

104TH CONGRESS
1ST SESSION

H. R. 723

To provide for the protection of the geothermal resources of Yellowstone National Park.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 1995

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

A BILL

To provide for the protection of the geothermal resources of Yellowstone National Park.

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 “Old Faithful Protec-
5 tion Act of 1995”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—The Congress finds that—

8 (1) Yellowstone National Park is a unique and
9 irreplaceable national and international treasure and

1 part of one of the few remaining undisturbed hydro-
2 thermal systems in the world;

3 (2) there is a risk that unrestricted ground-
4 water use or hydrothermal or geothermal resource
5 development adjacent to Yellowstone National Park
6 in the States of Montana, Wyoming, and Idaho will
7 interfere or adversely affect the hydrothermal and
8 geothermal features of such Park or the manage-
9 ment of relevant mineral resources;

10 (3) further research is needed to understand
11 the characteristics of the protected systems and fea-
12 tures and the effects of development on such system,
13 and features on lands outside of Yellowstone Na-
14 tional Park but within the Yellowstone Protection
15 Area, as such area is defined in this Act;

16 (4) preservation and protection, free from in-
17 jury or impairment, of the hydrothermal system as-
18 sociated with and the features within Yellowstone
19 National Park is a benefit to the people of the
20 United States and the world;

21 (5) cooperation between the United States and
22 the States of Montana, Idaho, and Wyoming to pro-
23 tect and preserve Yellowstone National Park is de-
24 sirable; and

1 (6) as a settlement of litigation concerning
2 water rights, including the reserved water rights of
3 the United States associated with units of the Na-
4 tional Park System in Montana, the Department of
5 the Interior and the Department of Justice, on be-
6 half of the United States, and a Compact Commis-
7 sion, on behalf of the State of Montana, have devel-
8 oped a Compact that, when ratified by the State and
9 signed by the Secretary of the Interior and the At-
10 torney General of the United States, will constitute
11 such a settlement of litigation concerning matters
12 within its scope and which, in Article IV, also estab-
13 lishes a program for regulation of development and
14 use of groundwater in areas adjacent to Yellowstone
15 National Park.

16 (b) PURPOSES.—The purposes of this Act are—

17 (1) to require the Secretary to take the nec-
18 essary actions to preserve and protect the hydro-
19 thermal system associated with, and the hydro-
20 thermal and geothermal features within, Yellowstone
21 National Park from injury or impairment by protect-
22 ing the Federal reserved water rights of Yellowstone
23 National Park;

24 (2) to provide a framework for management by
25 the States of Montana, Wyoming, and Idaho of reg-

1 ulated resources outside of but significantly related
2 to Yellowstone National Park to the extent such
3 States implement appropriate approved programs for
4 such management that are adequate to preserve and
5 protect, free from injury or impairment, the pro-
6 tected systems and features;

7 (3) to authorize, as provided in section 8, ap-
8 proval of Article IV of the Compact as such an ap-
9 propriate State program; and

10 (4) to require relevant research.

11 **SEC. 3. DEFINITIONS.**

12 For purposes of this Act:

13 (1) The term “Secretary” means the Secretary
14 of the Interior.

15 (2) The term “Yellowstone Protection Area”
16 means the area in Montana, Idaho, and Wyoming
17 identified on the map entitled “Yellowstone Protec-
18 tion Area”, numbered 20036, and dated May 1993,
19 and any modifications thereof as may be made under
20 section 7.

21 (3) The term “protected systems and features”
22 means the hydrothermal and geothermal systems
23 and hydrothermal and geothermal features associ-
24 ated with Yellowstone National Park.

25 (4) The term “regulated resources” means—

1 (A) geothermal steam and associated geo-
2 thermal resources, as defined in section 2(c) of
3 the Geothermal Steam Act of 1970 (30 U.S.C.
4 1001(e)); and

5 (B) hydrothermal resources.

6 (5) The term “geothermal well” means a well
7 or facility producing or intended to produce regu-
8 lated resources.

9 (6) The term “hydrothermal system” means a
10 groundwater system, including cold water recharge
11 and transmission and warm and hot water dis-
12 charge.

13 (7) The term “hydrothermal resources” means
14 groundwater with a temperature in excess of 59 de-
15 grees Fahrenheit and any other groundwater that,
16 on the basis of research pursuant to section 6, and,
17 in a State with an approved State program, pursu-
18 ant to the procedures in such approved State pro-
19 gram, is determined to have characteristics that in-
20 dicate it may be directly related to the protected sys-
21 tems and features.

22 (8) The term “approved State program” means
23 a program of Montana, Idaho, or Wyoming that has
24 been submitted to the Secretary and has been ap-
25 proved pursuant to this Act.

1 (9) The term “Compact” means the water
2 rights compact ratified in 1993 by the State of Mon-
3 tana through enactment of H.R. 692.

4 (10) Except as otherwise provided in this Act,
5 terms used in this Act shall have the same meaning
6 as in the Geothermal Steam Act of 1970.

7 **SEC. 4. RESTRICTION ON FEDERAL LANDS.**

8 The Geothermal Steam Act of 1970 (30 U.S.C. 1001
9 and following) is amended by adding at the end thereof
10 the following new section:

11 “SEC. 30. (a) The Congress hereby declares that—

12 “(1) Yellowstone National Park possesses nu-
13 merous hydrothermal and geothermal features, in-
14 cluding Old Faithful geyser and approximately
15 10,000 other geysers and hot springs, and warrants
16 designation as a significant thermal feature unto it-
17 self;

18 “(2) the establishment of the Park in 1872 re-
19 served to the United States a water right which in-
20 cludes a right with respect to groundwater (includ-
21 ing the water in the hydrothermal system supporting
22 such features) necessary to preserve and protect
23 such features for the benefit of future generations;
24 and

1 “(3) Federal legislation is desirable to protect
2 these Federal water rights from possible injury or
3 damage.

4 “(b) The Congress hereby declares that any use of,
5 or production from, any existing geothermal well, as such
6 term is defined in section 3(5) of the Old Faithful Protec-
7 tion Act of 1993, or any exploration for, or development
8 of, any new geothermal well or any facility related to the
9 use of geothermal steam and associated geothermal re-
10 sources within the boundary of the Yellowstone Protection
11 Area, as defined in section 3(2) of the Old Faithful Pro-
12 tection Act of 1993, risks adverse effects on the hydro-
13 thermal and geothermal features of Yellowstone National
14 Park.

15 “(c) The Secretary shall not issue a lease under this
16 Act for lands within the boundary of the Yellowstone Pro-
17 tection Area, as defined in section 3(2) of the Old Faithful
18 Protection Act of 1993. Nothing in this section shall be
19 construed to either affect the ban on leasing referenced
20 under section 28(f) or to apply to any lands not owned
21 by the United States.”.

22 **SEC. 5. MORATORIUM ON OTHER LANDS.**

23 (a) PROHIBITION.—(1) Except as provided by sec-
24 tions 7 and 8 of this Act, there shall be no use (except
25 for monitoring by the Secretary or monitoring under an

1 approved State program) of, or production from, any ex-
2 isting geothermal well and no exploration for, or develop-
3 ment of, any new geothermal well or any other new facility
4 related to the use of regulated resources within the Yellow-
5 stone Protection Area.

6 (2) Nothing in this subsection shall be construed to
7 affect existing facilities other than geothermal wells.

8 (b) MANAGEMENT.—The Secretary shall review Na-
9 tional Park Service management of Yellowstone National
10 Park and shall take such steps as may be necessary to
11 protect the protected systems and features and the hydro-
12 thermal, geothermal, and groundwater resources of such
13 National Park free from injury or impairment.

14 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
15 tion shall be construed to affect the ban or prohibitions
16 referenced under sections 28(f) and 30(c) of the Geo-
17 thermal Steam Act of 1970.

18 **SEC. 6. RESEARCH.**

19 (a) IN GENERAL.—The National Park Service, in
20 consultation with the Forest Service, the United States
21 Geological Survey, and each State agency implementing
22 an approved State program, shall research the characteris-
23 tics of the protected systems and features, inventory and
24 research the existing and potential effects (including cu-
25 mulative effects) of hydrothermal, geothermal, mineral, or

1 other resources development (including development of
2 groundwater other than regulated resources) on such sys-
3 tems and features, and periodically inform Congress con-
4 cerning the results of such inventory and research.

5 (b) UNDER STATE PROGRAM.—If an approved State
6 program provides for research described in subsection (a),
7 the Secretary, in cooperation with the relevant State, may
8 conduct such research in areas within and adjoining Yel-
9 lowstone National Park.

10 (c) NONINTRUSIVE METHODOLOGIES.—Except for
11 research within a National Park System unit approved by
12 the Secretary or elsewhere under a permit issued by a
13 State agency implementing an approved State program,
14 research pursuant to this section shall exclusively use
15 nonintrusive methodologies.

16 (d) LIMITATION.—Nothing in this Act shall be con-
17 strued as authorizing any activities within any unit of the
18 National Park System inconsistent with laws or policies
19 applicable to the relevant unit.

20 **SEC. 7. STATE MANAGEMENT PROGRAMS.**

21 (a) DEVELOPMENT.—The States of Montana, Wyo-
22 ming, and Idaho are encouraged to develop State pro-
23 grams for the management of regulated resources outside
24 of Yellowstone National Park to preserve and protect, free

1 from injury or impairment, the protected systems and fea-
2 tures.

3 (b) PERMIT.—As of the date of enactment of this
4 Act, no person shall engage in any use (including re-
5 search), production, exploration, or development of any
6 regulated resources on any land located within the Yellow-
7 stone Protection Area except to the extent authorized by
8 a permit issued by a State agency implementing an ap-
9 proved State program.

10 (c) STATE AUTHORITY.—(1) In the implementation
11 of an approved State program, a State may exercise the
12 authority to grant permits under subsection (b) for the
13 use (including research), production, exploration, or devel-
14 opment of any regulated resources within the Yellowstone
15 Protection Area.

16 (2) Notwithstanding any other provision of law, no
17 permit issued prior to the date of enactment of this Act
18 shall be deemed to have been issued in the implementation
19 of an approved State program, but in the event that after
20 the date of enactment of this Act the Secretary, on the
21 basis of research pursuant to section 6, determines that
22 groundwater with a temperature of 59 degrees Fahrenheit
23 or less has characteristics that indicate it may be directly
24 related to the protected systems and features, a permit
25 issued prior to such determination with respect to such

1 groundwater shall not be invalidated unless, pursuant to
2 the procedures in an approved State program it is deter-
3 mined that continued utilization of the groundwater cov-
4 ered by such permit would be inconsistent with the pur-
5 poses of this Act.

6 (3)(A) The Secretary shall monitor the implementa-
7 tion of an approved State program (including the State's
8 enforcement thereof) to assure consistency with the re-
9 quirements of this Act.

10 (B) The Secretary may suspend implementation of an
11 approved State program if such implementation (including
12 the State's enforcement thereof) is not being exercised in
13 a manner consistent with this Act. During any such sus-
14 pension, no permit granted under such program shall be
15 effective except to the extent the Secretary determines
16 that the permitted activities would be consistent with the
17 purposes of this Act.

18 (C) If an approved State program includes proce-
19 dures for the exercise of the Secretary's authority to sus-
20 pend such a program's implementation, the Secretary
21 shall follow such procedures.

22 (d) APPROVAL BY THE SECRETARY.—(1) The Sec-
23 retary may approve a program submitted by a State if
24 the Secretary determines that such program, when imple-

1 mented, will fulfill the purposes of this Act regarding the
2 protection of the protected systems and features.

3 (2) The Secretary shall not approve any State pro-
4 gram submitted under this section until the Secretary
5 has—

6 (A) solicited, publicly disclosed, and considered
7 the views of the heads of other State and Federal
8 agencies the Secretary determines are concerned
9 with the proposed State program;

10 (B) solicited, publicly disclosed, and considered
11 the views of the public; and

12 (C) found that the State has the necessary legal
13 authority and qualified personnel for the regulation
14 and management of regulated resources outside Yel-
15 lowstone National Park consistent with the require-
16 ments of this Act.

17 (3)(A) The Secretary may approve or disapprove a
18 program in whole or in part.

19 (B) If the Secretary disapproves any proposed State
20 program, in whole or in part, the Secretary shall notify
21 the State in writing of the decision and set forth in detail
22 the reasons therefor. The State may submit a revised
23 State program or portion thereof.

24 (4) The Secretary shall not approve any State pro-
25 gram that does not, at a minimum—

1 (A) include ongoing scientific review of restric-
2 tions, boundaries, and permits applicable to the de-
3 velopment of a regulated resource;

4 (B) require that, in conducting the scientific re-
5 view referred to in subparagraph (A) and in imple-
6 menting the State program, any doubt shall be re-
7 solved in favor of protection of the protected systems
8 and features;

9 (C) allow the State agency authorized to admin-
10 ister the program to reject recommendations based
11 on the scientific review referred to in subparagraph
12 (A), to the extent such rejection is necessary to
13 guarantee no adverse effect on the hydrothermal sys-
14 tem within Yellowstone National Park; and

15 (D) enable citizens of such State to obtain judi-
16 cial review of actions taken by the State agency im-
17 plementing the program to the extent necessary to
18 assure that such actions are consistent with all ap-
19 plicable law, including this Act.

20 (e) SCOPE.—Except to the extent an approved State
21 program is being implemented by a State, section 5(a) of
22 this Act shall apply to the Yellowstone Protection Area.

23 (f) MODIFICATION OF YELLOWSTONE PROTECTION
24 AREA.—(1) The boundaries of the Yellowstone Protection
25 Area in a State may be modified pursuant to an approved

1 State program to the extent such modification is approved
2 by the Secretary.

3 (2) The Secretary shall not approve any such modi-
4 fication that the Secretary finds would not be consistent
5 with the purposes of this Act.

6 (3) The Secretary shall revise the map of the Yellow-
7 stone Protection Area to reflect any approved boundary
8 modifications.

9 (4) If an approved State program includes procedures
10 for the exercise of the Secretary's authority to approve
11 modifications of the boundaries of the Yellowstone Protec-
12 tion Area, the Secretary shall follow such procedures.

13 (g) COOPERATIVE AGREEMENTS.—The Secretary is
14 authorized to enter into cooperative agreements with the
15 States of Montana, Idaho, and Wyoming and with the Sec-
16 retary of Agriculture to fulfill the purposes of this Act.

17 (h) FEDERAL FINANCIAL ASSISTANCE.—(1) Subject
18 to appropriation, the Secretary may provide financial as-
19 sistance to the implementation of an approved State pro-
20 gram. In providing such assistance, the Secretary may
21 enter into appropriate funding agreements, including
22 grants and cooperative agreements, with a State agency
23 or agencies, upon such terms and conditions as the Sec-
24 retary deems appropriate.

1 (2) A recipient State may invest funds provided
2 under this subsection so long as such funds, together with
3 interest and any other earnings thereon, shall be available
4 for use by the State only under the terms and conditions
5 of the approved State program and an agreement entered
6 into with the Secretary under this subsection and shall
7 not be used by the State for any other purpose.

8 **SEC. 8. MONTANA PROGRAM.**

9 (a) APPROVAL.—(1) The Congress finds that Article
10 IV of the Compact, when implemented, will fulfill the pur-
11 poses of this Act regarding the protection of the protected
12 systems and features.

13 (2) All provisions of section 7 are applicable to this
14 section, except for purposes of section 7(d)(1) the Com-
15 pact shall be deemed to have been submitted to the Sec-
16 retary, and, notwithstanding sections 7(d)(2), 7(d)(3), and
17 7(d)(4), once signed by the Secretary and the Attorney
18 General of the United States, Article IV thereof shall be
19 considered an approved State program for regulation of
20 groundwater resources, including the hydrothermal re-
21 sources within the Montana portion of the Yellowstone
22 Protection Area. Article IV of the Compact shall not be
23 considered an approved State program for the manage-
24 ment of regulated resources within the Montana portion

1 of the Yellowstone protection area other than groundwater
2 resources.

3 (b) SCOPE.—Nothing in this Act shall be construed
4 as amending the Compact or as altering its status in rela-
5 tionship to any litigation with regard to water rights.

6 (c) REVIEW PROCEDURES.—For purposes of sections
7 7(e)(3)(B), 7(e)(3)(C), 7(f)(1), and 7(f)(2), the provisions
8 of the Compact with respect to—

9 (1) review of administrative decisions under Ar-
10 ticle IV of the Compact;

11 (2) enforcement of the Compact;

12 (3) the discretion of any party to the Compact
13 to withdraw therefrom; and

14 (4) modification of boundaries and restrictions
15 within the Controlled Groundwater Area,

16 shall be deemed to be procedures for the exercise of the
17 Secretary's authority to approve modifications of the
18 boundaries of the Yellowstone Protection Area or to sus-
19 pend the implementation of an approved State program.

20 **SEC. 9. IDAHO PROGRAM.**

21 For purposes of section 7(d)(1), the provisions of
22 Section 42 of the Idaho Code related to geothermal re-
23 sources shall be deemed to have been submitted to the Sec-
24 retary for approval as an approved State program.

1 **SEC. 10. IDAHO AND WYOMING PROGRAMS.**

2 (a) Section 7 shall not be effective with respect to
3 the Yellowstone Protection Area within the State of Idaho
4 and the State of Wyoming for two years after the date
5 of enactment of this title if the Governor of the State noti-
6 fies the Secretary that the State will prohibit any permit
7 action or other approval action involving regulated re-
8 sources within the Yellowstone Protection Area during
9 such two-year period.

10 (b)(1) The State of Wyoming or the State of Idaho
11 may, within the two-year period provided for in subsection
12 (a) submit a State program to the Secretary for approval.

13 (2) Upon receipt of a State program within the two-
14 year period provided for in subsection (a), the Secretary
15 shall review such program pursuant to section 7.

16 (c) Section 4, subsections 5(a), 7(b), and paragraph
17 7(a)(2) shall become effective with respect to the Yellow-
18 stone Protection Area within the State of Idaho or the
19 State of Wyoming—

20 (1) upon the approval or disapproval of the re-
21 spective State program;

22 (2) at the end of the two-year period provided
23 for in subsection (a); or

24 (3) if the State takes any permit action or other
25 approval action contrary to the notification provided
26 to the Secretary pursuant to subsection (a).

1 **SEC. 11. CITIZEN SUITS.**

2 (a) IN GENERAL.—(1) Any person may commence a
3 civil suit on the person’s own behalf to enjoin any party,
4 including the United States, except for a State or agency
5 or political subdivision thereof, that the plaintiff alleges—

6 (A) is in violation of any provision of this Act;

7 or

8 (B) is using a regulated resource in the absence
9 of, or beyond the scope of the terms or conditions
10 of, a permit issued pursuant to an approved State
11 program, or in violation of regulations issued under
12 the authority of an approved State program.

13 (2) The Federal district courts shall have jurisdiction,
14 without regard to the amount in controversy or the citizen-
15 ship of the parties—

16 (A) to require the Secretary or another party to
17 take any steps required or permitted by this Act, if
18 those steps are necessary to fulfill the purposes of
19 this Act; or

20 (B) to enforce the provisions, prohibitions, per-
21 mits, or regulations of an approved State program.

22 (b) VENUE AND INTERVENTION.—(1) Any suit under
23 this section may be brought in any appropriate judicial
24 district.

25 (2) In any such suit under this section in which the
26 United States is not a party, the Attorney General of the

1 United States, at the request of the Secretary, may inter-
2 vene on behalf of the United States as a matter of right.

3 (c) COSTS.—The court, in issuing any final order in
4 any suit brought under this section, may award costs of
5 litigation (including reasonable attorney and expert wit-
6 ness fees) to any party, whenever the court determines
7 such award is appropriate.

8 (d) NONEXCLUSIVE RELIEF.—The injunctive relief
9 provided by this subsection shall not restrict any right
10 which any person (or class of persons) may have under
11 any statute or common law to seek judicial review of ac-
12 tions taken by the State agency implementing an approved
13 State program or to seek enforcement of any standard or
14 limitation or to seek any other relief including relief
15 against the Secretary.

16 (e) NOTICE.—Before seeking the injunctive relief au-
17 thorized under this section, notice of intent to sue shall
18 be given to the Secretary, the State agency implementing
19 any relevant approved State program described in section
20 7, and each intended defendant. Such notice shall allow
21 the minimum period of time necessary for an intended de-
22 fendant to take those measures that (1) will cure any al-
23 leged violations of this Act, or (2) will end any alleged
24 improper use of regulated resources, as described in sub-
25 section (a)(1)(B).

1 **SEC. 12. JUDICIAL REVIEW.**

2 (a) ADMINISTRATIVE PROCEDURES.—Except as pro-
3 vided in this section, any Federal agency action or failure
4 to act to implement or enforce this Act shall be subject
5 to judicial review in accordance with and to the extent pro-
6 vided by chapter 7 of title 5, United States Code.

7 (b) REMEDY.—The sole remedy available to any per-
8 son claiming deprivation of a vested property right by en-
9 actment of this Act or Federal action pursuant to this Act
10 shall be an action for monetary damages, filed pursuant
11 to sections 1491 or 1505 of title 28, United States Code,
12 in the Court of Federal Claims. Any just compensation
13 awards determined by the Court of Federal Claims to be
14 due to a claimant shall be paid consistent with section
15 2517 of such title.

16 **SEC. 13. REGULATIONS.**

17 No later than two years after the date of enactment
18 of this Act, the Secretary shall promulgate such rules and
19 regulations as are necessary to implement this Act.

20 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated such sums
22 as may be necessary to carry out this Act.

23 **SEC. 15. SCOPE OF ACT.**

24 Nothing in this Act shall be construed as increasing
25 or diminishing any rights of the United States with re-

1 spect to water, or as affecting any previous adjudication
2 of or any agreement concerning any such rights.

3 **SEC. 16. LAND EXCHANGE.**

4 (a) GENERAL.—Notwithstanding any other provision
5 of law and subject to the provisions of this title, the Sec-
6 retary of Agriculture shall acquire by exchange certain
7 lands and interests in lands owned by the Church Univer-
8 sal and Triumphant, its successors and assigns, (referred
9 to in this title as “the Church”), located in the Yellow-
10 stone Controlled Groundwater Area and Corwin Springs
11 Known Geothermal Resource Area of the Gallatin Na-
12 tional Forest.

13 (b) OFFER AND ACCEPTANCE OF LAND AND INTER-
14 EST IN LAND.—

15 (1) NON-FEDERAL LANDS AND INTERESTS.—If
16 the Church offers—

17 (i) title that is acceptable to the United
18 States to all rights, title, and interests to ap-
19 proximately 26 acres of land owned by the
20 Church as depicted on the maps entitled
21 “Church/Forest Service Land Exchange Pro-
22 posal”, dated July 1994;

23 (ii) all right, title and interest to the sub-
24 surface regulated resource estate on all Church

1 properties within the Yellowstone Controlled
2 Groundwater Area;

3 (iii) a perpetual public access road and
4 utility easement of 60 feet in width, plus allow-
5 ance for cuts and fills, over Church property to
6 the Gallatin National Forest lands in the Cutler
7 Homestead/Sentinel Butte area, as depicted on
8 the maps referenced in paragraph (b)(1)(i); and

9 (iv) other rights and covenants in accord-
10 ance with the terms of the “Church/Forest
11 Service Land Exchange Specifications” docu-
12 ment prepared pursuant to paragraph (b)(1);
13 the Secretary of Agriculture shall accept a war-
14 ranty deed to the land specified in paragraph
15 (b)(1)(i), a special warranty deed to the geo-
16 thermal and hydrothermal resources specified in
17 paragraph (b)(1)(ii), State water rights transfer
18 documents, and any other such instruments as
19 may be necessary to transfer the above ref-
20 erenced property interests.

21 (2) FEDERAL LAND AND INTERESTS.—

22 (A) GENERAL.—Upon acceptance by the
23 Secretary of Agriculture of title to the lands, in-
24 terests, and rights and covenants offered by the
25 Church pursuant to paragraph (b)(1)—

1 (i) the Secretary, upon request by the
2 Secretary of Agriculture, shall convey by
3 patent to the Church, subject to all valid
4 existing rights, and a reservation to the
5 United States of all regulated resources,
6 title to approximately 11 acres within the
7 Gallatin National Forest, as depicted on
8 the map referenced in paragraph (b)(3);

9 (ii) the Secretary of Agriculture shall
10 convey an easement to the Church grant-
11 ing the right to collect and transport
12 across Federal lands the natural surface
13 flow at LaDuke Hot Springs from its
14 source to the east bank of the Yellowstone
15 River as depicted on the maps referenced
16 in paragraph (b)(1), and the United States
17 shall withdraw all of its water rights claims
18 and objections filed with regard to LaDuke
19 Hot Springs in pending water rights adju-
20 dications under Federal and State law;

21 (iii) the Secretary shall grant to the
22 Church standard Forest Service rights-of-
23 way authorizations for existing roads
24 across National Forest System land as
25 generally depicted on the maps referenced

1 in paragraph (b)(1) and further defined by
2 the document referenced in paragraph
3 (b)(3); and

4 (iv) the Secretary shall grant to the
5 Church other rights and covenants in ac-
6 cordance with the terms of the “Church/
7 Forest Service Land Exchange Specifica-
8 tions” document pursuant to paragraph
9 (b)(3).

10 (B) SURVEYS.—Surveys prepared to stand-
11 ards approved by the Secretary shall be fur-
12 nished by the Church for the affected Federal
13 and non-Federal lands and surface interests
14 prior to conveyance of the Federal lands and in-
15 terests in this exchange.

16 (3) AGREEMENT.—The document entitled
17 “Church/Forest Service Land Exchange Specifica-
18 tions,” jointly developed and agreed to by both par-
19 ties, shall define the non-Federal and Federal lands
20 and interests involved in this exchange, including
21 legal descriptions of lands and interests, and other
22 terms, conditions, and covenants, but shall not in-
23 clude any minimum surface flow requirements to the
24 Yellowstone River from LaDuke Hot Springs. Such
25 document, upon completion, shall be transmitted to

1 the Committee on Energy and Natural Resources of
2 the United States Senate and the Committee on
3 Natural Resources of the United States House of
4 Representatives and shall not take effect until 60
5 days after receipt by both committees.

6 (c) TITLE.—

7 (1) REVIEW OF TITLE.—Within ninety days of re-
8 ceipt of the approved surveys and title documents
9 from the Church, the Secretary shall review the title
10 for the non-Federal lands described in paragraph (b)
11 and determine whether—

12 (A) the applicable title standards for Federal
13 land acquisition have been satisfied subject to
14 any variances expressly contained in this title;
15 and

16 (B) all draft conveyances and closing docu-
17 ments have been received and approved.

18 (2) CONVEYANCE OF TITLE.—In the event the
19 quality of title does not meet Federal standards or
20 is otherwise unacceptable to the Secretary, the Sec-
21 retary shall advise the Church regarding corrective
22 actions necessary to cure title defects. The convey-
23 ance of lands to the Church described in paragraph
24 (b)(2)(A) shall be completed not later than ninety
25 days after the Secretary has approved title.

1 **SEC. 17. GENERAL PROVISIONS.**

2 (a) MAPS AND DOCUMENTS.—The maps referred to in
3 section 16 are subject to corrections for any technical er-
4 rors in describing the properties. The maps and docu-
5 ments described in section 16(b) (1) and (3) shall be on
6 file and available for public inspection in the Office of the
7 Chief of the Forest Service, in Washington, D.C.

8 (b) NATIONAL FOREST SYSTEM LANDS.—All lands and
9 interests in lands conveyed to the United States under this
10 title shall be administered in accordance with the laws and
11 regulations pertaining to the National Forest System.

12 (c) VALUATION.—The value of the lands and interests
13 in lands to be exchanged under this title and described
14 in section 16(b) are deemed to be equal, and therefore,
15 no appraisals shall be required.

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