

112th CONGRESS

2d Session

**H. R. 5544**

To authorize and expedite a land exchange involving National Forest System land in the Laurentian District of the Superior National Forest and certain other National Forest System land in the State of Minnesota that has limited recreational and conservation resources and lands owned by the State of Minnesota in trust for the public school system that are largely scattered in checkerboard fashion within the Boundary Waters Canoe Area Wilderness and have important recreational, scenic, and conservation resources, and for other purposes.

**IN THE HOUSE OF REPRESENTATIVES**

**May 8, 2012**

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

---

**A BILL**

To authorize and expedite a land exchange involving National Forest System land in the Laurentian District of the Superior National Forest and certain other National Forest System land in the State of Minnesota that has limited recreational and conservation resources and lands owned by the State of Minnesota in trust for the public school system that are largely scattered in checkerboard fashion within the Boundary Waters Canoe Area Wilderness and have important recreational, scenic, and conservation resources, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the `Minnesota Education Investment and Employment Act'.

**SEC. 2. LAND EXCHANGE, BOUNDARY WATERS CANOE AREA WILDERNESS AND SUPERIOR NATIONAL FOREST, MINNESOTA.**

(a) Findings- Congress makes the following findings:

(1) The State of Minnesota owns multiple parcels of land in the Boundary Waters Canoe Area Wilderness in the Superior National Forest that were granted to the State through sections 16 and 36 of the Enabling Act of 1857 to be held in trust for the benefit of the public school system in the State (in this section referred to as `State trust lands').

(2) The State trust lands were acquired by the State long before the establishment of either the National Forest System or the wilderness area and are scattered in a largely checkerboard fashion amid the Superior National Forest and the wilderness area.

(3) The presence of State trust lands in the wilderness area makes land and resource management in the wilderness area more difficult, costly, and controversial for the United States and the State.

(4) Although the State trust lands were granted to the State to generate financial support for the public school system through the sale or development of natural resources, development of those resources in the wilderness area may be incompatible with managing the wilderness area for recreational, natural, and conservation purposes.

(5) The United States owns land and interests in land in other parts of the State that can be transferred to the State in exchange for the State trust lands without jeopardizing Federal management objectives or needs.

(6) It is in the public interest to exchange, on terms that are fair to the United States and the State, National Forest System land in the State that has limited recreational and conservation resources for State trust lands located in the wilderness area with important recreational, scenic, and conservation resources for permanent public management and use.

(7) The Legislature of the State of Minnesota, meeting in its 87th Legislative Session, passed (and on April 27, 2012, the Governor of Minnesota approved) S.F No. 1750 (Chapter 236), section 4 of which adds section 92.80 to the Minnesota Statutes to expedite the exchange of a portion of the State trust lands located within the Boundary Waters Canoe Area Wilderness.

(8) The land exchange described in subsection (b) should be consummated within one year after the date of the enactment of this Act.

(b) Land Exchange Required- The Secretary of Agriculture shall consummate a land exchange with the State of Minnesota pursuant to section 4 of S.F No. 1750 (Chapter 236) of the Legislature of the State of Minnesota (section 92.80 of the Minnesota Statutes) to acquire all right, title, and interest of the State in and to certain State trust lands identified as provided in such section in exchange for all right, title, and interest of the United States in and to National Forest System land in the State for inclusion in the State trust lands.

(c) Valuation of Lands for Exchange- Subdivision 4 of section 4 of S.F No. 1750 (Chapter 236) of the Legislature of the State of Minnesota (section 92.80 of the Minnesota Statutes) shall control for purposes of the examination and value determination of the lands to be exchanged.

(d) Survey and Administrative Costs- The exact acreage and legal description of the land to be exchanged under subsection (b) shall be determined by a survey satisfactory to the Secretary. The State of Minnesota shall be responsible for the costs of the survey and all other administrative costs related to the land exchange.

(e) Boundaries and Management of Acquired Land-

(1) LAND ACQUIRED BY SECRETARY-

(A) IN GENERAL- The land acquired by the Secretary under subsection (b) shall be added to and administered as part of the Boundary Waters Canoe Area Wilderness established pursuant to section 3 of the Wilderness Act (16 U.S.C. 1132(a)), and the Secretary shall modify the boundaries of the wilderness area to reflect inclusion of the acquired lands. Subject to subparagraph (B), the land acquired by the Secretary shall be managed in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and other laws and regulations applicable to the National Wilderness Preservation System.

(B) NO AFFECT ON EXISTING FISHING AND HUNTING RIGHTS- The acquisition of land by the United States under subsection (b) and inclusion of the land in the Boundary Waters Canoe Area Wilderness shall not alter or otherwise affect--

(i) any fishing and hunting rights in existence with respect to the land immediately before the conveyance of the land to the United States; or

(ii) the use of such rights after conveyance.

(2) LAND ACQUIRED BY STATE- The land acquired by the State of Minnesota under subsection (b) shall be deemed to be State trust lands and shall be held in trust for the benefit of the public school system in the State. It is the sense of Congress that, whenever the land acquired by the State of Minnesota under subsection (b) is not being used for revenue-generating activities, the State should make the land available for other compatible uses, including hunting, fishing, hiking, biking, snowmobiling, and trail riding.

(3) BOUNDARIES OF SUPERIOR NATIONAL FOREST- The Secretary shall modify the boundaries of the Superior National Forest to reflect the land exchange conducted under this section.

(f) Relation to Other Laws-

(1) LAND AND WATER CONSERVATION FUND ACT- For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Superior National Forest, as modified by subsection (e)(3), shall be considered to be boundaries of the Superior National Forest as of January 1, 1965.

(2) NOT A MAJOR FEDERAL ACTION- The land exchange conducted under this section shall not be considered to be a major Federal action.

(g) No Impact on Other Land Exchanges- The land exchange described in subsection (b) does not affect any land exchange involving National Forest System land in the State of Minnesota underway as of the date of the enactment of this Act.

(h) Report- If the Secretary fails to complete the land exchange described in subsection (b) before the end of the one-year period beginning on the date of the enactment of this Act, the Secretary shall submit to Congress, not later than 30 days after the end of such period, a report--

(1) specifying the reasons why the exchange has not been completed; and

(2) stating the date by which the Secretary anticipates the conveyance will be completed.

*END*