

104TH CONGRESS  
2D SESSION

# H. R. 3298

To provide for the establishment of the Voyageurs National Park  
Intergovernmental Council, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 1996

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

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## A BILL

To provide for the establishment of the Voyageurs National  
Park Intergovernmental Council, 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 “Voyageurs National  
5 Park Intergovernmental Council Act of 1996”.

6       **SEC. 2. FINDINGS AND DECLARATIONS.**

7       The Congress finds and declares that—

8               (1) intergovernmental cooperation (local, State,  
9       and Federal) is essential to optimize the sustainable

1 development of natural, cultural, and recreational re-  
2 sources of Voyageurs National Park; and

3 (2) the national interest is served by—

4 (A) preserving, protecting, and improving  
5 the long-term perpetuation of such diverse re-  
6 sources for the benefit of the people of the  
7 United States; and

8 (B) improving the coordination among all  
9 levels of government in the Voyageurs region.

10 **SEC. 3. VOYAGEURS NATIONAL PARK INTERGOVERN-**  
11 **MENTAL COUNCIL.**

12 The Act entitled “An Act to authorize the establish-  
13 ment of the Voyageurs National Park in the State of Min-  
14 nesota, and for other purposes” (16 U.S.C. 160 et seq.)  
15 is amended by inserting after section 305 the following  
16 new section:

17 **“SEC. 306. VOYAGEURS NATIONAL PARK INTERGOVERN-**  
18 **MENTAL COUNCIL.**

19 “(a) ESTABLISHMENT.—

20 “(1) MEMBERSHIP.—There is hereby estab-  
21 lished the Voyageurs National Park Intergovern-  
22 mental Council (hereafter in this section referred to  
23 as the “Council”). The Council shall be composed of  
24 11 members, as follows:

1           “(A) The Assistant Secretary for Fish and  
2 Wildlife and Parks, ex officio, or his designee.

3           “(B) Four individuals, appointed by the  
4 Secretary after consideration of recommenda-  
5 tions by the Governor, to represent the Min-  
6 nesota Department of Natural Resources, De-  
7 partment of Transportation, the Minnesota En-  
8 vironmental Quality Board, and the Minnesota  
9 Office of Tourism.

10           “(C) One individual appointed by the Sec-  
11 retary to represent the Minnesota Historical  
12 Society.

13           “(D) The Chair of the St. Louis County  
14 Commissioners, or the designee of the Chair, ex  
15 officio.

16           “(E) The Chair of the Koochiching County  
17 Commissioners, or the designee of the Chair, ex  
18 officio.

19           “(F) One State Senator, chosen by the  
20 Governor, who represents the area in which the  
21 park is located, or the designee of the State  
22 Senator, ex officio.

23           “(G) One State Representative, chosen by  
24 the Governor, who represents the area in which

1 the park is located, or the designee of the State  
2 Representative, ex officio.

3 “(H) One member of the Native American  
4 community to represent the 1854 Treaty Au-  
5 thority, appointed by the Secretary.

6 “(2) TERMS.—A member of the Council ap-  
7 pointed under paragraph (1), other than ex officio  
8 members, shall be appointed for a term of four  
9 years. Any member of the Council appointed for a  
10 definite term may serve after the expiration of his  
11 term until his successor is appointed.

12 “(3) COMPENSATION.—Members of the Council  
13 who are not employed by the Federal Government  
14 shall serve without pay. While away from their  
15 homes or regular places of business in the perform-  
16 ance of services of the Council, members of the  
17 Council shall be allowed travel expenses, including  
18 per diem in lieu of subsistence, in the same manner  
19 as persons employed intermittently in Federal Gov-  
20 ernment service are allowed expenses under section  
21 5703 of title 5, United States Code.

22 “(b) PROVISIONS RELATING TO THE CONDUCT OF  
23 COUNCIL BUSINESS.—

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

1           “(2) CHAIRPERSON.—The members of the  
2 Council shall elect a chairperson of the Council from  
3 among the members of the Council.

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

7           “(4) MEETINGS.—The Council shall meet at  
8 the call of the chairperson or a majority of the mem-  
9 bers.

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

23           “(6) PROCEDURAL MATTERS.—

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

4           “(B) GUIDELINES FOR CONDUCT OF BUSI-  
5           NESS.—The following guidelines apply with re-  
6           spect to the conduct of business at meetings of  
7           the Council:

8                   “(i) Each regular meeting and each  
9                   emergency meeting shall be open to the  
10                  public.

11                  “(ii) Emergency meetings shall be  
12                  held at the call of the chair or equivalent  
13                  presiding officer.

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

21                  “(iv) Interested persons shall be per-  
22                  mitted to present oral or written state-  
23                  ments regarding the matters on the agenda  
24                  at meetings.

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

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

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

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

3           “(1) prepare and submit to the Secretary com-  
4 prehensive draft amendments to the management  
5 plan and, from time to time, such amendments to  
6 the plan as are necessary, which provides for as  
7 broad a range of sustainable land and water uses  
8 and scenic and recreational activities as are compat-  
9 ible with the laws and regulations governing Voya-  
10 geurs National Park and other local, State, or Fed-  
11 eral public lands;

12           “(2) analyze the economic and environmental  
13 costs and benefits of implementing sustainable prac-  
14 tices for Voyageurs National Park;

15           “(3) conduct public hearings, at appropriate  
16 times and in appropriate locations, so as to allow all  
17 interested persons an opportunity to be heard in the  
18 development of amendments to the plan, and with  
19 respect to the administration and implementation of  
20 the provisions of this Act;

21           “(4) after considering public comment and com-  
22 ment from the Secretary, prepare and submit to the  
23 Secretary proposed revisions to the draft manage-  
24 ment plan;



1       “(b)(1) The Secretary shall prepare in accordance  
2 with this section and implement amendments to the man-  
3 agement plan for the park. Where appropriate, such  
4 amendments shall provide for recreational opportunities,  
5 including (but not limited to) access and use of boats, air-  
6 craft, snowmobiles, hiking, and skiing on all major lakes  
7 and bays within the park.

8       “(2) The Secretary shall receive the draft amend-  
9 ments to the management plan prepared and submitted  
10 by the Voyageurs National Park Intergovernmental Coun-  
11 cil under section 306(c)(1), together with public comments  
12 on the draft amendments, and shall review and, if nec-  
13 essary, submit to the Council such recommendations as  
14 the Secretary determines appropriate for revising the draft  
15 amendments.

16       “(3) The Secretary shall receive revised draft amend-  
17 ments prepared and submitted by the Council under sec-  
18 tion 306(c)(1).

19       “(c)(1) If the Secretary determines that the revised  
20 amendments to the management plan are not inconsistent  
21 with other provisions of this Act or applicable laws, trea-  
22 ties, executive orders, and that the revised amendments  
23 to the management plan are in the public interest, the Sec-  
24 retary shall adopt the revised amendments to the manage-  
25 ment plan.

1       “(2)(A) If the Secretary decides not to adopt the re-  
2       vised amendments to the management plan, the amend-  
3       ments to the management plan shall be made by the Sec-  
4       retary in accordance with subparagraph (C) pursuant to  
5       recommendations made by a management plan board ap-  
6       pointed under subparagraph (B).

7       “(B)(i) The management plan board shall consist of  
8       three members, appointed as follows:

9               “(I) One member appointed by the Secretary.

10              “(II) One member appointed by the Secretary  
11       from a list of 5 or more individuals submitted by the  
12       Voyageurs National Park Intergovernmental Coun-  
13       cil, by majority vote. The Secretary may request ad-  
14       ditional lists.

15              “(III) One member appointed by the Secretary  
16       from a list of 5 or more individuals submitted by the  
17       2 members appointed under subclauses (I) and (II).  
18       The Secretary may request additional lists.

19       “(ii) Members of a management plan board who are  
20       not employed by the Federal Government shall serve with-  
21       out pay. While away from their homes or regular places  
22       of business in the performance of services of the board,  
23       members of the board shall be allowed travel expenses, in-  
24       cluding per diem in lieu of subsistence, in the same man-  
25       ner as persons employed intermittently in Federal Govern-

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

3 “(iii) The Federal Advisory Committee Act (5 U.S.C.  
4 App.) shall not apply to a management plan board.

5 “(C) The management plan board shall review the re-  
6 vised amendments to the management plan submitted by  
7 the Council to the Secretary under section 306(e)(1), and  
8 such comments on the revised amendments and rec-  
9 ommendations for such amendments as the Secretary sub-  
10 mits to the board. Following such review, the board shall  
11 submit to the Secretary such amendments as the board  
12 finds to be appropriate under the provisions of this Act.  
13 The Secretary shall revise the management plan in a man-  
14 ner based on the amendments submitted by the board.

15 “(d) If the Secretary fails to approve or disapprove  
16 revised amendments to the management plan submitted  
17 under this section within 95 days after the date of the  
18 submission of the amendments, no amendment to the plan  
19 shall be implemented by the Secretary until the Secretary  
20 complies with subsections (b) and (c).

21 “(e) If the Council declines to submit to the Secretary  
22 revised amendments to the management plan, or revisions  
23 of the amendments, the Secretary may make such amend-  
24 ments as the Secretary considers necessary or appropriate  
25 and implement the plan.

1       “(f) The management plan of the park may not be  
2 changed except in accordance with this section.”.

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