

Calendar No. 394

109TH CONGRESS
2^D SESSION

S. 1131

[Report No. 109-232]

To authorize the exchange of certain Federal land within the State of Idaho,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 26, 2005

Mr. CRAIG introduced the following bill; which was read twice and referred
to the Committee on Energy and Natural Resources

APRIL 20, 2006

Reported under authority of the order of the Senate of April 7, 2006, by Mr.
DOMENICI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To authorize the exchange of certain Federal land within
the State of Idaho, and for other purposes.

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 “Idaho Land Enhance-
5 ment Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **AGREEMENT.**—The term “Agreement”
4 means the agreement executed in 2005, entitled
5 “Agreement to Initiate, Boise Foothills—Northern
6 Idaho Land Exchange”, and entered into by—

7 (A) the Bureau of Land Management;

8 (B) the Forest Service;

9 (C) the State; and

10 (D) the City.

11 (2) **BUREAU OF LAND MANAGEMENT LAND.**—

12 The term “Bureau of Land Management land”
13 means the approximately 605 acres of land adminis-
14 tered by the Bureau of Land Management (includ-
15 ing all appurtenances to the land) that is proposed
16 to be acquired by the State, as depicted in exhibit
17 A2 of the Agreement.

18 (3) **BOARD.**—The term “Board” means the
19 Idaho State Board of Land Commissioners.

20 (4) **CITY.**—The term “city” means the city of
21 Boise, Idaho.

22 (5) **FEDERAL LAND.**—The term “Federal land”
23 means the Bureau of Land Management land and
24 the National Forest System land.

25 (6) **NATIONAL FOREST SYSTEM LAND.**—The
26 term “National Forest System land” means the ap-

1 proximately 7,220 acres of land (including all appur-
2 tenances to the land) that is—

3 (A) administered by the Secretary of Agri-
4 culture in the Idaho Panhandle National For-
5 ests and the Clearwater National Forest;

6 (B) proposed to be acquired by the State;
7 and

8 (C) depicted in exhibit A2 of the Agree-
9 ment.

10 (7) SECRETARY.—The term “Secretary” means
11 the Secretary of the Interior.

12 (8) STATE.—The term “State” means the State
13 of Idaho, Department of Lands.

14 (9) STATE LAND.—The term “State land”
15 means the approximately 11,085 acres of land (in-
16 cluding all appurtenances to the land) administered
17 by the State that are proposed to be acquired by the
18 United States, as depicted in exhibit A1 of the
19 Agreement.

20 **SEC. 3. LAND EXCHANGE.**

21 (a) IN GENERAL.—In accordance with the Agreement
22 and this Act, if the State offers to convey the State land
23 to the United States, the Secretary and the Secretary of
24 Agriculture shall—

25 (1) accept the offer; and

1 (2) on receipt of title to the State land, simulta-
2 neously convey to the State the Federal land.

3 (b) ~~ADDITIONAL AGREEMENTS.~~—The Secretary and
4 the Secretary of Agriculture may enter into any additional
5 agreements that the Secretary and the Secretary of Agri-
6 culture determine to be necessary or appropriate to sup-
7 plement the Agreement, including agreements that—

8 (1) provide legal descriptions of the Federal
9 land and State land (including any interests in the
10 Federal land and State land) to be exchanged under
11 this Act;

12 (2) identify all reserved and outstanding inter-
13 ests in the Federal land and State land;

14 (3) stipulate any cash equalization payments re-
15 quired; and

16 (4) specify any other terms and conditions that
17 are necessary to complete the land exchange.

18 (c) ~~VALID EXISTING RIGHTS.~~—The conveyance of
19 the Federal land and State land shall be subject to—

20 (1) all valid existing rights; and

21 (2) any other reservations, terms, and condi-
22 tions agreed to by the Secretary, the Secretary of
23 Agriculture, and the Board.

24 (d) ~~EQUAL VALUE EXCHANGE.~~—

1 (1) ~~IN GENERAL.~~—The value of the Federal
2 land and State land to be exchanged under this
3 ~~Act~~—

4 (A) shall be equal; or

5 (B) shall be made equal in accordance with
6 subsection (e).

7 (2) ~~APPRAISALS.~~—

8 (A) ~~IN GENERAL.~~—The value of the Fed-
9 eral land and State land shall be determined in
10 accordance with appraisals conducted in accord-
11 ance with—

12 (i) the Uniform Appraisal Standards
13 for Federal Land Acquisitions; and

14 (ii) any appraisal instructions of the
15 Secretary and the Secretary of Agriculture;

16 (B) ~~APPROVAL.~~—Any appraisal conducted
17 under subparagraph (A) shall be reviewed and
18 approved by—

19 (i) the Secretary and the Secretary of
20 Agriculture; or

21 (ii) an interdepartmental appraisal re-
22 view team established jointly by the Sec-
23 retary and the Secretary of Agriculture.

24 (c) ~~CASH EQUALIZATION.~~—

1 (1) ~~IN GENERAL.~~—If the value of the Federal
 2 land and State land is not equal, the value may be
 3 equalized by the payment of cash to the United
 4 States or to the State, as appropriate, in accordance
 5 with section 206(b) of the Federal Land Policy and
 6 Management Act of 1976 (~~43 U.S.C. 1716(b)~~).

7 (2) ~~DISPOSITION AND USE OF PROCEEDS.~~—

8 (A) ~~DISPOSITION OF PROCEEDS.~~—Any
 9 cash equalization payments received by the
 10 United States under paragraph (1) shall be de-
 11 posited in the fund established under Public
 12 Law 90-171 (commonly known as the “Sisk
 13 Act”) (~~16 U.S.C. 484a~~).

14 (B) ~~USE OF PROCEEDS.~~—Amounts depos-
 15 ited under paragraph (2) shall be available to
 16 the Secretary of Agriculture, without further
 17 appropriation and until expended, for the acqui-
 18 sition of land and interests in land for addition
 19 to the National Forest System in the State.

20 (f) ~~RIGHTS-OF-WAY.~~—As specified in the Agree-
 21 ment—

22 (1) the Secretary of Agriculture, under the au-
 23 thority of the Federal Land Policy and Management
 24 Act of 1976 (~~43 U.S.C. 1701 et seq.~~), shall convey
 25 to the State any easements or other rights-of-way to

1 National Forest System land that are appropriate to
 2 provide access to the Federal land acquired by the
 3 State under this Act; and

4 (2) the State shall convey to the United States
 5 any easements or other rights-of-way to land owned
 6 by the State that are agreed to by the Secretary of
 7 Agriculture and the State.

8 (g) COSTS.—The City, either directly or through a
 9 collection agreement with the Secretary and the Secretary
 10 of Agriculture, shall pay the administrative costs associ-
 11 ated with the conveyance of the Federal land and State
 12 land, including the costs of any field inspections, environ-
 13 mental analyses, appraisals, title examinations, and deed
 14 and patent preparations.

15 **SEC. 4. MANAGEMENT OF FEDERAL LAND.**

16 (a) TRANSFER OF ADMINISTRATIVE JURISDIC-
 17 TION.—

18 (1) IN GENERAL.—There is transferred from
 19 the Secretary to the Secretary of Agriculture admin-
 20 istrative jurisdiction over the land described in para-
 21 graph (2).

22 (2) DESCRIPTION OF LAND.—The land referred
 23 to in paragraph (1) is the approximately 2,111 acres
 24 of Bureau of Land Management land located in Sho-

1 shone County, Idaho, as generally depicted in exhibit
2 A3 of the Agreement.

3 (3) MANAGEMENT.—

4 (A) IN GENERAL.—On transfer of adminis-
5 trative jurisdiction over the land to the Sec-
6 retary of Agriculture under paragraph (1), the
7 land shall be managed by the Secretary of Agri-
8 culture in accordance with the laws (including
9 regulations) applicable to the National Forest
10 System.

11 (B) WILDERNESS STUDY AREAS.—Any
12 land designated as a Wilderness Study Area
13 that is transferred to the Secretary of Agri-
14 culture under paragraph (1) shall be managed
15 in a manner that preserves the suitability of
16 land for designation as wilderness until Con-
17 gress determines otherwise.

18 (b) ADDITIONS TO THE NATIONAL FOREST SYS-
19 TEM.—The Secretary of Agriculture shall administer any
20 State land conveyed to the United States under this Act
21 for administration by the Secretary of Agriculture in ac-
22 cordance with—

23 (1) the Act of March 1, 1911 (commonly known
24 as the “Weeks Act”) (16 U.S.C. 480 et seq.); and

1 (2) any laws (including regulations) applicable
2 to the National Forest System.

3 (c) ~~LAND TO BE MANAGED BY THE SECRETARY.~~—

4 The Secretary shall administer any State land conveyed
5 to the United States under this Act for administration by
6 the Secretary as acquired land in accordance with—

7 (1) the Federal Land Policy and Management
8 Act of 1976 (43 U.S.C. 1701 et seq.); and

9 (2) other applicable laws.

10 (d) ~~LAND AND RESOURCE MANAGEMENT PLANS.~~—

11 (1) ~~IN GENERAL.~~—Acquisition by the United
12 States of the State land under this Act shall not re-
13 quire a revision or amendment to the applicable land
14 and resource management plan of the Forest Service
15 or the Bureau of Land Management.

16 (2) ~~RENEWAL.~~—When a land and resource
17 management plan of the Forest Service or the Bu-
18 reau of Land Management, as appropriate, is re-
19 newed, the plan shall take into account the State
20 land acquired under this Act.

21 (3) ~~MANAGEMENT.~~—Pending completion of the
22 land and resource management plan renewal process
23 under paragraph (2), the Secretary and the Sec-
24 retary of Agriculture shall manage the acquired
25 State land in accordance with the standards and

1 guidelines in the applicable land and resource man-
2 agement plans for adjacent land managed by the
3 Secretary and the Secretary of Agriculture.

4 (c) NATIONAL FOREST BOUNDARIES.—For purposes
5 of section 7 of the Land and Water Conservation Fund
6 Act of 1965 (16 U.S.C. 4601–9), the boundaries of the
7 Idaho Panhandle National Forest and Clearwater Na-
8 tional Forest, as modified by the exchange authorized by
9 this Act, shall be considered to be the boundaries of the
10 Idaho Panhandle National Forest and Clearwater Na-
11 tional Forest as of January 1, 1965.

12 **SEC. 5. MISCELLANEOUS PROVISIONS.**

13 (a) LEGAL DESCRIPTIONS.—The Secretary, the Sec-
14 retary of Agriculture, and the Board may modify the de-
15 scriptions of land specified in the Agreement to—

16 (1) correct errors;

17 (2) make minor adjustments to the parcels
18 based on a survey or other means; or

19 (3) reconfigure the parcels to facilitate the land
20 exchange.

21 (b) MAPS.—If there is a discrepancy between a map,
22 acreage estimate, and written legal description of the Fed-
23 eral land or State land, the written legal description shall
24 prevail.

1 (c) **REVOCATION OF ORDERS.**—Subject to valid exist-
2 ing rights, any public land orders withdrawing any of the
3 Federal land from appropriation or disposal under the
4 public land laws are revoked to the extent necessary to
5 permit disposal of the Federal land.

6 (d) **WITHDRAWALS.**—

7 (1) **FEDERAL LAND.**—Subject to valid existing
8 rights, pending completion of the land exchange, the
9 Federal land is withdrawn from—

10 (A) all forms of location, entry, and patent
11 under the mining and public land laws; and

12 (B) disposition under the mineral leasing
13 laws and the Geothermal Steam Act of 1970
14 (30 U.S.C. 1001 et seq.).

15 (2) **STATE LAND.**—Subject to valid existing
16 rights, the land transferred to the Secretary of Agri-
17 culture under section 4(a) and, on acquisition by the
18 United States, the State land, are withdrawn from—

19 (A) all forms of location, entry, and patent
20 under the mining and public land laws; and

21 (B) disposition under the mineral leasing
22 laws and the Geothermal Steam Act of 1970
23 (30 U.S.C. 1001 et seq.).

24 (3) **EFFECT.**—Nothing in this section precludes
25 the Secretary or the Secretary of Agriculture from

1 using common varieties of mineral materials for con-
 2 struction and maintenance of Federal roads and fa-
 3 cilities on the State land acquired under this Act
 4 and any adjacent Federal land.

5 (e) CONGRESSIONAL FINDING ON NEED FOR ADDI-
 6 TIONAL ANALYSIS.—Congress finds that—

7 (1) the Forest Service and the Bureau of Land
 8 Management have conducted adequate analyses and
 9 reviews of the environmental impacts of the ex-
 10 change authorized under section 3(a); and

11 (2) no further administrative or environmental
 12 analyses or examination shall be required to carry
 13 out any activities authorized under this Act.

14 **SECTION 1. SHORT TITLE.**

15 *This Act may be cited as the “Idaho Land Enhance-*
 16 *ment Act”.*

17 **SEC. 2. DEFINITIONS.**

18 *In this Act:*

19 (1) *AGREEMENT.*—*The term “Agreement” means*
 20 *the agreement executed in April 2005 entitled “Agree-*
 21 *ment to Initiate, Boise Foothills—Northern Idaho*
 22 *Land Exchange”, as modified by the agreement exe-*
 23 *cuted in March 2006 entitled “Amendment No. 1”,*
 24 *and entered into by—*

25 (A) *the Bureau of Land Management;*

1 (B) the Forest Service;

2 (C) the State; and

3 (D) the City.

4 (2) BUREAU OF LAND MANAGEMENT LAND.—The
5 term “Bureau of Land Management land” means the
6 approximately 605 acres of land administered by the
7 Bureau of Land Management (including all appur-
8 tenances to the land) that is proposed to be acquired
9 by the State, as identified in exhibit A2 of the Agree-
10 ment and as generally depicted on the maps.

11 (3) BOARD.—The term “Board” means the Idaho
12 State Board of Land Commissioners.

13 (4) CITY.—The term “City” means the city of
14 Boise, Idaho.

15 (5) FEDERAL LAND.—The term “Federal land”
16 means the Bureau of Land Management land and the
17 National Forest System land.

18 (6) MAPS.—The term “maps” means maps 1
19 through 7 entitled “Parcel Identification Map: Idaho
20 Lands Enhancement Act Land Exchange” and dated
21 February 28, 2006.

22 (7) NATIONAL FOREST SYSTEM LAND.—The term
23 “National Forest System land” means the approxi-
24 mately 7,220 acres of land (including all appur-
25 tenances to the land) that is—

1 (A) administered by the Secretary of Agri-
2 culture in the Idaho Panhandle National Forests
3 and the Clearwater National Forest;

4 (B) proposed to be acquired by the State;

5 (C) identified in exhibit A2 of the Agree-
6 ment; and

7 (D) generally depicted on the maps.

8 (8) *SECRETARY*.—The term “Secretary” means
9 the Secretary of the Interior.

10 (9) *STATE*.—The term “State” means the State
11 of Idaho, Department of Lands.

12 (10) *STATE LAND*.—The term “State land”
13 means the approximately 11,815 acres of land (in-
14 cluding all appurtenances to the land) administered
15 by the State that is proposed to be acquired by the
16 United States, as identified in exhibit A1 of the
17 Agreement and as generally depicted on the maps.

18 **SEC. 3. LAND EXCHANGE.**

19 (a) *IN GENERAL*.—In accordance with the Agreement
20 and this Act, if the State offers to convey the State land
21 to the United States, the Secretary and the Secretary of Ag-
22 riculture shall—

23 (1) accept the offer; and

24 (2) on receipt of title to the State land, simulta-
25 neously convey to the State the Federal land.

1 **(b) VALID EXISTING RIGHTS.**—*The conveyance of the*
 2 *Federal land and State land shall be subject to all valid*
 3 *existing rights.*

4 **(c) EQUAL VALUE EXCHANGE.**—

5 **(1) IN GENERAL.**—*The value of the Federal land*
 6 *and State land to be exchanged under this Act—*

7 **(A)** *shall be equal; or*

8 **(B)** *shall be made equal in accordance with*
 9 *subsection (d).*

10 **(2) APPRAISALS.**—*The value of the Federal land*
 11 *and State land shall be determined in accordance*
 12 *with appraisals—*

13 **(A)** *conducted in accordance with—*

14 **(i)** *the Uniform Appraisal Standards*
 15 *for Federal Land Acquisitions; and*

16 **(ii)** *the Uniform Standards of Profes-*
 17 *sional Appraisal Practice;*

18 **(B)** *reviewed by an interdepartmental re-*
 19 *view team comprised of representatives of Fed-*
 20 *eral and State agencies; and*

21 **(C)** *approved by the Secretary or the Sec-*
 22 *retary of Agriculture, as appropriate.*

23 **(d) CASH EQUALIZATION.**—

24 **(1) IN GENERAL.**—*If the value of the Federal*
 25 *land and State land is not equal, the value may be*

1 *equalized by the payment of cash to the United States*
2 *or to the State, as appropriate, in accordance with*
3 *section 206(b) of the Federal Land Policy and Man-*
4 *agement Act of 1976 (43 U.S.C. 1716(b)).*

5 (2) *DISPOSITION AND USE OF PROCEEDS.—*

6 (A) *DISPOSITION OF PROCEEDS.—Any cash*
7 *equalization payments received by the United*
8 *States under paragraph (1) shall be deposited in*
9 *the fund established under Public Law 90–171*
10 *(commonly known as the “Sisk Act”) (16 U.S.C.*
11 *484a).*

12 (B) *USE OF PROCEEDS.—Amounts depos-*
13 *ited under subparagraph (A) shall be available*
14 *to the Secretary of Agriculture, without further*
15 *appropriation and until expended, for the acqui-*
16 *sition of land and interests in land for addition*
17 *to the National Forest System in the State.*

18 (e) *TIMING.—It is the intent of Congress that the land*
19 *exchange authorized and directed by this Act shall be com-*
20 *pleted not later than 180 days after the date of enactment*
21 *of this Act.*

22 (f) *RIGHTS-OF-WAY.—*

23 (1) *RIGHTS-OF-WAY TO NATIONAL FOREST SYS-*
24 *TEM LAND.—The Secretary of Agriculture, under the*
25 *authority of the Federal Land Policy and Manage-*

1 *ment Act of 1976 (43 U.S.C. 1701 et seq.), shall con-*
2 *vey to the State any easements or other rights-of-way*
3 *to National Forest System land that are—*

4 *(A) appropriate to provide access to the Na-*
5 *tional Forest System land acquired by the State;*
6 *and*

7 *(B) agreed to by the Secretary of Agri-*
8 *culture and the State.*

9 *(2) RIGHTS-OF-WAY TO STATE LAND.—The State*
10 *shall convey to the United States any easements or*
11 *other rights-of-way to land owned by the State that*
12 *are—*

13 *(A) appropriate to provide access to the*
14 *State land acquired by the United States; and*

15 *(B) agreed to by—*

16 *(i) the Secretary or the Secretary of*
17 *Agriculture; and*

18 *(ii) the State.*

19 *(g) COSTS.—The City, either directly or through a col-*
20 *lection agreement with the Secretary and the Secretary of*
21 *Agriculture, shall pay the administrative costs associated*
22 *with the conveyance of the Federal land and State land,*
23 *including the costs of any field inspections, environmental*
24 *analyses, appraisals, title examinations, and deed and pat-*
25 *ent preparations.*

1 **SEC. 4. MANAGEMENT OF FEDERAL LAND.**

2 (a) *TRANSFER OF ADMINISTRATIVE JURISDICTION.*—

3 (1) *IN GENERAL.*—*There is transferred from the*
4 *Secretary to the Secretary of Agriculture administra-*
5 *tive jurisdiction over the land described in paragraph*
6 *(2).*

7 (2) *DESCRIPTION OF LAND.*—*The land referred*
8 *to in paragraph (1) is the approximately 2,110 acres*
9 *of land that is administered by the Bureau of Land*
10 *Management and located in Shoshone County, Idaho,*
11 *as generally identified in exhibit A3 of the Agreement.*

12 (3) *WILDERNESS STUDY AREAS.*—*Any land des-*
13 *ignated as a Wilderness Study Area that is trans-*
14 *ferred to the Secretary of Agriculture under para-*
15 *graph (1) shall be managed in a manner that pre-*
16 *serves the suitability of land for designation as wil-*
17 *derness until Congress determines otherwise.*

18 (b) *ADDITIONS TO THE NATIONAL FOREST SYSTEM.*—
19 *The Secretary of Agriculture shall administer any land*
20 *transferred to, or conveyed to the United States for adminis-*
21 *tration by, the Secretary of Agriculture in accordance*
22 *with—*

23 (1) *the Act of March 1, 1911 (commonly known*
24 *as the “Weeks Act”) (16 U.S.C. 480 et seq.); and*

25 (2) *the laws (including regulations) applicable to*
26 *the National Forest System.*

1 (c) *LAND TO BE MANAGED BY THE SECRETARY.*—The
 2 Secretary shall administer any State land conveyed to the
 3 United States under this Act for administration by the Sec-
 4 retary in accordance with—

5 (1) *the Federal Land Policy and Management*
 6 *Act of 1976 (43 U.S.C. 1701 et seq.); and*

7 (2) *other applicable laws.*

8 (d) *LAND AND WATER CONSERVATION FUND.*—For
 9 purposes of section 7 of the Land and Water Conservation
 10 Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of
 11 the Idaho Panhandle National Forests and the Clearwater
 12 National Forest shall be considered to be the boundaries of
 13 the Idaho Panhandle National Forests and the Clearwater
 14 National Forest, respectively, as of January 1, 1965.

15 **SEC. 5. MISCELLANEOUS PROVISIONS.**

16 (a) *LEGAL DESCRIPTIONS.*—The Secretary, the Sec-
 17 retary of Agriculture, and the Board may modify the de-
 18 scriptions of land specified in the Agreement to—

19 (1) *correct errors; or*

20 (2) *make minor adjustments to the parcels based*
 21 *on a survey or other means.*

22 (b) *REVOCATION OF ORDERS.*—Subject to valid exist-
 23 ing rights, any public land orders withdrawing any of the
 24 Federal land from appropriation or disposal under the pub-

1 *lic land laws are revoked to the extent necessary to permit*
2 *disposal of the Federal land.*

3 *(c) WITHDRAWALS.—*

4 *(1) FEDERAL LAND.—Subject to valid existing*
5 *rights, pending completion of the land exchange, the*
6 *Federal land is withdrawn from—*

7 *(A) all forms of location, entry, and patent*
8 *under the mining and public land laws; and*

9 *(B) disposition under the mineral leasing*
10 *laws and the Geothermal Steam Act of 1970 (30*
11 *U.S.C. 1001 et seq.).*

12 *(2) STATE LAND.—Subject to valid existing*
13 *rights, the land transferred to the United States under*
14 *this Act is withdrawn from—*

15 *(A) all forms of location, entry, and patent*
16 *under the mining and public land laws; and*

17 *(B) disposition under the mineral leasing*
18 *laws and the Geothermal Steam Act of 1970 (30*
19 *U.S.C. 1001 et seq.).*

20 *(3) EFFECT.—Nothing in this section precludes*
21 *the Secretary or the Secretary of Agriculture from*
22 *using common varieties of mineral materials for con-*
23 *struction and maintenance of Federal roads and fa-*
24 *cilities on the State land acquired under this Act.*

Calendar No. 394

109TH CONGRESS
2^D SESSION

S. 1131

[Report No. 109-232]

A BILL

To authorize the exchange of certain Federal land within the State of Idaho, and for other purposes.

APRIL 20, 2006

Reported with an amendment