

104TH CONGRESS
1ST SESSION

S. 103

Entitled the “Lost Creek Land Exchange Act of 1995”.

IN THE SENATE OF THE UNITED STATES

JANUARY 4, 1995

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

A BILL

Entitled the “Lost Creek Land Exchange Act of 1995”.

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 title may be cited as the “Lost Creek Land Ex-
5 change Act of 1995”.

6 **SEC. 2. LAND EXCHANGE.**

7 (a) GENERAL.—Notwithstanding any other provision
8 of law, the Secretary of Agriculture (hereinafter referred
9 to in this title as the “Secretary”) is authorized and di-
10 rected to acquire by exchange certain lands and interests
11 in lands owned by the Brand S Corporation, its successors

1 and assigns, (hereinafter referred to in this title as the
2 “Corporation”), located in the Lost Creek area of the
3 Deerlodge National Forest and within the Gallatin Na-
4 tional Forest.

5 (b) OFFER AND ACCEPTANCE OF LAND.—

6 (1) NON-FEDERAL LAND.—If the Corporation
7 offers to convey to the United States fee title that
8 is acceptable to the United States to approximately
9 18,300 acres of land owned by the Corporation and
10 available for exchange, as depicted on the maps enti-
11 tled “Brand S/Forest Service Land Exchange Pro-
12 posal”, numbered 1 through 3, dated March 1994,
13 and described in the “Land Exchange Specifica-
14 tions” document pursuant to paragraph (b)(3), the
15 Secretary shall accept a warranty deed to such
16 lands.

17 (2) FEDERAL LAND.—Upon acceptance by the
18 Secretary of title to the Corporation’s lands pursu-
19 ant to paragraph (b)(1) and upon the effective date
20 of the document referred to in paragraph (b)(3), and
21 subject to valid existing rights, the Secretary of the
22 Interior shall convey, by patent, the fee title to ap-
23 proximately 10,800 acres on the Deerlodge and Gal-
24 latin National Forests, and by timber deed, the right
25 to harvest approximately 3.5 million board feet of

1 timber on certain Deerlodge National Forest lands,
2 as depicted on the maps referenced in paragraph
3 (b)(1) and further defined by the document ref-
4 erenced in paragraph (b)(3): *Provided*, That, except
5 for the east 1/2 of sec. 10, T3S, R8E, the Secretary
6 shall not convey to the Corporation the lands on the
7 Gallatin National Forest identified as the “Wine-
8 glass Tract” on the map entitled “Wineglass Tract”,
9 dated September 1994, unless the Secretary finds
10 that measures are in place to protect the scenic,
11 wildlife, and open space values of the Wineglass
12 Tract. Such finding shall be contained in the docu-
13 ment referenced in paragraph (b)(3).

14 (3) AGREEMENT.—A document entitled “Brand
15 S/Forest Service Land Exchange Specifications”,
16 shall be jointly developed and agreed to by the Cor-
17 poration and the Secretary. Such document shall de-
18 fine the non-Federal and Federal lands to be ex-
19 changed, and shall include legal descriptions of such
20 lands and interests therein, along with any other
21 agreements. Such document shall be transmitted,
22 upon completion, to the Committee on Energy and
23 Natural Resources of the United States Senate and
24 the Committee on Natural Resources of the United
25 States House of Representatives and shall not take

1 effect until sixty days after transmittal to both Com-
2 mittees.

3 (4) CONFLICT.—In case of conflict between the
4 maps referenced in paragraph (b)(1) and the docu-
5 ment referenced in paragraph (b)(3), the maps shall
6 govern.

7 (c) TITLE.—

8 (1) REVIEW OF TITLE.—Within sixty days of
9 receipt of title documents from the Corporation, the
10 Secretary shall review the title for the non-Federal
11 lands described in paragraph (b) and determine
12 whether—

13 (A) applicable title standards for Federal
14 land acquisition have been satisfied or the qual-
15 ity of title is otherwise acceptable to the Sec-
16 retary;

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

19 (C) a current title commitment verifying
20 compliance with applicable title standards has
21 been issued to the Secretary; and

22 (D) the Corporation has complied with the
23 conditions imposed by this title.

24 (2) CONVEYANCE OF TITLE.—In the event the
25 title does not meet Federal standards or is otherwise

1 unacceptable to the Secretary, the Secretary shall
2 advise the Corporation regarding corrective actions
3 necessary to make an affirmative determination. The
4 Secretary, acting through the Secretary of the Inte-
5 rior, shall effect the conveyance of lands described in
6 paragraph (b)(2) not later than ninety days after
7 the Secretary has made an affirmative determina-
8 tion.

9 (d) RESOLUTION OF PUBLIC ACCESS.—The Sec-
10 retary is directed, in accordance with existing law, to im-
11 prove legal public access to Gallatin National Forest Sys-
12 tem lands between West Pine Creek and Big Creek.

13 **SEC. 3. GENERAL PROVISIONS.**

14 (a) MAPS AND DOCUMENTS.—The maps referred to
15 in section 202(b)(1) shall be subject to such minor correc-
16 tions as may be agreed upon by the Secretary and the
17 Corporation. The maps and documents described in sec-
18 tion 202(b) (1) and (3) shall be on file and available for
19 public inspection in the appropriate offices of the Forest
20 Service.

21 (b) NATIONAL FOREST SYSTEM LANDS.—

22 (1) IN GENERAL.—All lands conveyed to the
23 United States under this title shall be added to and
24 administered as part of the Deerlodge or Gallatin
25 National Forests, as appropriate, and shall be ad-

1 ministered by the Secretary in accordance with the
2 laws and regulations pertaining to the National For-
3 est System.

4 (2) WILDERNESS STUDY AREA ACQUISITIONS.—
5 Until Congress determines otherwise, lands acquired
6 within the Hyalite-Porcupine-Buffalo Horn Wilder-
7 ness Study Area pursuant to this title shall be man-
8 aged by the Secretary of Agriculture and the Sec-
9 retary of the Interior, as appropriate, so as to main-
10 tain the presently existing wilderness character and
11 potential for inclusion in the National Wilderness
12 Preservation System.

13 (c) VALUATION.—The values of the lands and inter-
14 ests in lands to be exchanged under this title and de-
15 scribed in section 202(b) are deemed to be of approxi-
16 mately equal value.

17 (d) LIABILITY FOR HAZARDOUS SUBSTANCES.—

18 (1) The Secretary shall not acquire any lands
19 under this title if the Secretary determines that such
20 lands, or any portion thereof, have become contami-
21 nated with hazardous substances (as defined in the
22 Comprehensive Environmental Response, Compensa-
23 tion, and Liability Act (42 U.S.C. 9601)).

24 (2) Notwithstanding any other provision of law,
25 the United States shall have no responsibility or li-

1 ability with respect to any hazardous wastes or other
2 substances placed on any of the lands covered by
3 this title after their transfer to the ownership of an-
4 other party, but nothing in this title shall be con-
5 strued as either diminishing or increasing any re-
6 sponsibility or liability of the United States based on
7 the condition of such lands on the date of their
8 transfer to the ownership of another party.

