

103D CONGRESS
1ST SESSION

H. R. 873

Entitled the “Gallatin Range Consolidation and Protection Act of 1993”.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 1993

Mr. WILLIAMS introduced the following bill; which was referred to the
Committee on Natural Resources

A BILL

Entitled the “Gallatin Range Consolidation and Protection
Act of 1993”.

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 referred to as the “Gallatin Range
5 Consolidation and Protection Act of 1993”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that:

8 (1) It has been the clear policy of the Federal
9 Government since 1925 to consolidate the checker-
10 board lands along the Gallatin Range north of Yel-
11 lowstone National Park.

1 (2) These lands north of Yellowstone possess
2 outstanding natural characteristics and wildlife habi-
3 tat which give them high value as lands added to the
4 National Forest System.

5 (3) Although these lands have remained pristine
6 up till now failure to consolidate at this time will in
7 the near future lead to fragmentation and develop-
8 ment.

9 (4) The Federal Government has already in-
10 vested a great deal in keeping the lands along the
11 Gallatin Range protected from excess development.

12 **SEC. 3. PLUM CREEK LAND EXCHANGE—GALLATIN AREA.**

13 (a) IN GENERAL.—The Secretary shall, subject to the
14 provisions of section 4(b) and section 5(b) and, notwith-
15 standing any other law, acquire by exchange and cash
16 equalization in the amount of \$3,400,000, certain lands
17 and interests in land of the Plum Creek Timber, L.P. (re-
18 ferred to in this section as the “company”) in and adja-
19 cent to the Hyalite-Porcupine-Buffalo Horn Wilderness
20 Study Area, the Scapegoat Wilderness Area, and other
21 land in the Gallatin National Forest in accordance with
22 this section.

23 (b)(1) DESCRIPTION OF LANDS.—If the company of-
24 fers to the United States the fee title, including mineral
25 interests, to approximately 37,752 and $15/100$ acres of land

1 owned by the company which is available for exchange to
2 the United States as depicted on a map entitled “Plum
3 Creek Timber and Forest Service Proposed Gallatin Land
4 Exchange”, dated May 20, 1988, the Secretary shall ac-
5 cept a warranty deed to such land and, in exchange there-
6 for, and subject to valid existing rights, recommend that
7 the Secretary of the Interior convey, subject to valid exist-
8 ing rights, by patent the fee title to approximately 12,414
9 and $\frac{6}{100}$ acres of National Forest System lands available
10 for exchange to the company as depicted on such map,
11 subject to—

12 (A) the reservation of ditches and canals re-
13 quired by the Act entitled “An Act making appro-
14 priations for sundry civil expenses of the Govern-
15 ment for the fiscal year ending June thirtieth, eight-
16 een hundred and ninety-one, and for other pur-
17 poses”, approved August 30, 1890 (26 Stat. 391; 43
18 U.S.C. 945);

19 (B) the reservation of rights under Federal Oil
20 and Gas Lease numbers 49739, 55610, 40389,
21 53670, 40215, 33385, 53736, and 38684; and

22 (C) such other terms, conditions, reservations
23 and exceptions as may be agreed upon by the Sec-
24 retary of Agriculture and the company.

1 (2) On termination or relinquishment of the leases
2 referred to in paragraph (1), all the rights and interests
3 in land granted therein shall immediately vest in the com-
4 pany, its successors and assigns, and the Secretary shall
5 give notice of that event by a document suitable for record-
6 ing in the county wherein the leased lands are situated.

7 (c) EASEMENTS.—At closing on the conveyances au-
8 thorized by this section—

9 (1) in consideration of the easements conveyed
10 by the company as provided in paragraph 2 of this
11 subsection, the Secretary of Agriculture shall, under
12 authority of the National Forest Roads and Trails
13 Act of October 13, 1964, or the Federal Land Policy
14 and Management Act of 1976, execute and deliver to
15 the company such easements and authorizations over
16 federally owned lands included in this exchange as
17 may be agreed to by the Secretary and the company
18 in the exchange agreement.

19 (2) In consideration of the easements conveyed
20 by the United States as provided in paragraph (1),
21 the company shall execute and deliver to the United
22 States such easements and authorizations across
23 company-owned lands included in this exchange as
24 may be agreed to by the Secretary and the company
25 in the exchange agreement.

1 (d) MAPS.—The maps referred to in subsection (b)
2 are subject to such minor corrections as may be agreed
3 upon by the Secretary and the company. The Secretary
4 shall notify the Committee on Energy and Natural Re-
5 sources of the United States Senate and the Committee
6 on Interior and Insular Affairs to the United States House
7 of Representatives of any corrections made pursuant to
8 the subsection.

9 (e) TIMING OF TRANSACTION.—It is the intent of
10 Congress that the conveyances authorized by this section
11 be completed within ninety days after the date of enact-
12 ment of an Act making the appropriation authorized by
13 subsection (g).

14 (f) FOREST LANDS.—All lands conveyed to the Unit-
15 ed States pursuant to this section shall become national
16 forest system lands to be administered by the Secretary
17 in accordance with applicable law.

18 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to carry out this section the
20 sum \$3,400,000, which amount the Secretary shall, when
21 appropriated, pay to the company to equalize the value
22 of the exchange of land authorized by this section.

23 (h) QUALITY OF TITLE.—Title to the properties ref-
24 erenced in this section to be offered to the United States
25 by Big Sky Lumber Company, its assignees or successors

1 in interest, shall be inclusive of the entire surface and sub-
2 surface estates without reservation or exception. The
3 owner shall be required to reacquire any outstanding inter-
4 est in mineral or mineral rights, timber or timber rights,
5 water or water rights, or any other outstanding interest
6 in the property, except reservations by the United States
7 or the State of Montana by patent, in order to assure that
8 title to the property is transferred as described in this sec-
9 tion and sections 4, 5, and 6. The agreement shall clearly
10 evidence that the owners have the legal capacity to accom-
11 plish the foregoing requirements. Title standards for ac-
12 quisition shall otherwise be in compliance with Forest
13 Service policies and procedures.

14 (i) REFERENCES.—The reference and authorities of
15 this section referring to Plum Creek Timber Company,
16 L.P., shall also refer to its successors.

17 **SEC. 4. LAND CONSOLIDATION; PORCUPINE AREA.**

18 (a) IN GENERAL.—The exchange described in section
19 14 of this Act shall not be consummated by the Secretary
20 until the conditions of this section are met.

21 (b) CONDITIONS.—The Secretary or a qualified sec-
22 tion 501(c)(3) conservation entity, acting on its behalf for
23 later disposition to the United States, shall have acquired,
24 by purchase or option to acquire, or exchange, all of the
25 Porcupine property for its fair market value, determined

1 at the time of acquisition in accordance with appraisal
2 standards acceptable to the Secretary by an appraiser ac-
3 ceptable to the Secretary and the owner. Any appraisal
4 for exchange purposes shall be conducted by the same par-
5 ties, utilizing the same standards noted above; “And fur-
6 ther that, if said acquisition or option to acquire has been
7 consummated by a qualified section 501(c)(3) conserva-
8 tion entity, said entity shall have notified the Secretary
9 that the quality of title in fact secured meets applicable
10 Forest Service standards with respect to surface and sub-
11 surface estates or is otherwise acceptable to the Forest
12 Service”.

13 (c) DESCRIPTION OF LANDS.—The Secretary is au-
14 thorized and directed to acquire by purchase or exchange
15 the lands and interests therein as depicted on a map enti-
16 tled “Porcupine Area”, dated September, 1992.

17 (d) LAND ACQUISITION AUTHORITIES.—Acquisitions
18 pursuant to this section shall be under existing authorities
19 available to the Secretary.

20 (e) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated such sums as are nec-
22 essary to carry out the purposes of this section. Funds
23 necessary for land acquisition are authorized to be appro-
24 priated from the Land and Water Conservation Fund.

1 (f) AUTHORIZATION OF EXCHANGE.—The Secretary
2 is authorized to offer the lands and interests described on
3 a map entitled “Porcupine Exchange Lands”, dated Sep-
4 tember, 1992, to Big Sky Lumber Company, its assignee
5 or successors in interest to fulfill the purposes of this sec-
6 tion: *Provided*, That the lands shall not transfer to the
7 company until the provisions of this section and section
8 16 are met.

9 (g) EQUAL VALUE.—Any exchange of lands between
10 Big Sky Lumber Company and the United States shall
11 be for equal value.

12 (h) REFERENCES.—The reference and authorities of
13 this section referring to the Big Sky Lumber Company,
14 shall also refer to its successors.

15 **SEC. 5. LAND CONSOLIDATION—TAYLOR FORK AREA.**

16 (a) IN GENERAL.—The exchange described in section
17 14 of this Act shall not be consummated by the Secretary
18 until the conditions of this section are met.

19 (b) CONDITIONS.—The Secretary or a qualified sec-
20 tion 501(c)(3) conservation entity, acting on its behalf for
21 later disposition to the United States, shall have acquired,
22 by purchase or option to acquire, or exchange, all of the
23 Taylor Fork property for its fair market value, determined
24 at the time of acquisition in accordance with appraisal
25 standards acceptable to the Secretary by an appraiser ac-

1 ceptable to the Secretary and the owner. Any appraisal
2 for exchange purposes shall be conducted by the same par-
3 ties, utilizing the same standards noted above; and further
4 that, if said acquisition or option to acquire has been con-
5 summated by a qualified section 501(c)(3) conservation
6 entity, said entity shall have notified the Secretary that
7 the quality of title in fact secured meets applicable Forest
8 Service standards with respect to surface and subsurface
9 estates or is otherwise acceptable to the Forest Service.

10 (c) DIRECTION.—The Secretary is directed to provide
11 Congress, within two years, recommendations designed to
12 acquire by purchase or exchange Taylor Fork Area lands
13 owned by Big Sky Timber Company: *Provided*, That such
14 recommendations are agreed to by Big Sky Lumber Com-
15 pany: *Provided further*, That nothing in this section limits
16 the Secretary’s authority to acquire or purchase said
17 lands.

18 (d) DESCRIPTION OF LANDS.—The Secretary is au-
19 thorized and directed to acquire by purchase or exchange
20 the lands and interests therein as depicted on a map enti-
21 tled “Taylor Fork Area”, dated September, 1992.

22 (e) LAND ACQUISITION AUTHORITIES.—Acquisition
23 pursuant to this section shall be under existing authorities
24 available to the Secretary: *Provided*, That notwithstanding

1 any other law, exchanges authorized in this section shall
2 not be restricted within the same State.

3 (f) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated such sums as are nec-
5 essary to carry out the purposes of this section. Funds
6 necessary for land acquisition are authorized to be appro-
7 priated from the Land and Water Conservation Fund.

8 (g) EQUAL VALUE.—Any exchange of lands between
9 Big Sky Lumber Company and the United States shall
10 be for equal value.

11 (h) REFERENCES.—The reference and authorities of
12 this section referring to the Big Sky Lumber Company,
13 shall also refer to its successors.

14 (i) REPORTS TO CONGRESS.—For a period of two
15 years from the date of enactment of this Act, the Sec-
16 retary shall report annually to the Committee on Interior
17 and Insular Affairs of the House of Representatives and
18 the Committee on Energy and Natural Resources of the
19 Senate, on the status of the negotiations with the company
20 or its successors in interest to effect the land consolidation
21 authorized by this section.

22 **SEC. 6. LAND CONSOLIDATION—GALLATIN AREA.**

23 (a) IN GENERAL.—The Secretary shall work dili-
24 gently to assure all lands within what is generally known
25 as the Gallatin Range owned by Big Sky Lumber Com-

1 pany, its assignee or successors in interest, not acquired,
2 purchased or exchanged pursuant to sections 14 and 15
3 of this Act are acquired by the United States through ex-
4 change or purchase.

5 (b) DIRECTION.—The Secretary is directed to provide
6 Congress, within three years, recommendations designed
7 to acquire by purchase or exchange Gallatin Area lands
8 owned by Big Sky Timber Company: *Provided*, That such
9 recommendations are agreed to by Big Sky Lumber Com-
10 pany: *Provided further*, That nothing in this section limits
11 the Secretary’s authority to acquire or purchase said
12 lands.

13 (c) DESCRIPTION OF LANDS.—The Secretary is au-
14 thorized and directed to acquire by purchase or exchange
15 the lands and interests therein as depicted on a map enti-
16 tled “Gallatin Area”, dated September, 1992.

17 (d) LAND ACQUISITION AUTHORITIES.—Acquisitions
18 pursuant to this section shall be under existing authorities
19 available to the Secretary: *Provided*, That notwithstanding
20 any other law, exchanges authorized in this section shall
21 not be restricted within the same State.

22 (e) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated such sums as are nec-
24 essary to carry out the purposes of this section. Funds

1 necessary for land acquisition are authorized to be appro-
2 priated from the Land and Water Conservation Fund.

3 (f) EQUAL VALUE.—Any exchange of lands between
4 Big Sky Lumber Company and the United States shall
5 be for equal value.

6 (g) QUALITY OF TITLE.—The quality of title to the
7 properties referenced in this section in fact secured shall
8 meet applicable Forest Service standards with respect to
9 surface and subsurface estates or shall otherwise be ac-
10 ceptable to the Forest Service.

11 (h) REFERENCES.—The reference and authorities of
12 this section referring to the Big Sky Lumber Company,
13 shall also refer to its successors.

14 (i) REPORTS TO CONGRESS.—For a period of three
15 years from the date of enactment of this Act, the Sec-
16 retary shall report annually to the Committee on Interior
17 and Insular Affairs of the House of Representatives and
18 the Committee on Energy and Natural Resources of the
19 Senate, on the status of the negotiations with the company
20 or its successors in interest to effect the land consolidation
21 authorized by this section.

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