

104TH CONGRESS
1ST SESSION

S. 103

AN ACT

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”.

1 **SEC. 2. LAND EXCHANGE.**

2 (a) GENERAL.—Notwithstanding any other provision
3 of law, the Secretary of Agriculture (hereinafter referred
4 to in this title as the “Secretary”) is authorized and di-
5 rected to acquire by exchange certain lands and interests
6 in lands owned by the Brand S Corporation, its successors
7 and assigns, (hereinafter referred to in this title as the
8 “Corporation”), located in the Lost Creek area of the
9 Deerlodge National Forest and within the Gallatin Na-
10 tional Forest.

11 (b) OFFER AND ACCEPTANCE OF LAND.—

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

23 (2) FEDERAL LAND.—Upon acceptance by the
24 Secretary of title to the Corporation’s lands pursu-
25 ant to paragraph (b)(1) and upon the effective date
26 of the document referred to in paragraph (b)(3), and

1 subject to valid existing rights, the Secretary of the
2 Interior shall convey, by patent, the fee title to ap-
3 proximately 10,800 acres on the Deerlodge and Gal-
4 latin National Forests, and by timber deed, the right
5 to harvest approximately 3.5 million board feet of
6 timber on certain Deerlodge National Forest lands,
7 as depicted on the maps referenced in paragraph
8 (b)(1) and further defined by the document ref-
9 erenced in paragraph (b)(3): *Provided*, That, except
10 for the east ½ of sec. 10, T3S, R8E, the Secretary
11 shall not convey to the Corporation the lands on the
12 Gallatin National Forest identified as the “Wine-
13 glass Tract” on the map entitled “Wineglass Tract”,
14 dated September 1994, unless the Secretary finds
15 that measures are in place to protect the scenic,
16 wildlife, and open space values of the Wineglass
17 Tract. Such finding shall be contained in the docu-
18 ment referenced in paragraph (b)(3).

19 (3) AGREEMENT.—A document entitled “Brand
20 S/Forest Service Land Exchange Specifications”,
21 shall be jointly developed and agreed to by the Cor-
22 poration and the Secretary. Such document shall de-
23 fine the non-Federal and Federal lands to be ex-
24 changed, and shall include legal descriptions of such
25 lands and interests therein, along with any other

1 agreements. Such document shall be transmitted,
2 upon completion, to the Committee on Energy and
3 Natural Resources of the United States Senate and
4 the Committee on Natural Resources of the United
5 States House of Representatives and shall not take
6 effect until sixty days after transmittal to both Com-
7 mittees.

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

12 (c) TITLE.—

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

18 (A) applicable title standards for Federal
19 land acquisition have been satisfied or the qual-
20 ity of title is otherwise acceptable to the Sec-
21 retary;

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

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

4 (D) the Corporation has complied with the
5 conditions imposed by this title.

6 (2) CONVEYANCE OF TITLE.—In the event the
7 title does not meet Federal standards or is otherwise
8 unacceptable to the Secretary, the Secretary shall
9 advise the Corporation regarding corrective actions
10 necessary to make an affirmative determination. The
11 Secretary, acting through the Secretary of the Inte-
12 rior, shall effect the conveyance of lands described in
13 paragraph (b)(2) not later than ninety days after
14 the Secretary has made an affirmative determina-
15 tion.

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

20 **SEC. 3. GENERAL PROVISIONS.**

21 (a) MAPS AND DOCUMENTS.—The maps referred to
22 in section 202(b)(1) shall be subject to such minor correc-
23 tions as may be agreed upon by the Secretary and the
24 Corporation. The maps and documents described in sec-
25 tion 202(b) (1) and (3) shall be on file and available for

1 public inspection in the appropriate offices of the Forest
2 Service.

3 (b) NATIONAL FOREST SYSTEM LANDS.—

4 (1) IN GENERAL.—All lands conveyed to the
5 United States under this title shall be added to and
6 administered as part of the Deerlodge or Gallatin
7 National Forests, as appropriate, and shall be ad-
8 ministered by the Secretary in accordance with the
9 laws and regulations pertaining to the National For-
10 est System.

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

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

24 (d) LIABILITY FOR HAZARDOUS SUBSTANCES.—

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

7 (2) Notwithstanding any other provision of law,
8 the United States shall have no responsibility or li-
9 ability with respect to any hazardous wastes or other
10 substances placed on any of the lands covered by
11 this title after their transfer to the ownership of an-
12 other party, but nothing in this title shall be con-
13 strued as either diminishing or increasing any re-
14 sponsibility or liability of the United States based on
15 the condition of such lands on the date of their
16 transfer to the ownership of another party.

Passed the Senate May 3 (legislative day, May 1),
1995.

Attest:

Secretary.

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