

116TH CONGRESS
1ST SESSION

H. R. 527

To provide for a land exchange involving Federal land in the Superior National Forest in Minnesota acquired by the Secretary of Agriculture through the Weeks Law, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 2019

Mr. STAUBER (for himself, Mr. EMMER, Mr. PETERSON, Mr. GOSAR, Mr. WESTERMAN, and Mr. HAGEDORN) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To provide for a land exchange involving Federal land in the Superior National Forest in Minnesota acquired by the Secretary of Agriculture through the Weeks Law, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Superior National Forest Land Exchange Act of 2019”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Purpose and need for NorthMet Land Exchange.
 Sec. 3. Definitions.
 Sec. 4. NorthMet Land Exchange.
 Sec. 5. Valuation of NorthMet Land Exchange.
 Sec. 6. Maps and legal descriptions.
 Sec. 7. Post-exchange land management.
 Sec. 8. Miscellaneous provisions.

1 **SEC. 2. PURPOSE AND NEED FOR NORTHMET LAND EX-**
 2 **CHANGE.**

3 (a) PURPOSE.—It is the purpose of this Act to fur-
 4 ther the public interest by consummating the NorthMet
 5 Land Exchange as specifically set forth in this Act.

6 (b) NEED.—According to the Final Record of Deci-
 7 sion, the NorthMet Land Exchange is advisable and need-
 8 ed because the NorthMet Land Exchange will—

9 (1) result in a 40-acre net gain in National
 10 Forest System lands;

11 (2) improve the spatial arrangement of Na-
 12 tional Forest System lands by reducing the amount
 13 of ownership boundaries to be managed by 33 miles;

14 (3) improve management effectiveness by ex-
 15 changing isolated Federal lands with no public over-
 16 land access for non-Federal lands that will have pub-
 17 lic overland access and be accessible and open to
 18 public use and enjoyment;

19 (4) result in Federal cost savings by eliminating
 20 certain easements and their associated administra-
 21 tion costs;

1 (5) meet several of the priorities identified in
2 the land and resource management plan for Superior
3 National Forest to protect and manage administra-
4 tively or congressionally designated, unique, pro-
5 posed, or recommended areas, including acquisition
6 of 307 acres of land to the administratively proposed
7 candidate Research Natural Areas, which are man-
8 aged by preserving and maintaining areas for eco-
9 logical research, observation, genetic conservation,
10 monitoring, and educational activities;

11 (6) promote more effective land management
12 that would meet specific National Forest needs for
13 management, including acquisition of over 6,500
14 acres of land for new public access, watershed pro-
15 tection, ecologically rare habitats, wetlands, water
16 frontage, and improved ownership patterns;

17 (7) convey Federal land generally not needed
18 for other Forest resource management objectives,
19 because such land is adjacent to intensively devel-
20 oped private land including ferrous mining areas,
21 where abundant mining infrastructure and transpor-
22 tation are already in place, including—

23 (A) a large, intensively developed open pit
24 mine lying directly to the north of the Federal
25 land;

(B) a private mine railroad, powerlines, and roads lying directly to the south of the Federal land; and

(C) already existing ore processing, milling, and tailings facilities located approximately 5 miles to the west of the Federal land; and

(8) provide a practical resolution to complex issues pertaining to the development of private mineral rights underlying the Federal land surface, and thereby avoid potential litigation which could adversely impact the status and management of the Federal land and other National Forest System land acquired under the authority of section 6 of the Act of March 1, 1911 (commonly known as the Weeks Law; 16 U.S.C. 515).

SEC. 3. DEFINITIONS.

In this Act:

(1) COLLECTION AGREEMENTS.—The term “Collection Agreements” means the following agreements between the Secretary and PolyMet pertaining to the NorthMet Land Exchange:

(A) The agreement dated August 25, 2015.

(B) The agreement dated January 15, 2016.

1 (2) FEDERAL LAND PARCEL.—The term “Fed-
2 eral land parcel” means all right, title, and interest
3 of the United States in and to approximately 6,650
4 acres of National Forest System land, as identified
5 in the Final Record of Decision, within the Superior
6 National Forest in St. Louis County, Minnesota, as
7 generally depicted on the map entitled “Federal
8 Land Parcel–NorthMet Land Exchange”, and dated
9 June 2017.

10 (3) NON-FEDERAL LAND.—The term “non-Fed-
11 eral land” means all right, title, and interest of
12 PolyMet in and to approximately 6,690 acres of land
13 in four separate tracts (comprising 10 separate land
14 parcels in total) within the Superior National Forest
15 to be conveyed to the United States by PolyMet in
16 the land exchange as generally depicted on an over-
17 view map entitled “Non-Federal Land Parcels–
18 NorthMet Land Exchange” and dated June 2017,
19 and further depicted on separate tract maps as fol-
20 lows:

21 (A) TRACT 1.—Approximately 4,650 acres
22 of land in St. Louis County, Minnesota, gen-
23 erally depicted on the map entitled “Non-Fed-
24 eral Land Parcels–NorthMet Land Exchange–
25 Hay Lake Tract”, and dated June 28, 2018.

1 (B) TRACT 2.—Approximately 320 acres of
2 land in 4 separate parcels in Lake County, Min-
3 nesota, generally depicted on the map entitled
4 “Non-Federal Land Parcels–NorthMet Land
5 Exchange–Lake County Lands”, and dated
6 June 28, 2018.

7 (C) TRACT 3.—Approximately 1,560 acres
8 of land in 4 separate parcels in Lake County,
9 Minnesota, generally depicted on the map enti-
10 tled “Non-Federal Land Parcels–NorthMet
11 Land Exchange–Wolf Lands”, and dated June
12 2017.

13 (D) TRACT 4.—Approximately 160 acres of
14 land in St. Louis County, Minnesota, generally
15 depicted on the map entitled “Non-Federal
16 Land Parcel–NorthMet Land Exchange–Hunt-
17 ing Club Lands”, dated June 2017.

18 (4) NORTHMET LAND EXCHANGE.—The term
19 “NorthMet Land Exchange” means the land ex-
20 change specifically authorized and directed by sec-
21 tion 4 of this Act.

22 (5) POLYMET.—The term “PolyMet” means
23 PolyMet Mining Corporation, Inc., a Minnesota Cor-
24 poration with executive offices in St. Paul, Min-
25 nesota, and headquarters in Hoyt Lakes, Minnesota.

1 (6) RECORD OF DECISION.—The term “Record
2 of Decision” means the Final Record of Decision of
3 the Forest Service issued on January 9, 2017, ap-
4 proving the NorthMet Land exchange between the
5 United States and PolyMet Mining, Inc., a Min-
6 nesota Corporation, involving National Forest Sys-
7 tem land in the Superior National Forest in Min-
8 nesota.

9 (7) SECRETARY.—The term “Secretary” means
10 the Secretary of Agriculture.

11 (8) STATE.—The term “State” means the State
12 of Minnesota.

13 **SEC. 4. NORTHMET LAND EXCHANGE.**

14 (a) EXCHANGE AUTHORIZED AND DIRECTED.—

15 (1) IN GENERAL.—Subject to section 5(c)(1)
16 and other conditions imposed by this Act, if PolyMet
17 offers to convey to the United States all right, title,
18 and interest of PolyMet in and to the non-Federal
19 land, the Secretary shall accept the offer and convey
20 to PolyMet all right, title, and interest of the United
21 States in and to the Federal land parcel.

22 (2) LAND EXCHANGE EXPEDITED.—Subject to
23 the conditions imposed by this Act, the NorthMet
24 Land Exchange directed by this Act shall be con-

1 summed not later than 90 days after the date of
2 enactment of this Act.

3 (b) FORM OF CONVEYANCE.—

4 (1) NON-FEDERAL LAND.—Title to the non-
5 Federal land conveyed by PolyMet to the United
6 States shall be by general warranty deed subject to
7 existing rights of record, and otherwise conform to
8 the title approval regulations of the Attorney Gen-
9 eral of the United States.

10 (2) FEDERAL LAND PARCEL.—The Federal
11 land parcel shall be quitclaimed by the Secretary to
12 PolyMet by an exchange deed.

13 (c) EXCHANGE COSTS.—

14 (1) REIMBURSEMENT REQUIRED.—PolyMet
15 shall pay or reimburse the Secretary, either directly
16 or through the Collection Agreements, for all land
17 survey, appraisal, land title, deed preparation, and
18 other costs incurred by the Secretary in processing
19 and consummating the NorthMet Land Exchange.
20 The Collection Agreements, as in effect on the date
21 of the enactment of this Act, may be modified
22 through the mutual consent of the parties.

23 (2) DEPOSIT OF FUNDS.—All funds paid or re-
24 imbursed to the Secretary under paragraph (1)—

1 (A) shall be deposited and credited to the
2 accounts in accordance with the Collection
3 Agreements;

4 (B) shall be used for the purposes specified
5 for the accounts; and

6 (C) shall remain available to the Secretary
7 until expended without further appropriation.

8 (d) CONDITIONS ON LAND EXCHANGE.—

9 (1) RESERVATION OF CERTAIN MINERAL
10 RIGHTS.—Notwithstanding subsection (a), the
11 United States shall reserve the mineral rights on ap-
12 proximately 181 acres of the Federal land parcel as
13 generally identified on the map entitled “Federal
14 Land Parcel–NorthMet Land Exchange”, and dated
15 June 2017.

16 (2) THIRD-PARTY AUTHORIZATIONS.—As set
17 forth in the Final Record of Decision, PolyMet shall
18 honor existing road and transmission line authoriza-
19 tions on the Federal land parcel. Upon relinquish-
20 ment of the authorizations by the holders or upon
21 revocation of the authorizations by the Forest Serv-
22 ice, PolyMet shall offer replacement authorizations
23 to the holders on at least equivalent terms.

1 **SEC. 5. VALUATION OF NORTHMET LAND EXCHANGE.**

2 (a) APPRAISALS.—The Congress makes the following
3 new findings:

4 (1) Appraisals of the Federal and non-Federal
5 lands to be exchanged in the NorthMet Land Ex-
6 change were formally prepared in accordance with
7 the Uniform Appraisal Standards for Federal Land
8 Acquisitions, and were approved by the Secretary in
9 conjunction with preparation of the November 2015
10 Draft Record of Decision on the NorthMet Land
11 Exchange.

12 (2) The appraisals referred to in paragraph (1)
13 determined that the value of the non-Federal lands
14 exceeded the value of the Federal land parcel by ap-
15 proximately \$425,000.

16 (3) Based on the appraisals referred to in para-
17 graph (1), the United States would ordinarily be re-
18 quired to make a \$425,000 cash equalization pay-
19 ment to PolyMet to equalize exchange values under
20 the Federal Land Policy and Management Act of
21 1976 (43 U.S.C. 1701 et seq.), unless such an
22 equalization payment is waived by PolyMet.

23 (b) VALUES FOR CONSUMMATION OF LAND EX-
24 CHANGE.—The appraised values of the Federal and non-
25 Federal land determined and approved by the Secretary
26 in November 2015, and referenced in subsection (a)—

1 (1) shall be the values utilized to consummate
2 the NorthMet Land Exchange; and

3 (2) shall not be subject to reappraisal.

4 (c) WAIVER OF EQUALIZATION PAYMENT.—

5 (1) CONDITION ON LAND EXCHANGE.—Not-
6 withstanding section 206(b) of the Federal Land
7 Policy and Management Act (43 U.S.C. 1716(b)),
8 and as part of its offer to exchange the non-Federal
9 lands as provided in section 4(a)(1) of this Act,
10 PolyMet shall waive any payment to it of any monies
11 owed by the United States to equalize land values.

12 (2) TREATMENT OF WAIVER.—A waiver of the
13 equalization payment under paragraph (1) shall be
14 considered as a voluntary donation to the United
15 States by PolyMet for all purposes of law.

16 **SEC. 6. MAPS AND LEGAL DESCRIPTIONS.**

17 (a) MINOR ADJUSTMENTS.—By mutual agreement,
18 the Secretary and PolyMet may correct minor or typo-
19 graphical errors in any map, acreage estimate, or descrip-
20 tion of the Federal land parcel or non-Federal land to be
21 exchanged in the NorthMet Land Exchange.

22 (b) CONFLICT.—If there is a conflict between a map,
23 an acreage estimate, or a description of land under this
24 Act, the map shall control unless the Secretary and
25 PolyMet mutually agree otherwise.

1 (c) EXCHANGE MAPS.—The maps referred to in sec-
2 tion 3 depicting the Federal and non-Federal lands to be
3 exchanged in the NorthMet Land Exchange, and dated
4 June 28 2018, depict the identical lands identified in the
5 Final Record of Decision, which are on file in the Office
6 of the Supervisor, Superior National Forest.

7 **SEC. 7. POST-EXCHANGE LAND MANAGEMENT.**

8 (a) NON-FEDERAL LAND.—Upon conveyance of the
9 non-Federal land to the United States in the NorthMet
10 Land Exchange, the non-Federal land shall become part
11 of the Superior National Forest and be managed in ac-
12 cordance with—

13 (1) the Act of March 1, 1911 (commonly known
14 as the Weeks Law; 16 U.S.C. 500 et seq.); and

15 (2) the laws and regulations applicable to the
16 Superior National Forest and the National Forest
17 System.

18 (b) PLANNING.—Upon acquisition by the United
19 States in the NorthMet Land Exchange, the non-Federal
20 lands shall be managed in a manner consistent with the
21 land and resource management plan applicable to adjacent
22 federally owned lands in the Superior National Forest. An
23 amendment or supplement to the land and resource man-
24 agement plan shall not be required solely because of the
25 acquisition of the non-Federal lands.

1 (c) FEDERAL LAND.—Upon conveyance of the Fed-
 2 eral land parcel to PolyMet in the NorthMet Land Ex-
 3 change, the Federal land parcel shall become private land
 4 and available for any lawful use in accordance with appli-
 5 cable Federal, State, and local laws and regulations per-
 6 taining to mining and other uses of land in private owner-
 7 ship.

8 **SEC. 8. MISCELLANEOUS PROVISIONS.**

9 (a) WITHDRAWAL OF ACQUIRED NON-FEDERAL
 10 LAND.—The non-Federal lands acquired by the United
 11 States in the NorthMet Land Exchange shall be with-
 12 drawn, without further action by the Secretary, from ap-
 13 propriation and disposal under public land laws and under
 14 laws relating to mineral and geothermal leasing.

15 (b) WITHDRAWAL REVOCATION.—Any public land
 16 order that withdraws the Federal land parcel from appro-
 17 priation or disposal under a public land law shall be re-
 18 voked without further action by the Secretary to the extent
 19 necessary to permit conveyance of the Federal land parcel
 20 to PolyMet.

21 (c) WITHDRAWAL OF FEDERAL LAND PENDING
 22 CONVEYANCE.—The Federal land parcel to be conveyed
 23 to PolyMet in the NorthMet Land Exchange, if not al-
 24 ready withdrawn or segregated from appropriation or dis-
 25 posal under the mineral leasing and geothermal or other

1 public land laws upon enactment of this Act, is hereby so
2 withdrawn, subject to valid existing rights, until the date
3 of conveyance of the Federal land parcel to PolyMet.

4 (d) ACT CONTROLS.—In the event any provision of
5 the Record of Decision conflicts with a provision of this
6 Act, the provision of this Act shall control.

