

109TH CONGRESS
1ST SESSION

H. R. 2718

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

IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2005

Mr. OTTER introduced the following bill; which was referred to the Committee
on Resources

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”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **AGREEMENT.**—The term “Agreement”
9 means the agreement executed in 2005, entitled

1 “Agreement to Initiate, Boise Foothills—Northern
2 Idaho Land Exchange”, and entered into by—

3 (A) the Bureau of Land Management;

4 (B) the Forest Service;

5 (C) the State; and

6 (D) the City.

7 (2) BUREAU OF LAND MANAGEMENT LAND.—

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

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

16 (4) CITY.—The term “city” means the city of
17 Boise, Idaho.

18 (5) FEDERAL LAND.—The term “Federal land”
19 means the Bureau of Land Management land and
20 the National Forest System land.

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

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

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

6 (C) depicted in exhibit A2 of the Agree-
7 ment.

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

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

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

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

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

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

12 (3) stipulate any cash equalization payments re-
13 quired; and

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

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

18 (1) all valid existing rights; and

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

22 (d) EQUAL VALUE EXCHANGE.—

23 (1) IN GENERAL.—The value of the Federal
24 land and State land to be exchanged under this
25 Act—

1 (A) shall be equal; or

2 (B) shall be made equal in accordance with
3 subsection (e).

4 (2) APPRAISALS.—

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

9 (i) the Uniform Appraisal Standards
10 for Federal Land Acquisitions; and

11 (ii) any appraisal instructions of the
12 Secretary and the Secretary of Agriculture,

13 (B) APPROVAL.—Any appraisal conducted
14 under subparagraph (A) shall be reviewed and
15 approved by—

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

18 (ii) an interdepartmental appraisal re-
19 view team established jointly by the Sec-
20 retary and the Secretary of Agriculture.

21 (e) CASH EQUALIZATION.—

22 (1) IN GENERAL.—If the value of the Federal
23 land and State land is not equal, the value may be
24 equalized by the payment of cash to the United
25 States or to the State, as appropriate, in accordance

1 with section 206(b) of the Federal Land Policy and
2 Management Act of 1976 (43 U.S.C. 1716(b)).

3 (2) DISPOSITION AND USE OF PROCEEDS.—

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

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

16 (f) RIGHTS-OF-WAY.—As specified in the Agree-
17 ment—

18 (1) the Secretary of Agriculture, under the au-
19 thority of the Federal Land Policy and Management
20 Act of 1976 (43 U.S.C. 1701 et seq.), shall convey
21 to the State any easements or other rights-of-way to
22 National Forest System land that are appropriate to
23 provide access to the Federal land acquired by the
24 State under this Act; and

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

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

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

13 (a) TRANSFER OF ADMINISTRATIVE JURISDIC-
14 TION.—

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

19 (2) DESCRIPTION OF LAND.—The land referred
20 to in paragraph (1) is the approximately 2,111 acres
21 of Bureau of Land Management land located in Sho-
22 shone County, Idaho, as generally depicted in exhibit
23 A3 of the Agreement.

24 (3) MANAGEMENT.—

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

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

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

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

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

24 (c) LAND TO BE MANAGED BY THE SECRETARY.—
25 The Secretary shall administer any State land conveyed

1 to the United States under this Act for administration by
2 the Secretary as acquired land in accordance with—

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

5 (2) other applicable laws.

6 (d) LAND AND RESOURCE MANAGEMENT PLANS.—

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

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

17 (3) MANAGEMENT.—Pending completion of the
18 land and resource management plan renewal process
19 under paragraph (2), the Secretary and the Sec-
20 retary of Agriculture shall manage the acquired
21 State land in accordance with the standards and
22 guidelines in the applicable land and resource man-
23 agement plans for adjacent land managed by the
24 Secretary and the Secretary of Agriculture.

1 (e) NATIONAL FOREST BOUNDARIES.—For purposes
2 of section 7 of the Land and Water Conservation Fund
3 Act of 1965 (16 U.S.C. 460l–9), the boundaries of the
4 Idaho Panhandle National Forest and Clearwater Na-
5 tional Forest, as modified by the exchange authorized by
6 this Act, shall be considered to be the boundaries of the
7 Idaho Panhandle National Forest and Clearwater Na-
8 tional Forest as of January 1, 1965.

9 **SEC. 5. MISCELLANEOUS PROVISIONS.**

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

- 13 (1) correct errors;
- 14 (2) make minor adjustments to the parcels
15 based on a survey or other means; or
- 16 (3) reconfigure the parcels to facilitate the land
17 exchange.

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

22 (c) 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

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

3 (d) 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
11 (30 U.S.C. 1001 et seq.).

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

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

18 (B) disposition under the mineral leasing
19 laws and the Geothermal Steam Act of 1970
20 (30 U.S.C. 1001 et seq.).

21 (3) EFFECT.—Nothing in this section precludes
22 the Secretary or the Secretary of Agriculture from
23 using common varieties of mineral materials for con-
24 struction and maintenance of Federal roads and fa-

1 cilities on the State land acquired under this Act
2 and any adjacent Federal land.

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

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

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

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