

Calendar No. 180

103D CONGRESS
1ST SESSION

H. R. 873

[Report No. 103-122]

AN ACT

To provide for the consolidation and protection of
the Gallatin Range.

AUGUST 3 (legislative day, JUNE 30), 1993
Reported with an amendment

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IN THE SENATE OF THE UNITED STATES

MAY 24 (legislative day, APRIL 19), 1993

Received; read twice and referred to the Committee on Energy and Natural Resources

AUGUST 3 (legislative day, JUNE 30), 1993

Reported by Mr. JOHNSTON, with an amendment

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

AN ACT

To provide for the consolidation and protection of the Gallatin Range.

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 cited as the “Gallatin Range Con-~~
5 ~~solidation and Protection Act of 1993”.~~

1 **SEC. 2. FINDINGS.**

2 The Congress finds that:

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

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

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

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

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

19 (a) IN GENERAL.—The Secretary of Agriculture
20 (hereinafter in this Act referred to as the “Secretary”)
21 shall, subject to the provisions of sections 4(a) and 5(a)
22 and notwithstanding any other provision of law, acquire
23 by exchange and cash equalization in the amount of
24 \$3,400,000, certain lands and interests in land of the
25 Plum Creek Timber, L.P. (hereinafter in this section re-
26 ferred to as the “company”), in and adjacent to the

1 Hyalite-Porcupine-Buffalo Horn Wilderness Study Area,
2 the Scapegoat Wilderness Area, and other land in the Gal-
3 latin National Forest in accordance with this section.

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

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

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

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

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

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

16 (1) in consideration of the easements conveyed
17 by the company as provided in paragraph (2) of this
18 subsection, the Secretary shall, under authority of
19 the Act of October 13, 1964 (16 U.S.C. 532 et seq.;
20 commonly referred to as the “National Forest Roads
21 and Trails Act”), or the Federal Land Policy and
22 Management Act of 1976, execute and deliver to the
23 company such easements or other rights-of-way au-
24 thorizations over federally owned lands included in

1 this exchange as may be agreed to by the Secretary
2 and the company in an exchange agreement; and

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

10 ~~(d) TIMING OF TRANSACTION.—Subject to the provi-~~
11 ~~sions of sections 4(a) and 5(a) of this Act, it is the intent~~
12 ~~of Congress that the conveyances authorized by this sec-~~
13 ~~tion be completed within 90 days after the date of enact-~~
14 ~~ment of an Act making the appropriation authorized by~~
15 ~~subsection (e).~~

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

21 ~~(f) QUALITY OF TITLE.—Title to the properties ref-~~
22 ~~erenced in this section to be offered to the United States~~
23 ~~by Big Sky Lumber Company, its assignees or successors~~
24 ~~in interest, shall include both the entire surface and sub-~~
25 ~~surface estates without reservation or exception. The~~

1 owner shall be required to acquire any outstanding inter-
2 est in mineral or mineral rights, timber or timber rights,
3 water or water rights, or any other outstanding interest
4 in the property, except reservations by the United States
5 or the State of Montana by patent, in order to assure that
6 title to the property is transferred as described in this sec-
7 tion and sections 4, 5, and 6. Title to land to be conveyed
8 to the United States shall be acceptable to the Secretary
9 and shall otherwise be in conformity with title standards
10 for Federal land acquisitions.

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

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

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

1 praiser acceptable to the Secretary and the owner. And
2 further that, if said acquisition or option to acquire has
3 been consummated by a conservation entity, said entity
4 shall have notified the Secretary that the quality of title
5 in fact secured meets applicable Forest Service standards
6 with respect to surface and subsurface estates or is other-
7 wise acceptable to the Secretary.

8 (b) AUTHORIZATION OF ACQUISITION.—The Sec-
9 retary is authorized and directed to acquire by purchase
10 or exchange the lands and interests therein as depicted
11 on a map entitled “Porcupine Area”, dated September,
12 1992.

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

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

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

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

2 (a) ~~IN GENERAL.~~—The exchange described in section
3 3 of this Act shall not be consummated by the Secretary
4 until the Secretary or a not-for-profit corporation (herein-
5 after in this section referred to as the “conservation en-
6 tity”) exempt from Federal taxation under section
7 501(c)(3) of the Internal Revenue Code of 1986 acting
8 for later disposition to the United States, shall have ac-
9 quired, by purchase or option to acquire, or exchange, all
10 of the Taylor Fork property for its fair market value, de-
11 termined at the time of acquisition in accordance with ap-
12 praisal standards acceptable to the Secretary by an ap-
13 praiser acceptable to the Secretary and the owner. And
14 further that, if said acquisition or option to acquire has
15 been consummated by a conservation entity, said entity
16 shall have notified the Secretary that the quality of title
17 in fact secured meets applicable Forest Service standards
18 with respect to surface and subsurface estates or is other-
19 wise acceptable to the Secretary.

20 (b) ~~AUTHORIZATION FOR ACQUISITION.~~—The Sec-
21 retary is authorized and directed to acquire by purchase
22 or exchange the lands and interests therein as depicted
23 on a map entitled “Taylor Fork Area”, dated September,
24 1992.

25 (c) ~~LAND ACQUISITION AUTHORITIES.~~—Acquisition
26 pursuant to this section shall be under existing authorities

1 available to the Secretary, except that notwithstanding
2 any other provision of law, exchanges authorized in this
3 section shall not be restricted within the same State.

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

9 (e) REFERENCES.—The reference and authorities of
10 this section referring to the owner shall mean the Big Sky
11 Lumber Company, and its successors and assigns.

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

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

21 (a) IN GENERAL.—It is the policy of the Congress
22 that the Secretary shall attempt to acquire by purchase
23 or exchange all lands within what is generally known as
24 the Gallatin Range owned by Big Sky Lumber Company,
25 its assignees or successors in interest, not otherwise ac-

1 quired, purchased, or exchanged pursuant to sections 3
2 and 4 of this Act.

3 (b) AUTHORIZATION FOR ACQUISITION.—The Sec-
4 retary is authorized and directed to acquire by purchase
5 or exchange the lands and interests therein as depicted
6 on a map entitled “Gallatin Area”, dated September 1992.

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

12 (d) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated such sums as are nec-
14 essary to carry out the purposes of this section. Funds
15 necessary for land acquisition are authorized to be appro-
16 priated from the Land and Water Conservation Fund.

17 (e) QUALITY OF TITLE.—The quality of title to the
18 properties references in this section in fact secured shall
19 meet applicable Forest Service standards with respect to
20 surface and subsurface estates or shall otherwise be ac-
21 ceptable to the Forest Service.

22 (f) REFERENCES.—The references and authorities of
23 this section referring to the Big Sky Lumber Company,
24 shall also refer to its successors and assigns.

1 ~~(g)~~ REPORTS TO CONGRESS.—For a period of 3 years
2 from the date of enactment of this Act, the Secretary shall
3 report annually to the Committee on Natural Resources
4 of the House of Representatives and the Committee on
5 Energy and Natural Resources of the Senate on the status
6 of the negotiations with the company or its successors in
7 interest to effect the land consolidation authorized by this
8 section.

9 **SEC. 7. SEVERED MINERALS EXCHANGE.**

10 ~~(a)~~ FINDINGS.—The Congress finds that—

11 (1) underlying certain areas in Montana de-
12 scribed in subsection ~~(b)~~ are mineral rights owned
13 by subsidiaries of Burlington Resources, Incor-
14 porated, its successors and assigns (referred to in
15 this section as the “company”);

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

18 (3) the company has agreed in principle with
19 the Department of Agriculture to an exchange of
20 mineral rights to consolidate surface and subsurface
21 ownerships and to avoid potential conflicts with the
22 surface management of such areas; and

23 (4) it is desirable that an exchange be com-
24 pleted within 2 years after the date of enactment of
25 this Act.

1 (b) DESCRIPTION OF MINERAL INTERESTS.—(1)

2 Pursuant to an exchange agreement between the Secretary
3 and the company, the Secretary may acquire mineral in-
4 terests owned by the company or an affiliate of the com-
5 pany thereof underlying surface lands owned by the Unit-
6 ed States located in the areas depicted on the maps enti-
7 tled “Severed Minerals Exchange, Clearwater-Monture
8 Area”, dated September 1988 and “Severed Minerals Ex-
9 changes, Gallatin Area”, dated September 1988, or in
10 fractional sections adjacent to those areas.

11 (2) In exchange for the minerals interests conveyed
12 to the Secretary pursuant to paragraph (1), the Secretary
13 of the Interior shall convey, subject to valid existing rights,
14 such federally owned mineral interests as the Secretary
15 and the company may agree upon.

16 (c) EQUAL VALUE.—(1) The value of mineral inter-
17 ests exchanged pursuant to this section shall be approxi-
18 mately equal based on available information.

19 (2) To ensure that the wilderness or other natural
20 values of the areas are not affected, a formal appraisal
21 based upon drilling or other surface disturbing activities
22 shall not be required for any mineral interest proposed for
23 exchange, but the Secretary and the company shall fully
24 share all available information on the quality and quantity
25 of mineral interests proposed for exchange.

1 (3) In the absence of adequate information regarding
2 values of minerals proposed for exchange, the Secretary
3 and the company may agree to an exchange on the basis
4 of mineral interests of similar development potential, geo-
5 logic character, and similar factors.

6 (d) IDENTIFICATION OF FEDERALLY OWNED MIN-
7 ERAL INTERESTS.—(1) Subject to paragraph (2), mineral
8 interests conveyed by the United States pursuant to this
9 section shall underlie lands the surface of which are owned
10 by the company.

11 (2) If there are not sufficient federally owned mineral
12 interests of approximately equal value underlying lands,
13 the Secretary and the Secretary of the Interior may iden-
14 tify for exchange any other federally owned mineral inter-
15 est in land in the State of Montana of which the surface
16 estate is in private ownership.

17 (e) CONSULTATION WITH THE DEPARTMENT OF THE
18 INTERIOR.—(1) The Secretary shall consult with the Sec-
19 retary of the Interior in the negotiation of the exchange
20 agreement authorized by subsection (b), particularly with
21 respect to the inclusion in such an agreement of a provi-
22 sion calling for the exchange of federally owned mineral
23 interests lying outside the boundaries of units of the Na-
24 tional Forest System.

1 (2) Notwithstanding any other law, the Secretary of
2 the Interior shall convey the federally owned mineral inter-
3 ests identified in a final exchange agreement between the
4 Secretary of Agriculture and the company and its affili-
5 ates.

6 (f) DEFINITION.—For purposes of this section, the
7 term “mineral interests” includes all locatable and
8 leasable minerals, including oil and gas, geothermal re-
9 sources, and all other subsurface rights.

10 **SEC. 8. GENERAL PROVISIONS.**

11 (a) MAPS.—The maps referred to in sections 3, 4,
12 5, 6 and 7 are subject to such minor corrections as may
13 be agreed upon by the Secretary and the company. The
14 Secretary shall notify the Committee on Energy and Natu-
15 ral Resources of the United States Senate and the Com-
16 mittee on Natural Resources of the United States House
17 of Representatives of any corrections made pursuant to
18 the subsection. The maps shall be on file and available
19 for public inspection in the office of Chief, Forest Service,
20 United States Department of Agriculture.

21 (b) TITLE OF LANDS CONVEYED TO THE UNITED
22 STATES.—The rights, title and interests to any lands con-
23 veyed to the United States in furtherance of section 4 in
24 the Porcupine Area, section 5 in the Taylor Fork Area,
25 and section 6 in the Gallatin Area shall, at a minimum,

1 consist of the surface estate and all the subsurface rights
2 except that the Secretary may accept title subject to out-
3 standing or reserved oil and gas and geothermal rights,
4 except that there shall be no surface occupancy permitted
5 on such Federal lands for any access to reserved or out-
6 standing rights or any exploration or development thereof.
7 Notwithstanding any provision of State law, section
8 1323(a) of the Alaska National Interest Lands Conserva-
9 tion Act (16 U.S.C. 3210(a)), or similar law pertaining
10 to access over federally owned land, no portion of lands
11 acquired by the United States in furtherance of this Act
12 shall be available for access to, or exploration or develop-
13 ment of, any reserved or outstanding oil, gas, geothermal
14 or other non-Federal property interest.

15 (c) NATIONAL FOREST LANDS.—All lands conveyed
16 to the United States in furtherance of this Act shall be
17 added to and administered as part of the National Forest
18 System lands by the Secretary in accordance with the laws
19 and regulations pertaining to the National Forest System.
20 Until Congress determines otherwise, lands acquired with-
21 in the Hyalite-Porcupine-Buffalo Horn Wilderness Study
22 Area shall be managed so as to maintain the present wil-
23 derness character and potential for inclusion in the Na-
24 tional Wilderness Preservation System in accordance with
25 Public Law 95-150. Other lands acquired shall be subject

1 to the Gallatin National Forest planning process under the
2 Forest and Rangeland Renewable Resources Planning Act
3 of 1974 (16 U.S.C. 1601 et seq.).

4 **SECTION 1. SHORT TITLE.**

5 *This Act may be referred to as the “Gallatin Range*
6 *Consolidation and Protection Act of 1993”.*

7 **SEC. 2. FINDINGS.**

8 *Congress finds that—*

9 *(1) the lands north of Yellowstone National Park*
10 *possess outstanding natural characteristics and wild-*
11 *life habitats that give the lands high value as lands*
12 *added to the National Forest System; and*

13 *(2) it is in the interest of the United States for*
14 *the Secretary, acting through the Forest Service, to*
15 *enter into an option agreement with Big Sky Lumber*
16 *Company and Louisiana Pacific Corporation to ful-*
17 *fill the purposes of this Act.*

18 **SEC. 3. BIG SKY LUMBER EXCHANGE—GALLATIN AREA.**

19 *(a) IN GENERAL.—Notwithstanding any other provi-*
20 *sion of law, the Secretary of Agriculture (referred to in this*
21 *Act as the “Secretary”, unless the context otherwise re-*
22 *quires) shall acquire by exchange certain lands and inter-*
23 *ests in lands of the Big Sky Lumber Company (referred*
24 *to in this Act as the “Company”), in and adjacent to the*
25 *Hyalite-Porcupine-Buffalo Horn Wilderness Study Area,*

1 *the Scapegoat Wilderness Area, and other lands in the Gal-*
2 *latin National Forest in accordance with this section.*

3 *(b) DESCRIPTION OF LANDS.—*

4 *(1) OFFER AND ACCEPTANCE OF LAND.—If the*
5 *Company offers to the United States acceptable fee*
6 *title, including mineral interests, to approximately*
7 *37,752 acres of land owned by the Company and*
8 *available for exchange, as depicted on the map enti-*
9 *tled “Plum Creek Timber and Forest Service Pro-*
10 *posed Gallatin Land Exchange”, dated May 20, 1988,*
11 *the Secretary shall accept a warranty deed to the*
12 *land.*

13 *(2) EXCHANGE.—In exchange for the lands de-*
14 *scribed in paragraph (1) and subject to valid existing*
15 *rights, the Secretary of Interior shall convey, by pat-*
16 *ent, the fee title to approximately 16,278 acres of Na-*
17 *tional Forest System lands available for exchange as*
18 *depicted on the maps referred to in paragraph (1),*
19 *subject to—*

20 *(A) the reservation of ditches and canals re-*
21 *quired by the first section of the Act entitled “An*
22 *Act making appropriations for sundry civil ex-*
23 *penditures of the Government for the fiscal year end-*
24 *ing June thirtieth, eighteen hundred and ninety-*
25 *one, and for other purposes”, approved August*

1 30, 1890 (26 Stat. 371, chapter 837; 43 U.S.C.
2 945);

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

7 (C) such other terms, conditions, reserva-
8 tions, and exceptions as may be agreed upon by
9 the Secretary and the Company.

10 (3) *TERMINATION OF LEASES.*—

11 (A) *VESTING OF RIGHTS AND INTERESTS.*—
12 Upon termination or relinquishment of the leases
13 referred to in paragraph (2)(B), all the rights
14 and interests in such leases reserved under para-
15 graph (2)(B) shall immediately vest in the Com-
16 pany and its successors and assigns.

17 (B) *NOTICE.*—The Secretary shall provide
18 notice of the termination or relinquishment of
19 the leases referred to in paragraph (2)(B) by a
20 document suitable for recording in the county in
21 which the leased lands are located.

22 (c) *EASEMENTS.*—

23 (1) *IN GENERAL.*—Reciprocal easements in ac-
24 cordance with this subsection shall be conveyed at the
25 time of the exchange authorized by this section.

1 (2) *CONVEYANCE BY THE SECRETARY.*—*The Sec-*
2 *retary shall, in consideration of the easements con-*
3 *veyed by the Company under paragraph (3), and*
4 *under the authority of Section 2 of Public Law 88-*
5 *257 (commonly known as the “National Forest Roads*
6 *and Trails Act”)* (16 U.S.C. 533), *or the Federal*
7 *Lands Policy and Management Act of 1976 (43*
8 *U.S.C. 1701 et seq.), execute and deliver to the Com-*
9 *pany such easements or other rights-of-way over feder-*
10 *ally owned lands as may be agreed to by the Sec-*
11 *retary and the Company.*

12 (3) *CONVEYANCE BY THE COMPANY.*—*The Com-*
13 *pany shall, in consideration of the easements con-*
14 *veyed by the Secretary under paragraph (2), execute*
15 *and deliver to the United States such easements or*
16 *other rights-of-way across Company-owned lands in-*
17 *cluded in this exchange as may be agreed to by the*
18 *Secretary and the Company.*

19 (d) *NORTH BRIDGER RANGE.*—

20 (1) *COVENANTS AND OTHER RESTRICTIONS.*—*As*
21 *a condition of the exchange, with respect to such lands*
22 *depicted on the map entitled “North Bridger Range”,*
23 *dated May 1993, the Company shall agree that—*

24 (A) *the holders, or their successors or as-*
25 *signs, of grazing leases on such lands on the date*

1 *of enactment of this Act shall be permitted to*
2 *continue to use such lands for grazing under*
3 *terms acceptable to the Company and the*
4 *permittees for so long as the Company owns such*
5 *lands and for two years after the Company has*
6 *sold or disposed of such lands; and*

7 *(B) the timber harvest practices used on*
8 *such lands shall be conducted in accordance with*
9 *Montana Forestry Best Management Practices,*
10 *the Montana Streamside Zone Management Law*
11 *(Mont. Code Ann. sec. 77-5-301 et seq.), and all*
12 *other applicable laws of the State of Montana.*

13 *(2) FUTURE ACQUISITION.—The Secretary shall*
14 *consider the desirability of possible acquisition,*
15 *through exchange under existing law, of any of the*
16 *lands described in paragraph (1), and shall, not later*
17 *than one year after the date of enactment of this Act,*
18 *report to the Committee on Energy and Natural Re-*
19 *sources of the Senate and the Committee on Natural*
20 *Resources of the House of Representatives concerning*
21 *the desirability of an exchange.*

22 *(e) TIMING OF TRANSACTION.—*

23 *(1) DETERMINATION.—The Secretary shall re-*
24 *view the title for the non-Federal lands described in*
25 *subsection (b), and the appraisal and titles for the*

1 *non-Federal lands described in section 4 and 5, and,*
2 *within sixty days after receipt of all applicable ap-*
3 *praisal and title documents from the Company, deter-*
4 *mine whether—*

5 *(A) the applicable title standards for Fed-*
6 *eral land acquisition have been satisfied or the*
7 *quality of title is otherwise acceptable to the Sec-*
8 *retary;*

9 *(B) all draft conveyances and closing docu-*
10 *ments have been received and approved;*

11 *(C) a current title commitment verifying*
12 *compliance with applicable title standards has*
13 *been issued to the Secretary;*

14 *(D) the appraisals comply with applicable*
15 *Forest Service standards; and*

16 *(E) except as provided in section (8)(b), the*
17 *title includes both the surface and subsurface es-*
18 *tates without reservation or exception (except by*
19 *the United States or the State of Montana, by*
20 *patent), including*

21 *(i) minerals or mineral rights;*

22 *(ii) timber or timber rights; and*

23 *(iii) any other interest in the property.*

24 (2) *CONVEYANCE OF TITLE.—In the event the ap-*
25 *praisal and/or quality of title do not meet Federal*

1 standards or are otherwise determined unacceptable to
2 the Secretary, the Secretary shall advise the Company
3 regarding corrective actions necessary to make an af-
4 firmative determination under paragraph (1). The
5 Secretary, acting through the Chief of the Forest Serv-
6 ice, shall effect the conveyance of lands described in
7 subsection (b)(2) not later than sixty days after the
8 Secretary has made an affirmative determination
9 under paragraph (1).

10 (f) *COMPLIANCE WITH OPTION.*—Notwithstanding sec-
11 tion (3)(e)(2), the Secretary shall not consummate the con-
12 veyance of lands described in subsection (b)(2) until the Sec-
13 retary has determined that title to the lands described in
14 sections 4 and 5 have been escrowed as required by the docu-
15 ment entitled “Option Agreement for the Exchange and/or
16 Purchase of Real Property Pursuant to the Gallatin Range
17 Consolidation and Protection Act of 1993” (referred to in
18 this act as “the Option”), executed by the Company, as
19 seller.

20 (g) *REFERENCES.*—References in this Act to the Com-
21 pany shall include references to the successors and assigns
22 of the Company.

23 **SEC. 4. LAND CONSOLIDATION—PORCUPINE AREA.**

24 (a) *ACQUISITION OF PORCUPINE PROPERTY.*—The
25 Secretary is authorized and directed to acquire, by purchase

1 *or exchange, lands and interests in lands as depicted on*
2 *the map entitled “Porcupine Area”, dated September, 1992,*
3 *in accordance with the terms and conditions of the Option*
4 *for the fair market value of such lands and interests, deter-*
5 *mined at the time of acquisition, in accordance with the*
6 *appraisal standards specified in the Option.*

7 (b) *REPORTS TO CONGRESS.—The Secretary shall re-*
8 *port annually to the Committee on Energy and Natural*
9 *Resources of the Senate and the Committee on Natural Re-*
10 *sources of the House of Representatives, on the status of the*
11 *acquisition authorized by this section.*

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

13 (a) *ACQUISITION OF TAYLOR FORK PROPERTY.—The*
14 *Secretary is authorized and directed to acquire, by purchase*
15 *or exchange, lands and interests in lands as depicted on*
16 *the map entitled “Taylor Fork Area”, dated September,*
17 *1992, in accordance with the terms and conditions of the*
18 *Option for the fair market value of such lands and interests,*
19 *determined at the time of acquisition, in accordance with*
20 *the appraisal standards specified in the Option.*

21 (b) *REPORTS TO CONGRESS.—The Secretary shall re-*
22 *port annually to the Committee on Energy and Natural*
23 *Resources of the Senate and the Committee on Natural Re-*
24 *sources of the House of Representatives, on the status of the*
25 *pending acquisition authorized by this section.*

1 **SEC. 6. LAND CONSOLIDATION—GALLATIN ROADED AREA.**

2 (a) *ACQUISITION OF GALLATIN ROADED PROPERTY.*—

3 *The Secretary is authorized and directed to acquire, by pur-*
4 *chase or exchange, lands and interests in lands as depicted*
5 *on the map entitled “Gallatin Area” date September 1992,*
6 *in accordance with the terms and conditions of the Option*
7 *not otherwise acquired, purchased, or exchanged under sec-*
8 *tion 3, 4, or 5.*

9 (b) *REPORTS TO CONGRESS.*—*The Secretary shall re-*
10 *port annually to the Committee on Energy and Natural*
11 *Resources of the Senate and the Committee on Natural Re-*
12 *sources of the House of Representatives, on the status of the*
13 *acquisition authorized by this section.*

14 **SEC. 7. SEVERED MINERAL EXCHANGE.**

15 (a) *FINDINGS.*—*Congress finds that—*

16 (1) *underlying certain areas in Montana de-*
17 *scribed in subsection (b) are mineral rights owned by*
18 *subsidiaries of Burlington Resources, Incorporated*
19 *and its successors and assigns (referred to in this Act*
20 *as “Burlington”);*

21 (2) *there are federally-owned minerals underly-*
22 *ing lands of Burlington lying outside those areas;*

23 (3) *Burlington has agreed in principle with the*
24 *Secretary to an exchange of mineral rights to consoli-*
25 *date surface and subsurface ownerships and to avoid*

1 *potential conflicts with the surface management of the*
2 *areas; and*

3 *(4) it is desirable that an exchange of lands be*
4 *completed not later than two years after the date of*
5 *enactment of this Act.*

6 *(b) MINERAL INTERESTS.—*

7 *(1) ACQUISITION.—Pursuant to an exchange*
8 *agreement between the Secretary and Burlington, the*
9 *Secretary may acquire mineral interests owned by*
10 *Burlington or an affiliate of Burlington underlying*
11 *surface lands owned by the United States located in*
12 *the areas depicted on the maps entitled “Severed Min-*
13 *erals Exchange, Clearwater-Monture Area”, dated*
14 *September 1988, and “Severed Mineral Exchanges,*
15 *Gallatin Area”, dated September 1988, or in frac-*
16 *tional sections adjacent to the areas depicted on the*
17 *maps.*

18 *(2) EXCHANGE.—In exchange for the mineral in-*
19 *terests conveyed to the Secretary pursuant to para-*
20 *graph (1), the Secretary of the Interior shall convey,*
21 *subject to valid existing rights, such federally owned*
22 *mineral interests as the Secretary and Burlington*
23 *may agree upon.*

24 *(c) EQUAL VALUE.—*

1 (1) *IN GENERAL.*—*The value of the mineral in-*
2 *terests exchanged under subsection (b) shall be ap-*
3 *proximately equal in value based upon available in-*
4 *formation.*

5 (2) *APPRAISAL.*—*To ensure that the wilderness*
6 *or other natural values of the area are not affected by*
7 *the exchange, a formal appraisal based upon drilling*
8 *or other surface disturbing activities shall not be re-*
9 *quired for any mineral interest proposed for ex-*
10 *change, except that the Secretary and Burlington*
11 *shall fully share all available information on the*
12 *quality and quantity of mineral interests proposed for*
13 *exchange.*

14 (3) *INADEQUATE INFORMATION.*—*In the absence*
15 *of adequate information regarding values of minerals*
16 *proposed for exchange, the Secretary and Burlington*
17 *may agree to an exchange on the basis of mineral in-*
18 *terests of similar development potential, geologic char-*
19 *acter, and similar factors.*

20 (d) *IDENTIFICATION OF FEDERALLY OWNED MINERAL*
21 *INTERESTS.*—

22 (1) *IN GENERAL.*—*Subject to paragraph (2),*
23 *mineral interests conveyed by the United States pur-*
24 *suant to this section shall underlie lands the surface*
25 *of which are owned by Burlington.*

1 (2) *OTHER INTERESTS.*—If there are not suffi-
2 cient federally-owned mineral interests of approxi-
3 mately equal value underlying lands owned by Bur-
4 lington, the Secretary and the Secretary of the Inte-
5 rior may identify for exchange other federally owned
6 mineral interests in lands in the State of Montana of
7 which the surface estate is in private ownership.

8 (e) *CONSULTATION WITH THE DEPARTMENT OF THE*
9 *INTERIOR.*—

10 (1) *IN GENERAL.*—The Secretary shall consult
11 with the Secretary of the Interior in the negotiation
12 of the exchange agreement authorized by subsection
13 (b), particularly with respect to the inclusion in the
14 agreement of a provision authorizing the exchange of
15 federally-owned mineral interests lying outside the
16 boundaries of units of the National Forest System.

17 (2) *CONVEYANCE.*—Notwithstanding any other
18 law, the Secretary of the Interior shall convey the fed-
19 erally-owned mineral interests identified in a final
20 exchange agreement between the Secretary of Agri-
21 culture and Burlington and affiliates of Burlington.

22 (f) *MINERAL INTEREST DEFINED.*—For purposes of
23 this section, the term “mineral interests” includes all
24 locatable and leasable minerals, including oil and gas, geo-
25 thermal resources, and 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, USDA.

11 (b) *TITLE OF LANDS CONVEYED TO THE UNITED*
12 *STATES.*—

13 (1) *QUALITY OF TITLE AND RIGHTS.*—Subject to
14 paragraph (2), the rights, title, and interests to lands
15 conveyed to the United States under sections 4, 5 and
16 6 shall, at a minimum, consist of the surface estate
17 and the subsurface rights owned by the Company or
18 Burlington where applicable.

19 (2) *EXCEPTION.*—The Secretary may accept title
20 subject to outstanding or reserved oil and gas and
21 geothermal rights, except that there shall be no surface
22 occupancy permitted on the lands acquired by the
23 United States under sections 4, 5, and 6 for access to
24 reserved or outstanding rights or exploration or devel-
25 opment of such lands.

