 1983, 96 Stat. 2520.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 97-460, Jan. 12, 1983, 96 Stat. 2520, which enacted sections 159f and 159g of this title, amended section 159d of this title, and enacted a provision set out as a note under section 159f of this title. For complete classification of this Act to the Code, see Tables.

SUBCHAPTER XIX—VOYAGEURS NATIONAL PARK

§ 160. Congressional declaration of purpose

The purpose of this subchapter is to preserve, for the inspiration and enjoyment of present and future generations, the outstanding scenery, geological conditions, and waterway system which constituted a part of the historic route of the Voyageurs who contributed significantly to the opening of the Northwestern United States.

(Pub. L. 91-661, § 1, Jan. 8, 1971, 84 Stat. 1970.)

§ 160a. Establishment; notice in Federal Register; donation of lands; acquisition by purchase of other lands

In furtherance of the purpose of this subchapter, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to establish the Voyageurs National Park (hereinafter referred to as the "park") in the State of Minnesota, by publication of notice to that effect in the Federal Register at such time

as the Secretary deems sufficient interests in lands or waters have been acquired for administration in accordance with the purposes of this subchapter: *Provided*, That the Secretary shall not establish the park until the lands owned by the State of Minnesota and any of its political subdivisions within the boundaries shall have been donated to the Secretary for the purposes of the park: *Provided further*, That the Secretary shall not acquire other lands by purchase for the park prior to such donation unless he finds that acquisition is necessary to prevent irreparable changes in their uses or character of such a nature as to make them unsuitable for park purposes and notifies the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives of such findings at least thirty days prior to such acquisition.

(Pub. L. 91-661, §101, Jan. 8, 1971, 84 Stat. 1970; Pub. L. 103-437, §6(f), Nov. 2, 1994, 108 Stat. 4585.)

CODIFICATION

Section formerly consisted of sections 101 and 102 of Pub. L. 91-661. Section 102 of Pub. L. 91-661 was substantially amended and expanded by Pub. L. 97-405, §1(1), (2), Jan. 3, 1983, 96 Stat. 2028, and as thus amended is set out as section 160a-1 of this title.

AMENDMENTS

1994—Pub. L. 103-437 substituted “Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives” for “Committees on Interior and Insular Affairs of both the Senate and the House of Representatives”.

§ 160a-1. Boundaries

(a) Lands and waters included; legal description; revision

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, 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 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 or other boundary description, but such revisions shall not increase the land acreage within the park by more than one thousand acres.

(b) Additional revisions; procedures applicable; failure to comply with procedures

(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) of this section—

(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 (2), 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, 008-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) 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)¹ 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 agree-

¹ So in original. Probably should be “(1)(E)”.