

A BILL

To authorize the exchange of Federal lands in the State of Idaho

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Upper Lochsa River Enhancement and Land Exchange Act of 2014.”

SEC. 2. FINDINGS AND PURPOSES.

(a) Congress finds that:

(1) Western Pacific Timber, LLC, owns approximately 38,371 acres of land in the watershed of the Lochsa River in the State of Idaho, which lands are intermingled with National Forest System lands. These lands have been offered in exchange for National Forest System lands of equal value in the State of Idaho.

(2) On September 16, 2008, Western Pacific Timber LLC and the Forest Service entered into an Agreement to Initiate a Land Exchange.

(3) In November, 2010, the Forest Service completed a Draft Environmental Impact Statement on the proposed exchange, and in November, 2011, it completed a Supplemental Draft Environmental Impact Statement.

(4) There is a substantial public interest in completing the proposed exchange which would:

(A) consolidate public and private ownerships,

(B) protect habitats for fish and wildlife,

(C) enhance public recreation including protection of nationally significant

landmarks and components of the National Trails System,

(D) protect and restore the upper watershed of the Lochsa River by permitting the Federal land manager to manage on an ecosystem basis, and

(E) protect and enhance Native American historic and cultural sites and routes of travel.

(5) The acquisition of commercially viable timberlands by Western Pacific Timber, LLC, would promote the economic development of the region, particularly with the domestic processing of timber and lumber products.

(6) Extensive consultations regarding the proposed exchange have been made with affected communities, tribal leaders, and citizens.

(7) Western Pacific Timber has made significant public interest commitments regarding the lands it would receive in an exchange with the Forest Service.

(8) This exchange will increase the acreage where off-reservation rights of the Nez Perce Tribe may be exercised.

(b) *Purposes.* The purposes of this Act are:

(1) to authorize and direct the expeditious completion of the Upper Lochsa Land Exchange without further administrative review or analyses and without litigation,

(2) to consolidate public ownership of lands within the watershed of the Lochsa River,

- 1 (3) to promote economic development by strengthening domestic timber
2 production and manufacturing,
3 (4) to promote retention of a private property tax base in affected counties,
4 and,
5 (5) to provide for reasonable public access for hunting and fishing by
6 Native American Tribes and the general public.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) AGREEMENT- The term “Agreement” means the “Agreement
10 to Initiate, Upper Lochsa Land Exchange”, dated September 16, 2008,
11 between the Forest Service and Western Pacific Timber, LLC., and as
12 amended August 22, 2011.

13 (2) BUREAU OF LAND MANAGEMENT – The term “Bureau of
14 Land Management” means the agency of that name in the United States
15 Department of the Interior.

16 (3) ENVIRONMENTAL STATEMENTS – The term
17 “Environmental Statements” means the Draft Environmental Impact
18 Statement completed in November, 2010, and the Supplemental Draft
19 Environmental Impact Statement completed in November, 2011.

20 (4) FEDERAL LANDS- The term “Federal Lands” means the
21 Federally owned National Forest System lands depicted on the maps for
22 exchange with Western Pacific Timber, LLC.

(5) FLPMA – The acronym “FLPMA” means the Federal Land Policy and Management Act of 1976, as amended, (43 U.S.C. 1701, et seq.)

(6) FOREST SERVICE – The term “Forest Service” means the United States Forest Service, an agency of the United States Department of Agriculture.

(7) WPT LANDS – The term “WPT Lands” means those lands of Western Pacific Timber, LLC, depicted on the maps for exchange with the United States.

(8) MAPS- The term “maps” means those maps referenced in section 4 of this Act.

(9) SECRETARY- The term “Secretary” means the Secretary of Agriculture.

(10) STATE – The term “State” means the State of Idaho.

(11) WESTERN PACIFIC TIMBER. The term “Western Pacific Timber” means Western Pacific Timber LLC, an Oregon corporation, and its successors and assigns.

SEC. 4. MAPS OF EXCHANGE LANDS.

(a) *Federal Lands.* The Federal Lands available for exchange and conveyance to Western Pacific Timber are those lands in Idaho generally depicted on the following maps dated February, 2014:

(1) “Upper Lochsa Land Exchange, Federal Lands – Bonner County,”

1 (2) “Upper Lochsa Land Exchange, Federal Lands – Kootenai County.”

2 (3) “Upper Lochsa Land Exchange, Federal Lands – Idaho County.”

3 (b) *WPT Lands*. The lands of Western Pacific Timber to be exchanged to the
4 United States are those lands depicted on a map dated February, 2014, and titled “Upper
5 Lochsa Land Exchange – Private Lands – Idaho & Clearwater Counties.”

6 (c) *Federal Contingency Lands*. The Federal Lands available for exchange and
7 conveyance to Western Pacific Timber for value equalization or as otherwise required to
8 effect the exchange are those lands in Idaho generally depicted on maps dated February,
9 2014:

10 (1) “Upper Lochsa Land Exchange, Federal Contingency Lands – Idaho
11 County.”

12 (2) “Upper Lochsa Land Exchange, Federal Contingency Lands –
13 Clearwater County.”

14 (3)) “Upper Lochsa Land Exchange, Federal Contingency Lands – Latah
15 County.”

16 (d) *Roads and Trails*. Roads and trails on the Federal Lands where public access
17 is to be maintained are depicted on the maps dated February, 2014, and titled:

18 (1) “Upper Lochsa Land Exchange – Roads and Trails Map – Idaho
19 County Central/Harpster”,

20 (2) “Upper Lochsa Land Exchange – Roads and Trails Map – Idaho
21 County East/Elk City”,

22 (3) “Upper Lochsa Land Exchange – Roads and Trails Map – Idaho

County West/South of Grangeville”.

(e) *Conservation Easements*. Areas to be subject to conservation easements and land use restrictions are depicted on a map dated February, 2014, and titled “Designated WPT Acquired Parcels – Conservation Easements and Restrictions.”

(f) *Availability of Maps*. The maps referenced in this section shall be on file and available for public inspection in the Office of the Chief, Forest Service, Washington, D.C., and the Office of the Supervisor, Nez Perce-Clearwater National Forests, Orofino, Idaho. Said maps shall remain on file for a period of one year following the completion of the exchange herein authorized.

SEC. 5. RATIFICATION AND CONFORMITY OF LAWS.

(a) *Agreement*.

(1) The Agreement is hereby ratified as a matter of Federal law and the Secretary and Western Pacific Timber are authorized and directed to implement its terms.

(2) In the event of a conflict between the Agreement and this Act, this Act shall prevail.

(b) *Environmental Statement*. The Environmental Statement is hereby deemed adequate under all Federal laws and regulations for purposes of this legislation and for implementing this Act.

(c) *Applicable Laws*.

(1) The exchange authorized by this Act is deemed in the public interest for purposes of section 206 of FLPMA and any other Federal law.

(2) The exchange herein authorized is deemed in conformity with all other applicable laws and regulations.

(3) Except for consultations expressly provided for in this Act, the authorities of the Secretary and any other government official under this Act or other Federal law shall be implemented without further administrative or environmental analyses, examination, or consultation.

SEC. 6. LAND EXCHANGE.

(a) *In General.* If Western Pacific Timber offers to convey the WPT Lands to the United States, the Secretary shall –

(1) accept the offer; and

(2) on receipt of acceptable title to the WPT Lands, shall convey Federal Lands or interests therein to Western Pacific Timber or its assigns.

(b) *Valid Existing Rights.* The conveyance of the Federal Lands shall be subject to all valid existing rights.

(c) *Reservations and rights of way.* Western Pacific Timber and the Secretary shall assure that routes of public and private access, utility rights-of-way and facilities, and other rights needed in the public interest are preserved by deed reservations, or the conveyance of easements or other authorizations either by the Forest Service prior to the exchange or by Western Pacific Timber after the exchange. With respect to public access routes, the Forest Service shall only reserve such rights-of-ways identified on the Maps referred to in Section 4(c).

(d) *Title* –

1 (1) Title to the WPT Lands shall be conveyed to the United States of
2 America and its assigns by general warranty deed and shall be otherwise
3 acceptable to the Secretary as being in conformity with the Federal title standards
4 of the Attorney General of the United States.

5 (2) Title to the Federal Lands shall be conveyed, as appropriate, by patent
6 issued by the Secretary of the Interior, through the Bureau of Land Management,
7 or by quitclaim deed issued by the Secretary of Agriculture, through the Forest
8 Service.

9 (e) *Equal Value Exchange*. The value of the Federal Lands and the WPT Lands to
10 be exchanged under this Act shall be equal, or shall be made equal in accordance with
11 subsection (f).

12 (f) *Value Equalization* –

13 (1) *In General*. If the value of the Federal Lands and WPT Lands are not
14 equal, the value shall be equalized by the payment of cash to the United States or
15 to Western Pacific Timber, as appropriate, or by the conveyance of additional
16 land or timber rights as necessary to equalize values, or by a combination of cash
17 and additional lands or timber rights.

18 (2) *Amount*. Notwithstanding section 206(b) of FLPMA, the amount of
19 cash equalization is not limited.

20 (3) *Cooperative Road Maintenance Costs*. Any money owed for
21 cooperative road maintenance associated with the road system on the WPT Land,
22 shall be considered in the value equalization owed by Western Pacific Timber or

1 by the Secretary, as appropriate.

2 (4) *Cultural Resources Mitigation Fund*. Any money paid by Western
3 Pacific Timber into the Cultural Resources Mitigation Fund shall be credited to
4 the company for purposes of value equalization.

5 (5) *Costs*. Any money owed for costs pursuant to section 7 shall be
6 considered in the value equalization owed by Western Pacific Timber or by the
7 Secretary, as appropriate.

8 (6) *Available lands*. The Federal Contingency Lands depicted on the maps
9 referenced in section 4(c) shall be available for value equalization or to substitute
10 for tracts deleted from the exchange by minor adjustments made pursuant to
11 subsection 6(i).

12 (g) *Appraisals* –

13 (1) The value of the Federal Lands and WPT Lands shall be determined in
14 accordance with appraisals prepared pursuant to specifications prepared by the
15 Secretary in accordance with the Uniform Appraisal Standards for Federal Land
16 Acquisitions, and such appraisals shall be reviewed and approved by the
17 Secretary.

18 (2) For the exchange authorized by this Act, the WPT Lands and the
19 Federal Lands shall be treated similarly and the Secretary and Western Pacific
20 Timber may agree on the parcel groupings. Individual parcel groupings shall
21 reflect typical market conditions. The Secretary shall approve the final
22 determination of groupings.

1 (3) Timber cruise data existing as of the date of this Act shall be deemed
2 adequate for appraisal purposes and shall not be updated. No timber shall be
3 harvested on any area which has been cruised until completion of the exchange.

4 (h) *Timing*. It is the intent of Congress that the land exchange authorized and
5 directed by this Act shall be completed no later than 180 days after the date of enactment
6 of this Act.

7 (i) *Minor Adjustments* –

8 (1) The Secretary and Western Pacific Timber may add or delete lands
9 from the land exchange in order:

10 (A) to meet costs and to equalize land values, or

11 (B) to reduce cash equalization, or

12 (C) to correct errors, facilitate survey or boundary management,
13 or to address hazardous substances, cultural resources, threatened or
14 endangered species or title issues.

15 (2) Modifications made pursuant to this subsection shall not affect more
16 than two percent (2%) of the combined acreage of the WPT Lands and the Federal
17 Lands.

18 (j) *Partial Interests in Land*. For portions of the Federal Lands, in order to
19 equalize values or cover costs, the Secretary and Western Pacific Timber may agree to
20 the conveyance of timber rights in lieu of fee title, the conveyance of term estates, or
21 some lesser interests in land.

22 **SEC. 7. COSTS.**

1 (a) *In General.* The costs associated with this exchange shall be borne as agreed
2 upon by Western Pacific Timber and the Secretary.

3 (b) *Source of Funds.* The Secretary may cover costs from any or all of the
4 following sources:

5 (1) Cash equalization funds,

6 (2) Appropriated funds, including monies appropriated from the Land and
7 Water Conservation Fund, or

8 (3) Land or timber, including Federally owned lands designated for
9 disposal in section 13(c).

10 **SEC. 8. COVENANTS AND CONDITIONS BY WESTERN PACIFIC TIMBER.**

11 (a) *Findings.* Congress finds:

12 (1) That Western Pacific Timber has made significant public interest
13 commitments regarding the lands it would receive in an exchange with the Forest
14 Service.

15 (2) Consistent with its rights to utilize commercially the lands it acquires
16 by exchange for natural resource management operations, Western Pacific Timber
17 has pledged to provide reasonable public access for hunting, fishing and hiking,
18 and to limit future subdivision and development on selected tracts of land.

19 (3) Reasonable public access will be afforded to both motorized and non-
20 motorized users.

21 (4) The effects of these public interest commitments on the value of the
22 lands received by Western Pacific Timber were not considered in the valuation of

1 the land exchange.

2 (5) The Forest Service should not be involved in post-exchange
3 management of the lands it conveys to Western Pacific Timber.

4 (b) *Agreements*. The offer of the WPT Lands for exchange to the United States
5 shall constitute agreement by Western Pacific Timber to perform the actions prescribed in
6 this section and, upon acceptance of the offer by the Secretary, such actions shall be
7 legally binding on Western Pacific Timber.

8 (c) *Federal Permittees* –

9 (1) Subject to the reserved or outstanding deed reservations and easements
10 made pursuant to section 6(b)(2), upon the completion of the land exchange
11 provided in section 6, Western Pacific Timber shall permit for a period of
12 eighteen months the continued occupancy of the former Federal Lands by any
13 person or entity operating under and in conformity with a valid federal
14 authorization. A valid federal authorization shall include permits, leases, and
15 easements allowing for grazing, outfitting and guiding, and special uses
16 authorized pursuant to Title 36, Part 251, Code of Federal Regulations.

17 (2) The continued occupancy for 18 months shall be on such reasonable
18 terms and conditions as Western Pacific Timber may prescribe, but shall not
19 include an increase in fees and charges.

20 (3) All fees and charges associated with a continued occupancy shall be
21 payable to Western Pacific Timber and prorated from the date of closing.

22 (4) Occupancy beyond the eighteen month period prescribed in paragraph

(1) shall be at the option of Western Pacific Timber.

(5) Prior to completion of the land exchange, no grazing permit shall be terminated by the Forest Service on any of the Federal Lands or on adjoining National Forest System lands within the same grazing allotment solely because of the land exchange.

(d) *Conservation Easements* –

(1) *Purposes.* Within one year of the date of acquisition of the Federal Lands, Western Pacific Timber shall convey to a governmental body empowered to hold an interest in real property under the laws of Idaho or the United States one or more conservation easements on designated parcels of the former Federal Lands for the purposes of:

(A) allowing public use for hunting, fishing, and hiking,

(B) allowing public motorized access on designated roads and trails with provision made for winter uses,

(C) restricting future subdivision, and

(D) limiting construction of new permanent buildings or improvements except for timber harvesting activities and related natural resources management operations.

(2) *Designated Parcels.* The lands subject to conservation easements are those specifically depicted for such encumbrances on the Maps referenced in section 4(d).

(3) *Miscellaneous Provisions.* Conservation easements conveyed under

1 this section shall:

2 (A) be in conformity with the Idaho Uniform Conservation

3 Easement Act (Idaho Code, § 55-2101, *et seq.*).

4 (B) be subject to such terms, conditions, and limitations as Western

5 Pacific Timber determines, in consultation with the easement

6 holder:

7 (i) to be necessary for public health, safety and resource

8 protection, including restrictions on motorized access, and

9 (ii) to preserve the ability of Western Pacific Timber to

10 manage for profit the natural resources on the land.

11 (C) be subject to modification by mutual agreement of Western

12 Pacific Timber and the easement holder to deal with changing

13 conditions and needs.

14 (e) *Existing structures.* Western Pacific Timber shall remove any existing

15 building on the WPT Lands prior to conveyance to the United States.

16 (f) *Restoration Fund* –

17 (1) *Establishment.* There is hereby established in the Treasury of the

18 United States a special fund called “The Upper Lochsa River Restoration Fund”

19 (hereafter referred to in this subsection as the “Restoration Fund”).

20 (2) *Expenditures.* Monies in the Restoration Fund shall be available to the

21 Secretary until expended, without further appropriation, for the purposes of

22 restoring and rehabilitating the WPT Lands through reforestation, erosion control,

1 control of invasive species and noxious weeds, decommissioning roads, and such
2 other activities which the Secretary deems necessary or desirable to abate
3 damages and promote forest health.

4 (3) *Pledged Funds.* Western Pacific Timber has pledged \$500,000.00 for
5 this purpose and will contribute the said amount within one year of the
6 completion of the land exchange.

7 (4) *Contributions to the Fund.* Any contributions to the Restoration Fund
8 by Western Pacific Timber and any other person or entity shall be considered as
9 gifts made to the United States pursuant to the Act of October 10, 1978 (7 U.S.C.
10 § 2269).

11 (g) *Cultural Resources Mitigation Fund* –

12 (1) *Establishment.* There is hereby established in the Treasury of the
13 United States a special fund called “The Upper Lochsa Land Exchange Mitigation
14 Fund” (hereafter referred to in this subsection as the “Mitigation Fund”).

15 (2) *Expenditures.* Monies in the Mitigation Fund shall be available to the
16 Secretary until expended, without further appropriation, for the purposes of
17 mitigating any losses or damages to the cultural and archaeological resources on
18 the Federal Lands.

19 (3) *Pledged Funds.* Western Pacific Timber will pay into the Mitigation
20 Fund \$250,000.00 within sixty days of the completion of the land exchange.

21 (4) *Termination of Fund.* The Mitigation Fund will terminate ten years
22 from the date of enactment of this Act and any monies remaining on termination

1 shall be deposited pursuant to section 14 of this Act.

2 (h) *Access for Mitigation Purposes* –

3 (1) Upon completion of the exchange, the Forest Service, its agents and
4 assigns, may request access to the former Federal Lands for purposes of
5 mitigating any losses or damages to cultural and archaeological resources.

6 (2) Western Pacific Timber may grant access on such terms and conditions
7 as it deems necessary or desirable.

8 **SEC. 9. POST EXCHANGE MANAGEMENT.**

9 (a) *Additions to the National Forest System* –

10 (1) *Applicable Laws.* The WPT Lands conveyed to the United States
11 under this Act shall be administered by the Secretary in accordance with--

12 (A) The Act of March 1, 1911 (commonly known as the “Weeks
13 Act”) (16 U.S.C. § 480, *et seq.*); and

14 (B) The laws (including regulations) applicable to the National
15 Forest System.

16 (2) *Planning.* Upon acquisition by the United States, the former WPT
17 Lands shall be managed consistent with the land and resource management plans
18 applicable to the adjacent federally owned lands, and an amendment or
19 supplement to such plans shall not be required.

20 (b) *Withdrawal* –

21 (1) Except as provided in paragraph (2), the WPT Lands shall, upon
22 conveyance to the United States, be thereafter withdrawn from all forms of entry

1 and appropriation under the public land laws; location, entry, and patent under the
2 mining laws, and operation of the mineral leasing and geothermal leasing laws.

3 (2) The withdrawal under this subsection shall not preclude the disposal
4 and use of mineral materials (36 C.F.R. 228.40, *et seq.*) on National Forest
5 System lands.

6 **SEC. 10. NATIVE AMERICAN TRIBAL MATTERS.**

7 (a) *Uses on newly acquired lands.* Upon the acquisition by the United States of
8 the WPT Lands, such acquired lands shall be subject to any statutory and treaty rights of
9 Native American tribes which are applicable to the immediately adjacent sections of
10 federally owned lands in Idaho.

11 (b) *Nez Perce Tribe.* For purposes of Article III of the Treaty between the United
12 States of America and the Nez Perce Indians dated June 11, 1855 (12 Stat. 957):

13 (1) Former WPT lands acquired by the United States shall be deemed open
14 and unclaimed, and

15 (2) Former Federal Lands acquired by Western Pacific Timber shall not be
16 deemed open and unclaimed.

17 **SEC. 11. INTERCHANGE WITH THE STATE OF IDAHO.**

18 (a) *Interchange Authorized.* If, at any time, the State of Idaho offers to convey to
19 the United States all rights, title and interests to approximately 160 acres of State-owned
20 land at Glade Creek Camp in section 21, Township 38 North, Range 15 East, Boise
21 Meridian, the Secretary may:

22 (1) Convey to the State such Federally owned land of approximately equal

1 value acceptable to the State located adjacent to a State park or other mutually
2 agreed upon land in the State; or

3 (2) At the option of the Secretary and agreement by the State, the United
4 States may purchase the 160 acres for the appraised market value of the land.

5 (b) *Title and condition of land.* Title to the State lands referenced in subsection
6 (a) shall be acceptable to the Secretary, and the land shall be free from hazardous
7 substances. Any conveyance of Federally owned land to the State shall be by quitclaim
8 deed or by patent, as appropriate.

9 (c) *Costs.* The costs of the real estate transactions authorized by this section shall
10 be borne equally by the State and the Secretary.

11 (d) *Approximately equal value.* As used in this section, “approximately equal
12 value” shall have the same meaning as provided in Title 36, Code of Federal Regulations,
13 section 254.31 but the values of the lands shall not be limited to \$150,000 as otherwise
14 provided in said regulation.

15 **SEC. 12. FEDERAL INTERCHANGE.**

16 (a) *Interchange to the Department of the Interior.* All National Forest System
17 lands within the herein described areas primarily in Clearwater County, Idaho, are hereby
18 transferred to the administrative jurisdiction of the Secretary of the Interior to be
19 managed as public lands by the Bureau of Land Management:

20 (1) Township 34 North, Range 4 East, sections 13, 14, Boise Meridian.

21 (2) Township 34 North, Range 5 East, sections 18, 21, 22, 24 Boise
22 Meridian.

1 (3) Township 35 North, Range 3 East, section 25, Boise Meridian.

2 (b) *Interchange to the Department of Agriculture.* The following public lands are
3 hereby transferred to the administrative jurisdiction of the Secretary of Agriculture to be
4 managed as National Forest System lands by the Forest Service:

5 (1) S½SE¼ of Sec. 23, Township 29 North, Range 8 East, Boise Meridian,
6 containing 80 acres, more or less, and being the same land withdrawn by
7 Executive Order 3975 on March 21, 1924.

8 (2) N½S½NW¼SW¼ of section 32, Township 37 North, Range 1 West,
9 containing 10 acres, more or less, adjacent to the Lenore Tree Improvement Area
10 in Clearwater County.

11 (c) *Corrections of Legal Descriptions.* The Secretary of the Interior and the
12 Secretary of Agriculture may correct errors in any legal description in this section or
13 make minor modifications to such descriptions to facilitate management and
14 administration of the lands. Such corrections or modifications shall be made through a
15 notice published in the *Federal Register*.

16 (d) *Withdrawal.* Subject to valid existing rights, the lands herein transferred to
17 the National Forest System by subsection (b) are hereafter withdrawn from all forms of
18 entry and appropriation under the public land laws; location, entry, and patent under the
19 mining laws; and operation of the mineral leasing and geothermal leasing laws.

20 (e) *Existing rights and authorizations.* Nothing in this Act shall affect any valid
21 existing rights, nor affect the validity or term and conditions of any right-of-way,
22 easement, lease, license or permit on lands transferred by this Act, except that any such

1 authorization shall be administered by the agency having jurisdiction of the land after the
2 enactment of this Act in accordance with applicable law. Reissuance of any such
3 authorization shall be in accordance with applicable law and regulations of the agency
4 having jurisdiction.

5 (f) *Hazardous Substances* –

6 (1) Within one years of the date of enactment of this Act, the Forest
7 Service, for lands described in subsection (a), and the Bureau of Land
8 Management, for lands described in subsection (b), shall identify any known sites
9 containing hazardous substances and provide such information to the receiving
10 agency.

11 (2) The clean-up of hazardous substances on lands transferred by this Act
12 shall be the responsibility of the agency having jurisdiction over the lands prior to
13 the enactment of this Act.

14 (g) *Applicable laws* –

15 (1) Lands transferred to the Secretary of the Interior under subsection (a)
16 shall be managed in accordance with FLPMA and the laws generally applicable to
17 public lands.

18 (2) Lands transferred to the Secretary of Agriculture under subsection (b)
19 shall be subject to the laws and regulations applicable to the National Forest
20 System.

21 **SEC.13. DISPOSITION AND USE OF PROCEEDS.**

22 (a) *Cash Equalization Funds.* Except for funds deposited in the Upper Lochsa

1 River Restoration Fund and the Cultural Resources Mitigation Fund, any cash
2 equalization funds or other funds received by the United States for transactions
3 authorized by this Act shall be deposited in the fund established under Public Law 90-171
4 (commonly known as the “Sisk Act”) (16 U.S.C. § 484a) and shall be available to the
5 Secretary, without further appropriation and until expended, for:

6 (1) Forest Service administrative facilities and associated improvements
7 in the Northern Region (Region 1) of the Forest Service, and

8 (2) wildlife habitat enhancement on the National Forest System in the
9 State of Idaho.

10 (b) *Preservation of Funds.* Funds deposited into the Sisk Act pursuant to
11 subsection (a), deposited into the Upper Lochsa River Restoration Fund pursuant to
12 section 8(e), or deposited into the Cultural Resources Mitigation Fund pursuant to section
13 8(f), shall not be subject to transfer or reprogramming for wild land fire management or
14 any other emergency purposes.

15 **SEC. 14. MISCELLANEOUS PROVISIONS**

16 (a) *Revocation of Orders.* Any public orders withdrawing any of the Federal
17 Lands from appropriation or disposal under the public land laws are revoked to the extent
18 necessary to permit disposal or interchange of the Federal Lands.

19 (b) *Withdrawal of Federal Lands.* Subject to valid existing rights, the Federal
20 Lands are hereafter withdrawn from all forms of entry and appropriation under the public
21 land laws; location, entry, and patent under the mining laws, and operation of the mineral
22 leasing and geothermal leasing laws.

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(c) Hazardous Materials –

(1) The environmental documentation done prior to the enactment of this Act shall be deemed adequate for all analyses required under the Comprehensive Environmental Response Compensation and Liability Act of 1980, and related statutes pertaining to hazardous materials.

(2) Notwithstanding any provision of law relating to the mitigation or abatement of lead-based paint or asbestos-containing building materials, the Secretary is not required to mitigate or abate lead-based paint or asbestos-containing building materials with respect to any properties conveyed under this Act. However, if a property has lead-based paint or asbestos-containing building materials, the Secretary shall--

- (A) Provide notice to the entity acquiring the property of the presence of the lead-based paint or asbestos-containing building material; and
- (B) Obtain written assurance from the entity acquiring the site that the person or entity will comply with applicable Federal, State, and local laws relating to the management of the lead-based paint and asbestos-containing building materials.

(d) Authorized Officials –

(1) The Regional Forester, Northern Region, Forest Service, is authorized and directed to execute and deliver on behalf of the United States, all deeds and

1 other official instruments necessary or desirable for the real property transactions
2 authorized by this Act. Such authorization may be modified at any time by the
3 Secretary, and may be delegated by the Secretary to another official.

4 (2) Western Pacific Timber shall provide the Secretary with documents
5 necessary to establish the authority of the corporate official who will act on behalf
6 of the corporation.