

110TH CONGRESS
1ST SESSION

H. R. 4292

To authorize the sale of certain National Forest System lands in the Superior National Forest in Minnesota.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 5, 2007

Mr. OBERSTAR introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committees on Natural Resources, Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the sale of certain National Forest System lands in the Superior National Forest in Minnesota.

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 “Superior National For-
5 est Land Adjustment Act of 2007”.

6 **SEC. 2. FINDINGS AND DEFINITIONS.**

7 (a) FINDINGS.—The Congress finds the following:

1 (1) Fragmentation of property rights on certain
2 lands within and adjacent to the Superior National
3 Forest in Minnesota hampers the ability of private
4 mineral owners to utilize their mineral rights and
5 the ability of the Forest Service to manage associ-
6 ated forested areas.

7 (2) The United States primarily owns the sur-
8 face rights in the lands described in section 3, sub-
9 ject to reserved and outstanding mineral rights.

10 (3) The public interest in selling the federally
11 owned lands described in section 3 outweighs the in-
12 terest served by maintaining such lands under Fed-
13 eral ownership.

14 (4) The sale of some Federal surface and sub-
15 surface rights in lands under this Act will facilitate
16 mining in the areas described in section 3, improving
17 the economy of the United States by providing em-
18 ployment and needed mineral resources.

19 (5) Minnesota and the Army Corps of Engi-
20 neers, in cooperation with the Forest Service, are
21 preparing an environmental impact statement for
22 proposed mining operations by Poly Met Mining,
23 Inc., on and adjacent to the lands authorized for
24 conveyance by this Act, and the scope of the envi-
25 ronmental impact statement is more fully described

1 in a Federal Register notice dated July 1, 2005 (70
2 Fed. Reg. 38122).

3 (6) Proceeds from the sale of lands authorized
4 by this Act will be used by the Forest Service to
5 purchase desirable private inholdings within and ad-
6 jacent to the Superior National Forest.

7 (b) DEFINITIONS.—In this Act:

8 (1) The term “lands” includes interests in
9 lands.

10 (2) The term “Secretary” means the Secretary
11 of Agriculture.

12 (3) The term “surface mining” means the exca-
13 vation of lands for the purposes of obtaining min-
14 erals, including excavation methods such as contour,
15 strip, auger, open pit, and area mining.

16 **SEC. 3. LAND CONVEYANCE AUTHORITY, SUPERIOR NA-**
17 **TIONAL FOREST, MINNESOTA.**

18 (a) CONVEYANCE AUTHORITY.—The Secretary of
19 Agriculture may sell any or all right, title, and interest
20 of the United States in and to the lands within the Supe-
21 rior National Forest in Minnesota described in subsection

22 (b).

23 (b) LANDS AUTHORIZED FOR CONVEYANCE.—

24 (1) LANDS DESCRIBED.—The federally owned
25 lands subject to sale under this Act are certain lands

1 located in St. Louis County, Minnesota, comprising
2 approximately 6,700 acres, more fully described as
3 follows:

4 (A) Township 59 North, Range 13 West,
5 4th Principal Meridian:

6 (i) Sections 1 through 9, inclusive.

7 (ii) Sections 10, 11, 17, and 18, those
8 portions lying north of and subject to the
9 right-of-way held by the Erie Railroad.

10 (iii) The N¹/₂ of section 12.

11 (B) Township 59 North, Range 12 West,
12 4th Principal Meridian:

13 (i) Section 6: Lots 3, 4, and 9, inclu-
14 sive.

15 (ii) Section 7: Lots 3 and 4, inclusive.

16 (C) Township 60 North, Range 13 West,
17 4th Principal Meridian:

18 (i) The S¹/₂SE¹/₄ of section 33.

19 (ii) The S¹/₂S¹/₂ of section 34.

20 (iii) The S¹/₂S¹/₂ of section 35.

21 (2) MAP.—The lands described in paragraph
22 (1) are generally depicted on a Forest Service map
23 dated October 4, 2007, and entitled “PolyMet (Pro-
24 ponent) Case #4544”, which shall be on file and
25 available for public inspection in the office of the

1 Forest Supervisor, Superior National Forest, until
2 such time as the lands are conveyed.

3 (3) MODIFICATION OF BOUNDARIES.—The Sec-
4 retary may modify the boundaries of the lands de-
5 scribed in paragraph (1) based on factors such as
6 buffers and other land management considerations.

7 (c) FORM OF CONVEYANCE.—The lands sold under
8 this Act shall be conveyed by quitclaim deed executed by
9 the Forest Service, Eastern Region, Director of Air, Soil,
10 Water, Lands, and Minerals. The Secretary may reserve
11 such rights-of-way or other rights or interests in the lands
12 as the Secretary considers necessary for future manage-
13 ment purposes or is otherwise in the public interest.

14 (d) VALUATION.—Any appraisal of the lands to be
15 sold under this Act shall conform to the Uniform Ap-
16 praisal Standards for Federal Land Acquisitions, and the
17 appraisal shall be subject to the approval of the Secretary.
18 For purposes of appraisal, the lands authorized for con-
19 veyance under this Act include the right of the surface
20 owner to allow or deny all forms of surface mining.

21 (e) CONSIDERATION.—Consideration for a sale of
22 lands under this Act shall be in an amount not less than
23 the appraised market value.

24 (f) METHOD OF SALE.—The Secretary may sell lands
25 described in subsection (b) at public or private sale, in-

1 cluding competitive sale by auction, bid, or otherwise, in
2 accordance with such terms, conditions, and procedures as
3 the Secretary determines are in the best interests of the
4 United States, subject to the following:

5 (1) The Secretary shall first offer the sale of
6 such lands for consideration at the appraised market
7 value to Poly Met Mining, Inc., a Minnesota cor-
8 poration, which shall have 90 days from the date of
9 the offer during which to contract for the purchase
10 of such lands.

11 (2) During the 90 days period referred to in
12 paragraph (1), the Secretary shall not offer to sell
13 such lands to any party other than Poly Met Mining,
14 Inc.

15 (3) In the offer under paragraph (1), the Sec-
16 retary shall require Poly Met Mining, Inc., to cover
17 the reasonable costs of survey, appraisal, and other
18 expenditures directly associated with the proposed
19 sale.

20 (4) The Secretary may reject any counteroffer
21 made by Poly Met Mining, Inc., in response to the
22 offer of the Secretary under paragraph (1) if the
23 Secretary determines that the counteroffer is inad-
24 equate or is not in the public interest.

1 (g) BROKERS.—The Secretary may utilize brokers or
2 other third parties in the disposition of the lands author-
3 ized by this Act and, from the proceeds of a sale, may
4 pay reasonable commissions or fees.

5 **SEC. 4. TREATMENT OF PROCEEDS.**

6 (a) DEPOSIT.—The Secretary shall deposit the pro-
7 ceeds of a sale authorized by this Act in the fund estab-
8 lished by Public Law 90–171 (commonly known as the
9 Sisk Act; 16 U.S.C. 484a).

10 (b) AVAILABILITY.—Amounts deposited under sub-
11 section (a) shall be available to the Secretary until ex-
12 pended, without further appropriation, for the acquisition
13 of lands within and adjacent to the Superior National For-
14 est.

15 **SEC. 5. MISCELLANEOUS PROVISIONS.**

16 (a) WETLANDS OFFSET.—For purposes of compli-
17 ance with Executive Order 11990 (May 24, 1977; 42 Fed.
18 Reg. 26961) and Executive Order 11988 (May 24, 1977;
19 42 Fed. Reg. 26951), the Secretary shall offset the loss
20 of wetlands from any sale under this Act by the acquisition
21 of wetlands within and adjacent to the Superior National
22 Forest within ten years after the date of the final convey-
23 ance of lands under this Act.

24 (b) ENVIRONMENTAL ANALYSIS REQUIREMENT.—

1 (1) For conveyances authorized by this Act, the
2 Secretary shall assume that the future use of the
3 lands so conveyed will be for surface mining.

4 (2) For conveyances authorized by this Act, the
5 ongoing preparation of an environmental impact
6 statement by the Army Corps of Engineers ref-
7 erenced in section 2(a)(5) shall be considered suffi-
8 cient disclosure and documentation of environmental
9 effects as required by the National Environmental
10 Policy Act of 1969 (42 U.S.C. 4321 et seq.), and
11 regulations promulgated thereunder.

12 (3) Conveyances authorized under this Act shall
13 not be delayed pending completion of the environ-
14 mental impact statement referenced in section
15 2(a)(5).

16 (c) INAPPLICABLE LAW.—Section 120(h) of the
17 Comprehensive Environmental Response, Compensation,
18 and Liability Act of 1980 (42 U.S.C. 9620(h)) shall not
19 apply to the conveyances authorized by this Act.

20 (d) ADMINISTRATIVE APPEAL.—There shall be no
21 administrative appeal for any actions taken by the Sec-
22 retary in furtherance of the sales authorized by this Act.

23 (e) DEADLINE FOR SALE OF LANDS.—To the extent
24 practicable, the sale of lands authorized by this Act shall

1 be completed within 180 days after the enactment of this
2 Act.

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