

Calendar No. 572

105TH CONGRESS
2^D SESSION

S. 1719

[Report No. 105-329]

A BILL

To direct the Secretary of Agriculture and the Secretary of the Interior to exchange land and other assets with Big Sky Lumber Co.

SEPTEMBER 14, 1998

Reported with an amendment and an amendment to the title

Calendar No. 572105TH CONGRESS
2^D SESSION**S. 1719****[Report No. 105-329]**

To direct the Secretary of Agriculture and the Secretary of the Interior
to exchange land and other assets with Big Sky Lumber Co.

IN THE SENATE OF THE UNITED STATES

MARCH 6, 1998

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

SEPTEMBER 14, 1998

Reported by Mr. MURKOWSKI, with an amendment and an amendment to the
title

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

A BILL

To direct the Secretary of Agriculture and the Secretary
of the Interior to exchange land and other assets with
Big Sky Lumber Co.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Gallatin Land Consoli-
3 dation Act of 1998”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) the land north of Yellowstone National Park
7 possesses outstanding natural characteristics and
8 wildlife habitats that make the land a valuable addi-
9 tion to the National Forest System;

10 (2) it is in the interest of the United States to
11 establish a logical and effective ownership pattern
12 for the Gallatin National Forest, reducing long-term
13 costs for taxpayers and increasing and improving
14 public access to the forest; and

15 (3) it is in the interest of the United States for
16 the Secretary of Agriculture to enter into an Option
17 Agreement for the acquisition of land owned by Big
18 Sky Lumber Co. to accomplish the purposes of this
19 Act.

20 **SEC. 3. DEFINITIONS.**

21 In this Act:

22 (1) **BLM LAND.**—The term “BLM land”
23 means approximately 3,000 acres of Bureau of Land
24 Management land (including all appurtenances to
25 the land) that is proposed to be acquired by BSL,
26 as depicted in Exhibit B to the Option Agreement.

1 (2) BSL.—The term “BSL” means Big Sky
2 Lumber Co., an Oregon joint venture, and its suc-
3 cessors and assigns, and any other entities having a
4 property interest in the BSL land.

5 (3) BSL LAND.—The term “BSL land” means
6 approximately 55,000 acres of land (including all ap-
7 purtenances to the land) owned by BSL that is pro-
8 posed to be acquired by the Secretary of Agriculture,
9 as depicted in Exhibit A to the Option Agreement.

10 (4) FOREST SYSTEM LAND.—The term “Forest
11 System land” means approximately 28,000 acres of
12 land (including all appurtenances to the land) owned
13 by the United States in the Gallatin National For-
14 est, Flathead National Forest, Deer Lodge National
15 Forest, Lolo National Forest, and Lewis and Clark
16 National Forest that is proposed to be acquired by
17 BSL, as depicted in Exhibit B to the Option Agree-
18 ment.

19 (5) OPTION AGREEMENT.—The term “Option
20 Agreement” means the document signed by BSL,
21 dated _____ and entitled “Option Agree-
22 ment for the Acquisition of Big Sky Lumber Co.
23 Lands Pursuant to the Gallatin Range Consolidation
24 and Protection Act of 1993”, and the exhibits (in-

1 eluding an exchange agreement) and maps attached
2 to the agreement.

3 **SEC. 4. GALLATIN LAND CONSOLIDATION COMPLETION.**

4 (a) IN GENERAL.—Notwithstanding any other provi-
5 sion of law, if BSL offers title to the BSL land, including
6 mineral interests, that is acceptable to the United States
7 and meets the requirements of subsection (c)—

8 (1) the Secretary of Agriculture shall accept a
9 warranty deed to the BSL land and a quit claim
10 deed to the mineral interests in the BSL land;

11 (2) the Secretary of Agriculture shall convey to
12 BSL, subject to valid existing rights and to such
13 other terms, conditions, reservations, and exceptions
14 as may be agreed on by the Secretary of Agriculture
15 and BSL fee title to the Forest System land;

16 (3) the Secretary shall grant to BSL timber
17 harvest rights to approximately 20,000,000 board
18 feet of timber in accordance with subsection (c) and
19 as described in Exhibit C to the Option Agreement;

20 (4)(A) subject to the availability of funds, the
21 Secretary of Agriculture shall purchase the portion
22 of the BSL land in the Taylor Fork area depicted
23 on Exhibit D to the Option Agreement at a purchase
24 price of not more than \$6,500,000; and

1 (B) to extent that funds are not available, the
2 Secretary of Agriculture shall acquire the remaining
3 Taylor Fork sections through an exchange of assets;
4 and

5 (5) the Secretary of the Interior shall convey to
6 BSL, by patent or otherwise, subject to valid exist-
7 ing rights and to such other terms, conditions, res-
8 ervations, and exceptions as may be agreed to by the
9 Secretary of the Interior and BSL, fee title to the
10 BLM land.

11 (b) VALUATION.—The property and other assets ex-
12 changed by BSL and the United States under subsection
13 (a) shall be approximately equal in value, as determined
14 by the Secretary of Agriculture.

15 (c) TIMBER HARVEST RIGHTS.—

16 (1) IN GENERAL.—Not later than December 31
17 of the second full calendar year that begins after the
18 date of enactment of this Act, the Secretary shall
19 prepare, grant to BSL, and commence administra-
20 tion of the timber harvest rights identified in Ex-
21 hibit C to the Option Agreement.

22 (2) GRANTS.—

23 (A) IN GENERAL.—The Secretary shall
24 grant timber harvest rights to BSL not earlier
25 than the date that is 45 days after the date on

1 which the Secretary issues a decision notice to
2 grant the timber harvest rights, or, if such a
3 decision notice is appealed, after the date of
4 final resolution of the appeal.

5 (B) LIMITATION.—The Secretary may not
6 grant timber harvest rights that are the subject
7 of administrative appeal or litigation.

8 (3) ADMINISTRATION.—After timber harvest
9 rights are granted to BSL, the decision notice for
10 those rights and the administration of those rights
11 in accordance with the decision notice shall not be
12 subject to administrative appeal or judicial review.

13 (4) SCHEDULES.—The Secretary and BSL
14 shall mutually develop and agree on schedules for
15 the harvest of timber the harvest rights to which are
16 granted to BSL in the exchange.

17 (5) TIMBER SALE PROGRAM.—The timber har-
18 vest rights granted under this Act—

19 (A) shall constitute the timber sale pro-
20 gram for the Gallatin National Forest for the
21 period beginning on the date of enactment of
22 this Act and ending on December 31 of the sec-
23 ond full calendar year that begins after that
24 date; and

1 (B) shall be funded by the Secretary annu-
2 ally at levels that are commensurate with the
3 preparation and administration involved in the
4 program.

5 (6) SUBSTITUTION.—If circumstances, such as
6 natural catastrophe, administrative appeals or litiga-
7 tion, regulatory or legal limitations, or environ-
8 mental or financial circumstances, prevent the Sec-
9 retary from granting the timber harvest rights iden-
10 tified in Exhibit C to the Option Agreement, the
11 Secretary shall replace the value of the diminished
12 timber harvest rights by substituting equivalent tim-
13 ber harvest rights volume from the same market
14 area.

15 (7) OPEN MARKET.—All timber harvest rights
16 granted to BSL in the exchange under subsection
17 (a) shall be offered for sale by BSL through the
18 competitive bid process.

19 (8) SMALL BUSINESS.—All timber harvest
20 rights granted to BSL in the exchange shall be sub-
21 ject to compliance by BSL with Forest Service small
22 business program procedures in effect as of the date
23 of enactment of this Act, including contractual pro-
24 visions for payment schedules, harvest schedules,
25 and bonds and including the right of the highest bid-

1 der among qualified small businesses that submit
2 minimum bids to be awarded a timber contract.

3 ~~(9) COMPLIANCE WITH OPTION AGREEMENT.—~~

4 The Secretary and BSL shall comply with the terms
5 and conditions of the Option Agreement, including
6 terms and conditions with respect to timber harvest
7 rights included in the exchange.

8 ~~(d) RIGHTS-OF-WAY.—~~As part of the exchange under
9 subsection (a)—

10 (1) the Secretary of Agriculture, under the au-
11 thority of the Federal Land Policy and Management
12 Act of 1976 (43 U.S.C. 1701 et seq.), shall convey
13 to BSL such easements in or other rights-of-way
14 over Forest System land as may be agreed to by the
15 Secretary of Agriculture and BSL; and

16 (2) BSL shall convey to the United States such
17 easements in or other rights-of-way over land owned
18 by BSL as may be agreed to by the Secretary of Ag-
19 riculture and BSL.

20 ~~(e) QUALITY OF TITLE.—~~

21 (1) ~~DETERMINATION.—~~The Secretary of Agri-
22 culture shall review the title for the BSL land de-
23 scribed in subsection (a) and, within 45 days after
24 receipt of all applicable title documents from BSL,
25 determine whether—

1 (A) the applicable title standards for Fed-
2 eral land acquisition have been satisfied or the
3 quality of the title is otherwise acceptable to the
4 Secretary of Agriculture;

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

7 (C) a current title commitment verifying
8 compliance with applicable title standards has
9 been issued to the Secretary; and

10 (D) the title includes both the surface and
11 subsurface estates without reservation or excep-
12 tion (except by the United States or the State
13 of Montana, by patent or as otherwise agreed
14 to by the Secretary and BSL); including—

15 (i) minerals, mineral rights, and min-
16 eral interests (including severed oil and gas
17 surface rights); subject to and excepting
18 other outstanding or reserved oil and gas
19 rights;

20 (ii) timber, timber rights, and timber
21 interests, except those reserved subject to
22 section 251.14 of title 36, Code of Federal
23 Regulations, by BSL and agreed to by the
24 Secretary;

1 (iii) water, water rights, ditch, and
 2 ditch rights; and

3 (iv) any other interest in the property.

4 (2) CONVEYANCE OF TITLE.—

5 (A) IN GENERAL.—If the quality of title
 6 does not meet Federal standards or is otherwise
 7 determined to be unacceptable to the Secretary
 8 of Agriculture, the Secretary shall advise BSL
 9 regarding corrective actions necessary to make
 10 an affirmative determination under paragraph
 11 (1).

12 (B) TITLE TO SUBSURFACE ESTATE.—
 13 Title to the subsurface estate shall be conveyed
 14 by BSL to the Secretary of Agriculture in the
 15 same form and content as that estate is re-
 16 ceived by BSL from Burlington Resources Oil
 17 & Gas Company Inc. and Glacier Park Com-
 18 pany.

19 (f) TIMING OF IMPLEMENTATION.—

20 (1) LAND-FOR-LAND EXCHANGE.—The Sec-
 21 retary of Agriculture shall accept the conveyance of
 22 land described in subsection (a) not later than 45
 23 days after the Secretary of Agriculture has made an
 24 affirmative determination of quality of title.

1 (2) ~~LAND-FOR-TIMBER EXCHANGE.~~—The Sec-
 2 retary shall make the timber harvest rights de-
 3 scribed in subsection (a)(3) available not later than
 4 December 31 of the second full calendar year that
 5 begins after the date of enactment of this Act.

6 (3) ~~PURCHASE.~~—The Secretary of Agriculture
 7 shall complete the purchase of BSL land under sub-
 8 section (a)(4) not later than 30 days after the date
 9 on which appropriated funds are made available and
 10 an affirmative determination of quality of title is
 11 made with respect to the BSL land.

12 **SEC. 5. GENERAL PROVISIONS.**

13 (a) ~~MINOR CORRECTIONS.~~—

14 (1) ~~IN GENERAL.~~—The Option Agreement shall
 15 be subject to such minor corrections as may be
 16 agreed to by the Secretary of Agriculture and BSL.

17 (2) ~~NOTIFICATION.~~—The Secretary shall notify
 18 the Committee on Energy and Natural Resources of
 19 the Senate, the Committee on Resources of the
 20 House of Representatives, and each member of the
 21 Montana congressional delegation of any changes
 22 made pursuant to this subsection.

23 (b) ~~PUBLIC AVAILABILITY.~~—The Option Agree-
 24 ment—

1 (1) shall be on file and available for public in-
2 spection in the office of the Supervisor of the Gal-
3 latin National Forest; and

4 (2) shall be filed with the county clerk of each
5 of Gallatin County, Park County, Madison County,
6 Granite County, Broadwater County, Meagher Coun-
7 ty, Flathead County, and Missoula County, Mon-
8 tana.

9 (c) STATUS OF LAND.—All land conveyed to the
10 United States under this Act shall be added to and admin-
11 istered as part of the Gallatin National Forest and
12 Deerlodge National Forest, as appropriate, in accordance
13 with the Act of March 1, 1911 (commonly known as the
14 “Weeks Act”) (36 Stat. 961, chapter 186), and other laws
15 (including regulations) pertaining to the National Forest
16 System.

17 (d) MANAGEMENT.—

18 (1) PUBLIC PROCESS.—Not later than 30 days
19 after the date of completion of the land-for-land ex-
20 change under section 4(f)(1), the Secretary shall ini-
21 tiate a public process to amend the Gallatin Na-
22 tional Forest Plan and the Deerlodge National For-
23 est Plan to integrate the acquired BSL land into the
24 plans.

1 (2) ~~PROCESS TIME.~~—The amendment process
2 under paragraph (1) shall be completed not later
3 than ~~360~~ days after the date on which the amend-
4 ment process is initiated.

5 (3) ~~LIMITATION.~~—An amended management
6 plan shall not permit surface occupancy on the BSL
7 land for access to reserved or outstanding oil and
8 gas rights or for exploration or development of oil
9 and gas.

10 (4) ~~INTERIM MANAGEMENT.~~—Pending comple-
11 tion of the forest plan amendment process under
12 paragraph (1), the Secretary shall—

13 (A) manage the acquired BSL land under
14 the same standards, guidelines, and manage-
15 ment directions as adjacent land managed by
16 the Forest Service; and

17 (B) maintain all existing public access to
18 the acquired BSL land.

19 (c) ~~RESTORATION.~~—

20 (1) ~~IN GENERAL.~~—After acquiring the BSL
21 land, the Secretary shall implement a restoration
22 program including reforestation and watershed en-
23 hancements to bring the BSL land and surrounding
24 national forest land into compliance with Forest
25 Service standards and guidelines.

1 (2) STATE AND LOCAL CONSERVATION
 2 CORPS.—In implementing the restoration program,
 3 the Secretary shall, when practicable, use partner-
 4 ships with State and local conservation corps, includ-
 5 ing the Montana Conservation Corps, under the
 6 Public Lands Corps Act of 1993 (16 U.S.C. 1721 et
 7 seq.).

8 (f) IMPLEMENTATION.—The Secretary of Agriculture
 9 shall ensure that sufficient funds are made available to
 10 the Gallatin National Forest to carry out this Act.

11 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated such sums
 13 as are necessary to carry out this Act.

14 **SECTION 1. SHORT TITLE.**

15 *This Act may be cited as the “Gallatin Land Consoli-
 16 dation Act of 1998”.*

17 **SEC. 2. FINDINGS.**

18 *Congress finds that—*

19 (1) *the land north of Yellowstone National Park
 20 possesses outstanding natural characteristics and
 21 wildlife habitats that make the land a valuable addi-
 22 tion to the National Forest System;*

23 (2) *it is in the interest of the United States to
 24 establish a logical and effective ownership pattern for
 25 the Gallatin National Forest, reducing long-term costs*

1 *for taxpayers and increasing and improving public*
2 *access to the forest;*

3 *(3) it is in the interest of the United States for*
4 *the Secretary of Agriculture to enter into an Option*
5 *Agreement for the acquisition of land owned by Big*
6 *Sky Lumber Co. to accomplish the purposes of this*
7 *Act;*

8 *(4) other private property owners are willing to*
9 *enter into exchanges that further improve the owner-*
10 *ship pattern of the Gallatin National Forest; and*

11 *(5) BSL, acting in good faith, has shouldered*
12 *many aspects of the financial burden of the appraisal*
13 *and subsequent option and exchange process.*

14 **SEC. 3. DEFINITIONS.**

15 *In this Act:*

16 *(1) BLM LAND.—The term “BLM land” means*
17 *approximately 2,000 acres of Bureau of Land Man-*
18 *agement land (including all appurtenances to the*
19 *land) that is proposed to be acquired by BSL, as de-*
20 *scribed in Exhibit B to the Option Agreement.*

21 *(2) BSL.—The term “BSL” means Big Sky*
22 *Lumber Co., an Oregon joint venture, and its succes-*
23 *sors and assigns, and any other entities having a*
24 *property interest in the BSL land.*

1 (3) *BSL LAND.*—*The term “BSL land” means*
2 *approximately 54,000 acres of land (including all ap-*
3 *purtenances to the land except as provided in section*
4 *4(e)(1)(D)(i)) owned by BSL that is proposed to be*
5 *acquired by the Secretary of Agriculture, as depicted*
6 *in Exhibit A to the Option Agreement.*

7 (4) *EASTSIDE NATIONAL FORESTS.*—*The term*
8 *“Eastside National Forests” means national forests*
9 *east of the Continental Divide in the State of Mon-*
10 *tana, including the Beaver Head National Forest,*
11 *Deer Lodge National Forest, Helena National Forest,*
12 *Custer National Forest, and Lewis and Clark Na-*
13 *tional Forest.*

14 (5) *NATIONAL FOREST SYSTEM LAND.*—*The term*
15 *“National Forest System land” means approximately*
16 *29,000 acres of land (including all appurtenances to*
17 *the land) owned by the United States in the Gallatin*
18 *National Forest, Flathead National Forest, Deer*
19 *Lodge National Forest, Helena National Forest, Lolo*
20 *National Forest, and Lewis and Clark National For-*
21 *est that is proposed to be acquired by BSL, as de-*
22 *scribed in Exhibit B to the Option Agreement.*

23 (6) *OPTION AGREEMENT.*—*The term “Option*
24 *Agreement” means—*

1 (A) the document signed by BSL, dated
2 July 29, 1998 and entitled “Option Agreement
3 for the Acquisition of Big Sky Lumber Co.
4 Lands Pursuant to the Gallatin Range Consoli-
5 dation and Protection Act of 1993”;

6 (B) the exhibits and maps attached to the
7 document described in subparagraph (A); and

8 (C) an exchange agreement to be entered
9 into between the Secretary and BSL and made
10 part of the document described in subparagraph
11 (A).

12 (7) SECRETARY.—The “Secretary” means the
13 Secretary of Agriculture.

14 **SEC. 4. GALLATIN LAND CONSOLIDATION COMPLETION.**

15 (a) IN GENERAL.—Notwithstanding any other provi-
16 sion of law, and subject to the terms and conditions of the
17 Option Agreement—

18 (1) if BSL offers title acceptable to the Secretary
19 to the BSL land—

20 (A) the Secretary shall accept a warranty
21 deed to the BSL land and a quit claim deed to
22 agreed to mineral interests in the BSL land;

23 (B) the Secretary shall convey to BSL, sub-
24 ject to valid existing rights and to other terms,
25 conditions, reservations, and exceptions as may

1 *be agreed to by the Secretary and BSL, fee title*
2 *to the National Forest System land; and*

3 *(C) the Secretary of the Interior shall con-*
4 *vey to BSL, by patent or otherwise, subject to*
5 *valid existing rights and other terms, conditions,*
6 *reservations, and exceptions as may be agreed to*
7 *by the Secretary of the Interior and BSL, fee*
8 *title to the BLM land;*

9 *(2) if BSL places title in escrow acceptable to*
10 *the Secretary to 11½ sections of the BSL land in the*
11 *Taylor Fork area as set forth in the Option Agree-*
12 *ment—*

13 *(A) the Secretary shall place Federal land*
14 *in the Bangtail and Doe Creek areas of the Gal-*
15 *latin National Forest, as identified in the Op-*
16 *tion Agreement, in escrow pending conveyance to*
17 *the Secretary of the Taylor Fork land, as identi-*
18 *fied in the Option Agreement in escrow;*

19 *(B) the Secretary, subject to the availability*
20 *of appropriations, shall purchase 7½ sections of*
21 *BSL land in the Taylor Fork area held in es-*
22 *crow and identified in the Option Agreement at*
23 *a purchase price of \$4,150,000 plus interest at a*
24 *rate acceptable to the Secretary; and*

- 1 (C) the Secretary shall acquire the 4 Taylor
2 Fork sections identified in the Option Agreement
3 remaining in escrow, and any of the 6 sections
4 referred to in subparagraph (B) for which ap-
5 propriations are not available, by providing
6 BSL with timber sale receipts from timber sales
7 on the Gallatin National Forest and other
8 eastside national forests in the State of Montana
9 in accordance with subsection (c); and
10 (3)(A) as appropriated funds or timber sale re-
11 ceipts are received by BSL—
12 (i) the deeds to an equivalent value of BSL
13 Taylor Fork land held in escrow shall be released
14 and conveyed to the Secretary; and
15 (ii) the escrow of deeds to an equivalent
16 value of Federal land shall be released to the Sec-
17 retary in accordance with the terms of the Op-
18 tion Agreement; or
19 (B) if appropriated funds or timber sale receipts
20 are not provided to BSL as provided in the Option
21 Agreement, BSL shall be entitled to receive patents
22 and deeds to an equivalent value of the Federal land
23 held in escrow.
24 (b) VALUATION.—

1 (1) *IN GENERAL.*—*The property and other assets*
2 *exchanged or conveyed by BSL and the United States*
3 *under subsection (a) shall be approximately equal in*
4 *value, as determined by the Secretary.*

5 (2) *DIFFERENCE IN VALUE.*—*To the extent that*
6 *the property and other assets exchanged or conveyed*
7 *by BSL or the United States under subsection (a) are*
8 *not approximately equal in value, as determined by*
9 *the Secretary, the values shall be equalized in accord-*
10 *ance with methods identified in the Option Agree-*
11 *ment.*

12 (c) *TIMBER SALE PROGRAM.*—

13 (1) *IN GENERAL.*—*The Secretary shall imple-*
14 *ment a timber sale program, according to the terms*
15 *and conditions identified in the Option Agreement*
16 *and subject to compliance with applicable environ-*
17 *mental laws, judicial decisions, and acts beyond the*
18 *control of the Secretary, to generate sufficient timber*
19 *receipts to purchase the portions of the BSL land in*
20 *Taylor Fork identified in the Option Agreement.*

21 (2) *IMPLEMENTATION.*—*In implementing the*
22 *timber sale program—*

23 (A) *the Secretary shall provide BSL with a*
24 *proposed annual schedule of timber sales;*

1 (B) as set forth in the Option Agreement,
2 receipts generated from the timber sale program
3 shall be deposited by the Secretary in a special
4 account established by the Secretary and paid by
5 the Secretary to BSL;

6 (C) receipts from the Gallatin National
7 Forest shall not be subject to the Act of May 23,
8 1908 (16 U.S.C. 500); and

9 (D) the Secretary shall fund the timber sale
10 program at levels determined by the Secretary to
11 be commensurate with the preparation and ad-
12 ministration of the identified timber sale pro-
13 gram.

14 (d) *RIGHTS-OF-WAY*.—As specified in the Option
15 *Agreement*—

16 (1) the Secretary, under the authority of the Fed-
17 eral Land Policy and Management Act of 1976 (43
18 U.S.C. 1701 *et seq.*), shall convey to BSL such ease-
19 ments in or other rights-of-way over National Forest
20 System land for access to the land acquired by BSL
21 under this Act for all lawful purposes; and

22 (2) BSL shall convey to the United States such
23 easements in or other rights-of-way over land owned
24 by BSL for all lawful purposes, as may be agreed to
25 by the Secretary and BSL.

1 (e) *QUALITY OF TITLE.*—

2 (1) *DETERMINATION.*—*The Secretary shall re-*
3 *view the title for the BSL land described in subsection*
4 *(a) and, within 45 days after receipt of all applicable*
5 *title documents from BSL, determine whether—*

6 (A) *the applicable title standards for Fed-*
7 *eral land acquisition have been satisfied and the*
8 *quality of the title is otherwise acceptable to the*
9 *Secretary of Agriculture;*

10 (B) *all draft conveyances and closing docu-*
11 *ments have been received and approved;*

12 (C) *a current title commitment verifying*
13 *compliance with applicable title standards has*
14 *been issued to the Secretary; and*

15 (D) *the title includes both the surface and*
16 *subsurface estates without reservation or excep-*
17 *tion (except as specifically provided in this Act),*
18 *including—*

19 (i) *minerals, mineral rights, and min-*
20 *eral interests (including severed oil and gas*
21 *surface rights), subject to and excepting*
22 *other outstanding or reserved oil and gas*
23 *rights;*

24 (ii) *timber, timber rights, and timber*
25 *interests (except those reserved subject to*

1 *section 251.14 of title 36, Code of Federal*
2 *Regulations, by BSL and agreed to by the*
3 *Secretary);*

4 *(iii) water, water rights, ditch, and*
5 *ditch rights;*

6 *(iv) geothermal rights; and*

7 *(v) any other interest in the property.*

8 (2) *CONVEYANCE OF TITLE.—*

9 *(A) IN GENERAL.—If the quality of title*
10 *does not meet Federal standards or is otherwise*
11 *determined to be unacceptable to the Secretary of*
12 *Agriculture, the Secretary shall advise BSL re-*
13 *garding corrective actions necessary to make an*
14 *affirmative determination under paragraph (1).*

15 *(B) TITLE TO SUBSURFACE ESTATE.—Title*
16 *to the subsurface estate shall be conveyed by BSL*
17 *to the Secretary in the same form and content as*
18 *that estate is received by BSL from Burlington*
19 *Resources Oil & Gas Company Inc. and Glacier*
20 *Park Company.*

21 (f) *TIMING OF IMPLEMENTATION.—*

22 *(1) LAND-FOR-LAND EXCHANGE.—The Secretary*
23 *shall accept the conveyance of land described in sub-*
24 *section (a) not later than 45 days after the Secretary*

1 *has made an affirmative determination of quality of*
2 *title.*

3 (2) *LAND-FOR-TIMBER SALE RECEIPT EX-*
4 *CHANGE.—As provided in subsection (c) and the Op-*
5 *tion Agreement, the Secretary shall make timber re-*
6 *ceipts described in subsection (a)(3) available not*
7 *later than December 31 of the fifth full calendar year*
8 *that begins after the date of enactment of this Act.*

9 (3) *PURCHASE.—The Secretary shall complete*
10 *the purchase of BSL land under subsection (a)(4) not*
11 *later than 30 days after the date on which appro-*
12 *priated funds are made available and an affirmative*
13 *determination of quality of title is made with respect*
14 *to the BSL land.*

15 **SEC. 5. OTHER FACILITATED EXCHANGES.**

16 (a) *AUTHORIZED EXCHANGES.—*

17 (1) *IN GENERAL.—The Secretary shall enter into*
18 *the following land exchanges if the landowners are*
19 *willing:*

20 (A) *Wapiti land exchange, as outlined in*
21 *the documents entitled “Non-Federal Lands in*
22 *Facilitated Exchanges” and “Federal Lands in*
23 *Facilitated Exchanges” and dated July 1998.*

24 (B) *Eightmile/West Pine land exchange as*
25 *outlined in the documents entitled “Non-Federal*

1 *Lands in Facilitated Exchanges” and “Federal*
2 *Lands in Facilitated Exchanges” and dated July*
3 1998.

4 (2) *EQUAL VALUE.—Before entering into an ex-*
5 *change under paragraph (1), the Secretary shall de-*
6 *termine that the parcels of land to be exchanged are*
7 *of approximately equal value, based on an appraisal.*

8 (b) *SECTION 1 OF THE TAYLOR FORK LAND.—*

9 (1) *IN GENERAL.—The Secretary is encouraged*
10 *to pursue a land exchange with the owner of section*
11 *1 of the Taylor Fork land after completing a full pub-*
12 *lic process and an appraisal.*

13 (2) *REPORT.—The Secretary shall report to Con-*
14 *gress on the implementation of paragraph (1) not*
15 *later than 180 days after the date of enactment of*
16 *this Act.*

17 **SEC. 6. GENERAL PROVISIONS.**

18 (a) *MINOR CORRECTIONS.—*

19 (1) *IN GENERAL.—The Option Agreement shall*
20 *be subject to such minor corrections and supplemental*
21 *provisions as may be agreed to by the Secretary and*
22 *BSL.*

23 (2) *NOTIFICATION.—The Secretary shall notify*
24 *the Committee on Energy and Natural Resources of*
25 *the Senate, the Committee on Resources of the House*

1 *of Representatives, and each member of the Montana*
2 *congressional delegation of any changes made under*
3 *this subsection.*

4 (3) *BOUNDARY ADJUSTMENT.—*

5 (A) *IN GENERAL.—The boundary of the*
6 *Gallatin National Forest is adjusted in the*
7 *Wineglass and North Bridger area, as described*
8 *on maps dated July 1998, upon completion of*
9 *the conveyances.*

10 (B) *NO LIMITATION.—Nothing in this sub-*
11 *section limits the authority of the Secretary to*
12 *adjust the boundary pursuant to section 11 of*
13 *the Act of March 1, 1911 (commonly known as*
14 *the “Weeks Act”) (16 U.S.C. 521).*

15 (C) *ALLOCATION OF LAND AND WATER CON-*
16 *SERVATION FUND MONEYS.—For the purposes of*
17 *section 7 of the Land and Water Conservation*
18 *Fund Act of 1965 (16 U.S.C. 460l–9), bound-*
19 *aries of the Gallatin National Forest shall be*
20 *considered to be the boundaries of the National*
21 *Forest as of January 1, 1965.*

22 (b) *PUBLIC AVAILABILITY.—The Option Agreement—*
23 (1) *shall be on file and available for public in-*
24 *spection in the office of the Supervisor of the Gallatin*
25 *National Forest; and*

1 (2) shall be filed with the county clerk of each of
2 Gallatin County, Park County, Madison County,
3 Granite County, Broadwater County, Meagher Coun-
4 ty, Flathead County, and Missoula County, Montana.

5 (c) *COMPLIANCE WITH OPTION AGREEMENT.*—The
6 Secretary, the Secretary of the Interior, and BSL shall com-
7 ply with the terms and conditions of the Option Agreement
8 except to the extent that any provision of the Option Agree-
9 ment conflicts with this Act.

10 (d) *CONVEYANCE OF TIMBER.*—After completion of the
11 land-for-land exchange under section 4(a)(1), the Secretary
12 shall convey to BSL 1,000,000 board feet of timber from
13 roaded land in the Gallatin National Forest, which—

14 (1) shall be treated as reserved timber under sec-
15 tion 251.14 of title 36, Code of Federal Regulations;
16 and

17 (2) shall not be considered as part of the ap-
18 praisal value of land exchanged under this Act.

19 (e) *STATUS OF LAND.*—All land conveyed to the
20 United States under this Act shall be added to and adminis-
21 tered as part of the Gallatin National Forest and Deerlodge
22 National Forest, as appropriate, in accordance with the Act
23 of March 1, 1911 (5 U.S.C. 515 et seq.), and other laws
24 (including regulations) pertaining to the National Forest
25 System.

1 (f) *MANAGEMENT.*—

2 (1) *PUBLIC PROCESS.*—Not later than 30 days
3 after the date of completion of the land-for-land ex-
4 change under section 4(f)(1), the Secretary shall initi-
5 ate a public process to amend the Gallatin National
6 Forest Plan and the Deerlodge National Forest Plan
7 to integrate the acquired land into the plans.

8 (2) *PROCESS TIME.*—The amendment process
9 under paragraph (1) shall be completed as soon as
10 practicable, and in no event later than 540 days after
11 the date on which the amendment process is initiated.

12 (3) *LIMITATION.*—An amended management
13 plan shall not permit surface occupancy on the ac-
14 quired land for access to reserved or outstanding oil
15 and gas rights or for exploration or development of oil
16 and gas.

17 (4) *INTERIM MANAGEMENT.*—Pending completion
18 of the forest plan amendment process under para-
19 graph (1), the Secretary shall—

20 (A) manage the acquired land under the
21 standards and guidelines in the applicable land
22 and resource management plans for adjacent
23 land managed by the Forest Service; and

24 (B) maintain all existing public access to
25 the acquired land.

1 (g) *RESTORATION.*—

2 (1) *IN GENERAL.*—*The Secretary shall imple-*
3 *ment a restoration program including reforestation*
4 *and watershed enhancements to bring the acquired*
5 *land and surrounding national forest land into com-*
6 *pliance with Forest Service standards and guidelines.*

7 (2) *STATE AND LOCAL CONSERVATION CORPS.*—
8 *In implementing the restoration program, the Sec-*
9 *retary shall, when practicable, use partnerships with*
10 *State and local conservation corps, including the*
11 *Montana Conservation Corps, under the Public Lands*
12 *Corps Act of 1993 (16 U.S.C. 1721 et seq.).*

13 (h) *IMPLEMENTATION.*—*The Secretary of Agriculture*
14 *shall ensure that sufficient funds are made available to the*
15 *Gallatin National Forest to carry out this Act.*

16 (i) *REVOCATIONS.*—*Notwithstanding any other provi-*
17 *sion of law, any public orders withdrawing lands identified*
18 *in the Option Agreement from all forms of appropriation*
19 *under the public land laws are revoked upon conveyance*
20 *of the lands by the Secretary.*

21 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

22 *There are authorized to be appropriated such sums as*
23 *are necessary to carry out this Act.*

FEDERAL LANDS IN FACILITATED EXCHANGES

EIGHTMILE/WEST PINE (WILSON)

(Gallatin NF)

<i>Parcel & map #</i>	<i>Legal description</i>	<i>County</i>	<i>Ranger district</i>	<i>Acres</i>
	<i>T5S, R8E, Sec 6, Lots 1-7, S¹/₂NE¹/₄, SE¹/₄NW¹/₄, E¹/₂SW¹/₄, SE¹/₄.</i>	<i>Park</i>	<i>Livingston</i>	<i>643.62</i>
	<i>Total</i>	<i>.....</i>	<i>.....</i>	<i>643.62</i>

WAPITI (KELSEY)

(Gallatin NF)

<i>Parcel & map #</i>	<i>Legal description</i>	<i>County</i>	<i>Ranger district</i>	<i>Acres</i>
<i>1</i>	<i>T9S, R4E, Sec 9, SW¹/₄SW¹/₄.</i>	<i>Gallatin</i>	<i>Hebgen Lake</i>	<i>40</i>
<i>2</i>	<i>T9S, R4E, Sec 7, Lot 3 (portion S. of T. Fork Rd.) Lot 4, SW¹/₄SW¹/₄, E¹/₂SE¹/₄SW¹/₄.</i>	<i>Gallatin</i>	<i>Hebgen Lake</i>	<i>* 77</i>
<i>3</i>	<i>T9S, R3E, Sec 12, SE¹/₄NE¹/₄NW¹/₄, NW¹/₄SE¹/₄, S¹/₂SE¹/₄.</i>	<i>Gallatin</i>	<i>Hebgen Lake</i>	<i>130</i>
	<i>Total</i>	<i>.....</i>	<i>.....</i>	<i>* 247</i>
	<i>Total Federal (NFS) lands in facilitated exchanges.</i>	<i>.....</i>	<i>.....</i>	<i>* 891</i>

** Acres approximate—Survey needed.*

NON-FEDERAL LANDS IN FACILITATED EXCHANGES

EIGHTMILE/WEST PINE (WILSON)

(Gallatin NF)

<i>Parcel & map #</i>	<i>Legal description</i>	<i>County</i>	<i>Acres</i>
	<i>T4S, R8E, Sec 7, all</i>	<i>Park</i>	<i>640.00</i>
	<i>Total</i>	<i>.....</i>	<i>640.00</i>

WAPITI (KELSEY)
(Gallatin NF)

<i>Parcel & map #</i>	<i>Legal description</i>	<i>County</i>	<i>Acres</i>
	<i>T9S, R3E, Sec 25, S½</i>	<i>Gallatin</i>	<i>320.00</i>
	<i>Total</i>	<i>.....</i>	<i>320.00</i>
	<i>Total non-Federal lands in facilitated exchanges.</i>	<i>.....</i>	<i>* 960</i>
	<i>Total BSL and other non-Federal lands.</i>	<i>.....</i>	<i>* 55,097</i>

** Approximate.*

Amend the title so as to read: “To direct the Secretary of Agriculture and the Secretary of the Interior to exchange land and other assets with Big Sky Lumber Co. and other entities.”.