

103^D CONGRESS
1ST SESSION

H. R. 873

AMENDMENT

In the Senate of the United States,

August 4 (legislative day, June 30), 1993.

Resolved, That the bill from the House of Representatives (H.R. 873) entitled “An Act to provide for the consolidation and protection of the Gallatin Range”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

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

4 ***SEC. 2. FINDINGS.***

5 *Congress finds that—*

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

10 *(2) it is in the interest of the United States for*
11 *the Secretary, acting through the Forest Service, to*

1 (2) *EXCHANGE.*—In exchange for the lands de-
2 scribed in paragraph (1) and subject to valid existing
3 rights, the Secretary of the Interior shall convey, by
4 patent, the fee title to approximately 16,278 acres of
5 National Forest System lands available for exchange
6 as depicted on the maps referred to in paragraph (1),
7 and the five maps entitled “H.R. 873, the Gallatin
8 Range Consolidation and Protection Act of 1993”,
9 Lolo and Flathead National Forest, subject to—

10 (A) the reservation of ditches and canals re-
11 quired by the first section of the Act entitled “An
12 Act making appropriations for sundry civil ex-
13 penses of the Government for the fiscal year end-
14 ing June thirtieth, eighteen hundred and ninety-
15 one, and for other purposes”, approved August
16 30, 1890 (26 Stat. 371, chapter 837; 43 U.S.C.
17 945);

18 (B) the reservation of rights under Federal
19 Oil and Gas Lease numbers 49739, 55610,
20 40389, 53670, 40215, 33385, 53736, and 38684;
21 and

22 (C) such other terms, conditions, reserva-
23 tions, and exceptions as may be agreed upon by
24 the Secretary and the Company.

25 (3) *TERMINATION OF LEASES.*—

1 (A) *VESTING OF RIGHTS AND INTERESTS.*—
2 Upon termination or relinquishment of the leases
3 referred to in paragraph (2)(B), all the rights
4 and interests in such leases reserved under para-
5 graph (2)(B) shall immediately vest in the Com-
6 pany and its successors and assigns.

7 (B) *NOTICE.*—The Secretary shall provide
8 notice of the termination or relinquishment of
9 the leases referred to in paragraph (2)(B) by a
10 document suitable for recording in the county in
11 which the leased lands are located.

12 (c) *EASEMENTS.*—

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

16 (2) *CONVEYANCE BY THE SECRETARY.*—The Sec-
17 retary shall, in consideration of the easements con-
18 veyed by the Company under paragraph (3), and
19 under the authority of Section 2 of Public Law 88-
20 257 (commonly known as the “National Forest Roads
21 and Trails Act”) (16 U.S.C. 533), or the Federal
22 Lands Policy and Management Act of 1976 (43
23 U.S.C. 1701 et seq.), execute and deliver to the Com-
24 pany such easements or other rights-of-way over feder-

1 *ally owned lands as may be agreed to by the Sec-*
2 *retary and the Company.*

3 (3) *CONVEYANCE BY THE COMPANY.*—*The Com-*
4 *pany shall, in consideration of the easements con-*
5 *veyed by the Secretary under paragraph (2), execute*
6 *and deliver to the United States such easements or*
7 *other rights-of-way across Company-owned lands in-*
8 *cluded in this exchange as may be agreed to by the*
9 *Secretary and the Company.*

10 (d) *NORTH BRIDGER RANGE.*—

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

15 (A) *the holders, or their successors or as-*
16 *signs, of grazing leases on such lands on the date*
17 *of enactment of this Act shall be permitted to*
18 *continue to use such lands for grazing under*
19 *terms acceptable to the Company and the*
20 *permittees for so long as the Company owns such*
21 *lands and for two years after the Company has*
22 *sold or disposed of such lands; and*

23 (B) *the timber harvest practices used on*
24 *such lands shall be conducted in accordance with*
25 *Montana Forestry Best Management Practices,*

1 *the Montana Streamside Zone Management Law*
2 *(Mont. Code Ann. sec. 77-5-301 et seq.), and all*
3 *other applicable laws of the State of Montana.*

4 (2) *FUTURE ACQUISITION.*—*The Secretary shall*
5 *consider the desirability of possible acquisition,*
6 *through exchange under existing law, of any of the*
7 *lands described in paragraph (1), and shall, not later*
8 *than one year after the date of enactment of this Act,*
9 *report to the Committee on Energy and Natural Re-*
10 *sources of the Senate and the Committee on Natural*
11 *Resources of the House of Representatives concerning*
12 *the desirability of an exchange.*

13 (e) *TIMING OF TRANSACTION.*—

14 (1) *DETERMINATION.*—*The Secretary shall re-*
15 *view the title for the non-Federal lands described in*
16 *subsection (b), and the appraisal and titles for the*
17 *non-Federal lands described in sections 4 and 5, and,*
18 *within sixty days after receipt of all applicable ap-*
19 *praisal and title documents from the Company, deter-*
20 *mine whether—*

21 (A) *the applicable title standards for Fed-*
22 *eral land acquisition have been satisfied or the*
23 *quality of title is otherwise acceptable to the Sec-*
24 *retary;*

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

3 (C) a current title commitment verifying
4 compliance with applicable title standards has
5 been issued to the Secretary;

6 (D) the appraisals comply with applicable
7 Forest Service standards; and

8 (E) except as provided in section (8)(b), the
9 title includes both the surface and subsurface es-
10 tates without reservation or exception (except by
11 the United States or the State of Montana, by
12 patent), including

13 (i) minerals or mineral rights;

14 (ii) timber or timber rights; and

15 (iii) any other interest in the property.

16 (2) CONVEYANCE OF TITLE.—In the event the ap-
17 praisal and/or quality of title do not meet Federal
18 standards or are otherwise determined unacceptable to
19 the Secretary, the Secretary shall advise the Company
20 regarding corrective actions necessary to make an af-
21 firmative determination under paragraph (1). The
22 Secretary, acting through the Chief of the Forest Serv-
23 ice, shall effect the conveyance of lands described in
24 subsection (b)(2) not later than sixty days after the

1 *Secretary has made an affirmative determination*
2 *under paragraph (1).*

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

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

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

17 *(a) ACQUISITION OF PORCUPINE PROPERTY.—The*
18 *Secretary is authorized and directed to acquire, by purchase*
19 *or exchange, lands and interests in lands listed as “Exhibit*
20 *A, Porcupine Area”, in the Option, in accordance with the*
21 *terms and conditions of the Option for the fair market value*
22 *of such lands and interests, determined at the time of acqui-*
23 *sition, in accordance with the appraisal standards specified*
24 *in the Option.*

1 (b) *REPORTS TO CONGRESS.*—The Secretary shall re-
2 port annually to the Committee on Energy and Natural
3 Resources of the Senate and the Committee on Natural Re-
4 sources of the House of Representatives, on the status of the
5 acquisition authorized by this section.

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

7 (a) *ACQUISITION OF TAYLOR FORK PROPERTY.*—The
8 Secretary is authorized and directed to acquire, by purchase
9 or exchange, lands and interests in lands as listed as “Ex-
10 hibit A, Taylor Fork Area”, in the Option, in accordance
11 with the terms and conditions of the Option for the fair
12 market value of such lands and interests, determined at the
13 time of acquisition, in accordance with the appraisal stand-
14 ards specified in the Option.

15 (b) *REPORTS TO CONGRESS.*—The Secretary shall re-
16 port annually to the Committee on Energy and Natural
17 Resources of the Senate and the Committee on Natural Re-
18 sources of the House of Representatives, on the status of the
19 pending acquisition authorized by this section.

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

21 (a) *ACQUISITION OF GALLATIN ROADED PROPERTY.*—
22 The Secretary is authorized and directed to acquire, by pur-
23 chase or exchange, lands and interests in lands as listed
24 as “Exhibit A, Gallatin Roaded”, in the Option, in accord-
25 ance with the terms and conditions of the Option not other-

1 *wise acquired, purchased, or exchanged under section 3, 4,*
2 *or 5.*

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

8 **SEC. 7. SEVERED MINERAL EXCHANGE.**

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

10 *(1) underlying certain areas in Montana de-*
11 *scribed in subsection (b) are mineral rights owned by*
12 *subsidiaries of Burlington Resources, Incorporated*
13 *and its successors and assigns (referred to in this Act*
14 *as “Burlington”);*

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

17 *(3) Burlington has agreed in principle with the*
18 *Secretary to an exchange of mineral rights to consoli-*
19 *date surface and subsurface ownerships and to avoid*
20 *potential conflicts with the surface management of the*
21 *areas; and*

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

25 *(b) MINERAL INTERESTS.—*

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

12 (2) *EXCHANGE.*—In exchange for the mineral in-
13 terests conveyed to the Secretary pursuant to para-
14 graph (1), the Secretary of the Interior shall convey,
15 subject to valid existing rights, such federally owned
16 mineral interests as the Secretary and Burlington
17 may agree upon.

18 (c) *EQUAL VALUE.*—

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

23 (2) *APPRAISAL.*—To ensure that the wilderness
24 or other natural values of the area are not affected by
25 the exchange, a formal appraisal based upon drilling

1 *or other surface disturbing activities shall not be re-*
2 *quired for any mineral interest proposed for ex-*
3 *change, except that the Secretary and Burlington*
4 *shall fully share all available information on the*
5 *quality and quantity of mineral interests proposed for*
6 *exchange.*

7 (3) *INADEQUATE INFORMATION.—In the absence*
8 *of adequate information regarding values of minerals*
9 *proposed for exchange, the Secretary and Burlington*
10 *may agree to an exchange on the basis of mineral in-*
11 *terests of similar development potential, geologic char-*
12 *acter, and similar factors.*

13 (d) *IDENTIFICATION OF FEDERALLY OWNED MINERAL*
14 *INTERESTS.—*

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

19 (2) *OTHER INTERESTS.—If there are not suffi-*
20 *cient federally owned mineral interests of approxi-*
21 *mately equal value underlying lands owned by Bur-*
22 *lington, the Secretary and the Secretary of the Inte-*
23 *rior may identify for exchange other federally owned*
24 *mineral interests in lands in the State of Montana of*
25 *which the surface estate is in private ownership.*

1 (e) *CONSULTATION WITH THE DEPARTMENT OF THE*
2 *INTERIOR.*—

3 (1) *IN GENERAL.*—*The Secretary shall consult*
4 *with the Secretary of the Interior in the negotiation*
5 *of the exchange agreement authorized by subsection*
6 *(b), particularly with respect to the inclusion in the*
7 *agreement of a provision authorizing the exchange of*
8 *federally owned mineral interests lying outside the*
9 *boundaries of units of the National Forest System.*

10 (2) *CONVEYANCE.*—*Notwithstanding any other*
11 *law, the Secretary of the Interior shall convey the fed-*
12 *erally owned mineral interests identified in a final*
13 *exchange agreement between the Secretary of Agri-*
14 *culture and Burlington and affiliates of Burlington.*

15 (f) *MINERAL INTEREST DEFINED.*—*For purposes of*
16 *this section, the term “mineral interests” includes all*
17 *locatable and leasable minerals, including oil and gas, geo-*
18 *thermal resources, and other subsurface rights.*

19 ***SEC. 8. GENERAL PROVISIONS.***

20 (a) *MAPS.*—*The maps referred to in sections 3, 4, 5,*
21 *6 and 7 are subject to such minor corrections as may be*
22 *agreed upon by the Secretary and the Company. The Sec-*
23 *retary shall notify the Committee on Energy and Natural*
24 *Resources of the United States Senate and the Committee*
25 *on Natural Resources of the United States House of Rep-*

1 *representatives of any corrections made pursuant to the sub-*
2 *section. The maps shall be on file and available for public*
3 *inspection in the office of Chief, Forest Service, USDA.*

4 (b) *TITLE OF LANDS CONVEYED TO THE UNITED*
5 *STATES.—*

6 (1) *QUALITY OF TITLE AND RIGHTS.—Subject to*
7 *paragraph (2), the rights, title, and interests to lands*
8 *conveyed to the United States under sections 4, 5 and*
9 *6 shall, at a minimum, consist of the surface estate*
10 *and the subsurface rights owned by the Company or*
11 *Burlington where applicable.*

12 (2) *EXCEPTION.—The Secretary may accept title*
13 *subject to outstanding or reserved oil and gas and*
14 *geothermal rights, except that there shall be no surface*
15 *occupancy permitted on the lands acquired by the*
16 *United States under sections 4, 5, and 6 for access to*
17 *reserved or outstanding rights or exploration or devel-*
18 *opment of such lands.*

19 (3) *ACCESS.—No portion of lands acquired by*
20 *the United States under this Act shall be available for*
21 *access to, or exploration or development of, any re-*
22 *served or outstanding oil, gas, geothermal, or other*
23 *non-Federal property interest.*

24 (c) *NATIONAL FOREST LANDS.—*

1 (1) *IN GENERAL.*—All lands conveyed to the
2 United States under this Act shall be added to and
3 administered as part of the Gallatin National Forest
4 of the National Forest System by the Secretary in ac-
5 cordance with the laws and regulations pertaining to
6 the National Forest System.

7 (2) *HYALITE-PORCUPINE-BUFFALO HORN WIL-*
8 *DERNESS STUDY AREA.*—Lands acquired within the
9 Hyalite-Porcupine-Buffalo Horn Wilderness Study
10 Area shall be managed to maintain their presently
11 existing wilderness character and potential for inclu-
12 sion in the National Wilderness Preservation System
13 in accordance with the Montana Wilderness Study
14 Act of 1977 (16 U.S.C. 1132 note).

15 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated such sums as
17 are necessary to carry out this Act.

Attest:

Secretary.

HR 873 EAS—2

HR 873 EAS—3

HR 873 EAS—4

HR 873 EAS—5