

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 489

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

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IN THE SENATE OF THE UNITED STATES

MARCH 3, 1993

Mr. BAUCUS (for himself and Mr. BURNS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## 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-

1 board lands along the Gallatin Range north of Yel-  
2 lowstone National Park.

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

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

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

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

15 (a) IN GENERAL.—The Secretary of Agriculture,  
16 hereinafter called the Secretary, shall, subject to the provi-  
17 sions of section 4(b) and section 5(b) and, notwithstanding  
18 any other law, acquire by exchange and cash equalization  
19 in the amount of \$3,400,000, certain lands and interests  
20 in land of the Plum Creek Timber, L.P. (referred to in  
21 this section as the “company”) in and adjacent to the  
22 Hyalite-Porcupine-Buffalo Horn Wilderness Study Area,  
23 the Scapegoat Wilderness Area, and other land in the Gal-  
24 latin National Forest in accordance with this section.

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

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

22 (B) the reservation of rights under Federal Oil  
23 and Gas Lease numbers 49739, 55610, 40389,  
24 53670, 40215, 33385, 53736, and 38684; and

1 (C) such other terms, conditions, reservations  
2 and exceptions as may be agreed upon by the Sec-  
3 retary and the company.

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

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

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

22 (2) In consideration of the easements conveyed  
23 by the United States as provided in paragraph (1),  
24 the company shall execute and deliver to the United  
25 States such easements and authorizations across

1 company-owned lands included in this exchange as  
2 may be agreed to by the Secretary and the company  
3 in the exchange agreement.

4 (d) MAPS.—The maps referred to in subsection (b)  
5 are subject to such minor corrections as may be agreed  
6 upon by the Secretary and the company. The Secretary  
7 shall notify the Committee on Energy and Natural Re-  
8 sources of the United States Senate and the Committee  
9 on Natural Resources to the United States House of Rep-  
10 resentatives of any corrections made pursuant to the sub-  
11 section.

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

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

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

1           (h) QUALITY OF TITLE.—Title to the properties ref-  
2           erenced in this section to be offered to the United States  
3           by Big Sky Lumber Company, its assignees or successors  
4           in interest, shall be inclusive of the entire surface and sub-  
5           surface estates without reservation or exception. The  
6           owner shall be required to reacquire any outstanding inter-  
7           est in mineral or mineral rights, timber or timber rights,  
8           water or water rights, or any other outstanding interest  
9           in the property, except reservations by the United States  
10          or the State of Montana by patent, in order to assure that  
11          title to the property is transferred as described in this sec-  
12          tion and sections 4, 5, and 6. Title standards for acquisi-  
13          tion shall otherwise be in compliance with Forest Service  
14          policies and procedures.

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

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

19          (a) IN GENERAL.—The exchange described in section  
20          3 of this Act shall not be consummated by the Secretary  
21          until the conditions of this section are met.

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

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

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

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

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

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

4 (g) REFERENCES.—The reference and authorities of  
5 this section referring to the Big Sky Lumber Company,  
6 shall also refer to its successors.

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

8 (a) IN GENERAL.—The exchange described in section  
9 3 of this Act shall not be consummated by the Secretary  
10 until the conditions of this section are met.

11 (b) CONDITIONS.—The Secretary or a qualified sec-  
12 tion 501(c)(3) conservation entity, acting on its behalf for  
13 later disposition to the United States, shall have acquired,  
14 by purchase or option to acquire, or exchange, all of the  
15 Taylor Fork property for its fair market value, determined  
16 at the time of acquisition in accordance with appraisal  
17 standards acceptable to the Secretary by an appraiser ac-  
18 ceptable to the Secretary and owner. Any appraisal for  
19 exchange purposes shall be conducted by the same parties,  
20 utilizing the same standards noted above; and further  
21 that, if said acquisition or option to acquire has been con-  
22 summated by a qualified section 501(c)(3) conservation  
23 entity, said entity shall have notified the Secretary that  
24 the quality of title in fact secured meets applicable Forest

1 Service standards with respect to surface and subsurface  
2 estates or is otherwise acceptable to the Forest Service.

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

11 (d) DESCRIPTION OF LANDS.—The Secretary is au-  
12 thorized and directed to acquire by purchase or exchange  
13 the lands and interests therein as depicted on a map enti-  
14 tled "Taylor Fork Area", dated September, 1992.

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

20 (f) 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 Funds.

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

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

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

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

16 (a) IN GENERAL.—The Secretary shall work dili-  
17 gently to assure all lands within what is generally known  
18 as the Gallatin Range owned by Big Sky Lumber Com-  
19 pany, its assignee or successors in interest, not acquired,  
20 purchased or exchanged pursuant to sections 3 and 4 of  
21 this Act are acquired by the United States through ex-  
22 change or purchase.

23 (b) DIRECTION.—The Secretary is directed to provide  
24 Congress, within three years, recommendations designed  
25 to acquire by purchase or exchange Gallatin Area lands

1 owned by Big Sky Lumber Company: *Provided*, That such  
2 recommendations are agreed to by Big Sky Lumber Com-  
3 pany: *Provided further*, That nothing in this section limits  
4 the Secretary's authority to acquire or purchase said  
5 lands.

6 (c) DESCRIPTION OF LANDS.—The Secretary is au-  
7 thorized and directed to acquire by purchase or exchange  
8 the lands and interests therein as depicted on a map enti-  
9 tled "Gallatin Area", dated September, 1992.

10 (d) LAND ACQUISITION AUTHORITIES.—Acquisitions  
11 pursuant to this section shall be under existing authorities  
12 available to the Secretary: *Provided*, That notwithstanding  
13 any other law, exchanges authorized in this section shall  
14 not be restricted within the same State.

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

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

23 (g) QUALITY OF TITLE.—The quality of title to the  
24 properties referenced in this section in fact secured shall  
25 meet applicable Forest Service standards with respect to

1 surface and subsurface estates or shall otherwise be ac-  
2 ceptable to the Forest Service.

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

6 (i) REPORTS TO CONGRESS.—For a period of three  
7 years from the date of enactment of this Act, the Sec-  
8 retary shall report annually to the Committee on Natural  
9 Resources of the House of Representatives and the Com-  
10 mittee on Energy and Natural Resources of the Senate,  
11 on the status of the negotiations with the company or its  
12 successors in interest to effect the land consolidation au-  
13 thorized by this section.

14 **SEC. 8. SEVERED MINERALS EXCHANGE.**

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

16 (1) underlying certain areas in Montana de-  
17 scribed in subsection (b) are mineral rights owned  
18 by subsidiaries of Burlington Resources, Incor-  
19 porated (hereinafter collectively referred to in this  
20 section as the “company”);

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

23 (3) the company has agreed in principle with  
24 the Department of Agriculture to an exchange of  
25 mineral rights to consolidate Federal surface and

1 subsurface ownerships and to avoid potential con-  
2 flicts with the surface management of such areas;  
3 and

4 (4) it is desirable that an exchange be com-  
5 pleted within two years after the date of enactment  
6 of this Act.

7 (b) DESCRIPTION OF MINERAL INTERESTS.—(1)  
8 Pursuant to an exchange agreement between the Secretary  
9 and the company, the Secretary may acquire mineral in-  
10 terests owned by the company underlying surface lands  
11 owned by the United States located in the areas depicted  
12 on the maps entitled “Severed Minerals Exchange, Clear-  
13 water-Monture Area”, dated September 1988 and “Sev-  
14 ered Minerals Exchanges, Gallatin Area”, dated Septem-  
15 ber 1988, or in fractional sections adjacent to those areas.

16 (2) In exchange for the mineral interests conveyed  
17 to the Secretary pursuant to paragraph (1), the Secretary  
18 of the Interior shall convey, subject to valid existing rights,  
19 such federally owned mineral interests as the Secretary  
20 and the company may agree upon.

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

24 (2) To ensure that the wilderness or other natural  
25 values of the areas are not affected, a formal appraisal

1 based upon drilling or other surface disturbing activities  
2 shall not be required for any mineral interest proposed for  
3 exchange, but the Secretary and the company shall fully  
4 share all available information on the quality and quantity  
5 of mineral interests proposed for exchange.

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

11 (d) IDENTIFICATION OF FEDERALLY OWNED MIN-  
12 ERAL INTERESTS.—(1) Subject to paragraph (2), mineral  
13 interests conveyed by the United States pursuant to this  
14 section shall underlie lands the surface of which were  
15 owned by the company or its predecessor on September  
16 16, 1987.

17 (2) If there are not sufficient federally owned mineral  
18 interests of approximately equal value underlying the  
19 lands identified in paragraph (1), the Secretary and the  
20 Secretary of the Interior may identify for exchange any  
21 other federally owned mineral interest in land in the State  
22 of Montana of which the surface estate is in private owner-  
23 ship.

24 (e) CONSULTATION WITH THE DEPARTMENT OF THE  
25 INTERIOR.—(1) The Secretary shall consult with the Sec-

1 retary of the Interior in the negotiation of the exchange  
2 agreement authorized by subsection (b), particularly with  
3 respect to the inclusion in such an agreement of a provi-  
4 sion calling for the exchange of federally owned mineral  
5 interests lying outside the boundaries of units of the Na-  
6 tional Forest System.

7 (2) Notwithstanding any other law, the Secretary of  
8 the Interior shall convey the federally owned mineral inter-  
9 ests identified in a final exchange agreement between the  
10 Secretary of Agriculture and the company.

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

15 (g) ENVIRONMENTAL LAW.—The execution and per-  
16 formance of an exchange agreement and the taking of  
17 other actions pursuant to this section shall not be deemed  
18 a major Federal action significantly affecting the quality  
19 of the environment within the meaning of section 102 of  
20 the National Environmental Policy Act (42 U.S.C. 4332),  
21 nor shall they require the preparation of an environmental  
22 assessment under this Act.

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