

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1990

To provide for the exchange of certain lands in the Superior National Forest for certain lands owned by Cook County, Lake County, and St. Louis County, Minnesota, in the Boundary Water Canoe Area Wilderness.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 1995

Mr. OBERSTAR introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, 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

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## A BILL

To provide for the exchange of certain lands in the Superior National Forest for certain lands owned by Cook County, Lake County, and St. Louis County, Minnesota, in the Boundary Water Canoe Area Wilderness.

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 Resort Special Use Permit Land Exchange Act of  
6 1995”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—The Congress finds that to provide  
3 for the increased ownership, continued protection, en-  
4 hancement, and preservation of the natural values of the  
5 lakes, waterways, and associated forested areas within the  
6 Boundary Waters Canoe Area Wilderness, and to enable  
7 Cook County, Lake County, and St. Louis County, Min-  
8 nesota, to more effectively manage certain commercially  
9 developed lands in the Superior National Forest (and thus  
10 relieve the United States from the cost and responsibility  
11 for such management), an exchange of lands between the  
12 United States and such counties is in the public interest.

13 (b) PURPOSE.—It is the purpose of this Act to pro-  
14 vide for the transfer of—

15 (1) certain Federal lands within the Cook  
16 County portion of the Superior National Forest (ap-  
17 proximately 36.28 acres) to Cook County in ex-  
18 change for the transfer to Federal ownership of  
19 lands of equal value owned by Cook County in the  
20 Boundary Waters Canoe Area Wilderness;

21 (2) certain Federal lands within the Lake  
22 County portion of the Superior National Forest (ap-  
23 proximately 20 acres) to Lake County in exchange  
24 for the transfer to Federal ownership of lands of  
25 equal value owned by Lake County in the Boundary  
26 Waters Canoe Area Wilderness; and

1           (3) certain Federal lands within the St. Louis  
2           County portion of the Superior National Forest (ap-  
3           proximately 30.81 acres) to St. Louis County in ex-  
4           change for the transfer to Federal ownership of  
5           lands of equal value owned by St. Louis County in  
6           the Boundary Waters Canoe Area Wilderness.

7   **SEC. 3. LAND EXCHANGE, BOUNDARY WATERS CANOE AREA**  
8                           **WILDERNESS AND SUPERIOR NATIONAL FOR-**  
9                           **EST, MINNESOTA.**

10          (a) ACCEPTANCE OF COUNTY LANDS.—The Sec-  
11         retary of Agriculture shall accept on behalf of the United  
12         States, fee title to certain selected Cook County, Lake  
13         County, and St. Louis County, Minnesota, lands and in-  
14         terests, respectively for each county, within the Boundary  
15         Waters Canoe Area Wilderness, consisting of all rights,  
16         excluding mineral interests reserved in the State of Min-  
17         nesota or by prior reservation in private parties, such  
18         lands to be selected by the Secretary from parcels de-  
19         scribed on the map entitled “Boundary Waters Canoe  
20         Area Wilderness—Additions”, dated January 1992, hav-  
21         ing a market value equal to or greater than the National  
22         Forest System lands in each respective county as de-  
23         scribed in subsections (b), (c), and (d), in exchange for  
24         such National Forest System lands. Title may be conveyed  
25         by quit claim deed but must otherwise comply with the

1 Department of Justice title standards as set forth in the  
2 “Standards for the Preparation of Title Evidence In Land  
3 Acquisitions by the United States”.

4 (b) CONVEYANCE OF FOREST SYSTEM LANDS TO  
5 COOK COUNTY.—(1) Upon acceptance by the Secretary of  
6 the Cook County lands and interests therein referred to  
7 in subsection (a), the Secretary shall convey to Cook  
8 County the four federally owned parcels of land within the  
9 boundaries of the Superior National Forest in Minnesota  
10 described in paragraph (2). The conveyance shall be sub-  
11 ject to valid existing rights and any deed restrictions and  
12 reservations as the Secretary may prescribe pursuant to  
13 section 4(c), as follows:

14 (A) For lands which had been previously pat-  
15 ented from the United States, the Secretary shall  
16 convey such lands to Cook County by quit claim  
17 deed.

18 (B) For lands which have never been previously  
19 patented, the Secretary of the Interior shall convey  
20 such lands by patent at the request of the Secretary.

21 (2) The federally owned lands to be conveyed to Cook  
22 County pursuant to paragraph (1) are generally described  
23 as follows:

24 (A) T64N–R1W, Section 11, Parts of Lots 15  
25 and 17; Section 12, Parts of Lot 3, 4th P.M., as

1 described in Special Use Permit to Bearskin  
2 Lodge—David Tuttle, including all lands lying be-  
3 tween the described parcel and the shores of East  
4 Bearskin Lake. Approximately 19.1 acres.

5 (B) T64N–R1W, section 4, Part of Lots 10 and  
6 11, 4th P.M., as described in Special Use Permit to  
7 Gateway Hungry Jack Lodge—Hungry Jack, Inc.,  
8 Gerald Parson, President, including all lands lying  
9 between the described parcel and the shores of Hun-  
10 gry Jack Lake. Approximately 6.42 acres.

11 (C) T64N–R1W, Section 1, Part of Lot 19, 4th  
12 P.M., as described in Special Use Permit to Golden  
13 Eagle Lodge—Golden Eagle Lodge, Inc., including  
14 all lands lying between the described parcel and the  
15 shores of Flour Lake. Approximately 7.4 acres.

16 (D) T62N–R4W, Section 7, Part of E $\frac{1}{2}$  SW $\frac{1}{4}$ ,  
17 4th P.M., as described in Special Use Permit to  
18 Sawbil Canoe Outfitters—Frank & Mary Alice Han-  
19 sen. Approximately 3.36 acres.

20 (c) CONVEYANCE OF FOREST SYSTEM LANDS TO  
21 LAKE COUNTY.—(1) Upon acceptance by the Secretary of  
22 the Lake County lands and interests therein referred to  
23 in subsection (a), the Secretary shall convey to Lake  
24 County the two federally owned parcels of land within the  
25 boundaries of the Superior National Forest in Minnesota

1 described in paragraph (2). The conveyance shall be sub-  
2 ject to valid existing rights and any deed restrictions and  
3 reservations as the Secretary may prescribe pursuant to  
4 section 4(c), as follows:

5 (A) For lands which had been previously pat-  
6 ented from the United States, the Secretary of Agri-  
7 culture shall convey such lands to Lake County by  
8 quit claim deed.

9 (B) For lands which have never been previously  
10 patented, the Secretary of the Interior shall convey  
11 such lands by patent at the request of the Secretary  
12 of Agriculture.

13 (2) The federally owned lands to be conveyed to Lake  
14 County pursuant to paragraph (1) are generally described  
15 as follows:

16 (A) T61N–R11W, Section 30, Part of Lot 8,  
17 4th P.M., as described in Special Use Permit to Vic-  
18 tor H. Gunderson, Sharon G. Gunderson and Greg-  
19 ory Gunderson, partners d/b/a Roaring Stony Re-  
20 sort, including all lands lying between the described  
21 parcel and the shores of Birch Lake. Approximately  
22 3.70 acres.

23 (B) T61N–R11W, Section 6, Part of Lot 10,  
24 4th P.M., as described in Special Use Permit to Ste-  
25 ven L. Koschak and Mary Jane Koschak, d/b/a

1 River Point Resort, including all lands lying between  
2 the described parcel and the shore of Birch Lake.  
3 Approximately 16.3 acres.

4 (d) CONVEYANCE OF FOREST SYSTEM LANDS TO ST.  
5 LOUIS COUNTY.—(1) Upon acceptance by the Secretary  
6 of the St. Louis County lands and interests therein re-  
7 ferred to in subsection (a), the Secretary shall convey to  
8 St. Louis County the two federally owned parcels of land  
9 within the boundaries of the Superior National Forest in  
10 Minnesota described in paragraph (2). The conveyance  
11 shall be subject to valid existing rights and any deed re-  
12 strictions and reservations as the Secretary may prescribe  
13 pursuant to section 4(c), as follows:

14 (A) For lands which had been previously pat-  
15 ented from the United States, the Secretary shall  
16 convey such lands to St. Louis County by quit claim  
17 deed.

18 (B) For lands which have never been previously  
19 patented, the Secretary of the Interior shall convey  
20 such lands by patent at the request of the Secretary.

21 (2) The federally owned lands to be conveyed to St.  
22 Louis County pursuant to paragraph (1) are generally de-  
23 scribed as follows:

24 (A) T61N–R12W, Section 31, Part of Lot 7,  
25 4th P.M., as described in Special Use Permit to

1 John D. Rykken and Mayleann T. Rykken, d/b/a  
2 Timber Bay Lodge and Houseboats, including all  
3 lands lying between the described parcel and the  
4 shores of Birch Lake. Approximately 10.81 acres.

5 (B) T65N–R13W, Section 28, Part of Lot 3,  
6 4th P.M., as described in Special Use Permit to  
7 Garrett G. Alberts and Karen J. Alberts, d/b/a/ Big  
8 Lake Wilderness Lodge, including all lands lying be-  
9 tween the described parcel and the shores of Big  
10 Lake. Approximately 20.00 acres.

11 (e) OTHER ELEMENTS OF EXCHANGE.—The convey-  
12 ances required by subsections (b), (c), and (d) shall in-  
13 clude such easements as may be necessary for ingress,  
14 egress, and utilities between the conveyed property and the  
15 nearest State or county road. The property to be conveyed  
16 by the Secretary under such subsections shall be surveyed,  
17 monumented, and given legally acceptable descriptions by  
18 the Secretary prior to conveyance. Parcel descriptions  
19 shall include land sufficient to provide minimum 100 foot  
20 sideyard and 500 foot backyard setbacks from any build-  
21 ings or septic systems currently located on the premises.  
22 Additional land may be added by the Secretary in the Sec-  
23 retary's sole discretion to help facilitate the exchange, cre-  
24 ate more usable boundaries, or to create a more usable

1 parcel for the currently permitted business operation on  
2 the parcel.

3 **SEC. 4. TERMS AND CONDITIONS.**

4 (a) EXPENSES.—The United States and Cook Coun-  
5 ty, Lake County, and St. Louis County, respectively, shall  
6 each bear the normal expenses associated with the convey-  
7 ance of their respective properties in executing the land  
8 exchange under section 3.

9 (b) VALUATION.—The values of the national forest  
10 and county lands selected to be exchanged pursuant to this  
11 Act shall be determined by an independent fee appraisal  
12 to be approximately equal. The independent fee appraiser  
13 for land in each county shall be selected by agreement of  
14 the respective county and the Secretary, who shall share  
15 the cost of such respective appraisal equally.

16 (c) DEED RESTRICTIONS AND RESERVATIONS.—The  
17 Secretary shall have full discretion to impose restrictions  
18 and reservations, including conservation easements, rea-  
19 sonably necessary in the deeds to the counties to accom-  
20 plish the following:

21 (1) Protect the natural resource values of the  
22 National Forest System lands adjacent to the lands  
23 described in subsections (b), (c), and (d) of section  
24 3 by the imposition of restrictions no greater than  
25 the following:

1 (A) New buildings constructed on the  
2 premises shall have setbacks as follows:

3 (i) 100 feet from any lake or river.

4 (ii) 50 feet from any side or back lot  
5 line or any road centerline.

6 (B) Requiring a minimum lot size equal to  
7 the lesser of 5 acres or the size of the parcel  
8 conveyed.

9 (C) Improvements on the premises shall be  
10 maintained in a good state of repair and the  
11 premises shall be kept clean and orderly. No ac-  
12 cumulation or dumping of trash or unsightly  
13 materials shall be permitted on the land. Any  
14 trash or refuse shall be disposed of as required  
15 by State or local laws and regulations.

16 (D) Owners of the land and operators of  
17 any business thereon shall comply with all Fed-  
18 eral, State, and local laws and regulations ap-  
19 plicable to the land or any use thereof.

20 (E) Any new or remodeled buildings, or  
21 additions thereto, shall be constructed and  
22 maintained on the premises in harmony with  
23 the color, design, and type of construction of  
24 buildings presently located on the lands.

1 (F) No material shall be disposed of on the  
2 land by burning in open fires during any closed  
3 season established by law or regulation without  
4 a written permit as required by law or regula-  
5 tion.

6 (G) No waste or by-product shall be dis-  
7 carded into any surface water or onto any land  
8 surface in violation of Federal, State, or local  
9 regulation.

10 (H) The land shall not be used for any  
11 purpose other than single family residences, re-  
12 sorts, lodges, outfitters, and normal accessory  
13 uses.

14 (2) Preserve any rights-of-way or easements  
15 reasonably necessary for public and administrative  
16 access to, and management of, adjacent National  
17 Forest System lands.

18 (3) Preserve any archaeological sites or valid  
19 existing private property rights on the land.

20 (d) MAP.—The map described in section 3 along with  
21 legal descriptions of all lands to be conveyed, shall be on  
22 file and available for public inspection in the office of the  
23 Chief of the Forest Service, United States Department of  
24 Agriculture. The maps and legal descriptions shall have  
25 the same force and effect as if included in the Act, except

1 that the Secretary may correct clerical and typographical  
2 errors.

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