



Frequently Asked Questions

Forest Service proposes purchase of 80,000 acres of Minnesota School Trust Land, 3,200 acres of Saint Louis County Land & up to 17,000 acres of The Conservation Fund Land

*The State of Minnesota has withdrawn its request for a school trust land **exchange**. Accordingly, the Forest Service has cancelled the Environmental Impact Statement for that exchange in a notice publishing in the Federal Register July 12, 2024. A proposal involving the federal government acquiring land via **purchase** will include approximately 80,000 acres of school trust land and 3,200 acres of Saint Louis County State Forfeit land inside the Boundary Waters Canoe Area Wilderness (BWCAW), and up to 17,000 acres of land outside of the BWCAW within the Superior National Forest. The proposed land acquisition NEPA scoping public comment was initiated August 6 through September 3, 2024.*

Released August 21, 2024

Q. What is the land ownership of the Boundary Waters Canoe Area Wilderness?

A. The land within the BWCAW 1-million-acre boundary is of mixed ownership:
USDA Forest Service – Superior National Forest – 809,000 acres
State of Minnesota – 107,000 acres
Private – 549 acres
There is over 174,000 acres of lakes not included in the above acreage
Totaling 1,090,000 acres as designated by the BWCAW Act of 1978

Q. How do I comment on this project? And is there only one way to comment?

A. The public can submit comments through the official [School Trust, St Louis Cty & TCF Purchase NEPA project page](#) see right side navigation for 'Comment/Object on project' link. The public comment period closes on September 3, 2024. All comments should go through the NEPA page system to be considered.

Q. When/where can I talk to someone? I have questions.

A. Please look over the Scoping Package including proposed action maps, lands lists, etc. are available electronically on the SNF [project page](#) and our [informational web page](#). Paper copies of the scoping documents are available upon request. There are 3 different ways to ask questions:

- **Open House (in-person)** – the public is invited to provide an opportunity to ask questions and learn more about the project. An in-person open house will be on August 28 - from 4:30 – 7 p.m. at the SNF Supervisor's Office (8901 Grand Ave. Pl, Duluth, MN 55808).
- **Open House (Virtual)** - A virtual open house will be held on August 29 from 4:00-6:00 p.m.
- **For more information you may also contact** - Trevor Peck, Special Projects Manager, at trevor.peck@usda.gov, (801) 823-5138, or Barbara Thompson, Lands Program Manager, at barbara.thompson@usda.gov, (218) 365-7618.

Please note the [State of Minnesota offers an informational page](#) for this project including contact information.

Q. What is the [National Environmental Policy Act \(NEPA\)](#)?

A. NEPA is a law that provides this country's national environmental policy and a process to implement it. NEPA requires the Forest Service and other federal agencies to assess the environmental effects of proposed major

Federal actions prior to making land management decisions. The environmental review process under NEPA provides an opportunity for citizens to get involved in the Forest Service's decision-making process.

NEPA established the Council on Environmental Quality (CEQ) within the Executive Office of the President to ensure that Federal agencies meet their obligations under NEPA. More information about CEQ and NEPA, can be found at NEPA.Gov. More information on Forest Service NEPA procedures can be found at <https://www.fs.usda.gov/about-agency/regulations-policies/nepa>.

Q. What is a categorical exclusion (CE)? Which CE is the Forest proposing to use for this land acquisition?

A. CE is a category of actions that the agency has determined does not normally have a significant effect on the human environment. A CE is based on an agency's experience with a particular kind of action and its environmental effects. The agency may have studied the action in previous EAs, found no significant impact on the environment based on the analyses, and validated the lack of significant impacts after the implementation. Categorical exclusions are a method of NEPA compliance set forth in CEQ NEPA regulations.

The Forest proposes to pursue a categorical exclusion (CE) under 36 CFR 220.6(d)(6) to purchase the lands within the BWCAW from the State (including St. Louis county state forfeit lands) and the TCF lands outside of the BWCAW. We welcome any comments you may have on the proposed use of this CE for this project. [Citizens Guide to NEPA](#) (see pages 8 for a flowchart and following pages for CE definitions)

Released August 6, 2024

Q. Where is the federal money coming from for the purchase?

A. There is \$50 million in Land and Water Conservation Fund (LWCF) funding is currently available for the Forest Service's purchase of the State lands. The parties will work closely with the State's congressional delegation and other members of Congress on LWCF funding needs for the Forest Service's proposed purchase of School Trust and TCF lands under the new proposal. The Forest Service would purchase the state and TCF lands in separate transactions, and due diligence will be initiated separately for both projects

Q. Why a purchase rather than an exchange when an exchange would have allowed for land that could be used for logging and mining and created revenue from years rather than one-time payment.

A. Even under the previous hybrid model, there was a purchase component. The Forest Service was going to purchase 53,000 acres of School Trust lands within the BWCAW. The purchase will consolidate federal ownership and incorporates tribal consultation.

The new federally owned acres would lead to an increase in various federal payments to counties, such as Secure Rural Schools (SRS), Payment in Lieu of Taxes (PILT) and Thye-Blatnik. School Trust lands acquired by the federal government will be considered in the next Thye-Blatnik appraisal beginning in 2028. Tax revenues outside of the BWCAW would not be affected.

Q. The Wilderness Act of 1964 authorizes the USDA Forest Service to exchange State-owned land completely surrounded by a designated wilderness (like the BWCAW) for federally owned land in the same State of approximately equal value that is not surrounded. Does the Wilderness Act allow the Forest Service to purchase the land, as is currently proposed?

A. No, the Wilderness Act of 1964 does not provide the authority for the Forest Service to purchase State-owned land completely surrounded by designated wilderness (16 U.S.C. 1131, Sec. 5). However, the Act does not forbid a purchase from taking place using other legal authorities. In this instance, the Forest Service proposes to purchase land within a designated wilderness using the Weeks Act (16 U.S.C. 515). The Weeks Act is the primary land purchase authority used by the Forest Service, authorizing the purchase of land in order to protect the headwaters of rivers and watersheds in the eastern United States. The Weeks Act does not prohibit purchase of lands within wilderness based on the type of seller.

The Forest Service can directly purchase the Minnesota School Trust lands within the wilderness area under the authority of the Weeks Act (16 USC 515). The Weeks Act authorizes purchase of lands, it does not distinguish between wilderness and non-wilderness lands and has been widely used for the purchase of lands throughout the eastern United States.

Reference: 16 USC 577c: From Title 16-CONSERVATION CHAPTER 3-FORESTS; FOREST SERVICE; REFORESTATION; MANAGERMENTSUBCHAPTER I-GENERAL PROVISIONS: §577c. Acquisition of additional lands in northern Minnesota To protect and administer more effectively the publicly owned lands within certain parts of the area described in section 577 of this title, and to accomplish certain public purposes explicit and implicit in sections 577a and 577b of this title, the Secretary of Agriculture is authorized and directed to acquire any lands or interest in lands, and appurtenances thereto, situated within the area described in section 577d of this title, where in his opinion development or exploitation, or the potentialities for development or exploitation, impair or threaten to impair the unique qualities and natural features of the remaining wilderness canoe country.

Q: What authority does the Forest Service have to change from an exchange to a purchase? The Wilderness Act of 1964 only speaks to an exchange of State-owned land completely surrounded by a designated wilderness (like the BWCAW) for federally owned land in the same State of approximately equal value.

A. The Forest Service has broad statutory authority to purchase land, including under the Weeks Act (16 U.S.C. § 515) and the Organic Act (7 U.S.C. § 2268a). Here, the Forest Service will directly purchase Minnesota School Trust lands within the BWCAW under the Weeks Act, its primary land purchase authority in the eastern United States, authorizing the purchase of land to protect the headwaters of rivers and watersheds. The Weeks Act purchase authority does not distinguish between wilderness and non-wilderness lands and has been widely used to acquire lands throughout the eastern United States, including in wilderness. The Wilderness Act of 1964 (16 U.S.C. § 1134) provides that if adequate access to State- or privately-owned land in wilderness cannot be provided, then federal land shall be offered in exchange for those inholdings; it does not in any way preclude a purchase from taking place using other legal authorities.

Released July 11, 2024

Q: Will public access be affected on the 80,000 acres if the Forest Service becomes the land manager?

A: No, the lands would remain open to the public as National Forest System lands within the Boundary Waters Canoe Area Wilderness. The USDA Forest Service currently owns and manages approximately one million acres of BWCAW lands within the BWCAW boundary.

Q: How does the appraisal of lands for the School Trust Purchase affect the Thye-Blatnik Payments to the States Appraisal?

A: The appraisal of School Trust land has no effect on the appraisal of federal lands for Thye-Blatnik payments. The School Trust lands acquired by the federal government will be considered in future Thye-Blatnik appraisals and will impact future payments (starting with the 2028 10-year cycle for Thye-Blatnik payments).

Q: Why didn't the Forest Service complete the Environmental Impact Statement process, analyze a purchase alternative in detail, and then issue a Record of Decision?

A: Land Exchanges require two willing parties. Once the Minnesota DNR withdrew their request for exchange, the land exchange proposal was no longer viable and there was no reason to continue the EIS. Accordingly, the EIS was cancelled. The purchases may be proposed and decided on using a Categorical Exclusion under the NEPA process. The public will have a chance to provide input on the purchase proposals before a decision is made.

Q: Did the Forest Service consider that lands exchanged to the Minnesota DNR under the School Trust Land Exchange could have been managed to benefit Minnesota Schools, support the local economy and provide other benefits?

A: The Forest is aware of this, and also notes that purchase money for school trust lands would be managed to benefit Minnesota Schools. Lands acquired in the proposed purchases would be managed by the Forest Service for multiple uses, values and benefits in accordance with the Superior National Forest Land and Resource Management Plan.

Q: Was the EIS cancelled and the pivot to a purchase proposal done because the Tribes requested it?

A: The Forest Service considered a wide range of public comment that raised a variety of viewpoints on the proposed exchange, and tribal consultation, to inform the steps taken and proposed. The Forest did consider that the land exchange would result in loss of federal lands outside the BWCAW where tribal members could practice treaty rights.

NOTE: Additional questions and answers will be added to this document throughout the life of this project.