

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 723

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

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 1995

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

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## 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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