AMENDMENT TO RULES COMMITTEE PRINT 116–19

OFFERED BY MR. STAUBER OF MINNESOTA

At the end of subtitle H of title X, add the following:

SEC. ___. SUPERIOR NATIONAL FOREST LAND EXCHANGE.

(a) PURPOSE; NEED.—

(1) PURPOSE.—It is the purpose of this section to further the public interest by consummating the NorthMet Land Exchange as specifically set forth in this section.

(2) NEED.—According to the Final Record of Decision, the NorthMet Land Exchange is advisable and needed because the NorthMet Land Exchange will—

(A) result in a 40-acre net gain in National Forest System lands;

(B) improve the spatial arrangement of National Forest System lands by reducing the amount of ownership boundaries to be managed by 33 miles;

(C) improve management effectiveness by exchanging isolated Federal lands with no pub-
lie overland access for non-Federal lands that will have public overland access and be accessible and open to public use and enjoyment;

(D) result in Federal cost savings by eliminating certain easements and their associated administration costs;

(E) meet several of the priorities identified in the land and resource management plan for Superior National Forest to protect and manage administratively or congressionally designated, unique, proposed, or recommended areas, including acquisition of 307 acres of land to the administratively proposed candidate Research Natural Areas, which are managed by preserving and maintaining areas for ecological research, observation, genetic conservation, monitoring, and educational activities;

(F) promote more effective land management that would meet specific National Forest needs for management, including acquisition of over 6,500 acres of land for new public access, watershed protection, ecologically rare habitats, wetlands, water frontage, and improved ownership patterns;
(G) convey Federal land generally not needed for other Forest resource management objectives, because such land is adjacent to intensively developed private land including ferrous mining areas, where abundant mining infrastructure and transportation are already in place, including—

(i) a large, intensively developed open pit mine lying directly to the north of the Federal land;

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

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

(H) 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

(b) DEFINITIONS.—In this section:

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


(B) The agreement dated January 15, 2016.

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

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

(A) TRACT 1.—Approximately 4,650 acres
of land in St. Louis County, Minnesota, gen-
erally depicted on the map entitled “Non-Fed-
eral Land Parcels–NorthMet Land Exchange–

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

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

(D) TRACT 4.—Approximately 160 acres of
land in St. Louis County, Minnesota, generally

(4) NORTHMET LAND EXCHANGE.—The term “NorthMet Land Exchange” means the land exchange specifically authorized and directed by subsection (c) of this section.

(5) POLYMET.—The term “PolyMet” means PolyMet Mining Corporation, Inc., a Minnesota Corporation with executive offices in St. Paul, Minnesota, and headquarters in Hoyt Lakes, Minnesota.

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

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

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

(c) NORTHMET LAND EXCHANGE.—

(1) EXCHANGE AUTHORIZED AND DIRECTED.—
(A) IN GENERAL.—Subject to subsection (d)(3)(A) and other conditions imposed by this section, if PolyMet offers to convey to the United States all right, title, and interest of PolyMet in and to the non-Federal land, the Secretary shall accept the offer and convey to PolyMet all right, title, and interest of the United States in and to the Federal land parcel.

(B) LAND EXCHANGE EXPEDITED.—Subject to the conditions imposed by this section, the NorthMet Land Exchange directed by this section shall be consummated not later than 90 days after the date of enactment of this section.

(2) FORM OF CONVEYANCE.—

(A) NON-FEDERAL LAND.—Title to the non-Federal land conveyed by PolyMet to the United States shall be by general warranty deed subject to existing rights of record, and otherwise conform to the title approval regulations of the Attorney General of the United States.

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

(3) EXCHANGE COSTS.—
(A) Reimbursement Required.—

PolyMet shall pay or reimburse the Secretary, either directly or through the Collection Agreements, for all land survey, appraisal, land title, deed preparation, and other costs incurred by the Secretary in processing and consummating the NorthMet Land Exchange. The Collection Agreements, as in effect on the date of the enactment of this section, may be modified through the mutual consent of the parties.

(B) Deposit of Funds.—All funds paid or reimbursed to the Secretary under subparagraph (A)—

(i) shall be deposited and credited to the accounts in accordance with the Collection Agreements;

(ii) shall be used for the purposes specified for the accounts; and

(iii) shall remain available to the Secretary until expended, subject to appropriation.

(4) Conditions on Land Exchange.—

(A) Reservation of Certain Mineral Rights.—Notwithstanding paragraph (1), the United States shall reserve the mineral rights

(B) Third-party authorizations.—As set forth in the Final Record of Decision, PolyMet shall honor existing road and transmission line authorizations on the Federal land parcel. Upon relinquishment of the authorizations by the holders or upon revocation of the authorizations by the Forest Service, PolyMet shall offer replacement authorizations to the holders on at least equivalent terms.

d) Valuation of NorthMet Land Exchange.—

(1) Appraisals.—The Congress makes the following new findings:

(A) Appraisals of the Federal and non-Federal lands to be exchanged in the NorthMet Land Exchange were formally prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions, and were approved by the Secretary in conjunction with preparation of the November 2015 Draft Record of Decision on the NorthMet Land Exchange.
(B) The appraisals referred to in subparagraph (A) determined that the value of the non-Federal lands exceeded the value of the Federal land parcel by approximately $425,000.

(C) Based on the appraisals referred to in subparagraph (A), the United States would ordinarily be required to make a $425,000 cash equalization payment to PolyMet to equalize exchange values under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), unless such an equalization payment is waived by PolyMet.

(2) VALUES FOR CONSUMMATION OF LAND EXCHANGE.—The appraised values of the Federal and non-Federal land determined and approved by the Secretary in November 2015, and referenced in paragraph (1)—

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

(B) shall not be subject to reappraisal.

(3) WAIVER OF EQUALIZATION PAYMENT.—

(A) CONDITION ON LAND EXCHANGE.—

Notwithstanding section 206(b) of the Federal Land Policy and Management Act (43 U.S.C. 1716(b)), and as part of its offer to exchange
the non-Federal lands as provided in subsection (e)(1)(A) of this section, PolyMet shall waive any payment to it of any monies owed by the United States to equalize land values.

(B) TREATMENT OF WAIVER.—A waiver of the equalization payment under subparagraph (A) shall be considered as a voluntary donation to the United States by PolyMet for all purposes of law.

(e) MAPS AND LEGAL DESCRIPTIONS.—

(1) MINOR ADJUSTMENTS.—By mutual agreement, the Secretary and PolyMet may correct minor or typographical errors in any map, acreage estimate, or description of the Federal land parcel or non-Federal land to be exchanged in the NorthMet Land Exchange.

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

(3) EXCHANGE MAPS.—The maps referred to in subsection (b) depicting the Federal and non-Federal lands to be exchanged in the NorthMet Land Exchange, and dated June 28 2018, depict the identical lands identified in the Final Record of Deci-
sion, which are on file in the Office of the Super-
visor, Superior National Forest.

(f) **POST-EXCHANGE LAND MANAGEMENT.**—

(1) **NON-FEDERAL LAND.**—Upon conveyance of
the non-Federal land to the United States in the
NorthMet Land Exchange, the non-Federal land
shall become part of the Superior National Forest
and be managed in accordance with—

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

(B) the laws and regulations applicable to
the Superior National Forest and the National
Forest System.

(2) **PLANNING.**—Upon acquisition by the
United States in the NorthMet Land Exchange, the
non-Federal lands shall be managed in a manner
consistent with the land and resource management
plan applicable to adjacent federally owned lands in
the Superior National Forest. An amendment or
supplement to the land and resource management
plan shall not be required solely because of the ac-
quision of the non-Federal lands.

(3) **FEDERAL LAND.**—Upon conveyance of the
Federal land parcel to PolyMet in the NorthMet
Land Exchange, the Federal land parcel shall become private land and available for any lawful use in accordance with applicable Federal, State, and local laws and regulations pertaining to mining and other uses of land in private ownership.

(g) MISCELLANEOUS PROVISIONS.—

(1) WITHDRAWAL OF ACQUIRED NON-FEDERAL LAND.—The non-Federal lands acquired by the United States in the NorthMet Land Exchange shall be withdrawn, without further action by the Secretary, from appropriation and disposal under public land laws and under laws relating to mineral and geothermal leasing.

(2) WITHDRAWAL REVOCATION.—Any public land order that withdraws the Federal land parcel from appropriation or disposal under a public land law shall be revoked without further action by the Secretary to the extent necessary to permit conveyance of the Federal land parcel to PolyMet.

(3) WITHDRAWAL OF FEDERAL LAND PENDING CONVEYANCE.—The Federal land parcel to be conveyed to PolyMet in the NorthMet Land Exchange, if not already withdrawn or segregated from appropriation or disposal under the mineral leasing and geothermal or other public land laws upon enact-
ment of this section, is hereby so withdrawn, subject to valid existing rights, until the date of conveyance of the Federal land parcel to PolyMet.

(4) SECTION CONTROLS.—In the event any provision of the Record of Decision conflicts with a provision of this section, the provision of this section shall control.