

112TH CONGRESS
2D SESSION

H. R. 5544

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 13, 2012

Received; read twice and referred to the Committee on Agriculture, Nutrition,
and Forestry

AN ACT

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.

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 “Minnesota Education
5 Investment and Employment Act”.

6 **SEC. 2. LAND EXCHANGE, BOUNDARY WATERS CANOE AREA**
7 **WILDERNESS AND SUPERIOR NATIONAL FOR-**
8 **EST, MINNESOTA.**

9 (a) FINDINGS.—Congress makes the following find-
10 ings:

11 (1) The State of Minnesota owns multiple par-
12 cels of land in the Boundary Waters Canoe Area
13 Wilderness in the Superior National Forest that
14 were granted to the State through sections 16 and
15 36 of the Enabling Act of 1857 to be held in trust
16 for the benefit of the public school system in the
17 State (in this section referred to as “State trust
18 lands”).

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

24 (3) The presence of State trust lands in the wil-
25 derness area makes land and resource management

1 in the wilderness area more difficult, costly, and con-
2 troversial for the United States and the State.

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

10 (5) The United States owns land and interests
11 in land in other parts of the State that can be trans-
12 ferred to the State in exchange for the State trust
13 lands without jeopardizing Federal management ob-
14 jectives or needs.

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

23 (7) The Legislature of the State of Minnesota,
24 meeting in its 87th Legislative Session, passed (and
25 on April 27, 2012, the Governor of Minnesota ap-

1 proved) S.F No. 1750 (Chapter 236), section 4 of
2 which adds section 92.80 to the Minnesota Statutes
3 to expedite the exchange of a portion of the State
4 trust lands located within the Boundary Waters
5 Canoe Area Wilderness.

6 (b) LAND EXCHANGE REQUIRED.—The Secretary of
7 Agriculture shall consummate a land exchange with the
8 State of Minnesota pursuant to section 4 of S.F No. 1750
9 (Chapter 236) of the Legislature of the State of Minnesota
10 (section 92.80 of the Minnesota Statutes) to acquire all
11 right, title, and interest of the State in and to certain
12 State trust lands identified as provided in such section in
13 exchange for all right, title, and interest of the United
14 States in and to National Forest System land in the State
15 for inclusion in the State trust lands.

16 (c) VALUATION OF LANDS FOR EXCHANGE.—Sub-
17 division 4 of section 4 of S.F No. 1750 (Chapter 236)
18 of the Legislature of the State of Minnesota (section 92.80
19 of the Minnesota Statutes) shall control for purposes of
20 the examination and value determination of the lands to
21 be exchanged.

22 (d) SURVEY AND ADMINISTRATIVE COSTS.—The
23 exact acreage and legal description of the land to be ex-
24 changed under subsection (b) shall be determined by a
25 survey satisfactory to the Secretary. The State of Min-

1 nesota shall be responsible for the costs of the survey and
2 all other administrative costs related to the land exchange.

3 (e) BOUNDARIES AND MANAGEMENT OF ACQUIRED
4 LAND.—

5 (1) LAND ACQUIRED BY SECRETARY.—

6 (A) IN GENERAL.—The land acquired by
7 the Secretary under subsection (b) shall be
8 added to and administered as part of the
9 Boundary Waters Canoe Area Wilderness estab-
10 lished pursuant to section 3 of the Wilderness
11 Act (16 U.S.C. 1132(a)), and the Secretary
12 shall modify the boundaries of the wilderness
13 area to reflect inclusion of the acquired lands.
14 Subject to subparagraph (B), the land acquired
15 by the Secretary shall be managed in accord-
16 ance with the Wilderness Act (16 U.S.C. 1131
17 et seq.) and other laws and regulations applica-
18 ble to the National Wilderness Preservation
19 System.

20 (B) NO EFFECT ON EXISTING FISHING
21 AND HUNTING RIGHTS.—The acquisition of
22 land by the United States under subsection (b)
23 and inclusion of the land in the Boundary
24 Waters Canoe Area Wilderness shall not alter
25 or otherwise affect—

1 (i) any fishing and hunting rights in
2 existence with respect to the land imme-
3 diately before the conveyance of the land to
4 the United States; or

5 (ii) the use of such rights after con-
6 veyance.

7 (2) LAND ACQUIRED BY STATE.—The land ac-
8 quired by the State of Minnesota under subsection
9 (b) shall be deemed to be State trust lands and shall
10 be held in trust for the benefit of the public school
11 system in the State. It is the sense of Congress that,
12 whenever the land acquired by the State of Min-
13 nesota under subsection (b) is not being used for
14 revenue-generating activities, the State should make
15 the land available for other compatible uses, includ-
16 ing hunting, fishing, hiking, biking, snowmobiling,
17 and trail riding.

18 (3) BOUNDARIES OF SUPERIOR NATIONAL FOR-
19 EST.—The Secretary shall modify the boundaries of
20 the Superior National Forest to reflect the land ex-
21 change conducted under this section.

22 (f) RELATION TO OTHER LAWS.—

23 (1) LAND AND WATER CONSERVATION FUND
24 ACT.—For purposes of section 7 of the Land and
25 Water Conservation Fund Act of 1965 (16 U.S.C.

1 460l–9), the boundaries of the Superior National
2 Forest, as modified by subsection (e)(3), shall be
3 considered to be boundaries of the Superior National
4 Forest as of January 1, 1965.

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

8 (3) THYE-BLATNIK ACT.—The Secretary shall
9 not take into consideration the lands acquired by the
10 United States under this Act in determining the ap-
11 praised value of National Forest System lands in the
12 State of Minnesota used for purposes of making
13 payments to the State of Minnesota under the Act
14 of June 22, 1948, and the Act of June 22, 1956
15 (commonly known as the Thye-Blatnik Act and
16 Humphrey-Thye-Blatnik-Andresen Act; 16 U.S.C.
17 577c through 577h).

18 (g) NO IMPACT ON OTHER LAND EXCHANGES.—The
19 land exchange described in subsection (b) does not affect
20 any land exchange involving National Forest System land
21 in the State of Minnesota underway as of the date of the
22 enactment of this Act.

23 (h) REPORT.—If the Secretary fails to complete the
24 land exchange described in subsection (b) before the end
25 of the 18-month period beginning on the date of the enact-

1 ment of this Act, the Secretary shall submit to Congress,
2 not later than 30 days after the end of such period, a re-
3 port—

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

6 (2) stating the date by which the Secretary an-
7 ticipates the conveyance will be completed.

Passed the House of Representatives September 12,
2012.

Attest:

KAREN L. HAAS,

Clerk.