

13. Land Adjustment

There are several aspects to the program including land purchases, exchanges, and sales.

Key Points

- The Forest is meeting Forest Plan objectives for land acquisition.
- During the past five years, land adjustment resulted in a net gain of approximately 76.45 acres to the Forest.
- Two properties have been purchased in the last five years. Several other land parcels have been identified for acquisition in the next five years if funds become available.
- The Forest has completed one land exchange since 2004; two exchanges currently are in process.
- The Forest has identified four sites to sell. Four sales have been negotiated to resolve encroachment type title claims.

Monitoring Question

How successful is the Forest's land adjustment program in support and enhancement of Forest Plan desired conditions and objectives and contributing to efficient and effective stewardship?

Results

What follows is a summary of land purchases that are complete, in process, and future possibilities as a result of third party partnerships. A brief overview of land exchanges in process and sales is also provided.

Land Purchases

The Forest is meeting Forest Plan objectives for land acquisition. Two properties totaling 82.2 acres valued at \$574,600 have been purchased in the past 5 years. Both acquisitions met Forest Plan criteria listed in G-LA-2. One of the parcels is located on a 100 acre island identified as an important bald eagle nesting area. The second parcel contains riparian frontage on Benjamin Lake and is adjacent to the historic Conservation Civilian Corp Camp Rabideau. Both parcels contain additional waterfowl nesting areas, provide dispersed recreation and consolidate ownership of existing National Forest System lands.

There are several land purchases identified for acquisition in the Forest within the next five years as funding through the Land and Water Conservation Fund (LWCF) or other sources become available. Other parcels of interest to the Forest Service may take precedence over identified parcels as opportunities arise. Purchases are often handled through partnerships with third parties such as the Trust for Public Land or the Conservation Fund. The parcels currently identified for acquisition include: Stony Point, containing 40 acres and over 2,000 feet of riparian frontage on Leech Lake within an area containing significant Native American cultural resources; Kremer Lake, containing 43 acres and over 4,500 feet of riparian frontage on Kremer Lake is bordered by National Forest System lands on three sides and adjacent to the Edge of Wilderness Scenic Byway; Spider Lake, containing 132.2 acres and over 5,000 feet of riparian

frontage on Spider Lake would adjoin isolated National Forest System lands to one another; Flowerpot Bay, containing 18 acres is part wetland and part shoreline, would provide habitat to a variety of vegetation and wildlife, is an undisturbed area and would protect the lake from further habitat fragmentation, one of the four threats to the National Forest system, is a threat to this bay.

Land Exchanges

The Forest has completed one land exchanges since 2004, when the current Forest Plan went into effect. The completed land exchange involved 160 acres of non-federal land for 160 acres of federal land. The federal lands were valued \$25,000 more than the non-federal land, thereby requiring the non-federal party to pay a cash equalization payment to equal values. Acquisition of the four isolated non-federally owned 40 acre parcels isolated and adjacent to existing National Forest System lands. Ownership of the non-federal lands consolidated federal ownership and conveyed federal lands isolated from other federal ownership.

There are two exchanges currently in process. The first exchange is with the City of Walker, involving 1.31 acres of National Forest System lands for 1.15 acres of non-federal lands owned by the City. The federal land is an isolated tract located across the street from the Walker Forest Ranger Station and is partially encumbered by a city managed storm water pond with an active special use permit with the City of Walker. The non-federal parcel is located within the Walker Ranger Station property and surrounded on three sides by National Forest System lands. Acquisition of the non-federal land is necessary for the building of the new Walker Ranger Station. This exchange is expected to be completed in FY2011. The second exchange involves a private party. The exchange includes 40 acres of National Forest System lands for 40 acres of non-federal land. The federal property is isolated from other federal lands and abuts a county road. The non-federal property has been identified as a desired acquisition parcel by the Forest, contains over two miles of riparian frontage on Bird's Eye Lake and adjoins National Forest System lands on one side. Acquiring the non-federal land will protect over 2 acres of wetland as well as vegetation and wildlife habitat along the shorelines. This exchange is expected to be completed in FY2011 or FY2012.

The Forest receives frequent inquiries regarding potential land exchanges. The Forest reviews the Standards and Guidelines outlined in the Forest Plan to determine priority for land exchanges.

Sales

The Forest can obtain approval to sell National Forest System Lands through special authorities including the Forest Service Facilities Realignment and Enhancement Act of 2005 (FSFREA), Pilot Conveyances, State-wide or National Forest Special Acts, Small Tract Act, land exchange, or authorities to resolve title conflict and certain management problems. The various types of conveyances are described below.

The Interior and Related Appropriations Act, known as the Pilot Conveyance, permitted the Forest to sell structures that were no longer needed for present or future management needs. The Forest's pilot conveyance parcels with authority to sell consist of the four sites: the former Cass Lake Ranger Station, the storm water parcel in the City of Walker, the Walker District Ranger house in the City of Walker and the West Branch parcel in the City of Walker. The Walker District Ranger house was sold in 2007 for \$92,300 and reduced National Forest System lands by

0.69 acres. The storm water parcel in the City of Walker is in progress as a land exchange project, mentioned above under the land exchange section. The Cass Lake Ranger Station is currently occupied by a permittee, the Leech Lake Band of Ojibwe, for use as tribal police headquarters and is expected to be conveyed to them or the Bureau of Indian Affairs. The West Branch parcel is located within the City of Walker and is currently being used for storage during construction of the new Walker Ranger Station. The sale of this parcel is on hold until after the new Ranger Station is built and a determination on storage needs by the District can be completed.

Using the Small Tract Application (STA) authority, the Forest has negotiated four sales to resolve encroachment type title claims. The four STA sales were all determined to involve inadvertent encroachments. The total acreage for the four sales reduced the National Forest System land ownership by 4.96 acres. There is currently one STA conveyance in process on the Forest.

Occasionally there are instances where deed descriptions may overlap, property boundaries are inaccurate or deeds contain defective or erroneous information. In order to resolve these types of disputes, the documents need to be corrected through a corrective quit claim deed using the Adjustment of Titles Act of July 8, 1943 authority. The Forest has resolved one title claim since 2004 through this authority. The total acreage of National Forest System land ownership reduced was 0.10 acre.

A more thorough discussion of land adjustment results including accomplishments, success stories, and maps can be found in the Monitoring Report Project File.

Implications

During the past five years, land adjustment resulted in a net gain of approximately 76.45 acres to the Forest. The increase in acres reflects acquisitions, exchanges and conveyances closed over the past 5 years. The outlook for the future indicates limited funding focused on a select few high priority tracts. Pending land adjustment cases will consolidate Forest lands, resulting in ownership patterns that better meet resource management objectives.

Recommendations

- Find opportunities for funding and identify parcels to secure a land ownership pattern that meets Forest Plan objectives.
- Continue disposals of lands that do not meet Forest Plan objectives.

14. Minerals

The Chippewa National Forest does not have the exploration and hardrock minerals that occur elsewhere in northern Minnesota. Most of the Forest mineral activity is tied to sources of sand and gravel.

Key Points

- Pit plans need to be updated and developed for several pits, exploration in the pits needs to be done, reclamation in eleven (9) pits needs to be completed.
- Companies are implementing in accordance with their operating plans and are compliant with the conditions in their permits.

Monitoring Question

Are mineral exploration, development and production avoidance or mitigation measures effective and being followed as recommended in project designs?

Results

There are several small sand and gravel special use permits issued on the Forest. The Forest continues to sell and provide sand and gravel to the public. The Forest has an inventory of 42 gravel pits.

Table 14-1. Production and sales records for past 5 years.

	Total	
	Yards	Value
Private Sales	231,168	\$214,030
Free Use	199	\$249
CNF Use	11,218	\$14,023
	242,585	\$228,302

The majority of the Forest gravel pits need updated pit plans. Several of the pits have no plans to allow additional expansion or have never had a pit plan developed. Due to limited budgets, the Forest will develop the pit plans on a case-by-case basis as needs arise.

Reclamation of several gravel pits has been accomplished in the past and several more pits have been marked as needing restoration. Currently there are 449 pits identified for closure and need reclamation work. The Forest Plan indicates that land disturbed by mineral development activities will generally be reclaimed as soon as practical. The pits identified for closure have been idle for several years without reclamation work completed due to limited funds. Many of the pits need additional work other than reclamation including control of noxious weeds. The Forest botanist is working on forest-wide direction for noxious weed eradication, prevention and control. The Forest is in need of additional funding to close pits.

There are several pits that have been recommended for expansion or exploratory drilling. The Jesse Pit was expanded in 2004. This pit provides gravel to the Forest and other users. The Marcell Pit on the Deer River District is recommended for expansion. The Environmental Assessment was completed and signed in 2007. The project is expected to be initiated in the ~~2011~~2012.

Implications

Monitoring site visits during active exploration projects have shown that companies are implementing their project in accordance with their operating plans and are compliant with the conditions in their permits. Monitoring for multiple years after reclamation will continue to document effectiveness after the projects are completed.

Recommendations

The Forest needs to focus attention to gravel pits on the Forest.

- Pit plans need to be updated and developed for several pits, exploration in the pits needs to be done, reclamation in eleven (~~14~~9) pits needs to be completed.
- Continue noxious weed program initiated by Forest botanist to reduce or eliminate infestation within pits.
- If the Forest does not update the pit plans or do the exploration, gravel needed for Forest projects will have to be acquired from other sources other than Forest gravel pits.
- Additional funding for gravel management needs to be explored.

15. Special Uses

There are several types of special use permits granted on the Chippewa National Forest.

Key Points

- Overall the Special Use Permit program appears to be meeting the guidelines of the Forest Plan. The majority of the special use permittees are in compliance.
- Several expired utility and road permits need to be renewed or closed.

Monitoring Question

Does Forest Management of forest products, recreation/wilderness, and other special use permits meet Forest Plan and agency direction?

Results

The Chippewa National Forest issues several special use permits.

- I. Recreation Residence permits grant permittees authority to place privately owned cabins on National Forest System lands. There are 286 recreation residence permits on the Forest that have been in place since 1960. Resort permits grant permittees authority to place privately owned facilities on National Forest Service lands. There are 10 resort permits on the Forest that have been in place since before 1960.
- II. Organizational Camp permits grant permittees authority to operate summer camps on National Forest Service lands where the federal government owns the improvements on the property. There were 10 organizational camps within the Forest, with 8 permits active.
- III. Utility permits grant permittees authority to place utilities under or over National Forest Service lands. Between 2004 and 2010, there were 5 permits issued and 41 existing permits. There are nine large utilities crossing National Forest Service land including six Enbridge Pipelines, and a Great Lakes Gas Pipeline. A new 230 kv overhead transmission line easement will be issued in FY2011 and constructed in FY2011 and FY~~2011~~2012. Under the permitting process for this transmission line easement, mitigation projects were identified to enhance traditional gathering opportunities as well as projects to offset impacts to wetlands as a result of constructing the utility line on national forest system land. Several small utility permits are granted over NFS land for fiber optic cable, television lines, telephone lines, water mains, sewer mains, etc.
- IV. Road permits and easements grant authority to utilize or build roads over National Forest lands. Between 2004 and 2010, there were 89 road permits/easements issued or renewed and 277 existing road permits/easements in place.

- V. Other permits granted on the Forest include outfitter and guide permits, bicycle and running race events, sled dog races, communication towers and several other miscellaneous permits granted for a specific purpose.

Implications

Monitoring site visits show the majority of the permittees remain in compliance. Several of the recreational residence permits were not granted 20 year permit renewals until certain compliance issues were brought to standard, such as septic, well and other miscellaneous issues. In 2004, a Special Use Permit Handbook Supplement was drafted for recreational residence permits. This handbook allowed for more effective management of the cabin permittees as well as provided an outline for the permits to use when requesting improvements or changes to the sites. A resort supplement is currently under draft to assist with the management of the resort permits.

Monitoring will continue for all permit types to document permit compliance throughout the term of the permits. This will assist the Forest with developing a better understanding of what measures are effective and what additional measures are needed to protect surface resources.

Recommendations

- The Forest needs to finalize the resort supplement in order to improve the management of the resorts permits.
- Several expired utility and road permits need to be renewed or closed.
- Overall the Special Use Permit program appears to be running within the guidelines of the Forest Plan.
- The Forest needs to identify mitigation projects for large projects impacting NFS lands.

A more detailed report is in the project file and available upon request.