



MINNESOTA FOREST INDUSTRIES

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September 16, 2024

Thomas Hall, Forest Supervisor

ATTN: School Trust, St. Louis County, and TCF Land Purchase Project

8901 Grand Avenue Place

Duluth, MN 55808

Mr. Hall,

Please accept the following Minnesota Forest Industries (MFI) comments pertaining to the proposed Superior National Forest (SNF) land purchases within and outside of the Boundary Waters Canoe Area Wilderness.

### **Within the BWCAW**

MFI and its member companies are extremely disappointed with the cancellation of the School Trust Land Exchange. We have been intimately involved in this project for decades. We highly anticipated the additional fiber resources that would have become available once the transfer to the Trust was complete. While this resolution may be best for the Trust, we feel that this is another blow to the competitiveness of the forest products industry in Minnesota. Questions for consideration: How does the Superior National Forest intend to provide the industry with the level of fiber necessary to offset the potential fiber lost due to this cancellation? How will this project analyze the economic impacts of this purchase versus the original exchange proposal?

We feel that this purchase violates the Wilderness Act of 1964 (16 U.S.C. § 1134) Section 5(a) which clearly states, *"In any case where State-owned or privately owned land is completely surrounded by national forest lands within areas designated by this chapter as wilderness, such State or private owner shall be given such rights as may be necessary to assure adequate access to such State-owned or privately owned land by such State or private owner and their successors in interest, or the State-owned land or privately owned land shall be exchanged for federally owned land in the same State of approximately equal value under authorities available to the Secretary of Agriculture"*. We disagree with your statement that The Weeks Act purchase authority does not distinguish between wilderness and non-wilderness lands, as there were no wilderness areas when it was signed in 1911. Therefore, the Wilderness Act supersedes the Weeks Act, and there is no provision in the Wilderness Act of 1964 for purchasing state lands within a wilderness area. Question for consideration: Clarify is this purchase violates federal

law by not adhering to the Wilderness Act of 1964? Will this transaction follow all applicable laws, or only those that support the transaction?

The State of Minnesota must secure legislative approval to sell state lands to the federal government. While Attachment E - Minnesota DNR BWCAW Withdraw Letter cites their authority to sell the land under 2023 State Statute 92.82, that statute does not absolve them of the responsibility to secure legislative approval under State Statute 92.45. That statute says, *“All state lands, excluding school trust lands, bordering on or adjacent to meandered lakes and other public waters and watercourses, with the live timber growing on them, are withdrawn from sale except as provided in this section.”* Once the condemnation takes effect those lands are no longer School Trust Lands, and the process must follow 92.45(c), *“...when a state agency or any other unit of government requests the legislature to authorize the sale of state lands bordering on or adjacent to meandered lakes and other public waters and watercourses, the commissioner shall evaluate the lands and their public benefits and make recommendations on the proposed dispositions to the committees of the legislature with jurisdiction over natural resources.”* Questions for consideration: Does the state condemnation and sale process adhere to state laws governing such transactions? How would the state legislative approval process impact the proposed timeline of the transaction?

### **Outside the BWCAW**

Due to cancellation of the School Trust Land Exchange, The Conservation Fund is left holding 35,000 acres of former Potlatch Deltic lands. It is our understanding that they are now anxious to sell it to a public agency. This project proposed that the USFS purchase 17,000 acres within the SNF boundaries.

Over the last 25 years millions of dollars have been spent on public land exchanges and purchases in northern Minnesota with the intent to consolidate land ownership. Other efforts, like the Arrowhead Project, attempt to find ways to coordinate forest management activities across ownership boundaries in order to meet large landscape-scale goals. Consolidating our highly interspersed public forest land ownership can offer several benefits related to the management, sustainability, and conservation of forests, including:

- Efficient Land Management - Consolidation can lead to more streamlined management of forest resources. Instead of multiple agencies or entities managing fragmented pieces of land, a single entity can implement cohesive policies, reducing duplication of efforts and improving coordination. Also, it can prevent entities from seeking permission from each other to cross lands.

- Ecosystem Protection - Forest ecosystems often function better when they are larger and contiguous. Consolidating land ownership can reduce the fragmentation of habitats, which is beneficial for wildlife, biodiversity, and overall ecosystem health. Larger tracts of uninterrupted forest land are more resilient to environmental stressors such as invasive species and climate change.
- Improved Conservation Practices - A single owner or fewer ownerships can make it easier to apply consistent conservation practices, whether it's for fire management, pest control, or watershed protection. It also helps in maintaining carbon sequestration goals and overall environmental sustainability.
- Reduced Administrative Costs - Consolidation can reduce overhead costs associated with land management, including legal, administrative, and operational expenses. It can also simplify land-use planning, permitting, and enforcement of environmental regulations.
- Public Access and Recreation - Publicly owned forest lands are often used for recreation, and fragmented ownership can create barriers to access. Consolidation can open up more areas for public use and ensure better maintenance of trails, campsites, and other recreational infrastructure.
- Enhanced Economic Benefits - Managing forests under a consolidated ownership model can provide more consistent timber production, tourism revenue, and ecosystem services (e.g., clean water, carbon credits), benefiting local and regional economies. A coordinated management approach can balance economic activities with conservation needs more effectively.
- Strategic Land Use Planning - When forest land is managed by a single entity or fewer stakeholders, it becomes easier to engage in strategic land use planning, ensuring that forests are preserved for long-term environmental, social, and economic benefits. Consolidation can also help in buffering protected areas from encroaching development.

We support federal ownership of those lands that do abut or embed current federal ownership, as they will consolidate the land base. But it seems absurd for the Forest Service to purchase much of the land in this proposal. Nearly 12,000 acres of the proposal has no federal nexus, but rather adjoins only state, county, or private lands (USFS project maps 3, 4 & 5). Federal ownership will create all of the ownership fragmentation problems that consolidation seeks to solve.

Decisions on who ultimately purchases the 35,000 acres held by TCF should be made through a thoughtful planning process that takes into account connectivity, landscape objectives, management efficiency, costs and benefits. We feel that the bulk of this land should go to the DNR Division of Forestry and/or St. Louis County. Besides the issues raised already, these entities are far more responsive in their management approaches, are third-party certified, and can more rapidly respond to fire and insect issues than the Forest Service. There is no reasonable justification for them to become federal lands.

The SNF has already proven to the people of Minnesota that they are not committed to following their own forest management plans. The Monitoring & Evaluation Reports clearly show that in the 20 years since the last Superior National Forest Plan was signed the SNF has not committed to performing forest management at the pace and scale required to meet forest goals across much of its ownership. Much of the forest under your control are old, unhealthy, insect-riddled and fire prone. At a recent meeting we were told that timber targets were declining by 20% because the USDA Forest Service does not have the resources to manage the land that they have. Why should we add more?

The SNF recently proudly announced that you received a \$10 million Collaborative Wildfire Risk Reduction Program (CWRRP) grant for the Kawishiwi Collaborative Fuels Reduction Project and the LaCroix Collaborative Fuels Reduction Project. That's great for the communities at risk of catastrophic wildfires. But those forests should have been managed to a healthy condition through logging, so that they didn't have to be "restored".

### **NEPA Adequacy**

While land acquisitions are allowed under Categorical Exclusions, consider Forest Service (USFS) §220.6 Categorical exclusions. (a) General. A proposed action may be categorically excluded from further analysis and documentation in an EIS or EA only if there are no extraordinary circumstances related to the proposed action (emphasis added) ....

We contend that this acquisition as proposed will increase forest landownership fragmentation in the project area, reducing land management efficiency for the Forest Service as well as for other landowners. It will result in less ecosystem protection, higher administrative costs, lower economic benefit to the local community, degraded ability to perform conservation practices, and reduced ability to perform strategic land management planning. We feel that collectively these social, economic and ecological impacts add up to "extraordinary circumstances related to the proposed actions", and therefore the SNF must perform further analysis and documentation.

## Summary

The cancellation of the School Trust Land Exchange constitutes another lost opportunity for the forest products industry in Minnesota. If the exchanged lands were managed for the School Trust they would have generated significant fiber output and provided a long-term income rather than this short term gain. We have significant questions about the federal and state legality of this transaction that amount to “extraordinary circumstances” and warrant a more thorough review than a Categorical Exclusion”.

The proposal to purchase 17,000 acres of TCF should be part of a larger, more thoughtful landscape planning process. About 70% of those lands do not abut any existing Forest Service land, and therefore acquiring them will increase land ownership fragmentation in the area. Fragmentation creates a host of management issues, to the degree that Minnesota has spent considerable time and money consolidating ownerships through exchanges and fee title purchase. We feel that taken collectively, those issues also constitute “extraordinary circumstances related to the proposed actions”, and therefore per NEPA regulations the SNF must perform further analysis and documentation.

Sincerely,



Rick Horton  
Executive Vice President  
Minnesota Forest Industries

Cc: *Congressman Pete Stauber*  
*Senator Amy Klobuchar*  
*Senator Tina Smith*

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*Minnesota Forest Industries (MFI) is a trade organization representing the primary wood-consuming mills in Minnesota. MFI's member companies, combined with loggers, truckers and secondary wood consuming mills are the fifth largest industry in the state. We provide nearly 68,000 direct, indirect and induced jobs, largely in rural Minnesota, with \$16.8 billion dollars in gross sales and \$7.3 billion dollars in economic benefit within the state of Minnesota. MFI and its member companies are committed to forest conservation, sustainable forest management, and industry development that fosters sound environmental stewardship.*