

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.

(Pub. L. 91-661, §201, Jan. 8, 1971, 84 Stat. 1970; Pub. L. 116-9, title II, §2107(b), Mar. 12, 2019, 133 Stat. 727.)

Editorial Notes

CODIFICATION

In subsec. (a), “chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” substituted for “the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended” on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

AMENDMENTS

2019—Pub. L. 116-9, §2107(b)(1), inserted section catchline.

Subsec. (a). Pub. L. 116-9, §2107(b)(1), (2), inserted subsec. heading and in six sentences of existing provisions: designated first sentence as par. (1) and inserted heading; designated second to fifth sentences collectively as par. (2) and individually as subpars. (A), (B)(i), (B)(ii), and (C) of par. (2), respectively, and inserted par., subpar., and cl. headings; and struck out sixth sentence which read as follows: “Lands within the boundaries of the park owned by the State of Minnesota, or any political subdivision thereof, may be acquired only by donation.”

Subsec. (a)(2)(A). Pub. L. 116-9, §2107(b)(2)(A), substituted “In any case in which only a portion of a tract of land is within the boundaries of the park” for “When any tract of land is only partly within such boundaries”.

Subsec. (a)(2)(B)(i). Pub. L. 116-9, §2107(b)(2)(B), substituted “Any land acquired pursuant to subparagraph (A)” for “Land so acquired”.

Subsec. (a)(2)(D), (E). Pub. L. 116-9, §2107(b)(2)(E), added subpars. (D) and (E).

Subsec. (b). Pub. L. 116-9, §2107(b)(3), inserted heading and substituted “the authority” for “his authority”.

§ 160c. Acquisition of improved property

(a) Owner’s reservation of right of use and occupancy for residential purposes for life or fixed term of years; election of term; fair market value

Any owner or owners (hereinafter referred to as “owner”) of improved property on the date of its acquisition by the Secretary may, if the Secretary determines that such improved property is not, at the time of its acquisition, required for the proper administration of the park, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years, or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, whichever is later. The owner shall elect the term to be retained. 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 on such date of the right retained by the owner.

(b) Use and occupancy by lessee of lands donated by State of Minnesota within boundaries of park; term of use and occupancy

If the State of Minnesota donates to the United States any lands within the boundaries of the park subject to an outstanding lease on which the lessee began construction of a non-commercial or recreational residential dwelling prior to January 1, 1969, the Secretary may grant to such lessee a right of use and occupancy for such period of time as the Secretary, in his discretion, shall determine: *Provided*, That no such right of use and occupancy shall be granted, extended, or continue after ten years from the date of the establishment of the park.

(c) Termination of use and occupancy; tender by Secretary of fair market value of unexpired right

Any right of use and occupancy retained or granted pursuant to this section shall be subject to termination by the Secretary upon his determination that such use and occupancy is being exercised in a manner not consistent with the purposes of this subchapter or upon his determination that the property is required for the proper administration of the park. The Secretary shall tender to the holder of the right so terminated an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

(d) “Improved property” defined

The term “improved property”, as used in this section, shall mean a detached, noncommercial residential dwelling, the construction of which was begun before January 1, 1969, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

(Pub. L. 91-661, §202, Jan. 8, 1971, 84 Stat. 1971.)

§ 160d. Concession contracts with former owners of commercial, recreational, resort, or similar properties within park boundaries

Notwithstanding any other provision of law, the Secretary is authorized to negotiate and enter into concession contracts with former owners of commercial, recreational, resort, or similar properties located within the park boundaries for the provision of such services at their former location as he may deem necessary for the accommodation of visitors.

(Pub. L. 91-661, §203, Jan. 8, 1971, 84 Stat. 1972.)

§ 160e. Payment of value differential by Secretary to owner of commercial timberlands exchanging lands for State lands outside of park; determination of value; prerequisites

The Secretary is authorized to pay a differential in value, as hereinafter set forth, to any owner of commercial timberlands within the park with whom the State of Minnesota has negotiated, for the purpose of conveyance to the United States, an exchange of lands for State

lands outside the park. Payment hereunder may be made when an exchange is based upon valuations for timber purposes only, and shall be the difference between the value of such lands for timber purposes, as agreeable to the State, the Secretary, and any owner, and the higher value, if any, of such lands for recreational purposes not attributable to establishment or authorization of the park: *Provided*, That any payment shall be made only at such time as fee title of lands so acquired within the boundaries is conveyed to the United States.

(Pub. L. 91-661, §204, Jan. 8, 1971, 84 Stat. 1972.)

§ 160f. Administration

(a) Authority of Secretary

Except as hereinafter provided, the Secretary shall administer the lands acquired for the park, and after establishment shall administer the park, in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535) as amended and supplemented (16 U.S.C. 1-4).¹

(b) Preservation of area as a wilderness; study and report to President; procedure for designation as a wilderness

Within four years from the date of establishment, the Secretary of the Interior shall review the area within the Voyageurs National Park and shall report to the President, in accordance with subsections (c) and (d) of section 1132 of this title, his recommendation as to the suitability or nonsuitability of any area within the lakeshore for preservation as wilderness, and any designation of any such area as a wilderness may be accomplished in accordance with said subsections. The President shall, no later than June 1, 1983, advise the United States Senate and House of Representatives of his recommendations with respect to the suitability or nonsuitability as wilderness of any area within the park.

(c) Mining and mineral activities and commercial water power development within park boundaries

All mining and mineral activities and commercial water power development within the boundaries of the park shall be prohibited, and further, any conveyance from the State of Minnesota shall contain a covenant that the State of Minnesota, its licensees, permittees, lessees, assigns, or successors in interest shall not engage in or permit any mining activity nor water power development.

(Pub. L. 91-661, §301, Jan. 8, 1971, 84 Stat. 1972; Pub. L. 97-405, §1(3), Jan. 3, 1983, 96 Stat. 2029.)

Editorial Notes

REFERENCES IN TEXT

The Act of August 25, 1916 (39 Stat. 535) as amended and supplemented (16 U.S.C. 1-4), referred to in subsec. (a), is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of this title and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of

¹ See References in Text note below.

Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54 by Pub. L. 113-287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

AMENDMENTS

1983—Subsec. (b). Pub. L. 97-405 inserted provision directing the President to advise the Senate and House of Representatives no later than June 1, 1983, of his recommendation with respect to the suitability or nonsuitability as wilderness of any area within the park.

§ 160g. Designation by Secretary of recreational fishing zones; consultation with appropriate State agency; continuation of seining of fish to secure eggs for propagation

(a) The Secretary shall permit recreational fishing on lands and waters under his jurisdiction within the boundaries of the park in accordance with applicable laws of the United States and of the State of Minnesota, except that the Secretary may designate zones where and establish periods when no fishing shall be permitted for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate agency of the State of Minnesota.

(b) The seining of fish at Shoepac Lake by the State of Minnesota to secure eggs for propagation purposes shall be continued in accordance with plans mutually acceptable to the State and the Secretary.

(Pub. L. 91-661, §302, Jan. 8, 1971, 84 Stat. 1972.)

§ 160h. Programs for development of area for recreational sports activities

The Secretary may, when planning for development of the park, include appropriate provisions for (1) winter sports, including the use of snowmobiles, (2) use by seaplanes, and (3) recreational use by all types of watercraft, including houseboats, runabouts, canoes, sailboats, fishing boats, and cabin cruisers.

(Pub. L. 91-661, §303, Jan. 8, 1971, 84 Stat. 1972.)

§ 160i. Applicability to treaties, orders, or agreements

Nothing in this subchapter shall be construed to affect the provisions of any treaty now or hereafter in force between the United States and Great Britain relating to Canada or between the United States and Canada, or of any order or agreement made or entered into pursuant to any such treaty, which by its terms would be applicable to the lands and waters which may be acquired by the Secretary hereunder, including, without limitation on the generality of the foregoing, the Convention Between the United States and Canada on Emergency Regulation of Level of Rainy Lake and of Other Boundary Waters in the Rainy Lake Watershed, signed September 15, 1938, and any order issued pursuant thereto.

(Pub. L. 91-661, §304, Jan. 8, 1971, 84 Stat. 1973.)