

103^D CONGRESS
2^D SESSION

S. 2033

To provide for the exchange of certain lands within the State of Montana.

IN THE SENATE OF THE UNITED STATES

APRIL 20 (legislative day, APRIL 11), 1994

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

To provide for the exchange of certain lands within the State of Montana.

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 “Lost Creek Land Ex-
5 change Act of 1994”.

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

7 (a) GENERAL.—Notwithstanding any other provision
8 of law, the Secretary of Agriculture (referred to in this
9 Act as the “Secretary”) is authorized and directed to ac-
10 quire by exchange certain lands and interests in lands

1 owned by the Brand S Corporation, its successors and as-
2 signs, (referred to in this Act as the “Corporation”), lo-
3 cated in the Lost Creek area of the Deerlodge National
4 Forest and within the Gallatin National Forest.

5 (b) OFFER AND ACCEPTANCE OF LAND.—

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

15 (2) FEDERAL LAND.—Upon acceptance by the
16 Secretary of title to the Corporation’s lands pursu-
17 ant to paragraph (b)(1), and subject to reservations
18 and valid existing rights, the Secretary of the Inte-
19 rior shall convey, by patent, the fee title to approxi-
20 mately 10,800 acres on the Deerlodge and Gallatin
21 National Forests, and by timber deed, the right to
22 harvest approximately 3.5 million board feet of tim-
23 ber on certain Deerlodge National Forest lands, as
24 depicted on the map referenced in paragraph (b)(1)

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

3 (3) AGREEMENT.—The document entitled
4 “Brand S/Forest Service Land Exchange Specifica-
5 tions” which was jointly developed and agreed to by
6 both parties and defines the non-Federal and Fed-
7 eral lands involved in this exchange, and includes
8 legal descriptions of exchange lands and interests,
9 an Access Resolution Agreement and other agree-
10 ments is hereby incorporated by reference.

11 (c) TITLE.—

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

17 (A) the applicable title standards for Fed-
18 eral land acquisition have been satisfied or the
19 quality of title is otherwise acceptable to the
20 Secretary;

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

23 (C) a current title commitment verifying
24 compliance with applicable title standards has
25 been issued to the Secretary.

1 (2) CONVEYANCE OF TITLE.—In the event the
2 quality of title does not meet Federal standards or
3 is otherwise unacceptable to the Secretary, the Sec-
4 retary shall advise the Corporation regarding correc-
5 tive actions necessary to make an affirmative deter-
6 mination. The Secretary, acting through the Sec-
7 retary of the Interior, shall effect the conveyance of
8 lands described in paragraph (b)(2) not later than
9 ninety days after the Secretary has made an affirm-
10 ative determination.

11 (d) RESOLUTION OF PUBLIC ACCESS.—In accord-
12 ance with the terms of the Access Resolution Agreement
13 referenced in paragraph (b)(3), the Secretary shall secure
14 legal public road access to Gallatin National Forest Sys-
15 tem lands in—

16 (1) the Eightmile Creek area; and

17 (2) the Miller Gulch—Fridley Creek—Dry
18 Creek area.

19 **SEC. 3. GENERAL PROVISIONS.**

20 (a) MAPS AND DOCUMENTS.—The maps referred to
21 in section 2 are subject to such minor corrections as may
22 be agreed upon by the Secretary and the Corporation. The
23 Secretary shall notify the Committee on Energy and Natu-
24 ral Resources of the United States Senate and the Com-
25 mittee on Natural Resources of the United States House

1 of Representatives of any corrections made pursuant to
2 this paragraph. The maps and documents described in sec-
3 tion 2(b)(1) and (3) shall be on file and available for pub-
4 lic inspection in the office of Chief, Forest Service, United
5 States Department of Agriculture.

6 (b) NATIONAL FOREST SYSTEM LANDS.—

7 (1) IN GENERAL.—All lands conveyed to the
8 United States under this Act shall be added to and
9 administered as part of the Deerlodge or Gallatin
10 National Forests, as appropriate, of the National
11 Forest System by the Secretary in accordance with
12 the laws and regulations pertaining to the National
13 Forest System.

14 (2) WILDERNESS STUDY AREA ACQUISITIONS.—
15 Lands acquired within the Hyalite-Porcupine-Buf-
16 falo Horn Wilderness Study Area shall be managed
17 to maintain their wilderness character and potential
18 for inclusion in the National Wilderness Preserva-
19 tion System in accordance with the Montana Wilder-
20 ness Study Act of 1977 (16 U.S.C. 1132 note). Sub-
21 ject to valid existing rights, lands acquired within
22 the Hyalite-Porcupine-Buffalo Horn Wilderness
23 Study Area shall not be available for entry, appro-
24 priation, or disposal under the public land laws; for
25 location, entry, and patent under the mining laws; or

1 for disposition under the mineral and geothermal
2 leasing laws, including all amendments thereto, until
3 such time as the Congress decides on the wilderness
4 status.

5 (c) VALUATION.—The values of the lands and inter-
6 ests in lands to be exchanged under this Act and described
7 in section 2(b) are deemed to be of approximately equal
8 value.

9 (d) HAZARDOUS MATERIAL LIABILITY.—The United
10 States of America including its departments, agencies, and
11 employees, shall not be liable under the Comprehensive
12 Environmental Response, Compensation and Liability Act,
13 as amended (herein referred to as CERCLA), section
14 9601 and the following of title 42, United States Code,
15 or the Clean Water Act, section 1251 and the following
16 of title 33, United States Code, or any other Federal,
17 State or local law, solely as a result of acquiring an inter-
18 est in the Lost Creek Tract or due to circumstances or
19 events occurring before acquisition, including any release
20 or threat of release of hazardous substances.

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