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Comments: I have previously sent a letter regarding the proposed purchase of School Trust Lands in the Boundary Waters. I have attached that letter.

Environmental groups sites that the Weeks Act allows the sale. No. This does not pertain to School Trust Lands in the Boundary Waters.

The 1911 Weeks Act created a truly national forest system, authorizing the federal government to purchase and maintain land in the eastern U.S. as national forests. Neither federal nor state governments owned any substantial forested lands east of the Mississippi.

The Land and Water Conservation Fund (LWCF) was established by Congress in 1964 to fulfill a bipartisan commitment to safeguard natural areas, water resources and cultural heritage, and to provide recreation opportunities to all Americans. The fund helps strengthen communities, preserve history and protect the national endowment of lands and waters. Since its inception in 1965, the LWCF State and Local Assistance Program has funded more than 46,000 projects in every county in the country. The School Trust Lands in the Boundary Waters is not a project.

The 1964 Wilderness Act states:

#### STATE AND PRIVATE LANDS WITHIN WILDERNESS AREAS

SECTION 5. (a) In any case where State-owned or privately owned land is completely surrounded by national forest lands within areas designated by this Act as wilderness, such State or private owners 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

On 5/8/2012 Rep. Cravaack Introduced H.R. 5544 Minnesota Education Investment and Employment Act  
Background - In a Press Release dated December 9th, 2011, Congressman Chip Cravaack announced plans to introduce legislation requiring the United States Forest Service to offer a yet-to-be-determined amount of Superior National Forest land to the State of Minnesota in exchange for more than 86,000 acres of School Trust Land within the designated Boundary Waters Canoe Area Wilderness (BWCAW). There was no companion bill in the Senate.

BUT, MN S.F.1750 passed by Minnesota legislature and signed by Governor Dayton on April 27, 2012 supported the 1964 Wilderness Act in the matter of School Trust Lands. State lands sales, easements, and lease terms and state parks, forest, and recreation areas modifications; BWCA expedited land exchange; Minnesota wild, scenic, and recreational rivers system designation exemption.

Minnesota State Statute states:

Sec. 4.

92.80 EXPEDITED EXCHANGE OF LAND WITHIN BOUNDARY WATERS CANOE AREA WILDERNESS FOR FEDERALLY OWNED LANDS.

(a) The purpose of this section is to expedite the exchange of a portion of the state-owned lands located within the Boundary Waters Canoe Area Wilderness. The state owns 116,559 acres of land within the wilderness area, 86,295 acres of which are school trust land.

(b) Exchange of school trust lands within the Boundary Waters Canoe Area Wilderness for federally owned lands located outside the wilderness area will preserve the spectacular wild areas while producing economic benefits for Minnesota's public schools.

In 2017, MN HF1233 was introduced along with companion MN SF1028. This was to allow the sale of the 83,000 acres of School Trust Lands in the BWCA. Neither legislation ever moved forward or was passed.

<https://www.revisor.mn.gov/bills/bill.php?b=House&f=HF1233&ssn=0&y=2017>

In 2020, The Great American Outdoors Act was passed. The GAOA is a historic investment in the protection and sustainment of our public lands and Bureau of Indian Education funded schools. GAOA established the National Parks and Public Land Legacy Restoration Fund to address overdue maintenance needs. This fund does not allow the purchase of School Trust Lands in the Boundary Waters. The Land and Water Conservation Fund (LWCF) was fully and permanently funded by the Great American Outdoors Act (GAOA) in August 2020. The law provides \$900 million in annual deposits to the LWCF. The fund helps strengthen communities, preserve history and protect the national endowment of lands and waters. This fund is not to purchase School Trust Lands in the Boundary Waters.

It is not legal for states to disregard federal laws they disagree with. A state cannot "nullify" a federal law unless and until the federal statute has been found by a federal court as being unconstitutional. Even then, it is not nullification, and the state is bound by the federal law.

What the state and the Forest Service should be looking to do is to reimburse the School Trust Fund for lost revenue for the past 60 years.

The 1964 Wilderness Act must be followed!

Nancy & Doug McReady  
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