

Union Calendar No. 39

103D CONGRESS
1ST SESSION

H. R. 873

[Report No. 103-82, Part I]

A BILL

Entitled the "Gallatin Range Consolidation and
Protection Act of 1993".

MAY 7, 1993

Committee on Agriculture discharged; committed to the
Committee of the Whole House on the State of the
Union, and ordered to be printed

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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

MAY 6, 1993

Reported with amendments and referred to the Committee on Agriculture for
a period ending not later than May 7, 1993, for consideration of such
provisions of the bill and amendment as fall within the jurisdiction of
that committee pursuant to clause 1(a), rule X

[Strike out all after the enacting clause and insert the part printed in italic]

MAY 7, 1993

Committee on Agriculture discharged; committed to the Committee of the
Whole House on the State of the Union, and ordered to be printed

[For text of the introduced bill, see copy of bill as introduced on February 4, 1993]

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,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Gallatin Range Consoli-*
3 *ation and Protection Act of 1993”.*

4 **SEC. 2. FINDINGS.**

5 *The Congress finds that:*

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

10 *(2) These lands north of Yellowstone possess out-*
11 *standing natural characteristics and wildlife habitat*
12 *which give them high value as lands added to the Na-*
13 *tional Forest System.*

14 *(3) Although these lands have historically re-*
15 *mained pristine up to now, failure to consolidate at*
16 *this time will in the near future lead to fragmenta-*
17 *tion and development.*

18 *(4) The Federal Government has already in-*
19 *vested a great deal in keeping the lands along the*
20 *Gallatin Range protected from excess development.*

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

22 *(a) IN GENERAL.—The Secretary of Agriculture (here-*
23 *inafter in this Act referred to as the “Secretary”) shall, sub-*
24 *ject to the provisions of sections 4(a) and 5(a) and notwith-*
25 *standing any other provision of law, acquire by exchange*
26 *and cash equalization in the amount of \$3,400,000, certain*

1 *lands and interests in land of the Plum Creek Timber, L.P.*
2 *(hereinafter in this section referred to as the “company”),*
3 *in and adjacent to the Hyalite-Porcupine-Buffalo Horn*
4 *Wilderness Study Area, the Scapegoat Wilderness Area, and*
5 *other land in the Gallatin National Forest in accordance*
6 *with this section.*

7 **(b) DESCRIPTION OF LANDS.**—(1) *If the company of-*
8 *fers to the United States the fee title, including mineral in-*
9 *terests, to approximately 37,752 and ¹⁵/₁₀₀ acres of land*
10 *owned by the company which is available for exchange to*
11 *the United States as depicted on a map entitled “Plum*
12 *Creek Timber and Forest Service Proposed Gallatin Land*
13 *Exchange”, dated May 20, 1988, the Secretary shall accept*
14 *a warranty deed to such land and, in exchange therefor,*
15 *and subject to valid existing rights, upon such acceptance*
16 *the Secretary of the Interior shall convey, subject to valid*
17 *existing rights, by patent the fee title to approximately*
18 *12,414 and ⁶/₁₀₀ acres of National Forest System lands*
19 *available for exchange to the company as depicted on such*
20 *map, subject to—*

21 **(A)** *the reservation of ditches and canals re-*
22 *quired by the Act entitled “An Act making appro-*
23 *priations for sundry civil expenses of the Government*
24 *for the fiscal year ending June thirtieth, eighteen*
25 *hundred and ninety-one, and for other purposes”, ap-*

1 *proved August 30, 1890 (26 Stat. 391; 43 U.S.C.*
2 *945);*

3 *(B) the reservation of rights under Federal Oil*
4 *and Gas Lease numbers 49739, 55610, 40389, 53670,*
5 *40215, 33385, 53736, and 38684; and*

6 *(C) such other terms, conditions, reservations,*
7 *and exceptions as may be agreed upon by the Sec-*
8 *retary and the company.*

9 *(2) On termination or relinquishment of the leases re-*
10 *ferred to in paragraph (1), all the rights and interests in*
11 *land granted therein shall immediately vest in the com-*
12 *pany, its successors and assigns, and the Secretary shall*
13 *give notice of that event by a document suitable for record-*
14 *ing in the county wherein the leased lands are situated.*

15 *(c) EASEMENTS.—Reciprocal easements shall be ex-*
16 *changed at closing on the conveyances authorized by this*
17 *section—*

18 *(1) in consideration of the easements conveyed by*
19 *the company as provided in paragraph (2) of this*
20 *subsection, the Secretary shall, under authority of the*
21 *Act of October 13, 1964 (16 U.S.C. 532 et seq.; com-*
22 *monly referred to as the “National Forest Roads and*
23 *Trails Act”), or the Federal Land Policy and Man-*
24 *agement Act of 1976, execute and deliver to the com-*
25 *pany such easements or other rights-of-way authoriza-*

1 *tions over federally owned lands included in this ex-*
2 *change as may be agreed to by the Secretary and the*
3 *company in an exchange agreement; and*

4 *(2) in consideration of the easements conveyed by*
5 *the United States as provided in paragraph (1), the*
6 *company shall execute and deliver to the United*
7 *States such easements or other rights-of-way author-*
8 *izations across company-owned lands included in this*
9 *exchange as may be agreed to by the Secretary and*
10 *the company in an exchange agreement.*

11 *(d) TIMING OF TRANSACTION.—Subject to the provi-*
12 *sions of sections 4(a) and 5(a) of this Act, it is the intent*
13 *of Congress that the conveyances authorized by this section*
14 *be completed within 90 days after the date of enactment*
15 *of an Act making the appropriation authorized by sub-*
16 *section (e).*

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

22 *(f) QUALITY OF TITLE.—Title to the properties ref-*
23 *erenced in this section to be offered to the United States*
24 *by Big Sky Lumber Company, its assignees or successors*
25 *in interest, shall include both the entire surface and sub-*

1 *surface estates without reservation or exception. The owner*
2 *shall be required to acquire any outstanding interest in*
3 *mineral or mineral rights, timber or timber rights, water*
4 *or water rights, or any other outstanding interest in the*
5 *property, except reservations by the United States or the*
6 *State of Montana by patent, in order to assure that title*
7 *to the property is transferred as described in this section*
8 *and sections 4, 5, and 6. Title to land to be conveyed to*
9 *the United States shall be acceptable to the Secretary and*
10 *shall otherwise be in conformity with title standards for*
11 *Federal land acquisitions.*

12 (g) *REFERENCES.—The reference and authorities of*
13 *this section referring to Plum Creek Timber Company, L.P.,*
14 *shall also refer to its successors and assigns.*

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

16 (a) *IN GENERAL.—The exchange described in section*
17 *3 of this Act shall not be consummated by the Secretary*
18 *until the Secretary or a not-for-profit corporation (herein-*
19 *after in this section referred to as the “conservation entity”)*
20 *exempt from Federal taxation under section 501(c)(3) of the*
21 *Internal Revenue Code of 1986 acting for later dispositions*
22 *to the United States, shall have acquired, by purchase or*
23 *option to acquire, or exchange, all of the Porcupine property*
24 *for its fair market value, determined at the time of acquisi-*
25 *tion in accordance with appraisal standards acceptable to*

1 *the Secretary by an appraiser acceptable to the Secretary*
2 *and the owner. And further that, if said acquisition or op-*
3 *tion to acquire has been consummated by a conservation*
4 *entity, said entity shall have notified the Secretary that the*
5 *quality of title in fact secured meets applicable Forest Serv-*
6 *ice standards with respect to surface and subsurface estates*
7 *or is otherwise acceptable to the Secretary.*

8 *(b) AUTHORIZATION OF ACQUISITION.—The Secretary*
9 *is authorized and directed to acquire by purchase or ex-*
10 *change the lands and interests therein as depicted on a map*
11 *entitled “Porcupine Area”, dated September, 1992.*

12 *(c) LAND ACQUISITION AUTHORITIES.—Acquisitions*
13 *pursuant to this section shall be under existing authorities*
14 *available to the Secretary.*

15 *(d) AUTHORIZATION OF APPROPRIATIONS.—There are*
16 *authorized to be appropriated such sums as are necessary*
17 *to carry out the purposes of this section. Funds necessary*
18 *for land acquisition are authorized to be appropriated from*
19 *the Land and Water Conservation Fund.*

20 *(e) REFERENCES.—The reference and authorities of*
21 *this section referring to the owner shall mean the Big Sky*
22 *Lumber Company, and its successors and assigns.*

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

24 *(a) IN GENERAL.—The exchange described in section*
25 *3 of this Act shall not be consummated by the Secretary*

1 *until the Secretary or a not-for-profit corporation (herein-*
2 *after in this section referred to as the “conservation entity”)*
3 *exempt from Federal taxation under section 501(c)(3) of the*
4 *Internal Revenue Code of 1986 acting for later disposition*
5 *to the United States, shall have acquired, by purchase or*
6 *option to acquire, or exchange, all of the Taylor Fork prop-*
7 *erty for its fair market value, determined at the time of*
8 *acquisition in accordance with appraisal standards accept-*
9 *able to the Secretary by an appraiser acceptable to the Sec-*
10 *retary and the owner. And further that, if said acquisition*
11 *or option to acquire has been consummated by a conserva-*
12 *tion entity, said entity shall have notified the Secretary*
13 *that the quality of title in fact secured meets applicable For-*
14 *est Service standards with respect to surface and subsurface*
15 *estates or is otherwise acceptable to the Secretary.*

16 (b) *AUTHORIZATION FOR ACQUISITION.—The Sec-*
17 *retary is authorized and directed to acquire by purchase*
18 *or exchange the lands and interests therein as depicted on*
19 *a map entitled “Taylor Fork Area”, dated September, 1992.*

20 (c) *LAND ACQUISITION AUTHORITIES.—Acquisition*
21 *pursuant to this section shall be under existing authorities*
22 *available to the Secretary, except that notwithstanding any*
23 *other provision of law, exchanges authorized in this section*
24 *shall not be restricted within the same State.*

1 (d) *AUTHORIZATION OF APPROPRIATIONS.*—There are
2 authorized to be appropriated such sums as are necessary
3 to carry out the purposes of this section. Funds necessary
4 for land acquisition are authorized to be appropriated from
5 the Land and Water Conservation Fund.

6 (e) *REFERENCES.*—The reference and authorities of
7 this section referring to the owner shall mean the Big Sky
8 Lumber Company, and its successors and assigns.

9 (f) *REPORTS TO CONGRESS.*—For a period of 2 years
10 from the date of enactment of this Act, the Secretary shall
11 report annually to the Committee on Natural Resources of
12 the House of Representatives and the Committee on Energy
13 and Natural Resources of the Senate, on the status of the
14 negotiations with the company or its successors in interest
15 to effect the land consolidation authorized by this section.

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

17 (a) *IN GENERAL.*—It is the policy of the Congress that
18 the Secretary shall attempt to acquire by purchase or ex-
19 change all lands within what is generally known as the Gal-
20 latin Range owned by Big Sky Lumber Company, its as-
21 signees or successors in interest, not otherwise acquired,
22 purchased, or exchanged pursuant to sections 3 and 4 of
23 this Act.

24 (b) *AUTHORIZATION FOR ACQUISITION.*—The Sec-
25 retary is authorized and directed to acquire by purchase

1 *or exchange the lands and interests therein as depicted on*
2 *a map entitled “Gallatin Area”, dated September 1992.*

3 (c) *LAND ACQUISITION AUTHORITIES.*—Acquisitions
4 *pursuant to this section shall be under existing authorities*
5 *available to the Secretary, except that notwithstanding any*
6 *other law, exchanges authorized in this section shall not be*
7 *restricted within the same State.*

8 (d) *AUTHORIZATION OF APPROPRIATIONS.*—There are
9 *authorized to be appropriated such sums as are necessary*
10 *to carry out the purposes of this section. Funds necessary*
11 *for land acquisition are authorized to be appropriated from*
12 *the Land and Water Conservation Fund.*

13 (e) *QUALITY OF TITLE.*—The quality of title to the
14 *properties references in this section in fact secured shall*
15 *meet applicable Forest Service standards with respect to*
16 *surface and subsurface estates or shall otherwise be accept-*
17 *able to the Forest Service.*

18 (f) *REFERENCES.*—The references and authorities of
19 *this section referring to the Big Sky Lumber Company,*
20 *shall also refer to its successors and assigns.*

21 (g) *REPORTS TO CONGRESS.*—For a period of 3 years
22 *from the date of enactment of this Act, the Secretary shall*
23 *report annually to the Committee on Natural Resources of*
24 *the House of Representatives and the Committee on Energy*
25 *and Natural Resources of the Senate on the status of the*

1 *negotiations with the company or its successors in interest*
2 *to effect the land consolidation authorized by this section.*

3 **SEC. 7. SEVERED MINERALS EXCHANGE.**

4 *(a) FINDINGS.—The Congress finds that—*

5 *(1) underlying certain areas in Montana de-*
6 *scribed in subsection (b) are mineral rights owned by*
7 *subsidiaries of Burlington Resources, Incorporated,*
8 *its successors and assigns (referred to in this section*
9 *as the “company”);*

10 *(2) there are federally-owned minerals underly-*
11 *ing lands of the company lying outside those areas;*

12 *(3) the company has agreed in principle with the*
13 *Department of Agriculture to an exchange of mineral*
14 *rights to consolidate surface and subsurface owner-*
15 *ships and to avoid potential conflicts with the surface*
16 *management of such areas; and*

17 *(4) it is desirable that an exchange be completed*
18 *within 2 years after the date of enactment of this Act.*

19 *(b) DESCRIPTION OF MINERAL INTERESTS.—(1) Pur-*
20 *suant to an exchange agreement between the Secretary and*
21 *the company, the Secretary may acquire mineral interests*
22 *owned by the company or an affiliate of the company there-*
23 *of underlying surface lands owned by the United States lo-*
24 *cated in the areas depicted on the maps entitled “Severed*
25 *Minerals Exchange, Clearwater-Monture Area”, dated Sep-*

1 *tember 1988 and “Severed Minerals Exchanges, Gallatin*
2 *Area”, dated September 1988, or in fractional sections adja-*
3 *cent to those areas.*

4 *(2) In exchange for the minerals interests conveyed to*
5 *the Secretary pursuant to paragraph (1), the Secretary of*
6 *the Interior shall convey, subject to valid existing rights,*
7 *such federally owned mineral interests as the Secretary and*
8 *the company may agree upon.*

9 *(c) EQUAL VALUE.—(1) The value of mineral interests*
10 *exchanged pursuant to this section shall be approximately*
11 *equal based on available information.*

12 *(2) To ensure that the wilderness or other natural val-*
13 *ues of the areas are not affected, a formal appraisal based*
14 *upon drilling or other surface disturbing activities shall not*
15 *be required for any mineral interest proposed for exchange,*
16 *but the Secretary and the company shall fully share all*
17 *available information on the quality and quantity of min-*
18 *eral interests proposed for exchange.*

19 *(3) In the absence of adequate information regarding*
20 *values of minerals proposed for exchange, the Secretary and*
21 *the company may agree to an exchange on the basis of min-*
22 *eral interests of similar development potential, geologic*
23 *character, and similar factors.*

24 *(d) IDENTIFICATION OF FEDERALLY OWNED MINERAL*
25 *INTERESTS.—(1) Subject to paragraph (2), mineral inter-*

1 *ests conveyed by the United States pursuant to this section*
2 *shall underlie lands the surface of which are owned by the*
3 *company.*

4 *(2) If there are not sufficient federally owned mineral*
5 *interests of approximately equal value underlying lands, the*
6 *Secretary and the Secretary of the Interior may identify*
7 *for exchange any other federally owned mineral interest in*
8 *land in the State of Montana of which the surface estate*
9 *is in private ownership.*

10 *(e) CONSULTATION WITH THE DEPARTMENT OF THE*
11 *INTERIOR.—(1) The Secretary shall consult with the Sec-*
12 *retary of the Interior in the negotiation of the exchange*
13 *agreement authorized by subsection (b), particularly with*
14 *respect to the inclusion in such an agreement of a provision*
15 *calling for the exchange of federally owned mineral interests*
16 *lying outside the boundaries of units of the National Forest*
17 *System.*

18 *(2) Notwithstanding any other law, the Secretary of*
19 *the Interior shall convey the federally owned mineral inter-*
20 *ests identified in a final exchange agreement between the*
21 *Secretary of Agriculture and the company and its affiliates.*

22 *(f) DEFINITION.—For purposes of this section, the term*
23 *“mineral interests” includes all locatable and leasable min-*
24 *erals, including oil and gas, geothermal resources, and all*
25 *other subsurface rights.*

1 **SEC. 8. GENERAL PROVISIONS.**

2 (a) *MAPS.*—The maps referred to in sections 3, 4, 5,
3 6 and 7 are subject to such minor corrections as may be
4 agreed upon by the Secretary and the company. The Sec-
5 retary shall notify the Committee on Energy and Natural
6 Resources of the United States Senate and the Committee
7 on Natural Resources of the United States House of Rep-
8 resentatives of any corrections made pursuant to the sub-
9 section. The maps shall be on file and available for public
10 inspection in the office of Chief, Forest Service, United
11 States Department of Agriculture.

12 (b) *TITLE OF LANDS CONVEYED TO THE UNITED*
13 *STATES.*—The rights, title and interests to any lands con-
14 veyed to the United States in furtherance of section 4 in
15 the Porcupine Area, section 5 in the Taylor Fork Area, and
16 section 6 in the Gallatin Area shall, at a minimum, consist
17 of the surface estate and all the subsurface rights except that
18 the Secretary may accept title subject to outstanding or re-
19 served oil and gas and geothermal rights, except that there
20 shall be no surface occupancy permitted on such Federal
21 lands for any access to reserved or outstanding rights or
22 any exploration or development thereof. Notwithstanding
23 any provision of State law, section 1323(a) of the Alaska
24 National Interest Lands Conservation Act (16 U.S.C.
25 3210(a)), or similar law pertaining to access over federally
26 owned land, no portion of lands acquired by the United

1 *States in furtherance of this Act shall be available for access*
2 *to, or exploration or development of, any reserved or out-*
3 *standing oil, gas, geothermal or other non-Federal property*
4 *interest.*

5 *(c) NATIONAL FOREST LANDS.—All lands conveyed to*
6 *the United States in furtherance of this Act shall be added*
7 *to and administered as part of the National Forest System*
8 *lands by the Secretary in accordance with the laws and reg-*
9 *ulations pertaining to the National Forest System. Until*
10 *Congress determines otherwise, lands acquired within the*
11 *Hyalite-Porcupine-Buffalo Horn Wilderness Study Area*
12 *shall be managed so as to maintain the present wilderness*
13 *character and potential for inclusion in the National Wil-*
14 *derness Preservation System in accordance with Public*
15 *Law 95–150. Other lands acquired shall be subject to the*
16 *Gallatin National Forest planning process under the Forest*
17 *and Rangeland Renewable Resources Planning Act of 1974*
18 *(16 U.S.C. 1601 et seq.).*

Amend the title so as to read: “A bill to provide for
the consolidation and protection of the Gallatin Range.”.

HR 873 RH—2