

Union Calendar No. 206

115TH CONGRESS
1ST SESSION

H. R. 3115

[Report No. 115-287]

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

JUNE 29, 2017

Mr. NOLAN (for himself, Mr. PETERSON, Mr. EMMER, Mr. TIPTON, Mr. LAMBORN, Mr. LEWIS of Minnesota, Mr. WESTERMAN, Mr. MCCLINTOCK, and Mr. GOSAR) introduced the following bill; which was referred to the Committee on Natural Resources

SEPTEMBER 5, 2017

Additional sponsor: Mr. WALZ

SEPTEMBER 5, 2017

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on June 29, 2017]

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 “Su-*
5 *perior National Forest Land Exchange Act of 2017”.*

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.

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

10 (a) *PURPOSE.*—*It is the purpose of this Act to further*
11 *the public interest by consummating the NorthMet Land*
12 *Exchange as specifically set forth in this Act.*

13 (b) *NEED.*—*According to the Final Record of Decision,*
14 *the NorthMet Land Exchange is advisable and needed be-*
15 *cause the NorthMet Land Exchange will—*

16 (1) *result in a 40-acre net gain in National For-*
17 *est System lands;*

18 (2) *improve the spatial arrangement of National*
19 *Forest System lands by reducing the amount of own-*
20 *ership boundaries to be managed by 33 miles;*

1 (3) *improve management effectiveness by ex-*
2 *changing isolated Federal lands with no public over-*
3 *land access for non-Federal lands that will have pub-*
4 *lic overland access and be accessible and open to pub-*
5 *lic use and enjoyment;*

6 (4) *result in Federal cost savings by eliminating*
7 *certain easements and their associated administration*
8 *costs;*

9 (5) *meet several of the priorities identified in the*
10 *land and resource management plan for Superior Na-*
11 *tional Forest to protect and manage administratively*
12 *or congressionally designated, unique, proposed, or*
13 *recommended areas, including acquisition of 307*
14 *acres of land to the administratively proposed can-*
15 *didate Research Natural Areas, which are managed*
16 *by preserving and maintaining areas for ecological*
17 *research, observation, genetic conservation, moni-*
18 *toring, and educational activities;*

19 (6) *promote more effective land management that*
20 *would meet specific National Forest needs for man-*
21 *agement, including acquisition of over 6,500 acres of*
22 *land for new public access, watershed protection, eco-*
23 *logically rare habitats, wetlands, water frontage, and*
24 *improved ownership patterns;*

1 (7) convey Federal land generally not needed for
2 other Forest resource management objectives, because
3 such land is adjacent to intensively developed private
4 land including ferrous mining areas, where abundant
5 mining infrastructure and transportation are already
6 in place, including—

7 (A) a large, intensively developed open pit
8 mine lying directly to the north of the Federal
9 land;

10 (B) a private mine railroad, powerlines,
11 and roads lying directly to the south of the Fed-
12 eral land; and

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

16 (8) provide a practical resolution to complex
17 issues pertaining to the development of private min-
18 eral rights underlying the Federal land surface, and
19 thereby avoid potential litigation which could ad-
20 versely impact the status and management of the Fed-
21 eral land and other National Forest System land ac-
22 quired under the authority of section 6 of the Act of
23 March 1, 1911 (commonly known as the Weeks Law;
24 16 U.S.C. 515).

1 **SEC. 3. DEFINITIONS.**

2 *In this Act:*

3 (1) *COLLECTION AGREEMENTS.*—*The term “Col-*
4 *lection Agreements” means the following agreements*
5 *between the Secretary and Poly Met pertaining to the*
6 *NorthMet Land Exchange:*

7 (A) *The agreement dated August 25, 2015.*

8 (B) *The agreement dated January 15, 2016.*

9 (2) *FEDERAL LAND PARCEL.*—*The term “Federal*
10 *land parcel” means all right, title, and interest of the*
11 *United States in and to approximately 6,650 acres of*
12 *National Forest System land, as identified in the*
13 *Final Record of Decision, within the Superior Na-*
14 *tional Forest in St. Louis County, Minnesota, as gen-*
15 *erally depicted on the map entitled “Federal Land*
16 *Parcel–NorthMet Land Exchange”, and dated June*
17 *2017.*

18 (3) *NON-FEDERAL LAND.*—*The term “non-Fed-*
19 *eral land” means all right, title, and interest of Poly*
20 *Met in and to approximately 6,690 acres of land in*
21 *four separate tracts (comprising 10 separate land*
22 *parcels in total) within the Superior National Forest*
23 *to be conveyed to the United States by Poly Met in*
24 *the land exchange as generally depicted on an over-*
25 *view map entitled “Non-Federal Land Parcels–*

1 *NorthMet Land Exchange*” and dated June 2017, and
2 *further depicted on separate tract maps as follows:*

3 (A) *TRACT 1.—Approximately 4,650 acres*
4 *of land in St. Louis County, Minnesota, gen-*
5 *erally depicted on the map entitled “Non-Federal*
6 *Land Parcels–NorthMet Land Exchange–Hay*
7 *Lake Tract”, and dated June 2017.*

8 (B) *TRACT 2.—Approximately 320 acres of*
9 *land in 4 separate parcels in Lake County, Min-*
10 *nesota, generally depicted on the map entitled*
11 *“Non-Federal Land Parcels–NorthMet Land Ex-*
12 *change–Lake County Lands”, and dated June*
13 *2017.*

14 (C) *TRACT 3.—Approximately 1,560 acres*
15 *of land in 4 separate parcels in Lake County,*
16 *Minnesota, generally depicted on the map enti-*
17 *tled “Non-Federal Land Parcels–NorthMet Land*
18 *Exchange–Wolf Lands”, and dated June 2017.*

19 (D) *TRACT 4.—Approximately 160 acres of*
20 *land in St. Louis County, Minnesota, generally*
21 *depicted on the map entitled “Non-Federal Land*
22 *Parcel–NorthMet Land Exchange–Hunting Club*
23 *Lands”, dated June 2017.*

24 (4) *NORTHMET LAND EXCHANGE.—The term*
25 *“NorthMet Land Exchange” means the land exchange*

1 *specifically authorized and directed by section 4 of*
2 *this Act.*

3 (5) *POLY MET.*—*The term “Poly Met” means*
4 *Poly Met Mining Corporation, Inc., a Minnesota Cor-*
5 *poration with executive offices in St. Paul, Min-*
6 *nesota, and headquarters in Hoyt Lakes, Minnesota.*

7 (6) *RECORD OF DECISION.*—*The term “Record of*
8 *Decision” means the Final Record of Decision of the*
9 *Forest Service issued on January 9, 2017, approving*
10 *the NorthMet Land exchange between the United*
11 *States and PolyMet Mining, Inc., a Minnesota Cor-*
12 *poration, involving National Forest System land in*
13 *the Superior National Forest in Minnesota.*

14 (7) *SECRETARY.*—*The term “Secretary” means*
15 *the Secretary of Agriculture.*

16 (8) *STATE.*—*The term “State” means the State*
17 *of Minnesota.*

18 **SEC. 4. NORTHMET LAND EXCHANGE.**

19 (a) *EXCHANGE AUTHORIZED AND DIRECTED.*—

20 (1) *IN GENERAL.*—*Subject to section 5(c)(1) and*
21 *other conditions imposed by this Act, if Poly Met of-*
22 *fers to convey to the United States all right, title, and*
23 *interest of Poly Met in and to the non-Federal land,*
24 *the Secretary shall accept the offer and convey to Poly*

1 *Met all right, title, and interest of the United States*
2 *in and to the Federal land parcel.*

3 (2) *LAND EXCHANGE EXPEDITED.*—*Subject to the*
4 *conditions imposed by this Act, the NorthMet Land*
5 *Exchange directed by this Act shall be consummated*
6 *not later than 90 days after the date of enactment of*
7 *this Act.*

8 (b) *FORM OF CONVEYANCE.*—

9 (1) *NON-FEDERAL LAND.*—*Title to the non-Fed-*
10 *eral land conveyed by Poly Met to the United States*
11 *shall be by general warranty deed subject to existing*
12 *rights of record, and otherwise conform to the title ap-*
13 *proval regulations of the Attorney General of the*
14 *United States.*

15 (2) *FEDERAL LAND PARCEL.*—*The Federal land*
16 *parcel shall be quitclaimed by the Secretary to Poly*
17 *Met by an exchange deed.*

18 (c) *EXCHANGE COSTS.*—

19 (1) *REIMBURSEMENT REQUIRED.*—*Poly Met*
20 *shall pay or reimburse the Secretary, either directly*
21 *or through the Collection Agreements, for all land sur-*
22 *vey, appraisal, land title, deed preparation, and other*
23 *costs incurred by the Secretary in processing and con-*
24 *summing the NorthMet Land Exchange. The Collec-*
25 *tion Agreements, as in effect on the date of the enact-*

1 *ment of this Act, may be modified through the mutual*
2 *consent of the parties.*

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

5 (A) *shall be deposited and credited to the*
6 *accounts in accordance with the Collection*
7 *Agreements;*

8 (B) *shall be used for the purposes specified*
9 *for the accounts; and*

10 (C) *shall remain available to the Secretary*
11 *until expended without further appropriation.*

12 (d) *CONDITIONS ON LAND EXCHANGE.—*

13 (1) *RESERVATION OF CERTAIN MINERAL*
14 *RIGHTS.—Notwithstanding subsection (a), the United*
15 *States shall reserve the mineral rights on approxi-*
16 *mately 181 acres of the Federal land parcel as gen-*
17 *erally identified on the map entitled “Federal Land*
18 *Parcel–NorthMet Land Exchange”, and dated June*
19 *2017.*

20 (2) *THIRD-PARTY AUTHORIZATIONS.—As set*
21 *forth in the Final Record of Decision, Poly Met shall*
22 *honor existing road and transmission line authoriza-*
23 *tions on the Federal land parcel. Upon relinquish-*
24 *ment of the authorizations by the holders or upon rev-*
25 *ocation of the authorizations by the Forest Service,*

1 *Poly Met shall offer replacement authorizations to the*
2 *holders on at least equivalent terms.*

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

4 *(a) APPRAISALS.—The Congress makes the following*
5 *new findings:*

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

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

18 *(3) Based on the appraisals referred to in para-*
19 *graph (1), the United States would ordinarily be re-*
20 *quired to make a \$425,000 cash equalization payment*
21 *to Poly Met to equalize exchange values under the*
22 *Federal Land Policy and Management Act of 1976*
23 *(43 U.S.C. 1701 et seq.), unless such an equalization*
24 *payment is waived by Poly Met.*

1 (b) *VALUES FOR CONSUMMATION OF LAND EX-*
2 *CHANGE.*—*The appraised values of the Federal and non-*
3 *Federal land determined and approved by the Secretary in*
4 *November 2015, and referenced in subsection (a)—*

5 (1) *shall be the values utilized to consummate the*
6 *NorthMet Land Exchange; and*

7 (2) *shall not be subject to reappraisal.*

8 (c) *WAIVER OF EQUALIZATION PAYMENT.*—

9 (1) *CONDITION ON LAND EXCHANGE.*—*Notwith-*
10 *standing section 206(b) of the Federal Land Policy*
11 *and Management Act (43 U.S.C. 1716(b)), and as*
12 *part of its offer to exchange the non-Federal lands as*
13 *provided in section 4(a)(1) of this Act, Poly Met shall*
14 *wave any payment to it of any monies owed by the*
15 *United States to equalize land values.*

16 (2) *TREATMENT OF WAIVER.*—*A waiver of the*
17 *equalization payment under paragraph (1) shall be*
18 *considered as a voluntary donation to the United*
19 *States by Poly Met for all purposes of law.*

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

21 (a) *MINOR ADJUSTMENTS.*—*By mutual agreement, the*
22 *Secretary and Poly Met may correct minor or typo-*
23 *graphical errors in any map, acreage estimate, or descrip-*
24 *tion of the Federal land parcel or non-Federal land to be*
25 *exchanged in the NorthMet Land Exchange.*

1 (b) *CONFLICT.*—If there is a conflict between a map,
2 an acreage estimate, or a description of land under this
3 Act, the map shall control unless the Secretary and Poly
4 Met mutually agree otherwise.

5 (c) *EXCHANGE MAPS.*—The maps referred to in section
6 3 depicting the Federal and non-Federal lands to be ex-
7 changed in the NorthMet Land Exchange, and dated June
8 2017, depict the identical lands identified in the Final
9 Record of Decision, which are on file in the Office of the
10 Supervisor, Superior National Forest.

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

12 (a) *NON-FEDERAL LAND.*—Upon conveyance of the
13 non-Federal land to the United States in the NorthMet
14 Land Exchange, the non-Federal land shall become part of
15 the Superior National Forest and be managed in accord-
16 ance with—

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

19 (2) the laws and regulations applicable to the
20 Superior National Forest and the National Forest
21 System.

22 (b) *PLANNING.*—Upon acquisition by the United
23 States in the NorthMet Land Exchange, the non-Federal
24 lands shall be managed in a manner consistent with the
25 land and resource management plan applicable to adjacent

1 *federally owned lands in the Superior National Forest. An*
2 *amendment or supplement to the land and resource man-*
3 *agement plan shall not be required solely because of the ac-*
4 *quisition of the non-Federal lands.*

5 (c) *FEDERAL LAND.*—*Upon conveyance of the Federal*
6 *land parcel to Poly Met in the NorthMet Land Exchange,*
7 *the Federal land parcel shall become private land and*
8 *available for any lawful use in accordance with applicable*
9 *Federal, State, and local laws and regulations pertaining*
10 *to mining and other uses of land in private ownership.*

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

12 (a) *WITHDRAWAL OF ACQUIRED NON-FEDERAL*
13 *LAND.*—*The non-Federal lands acquired by the United*
14 *States in the NorthMet Land Exchange shall be withdrawn,*
15 *without further action by the Secretary, from appropriation*
16 *and disposal under public land laws and under laws relat-*
17 *ing to mineral and geothermal leasing.*

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

24 (c) *WITHDRAWAL OF FEDERAL LAND PENDING CON-*
25 *VEYANCE.*—*The Federal land parcel to be conveyed to Poly*

1 *Met in the NorthMet Land Exchange, if not already with-*
2 *drawn or segregated from appropriation or disposal under*
3 *the mineral leasing and geothermal or other public land*
4 *laws upon enactment of this Act, is hereby so withdrawn,*
5 *subject to valid existing rights, until the date of conveyance*
6 *of the Federal land parcel to Poly Met.*

7 *(d) ACT CONTROLS.—In the event any provision of the*
8 *Record of Decision conflicts with a provision of this Act,*
9 *the provision of this Act shall control.*

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