

105TH CONGRESS
1ST SESSION

S. 1079

AMENDMENTS

In the House of Representatives, U. S.,

November 12, 1997.

Resolved, That the bill from the Senate (S. 1079) entitled “An Act to permit the mineral leasing of Indian land located within the Fort Berthold Indian Reservation in any case in which there is consent from a majority interest in the parcel of land under consideration for lease.”, do pass with the following

AMENDMENTS:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. LEASES OF ALLOTTED LANDS OF THE FORT***
2 ***BERTHOLD INDIAN RESERVATION.***

3 *(a) IN GENERAL.—*

4 *(1) DEFINITIONS.—In this section:*

5 *(A) INDIAN LAND.—The term “Indian*
6 *land” means an undivided interest in a single*
7 *parcel of land that—*

8 *(i) is located within the Fort Berthold*
9 *Indian Reservation in North Dakota; and*

10 *(ii) is held in trust or restricted status*
11 *by the United States.*

1 (B) *INDIVIDUALLY OWNED INDIAN LAND.*—
2 The term “individually owned Indian land”
3 means Indian land that is owned by 1 or more
4 individuals.

5 (C) *SECRETARY.*—The term “Secretary”
6 means the Secretary of the Interior.

7 (2) *EFFECT OF APPROVAL BY SECRETARY OF*
8 *THE INTERIOR.*—

9 (A) *IN GENERAL.*—The Secretary may ap-
10 prove any mineral lease or agreement that affects
11 individually owned Indian land, if—

12 (i) the owners of a majority of the un-
13 divided interest in the Indian land that is
14 the subject of the mineral lease or agreement
15 (including any interest covered by a lease or
16 agreement executed by the Secretary under
17 paragraph (3)) consent to the lease or agree-
18 ment; and

19 (ii) the Secretary determines that ap-
20 proving the lease or agreement is in the best
21 interest of the Indian owners of the Indian
22 land.

23 (B) *EFFECT OF APPROVAL.*—Upon the ap-
24 proval by the Secretary under subparagraph (A),
25 the lease or agreement shall be binding, to the

1 same extent as if all of the Indian owners of the
2 Indian land involved had consented to the lease
3 or agreement, upon—

4 (i) all owners of the undivided interest
5 in the Indian land subject to the lease or
6 agreement (including any interest owned by
7 an Indian tribe); and

8 (ii) all other parties to the lease or
9 agreement.

10 (C) *DISTRIBUTION OF PROCEEDS.*—The
11 proceeds derived from a lease or agreement that
12 is approved by the Secretary under subpara-
13 graph (A) shall be distributed to all owners of
14 the Indian land that is subject to the lease or
15 agreement in accordance with the interest owned
16 by each such owner.

17 (3) *EXECUTION OF LEASE OR AGREEMENT BY*
18 *SECRETARY.*—The Secretary may execute a mineral
19 lease or agreement that affects individually owned In-
20 dian land on behalf of an Indian owner if—

21 (A) that owner is deceased and the heirs to,
22 or devisees of, the interest of the deceased owner
23 have not been determined; or

1 (B) the heirs or devisees referred to in sub-
 2 paragraph (A) have been determined, but 1 or
 3 more of the heirs or devisees cannot be located.

4 (4) *PUBLIC AUCTION OR ADVERTISED SALE NOT*
 5 *REQUIRED.*—It shall not be a requirement for the ap-
 6 proval or execution of a lease or agreement under this
 7 subsection that the lease or agreement be offered for
 8 sale through a public auction or advertised sale.

9 (b) *RULE OF CONSTRUCTION.*—This Act supersedes the
 10 Act of March 3, 1909 (35 Stat. 783, chapter 263; 25 U.S.C.
 11 396) only to the extent provided in subsection (a).

12 **SEC. 2. PILOT PROJECT FOR PLUMAS, LASSEN, AND TAHOE**
 13 **NATIONAL FORESTS TO IMPLEMENT QUINCY**
 14 **LIBRARY GROUP PROPOSAL.**

15 (a) *DEFINITION.*—For purposes of this section, the
 16 term “Quincy Library Group-Community Stability Pro-
 17 posal” means the agreement by a coalition of representa-
 18 tives of fisheries, timber, environmental, county govern-
 19 ment, citizen groups, and local communities that formed
 20 in northern California to develop a resource management
 21 program that promotes ecologic and economic health for cer-
 22 tain Federal lands and communities in the Sierra Nevada
 23 area. Such proposal includes the map entitled “QUINCY
 24 LIBRARY GROUP Community Stability Proposal”, dated

1 *October 12, 1993, and prepared by VESTRA Resources of*
2 *Redding, California.*

3 *(b) PILOT PROJECT REQUIRED.—*

4 *(1) PILOT PROJECT AND PURPOSE.—The Sec-*
5 *retary of Agriculture (in this section referred to as the*
6 *“Secretary”), acting through the Forest Service and*
7 *after completion of an environmental impact state-*
8 *ment (a record of decision for which shall be adopted*
9 *within 300 days), shall conduct a pilot project on the*
10 *Federal lands described in paragraph (2) to imple-*
11 *ment and demonstrate the effectiveness of the resource*
12 *management activities described in subsection (d) and*
13 *the other requirements of this section, as recommended*
14 *in the Quincy Library Group-Community Stability*
15 *Proposal.*

16 *(2) PILOT PROJECT AREA.—The Secretary shall*
17 *conduct the pilot project on the Federal lands within*
18 *Plumas National Forest, Lassen National Forest, and*
19 *the Sierraville Ranger District of Tahoe National*
20 *Forest in the State of California designated as*
21 *“Available for Group Selection” on the map entitled*
22 *“QUINCY LIBRARY GROUP Community Stability*
23 *Proposal”, dated October 12, 1993 (in this section re-*
24 *ferred to as the “pilot project area”). Such map shall*

1 *be on file and available for inspection in the appro-*
2 *priate offices of the Forest Service.*

3 (c) *EXCLUSION OF CERTAIN LANDS, RIPARIAN PRO-*
4 *TECTION AND COMPLIANCE.—*

5 (1) *EXCLUSION.—All spotted owl habitat areas*
6 *and protected activity centers located within the pilot*
7 *project area designated under subsection (b)(2) will be*
8 *deferred from resource management activities required*
9 *under subsection (d) and timber harvesting during*
10 *the term of the pilot project.*

11 (2) *RIPARIAN PROTECTION.—*

12 (A) *IN GENERAL.—The Scientific Analysis*
13 *Team guidelines for riparian system protection*
14 *described in subparagraph (B) shall apply to all*
15 *resource management activities conducted under*
16 *subsection (d) and all timber harvesting activi-*
17 *ties that occur in the pilot project area during*
18 *the term of the pilot project.*

19 (B) *GUIDELINES DESCRIBED.—The guide-*
20 *lines referred to in subparagraph (A) are those*
21 *in the document entitled “Viability Assessments*
22 *and Management Considerations for Species As-*
23 *sociated with Late-Successional and Old-Growth*
24 *Forests of the Pacific Northwest”, a Forest Serv-*
25 *ice research document dated March 1993 and co-*

1 *authored by the Scientific Analysis Team, in-*
2 *cluding Dr. Jack Ward Thomas.*

3 (C) *LIMITATION.*—*Nothing in this section*
4 *shall be construed to require the application of*
5 *the Scientific Analysis Team guidelines to any*
6 *livestock grazing in the pilot project area during*
7 *the term of the pilot project, unless the livestock*
8 *grazing is being conducted in the specific loca-*
9 *tion at which the Scientific Analysis Team*
10 *guidelines are being applied to an activity under*
11 *subsection (d).*

12 (3) *COMPLIANCE.*—*All resource management ac-*
13 *tivities required by subsection (d) shall be imple-*
14 *mented to the extent consistent with applicable Fed-*
15 *eral law and the standards and guidelines for the*
16 *conservation of the California spotted owl as set forth*
17 *in the California Spotted Owl Sierran Provenance In-*
18 *terim Guidelines or the subsequently issued guide-*
19 *lines, whichever are in effect.*

20 (4) *ROADLESS AREA PROTECTION.*—*The Re-*
21 *gional Forester for Region 5 shall direct that any re-*
22 *source management activity required by subsection*
23 *(d)(1) and (2), all road building, all timber harvest-*
24 *ing activities, and any riparian management under*
25 *subsection (d)(4) that utilizes road construction or*

1 *timber harvesting shall not be conducted on Federal*
2 *lands within the Plumas National Forest, Lassen Na-*
3 *tional Forest, and the Sierraville Ranger District of*
4 *the Tahoe National Forest that are designated as ei-*
5 *ther “Off Base” or “Deferred” on the map referred to*
6 *in subsection (a). Such direction shall be effective*
7 *during the term of the pilot project.*

8 *(d) RESOURCE MANAGEMENT ACTIVITIES.—During*
9 *the term of the pilot project, the Secretary shall implement*
10 *and carry out the following resource management activities*
11 *on an acreage basis on the Federal lands included within*
12 *the pilot project area designated under subsection (b)(2):*

13 *(1) FUELBREAK CONSTRUCTION.—Construction*
14 *of a strategic system of defensible fuel profile zones,*
15 *including shaded fuelbreaks, utilizing thinning, indi-*
16 *vidual tree selection, and other methods of vegetation*
17 *management consistent with the Quincy Library*
18 *Group-Community Stability Proposal, on not less*
19 *than 40,000, but not more than 60,000, acres per*
20 *year.*

21 *(2) GROUP SELECTION AND INDIVIDUAL TREE*
22 *SELECTION.—Utilization of group selection and indi-*
23 *vidual tree selection uneven-aged forest management*
24 *prescriptions described in the Quincy Library Group-*
25 *Community Stability Proposal to achieve a desired*

1 *future condition of all-age, multistory, fire resilient*
2 *forests as follows:*

3 (A) *GROUP SELECTION.*—*Group selection on*
4 *an average acreage of .57 percent of the pilot*
5 *project area land each year of the pilot project.*

6 (B) *INDIVIDUAL TREE SELECTION.*—*Indi-*
7 *vidual tree selection may also be utilized within*
8 *the pilot project area.*

9 (3) *TOTAL ACREAGE.*—*The total acreage on*
10 *which resource management activities are imple-*
11 *mented under this subsection shall not exceed 70,000*
12 *acres each year.*

13 (4) *RIPARIAN MANAGEMENT.*—*A program of ri-*
14 *parian management, including wide protection zones*
15 *and riparian restoration projects, consistent with ri-*
16 *parian protection guidelines in subsection (c)(2)(B).*

17 (e) *COST-EFFECTIVENESS.*—*In conducting the pilot*
18 *project, Secretary shall use the most cost-effective means*
19 *available, as determined by the Secretary, to implement re-*
20 *source management activities described in subsection (d).*

21 (f) *FUNDING.*—

22 (1) *SOURCE OF FUNDS.*—*In conducting the pilot*
23 *project, the Secretary shall use, subject to the relevant*
24 *reprogramming guidelines of the House and Senate*
25 *Committees on Appropriations—*

1 (A) those funds specifically provided to the
2 Forest Service by the Secretary to implement re-
3 source management activities according to the
4 Quincy Library Group-Community Stability
5 Proposal; and

6 (B) year-end excess funds that are allocated
7 for the administration and management of
8 Plumas National Forest, Lassen National Forest,
9 and the Sierraville Ranger District of Tahoe Na-
10 tional Forest.

11 (2) *PROHIBITION ON USE OF CERTAIN FUNDS.*—
12 The Secretary may not conduct the pilot project using
13 funds appropriated for any other unit of the National
14 Forest System.

15 (3) *FLEXIBILITY.*—Subject to normal reprogram-
16 ming guidelines, during the term of the pilot project,
17 the forest supervisors of Plumas National Forest,
18 Lassen National Forest, and Tahoe National Forest
19 may allocate and use all accounts that contain year-
20 end excess funds and all available excess funds for the
21 administration and management of Plumas National
22 Forest, Lassen National Forest, and the Sierraville
23 Ranger District of Tahoe National Forest to perform
24 the resource management activities described in sub-
25 section (d).

1 (4) *RESTRICTION.*—*The Secretary or the forest*
2 *supervisors, as the case may be, shall not utilize au-*
3 *thority provided under paragraphs (1)(B) and (3) if,*
4 *in their judgment, doing so will limit other nontimber*
5 *related multiple use activities for which such funds*
6 *were available.*

7 (5) *OVERHEAD.*—*The Secretary shall seek to en-*
8 *sure that of amounts available to carry out this sec-*
9 *tion—*

10 (A) *not more than 12 percent is used or al-*
11 *located for general administration or other over-*
12 *head; and*

13 (B) *at least 88 percent is used to implement*
14 *and carry out activities required by this section.*

15 (6) *AUTHORIZED SUPPLEMENTAL FUNDS.*—*There*
16 *are authorized to be appropriated to implement and*
17 *carry out the pilot project such sums as are necessary.*

18 (7) *BASELINE FUNDS.*—*Amounts available for*
19 *resource management activities authorized under sub-*
20 *section (d) shall at a minimum include existing base-*
21 *line funding levels.*

22 (g) *TERM OF PILOT PROJECT.*—*The Secretary shall*
23 *conduct the pilot project until the earlier of: (1) the date*
24 *on which the Secretary completes amendment or revision*
25 *of the land and resource management plans directed under*

1 *and in compliance with subsection (i) for the Plumas Na-*
2 *tional Forest, Lassen National Forest, and Tahoe National*
3 *Forest; or (2) five years after the date of the commencement*
4 *of the pilot project.*

5 *(h) CONSULTATION.—(1) The statement required by*
6 *subsection (b)(1) shall be prepared in consultation with in-*
7 *terested members of the public, including the Quincy Li-*
8 *brary Group.*

9 *(2) CONTRACTING.—The Forest Service, subject to the*
10 *availability of appropriations, may carry out any (or all)*
11 *of the requirements of this section using private contracts.*

12 *(i) CORRESPONDING FOREST PLAN AMENDMENTS.—*
13 *Within 2 years after the date of the enactment of this Act,*
14 *the Regional Forester for Region 5 shall initiate the process*
15 *to amend or revise the land and resource management plans*
16 *for Plumas National Forest, Lassen National Forest, and*
17 *Tahoe National Forest. The process shall include prepara-*
18 *tion of at least one alternative that—*

19 *(1) incorporates the pilot project and area des-*
20 *ignations made by subsection (b), the resource man-*
21 *agement activities described in subsection (d), and*
22 *other aspects of the Quincy Library Group-Commu-*
23 *nity Stability Proposal; and*

24 *(2) makes other changes warranted by the analy-*
25 *ses conducted in compliance with section 102(2) of the*

1 *National Environmental Policy Act of 1969 (42*
2 *U.S.C. 4332(2)), section 6 of the Forest and Range-*
3 *land Renewable Resources Planning Act of 1974 (16*
4 *U.S.C. 1604), and other applicable laws.*

5 *(j) STATUS REPORTS.—*

6 *(1) IN GENERAL.—Not later than February 28 of*
7 *each year during the term of the pilot project, the Sec-*
8 *retary shall submit to Congress a report on the status*
9 *of the pilot project. The report shall include at least*
10 *the following:*

11 *(A) A complete accounting of the use of*
12 *funds made available under subsection (f)(1)(A)*
13 *until such funds are fully expended.*

14 *(B) A complete accounting of the use of*
15 *funds and accounts made available under sub-*
16 *section (f)(1) for the previous fiscal year, includ-*
17 *ing a schedule of the amounts drawn from each*
18 *account used to perform resource management*
19 *activities described in subsection (d).*

20 *(C) A description of total acres treated for*
21 *each of the resource management activities re-*
22 *quired under subsection (d), forest health im-*
23 *provements, fire risk reductions, water yield in-*
24 *creases, and other natural resources-related bene-*
25 *fits achieved by the implementation of the re-*

1 *source management activities described in sub-*
2 *section (d).*

3 *(D) A description of the economic benefits to*
4 *local communities achieved by the implementa-*
5 *tion of the pilot project.*

6 *(E) A comparison of the revenues generated*
7 *by, and costs incurred in, the implementation of*
8 *the resource management activities described in*
9 *subsection (d) on the Federal lands included in*
10 *the pilot project area with the revenues and costs*
11 *during each of the fiscal years 1992 through*
12 *1997 for timber management of such lands before*
13 *their inclusion in the pilot project.*

14 *(F) A proposed schedule for the resource*
15 *management activities to be undertaken in the*
16 *pilot project area during the 1-year period begin-*
17 *ning on the date of submittal of the report.*

18 *(G) A description of any adverse environ-*
19 *mental impacts from the pilot project.*

20 *(2) LIMITATION ON EXPENDITURES.—The*
21 *amount of Federal funds expended on each annual re-*
22 *port under this subsection shall not exceed \$125,000.*

23 *(k) FINAL REPORT.—*

24 *(1) IN GENERAL.—The Secretary shall establish*
25 *an independent scientific panel to review and report*

1 *on whether, and to what extent, implementation of the*
2 *pilot project under this section achieved the goals stat-*
3 *ed in the Quincy Library Group-Community Stabili-*
4 *ty Proposal, including improved ecological health*
5 *and community stability. The membership of the*
6 *panel shall reflect expertise in diverse disciplines in*
7 *order to adequately address all of those goals.*

8 *(2) PREPARATION.—The panel shall initiate such*
9 *review no sooner than 18 months after the first day*
10 *of the term of the pilot project under subsection (g).*
11 *The panel shall prepare the report in consultation*
12 *with interested members of the public, including the*
13 *Quincy Library Group. The report shall include, but*
14 *not be limited to, the following:*

15 *(A) A description of any adverse environ-*
16 *mental impacts resulting from implementation*
17 *of the pilot project.*

18 *(B) An assessment of watershed monitoring*
19 *data on lands treated pursuant to this section.*
20 *Such assessment shall address the following is-*
21 *ssues on a priority basis: timing of water releases;*
22 *water quality changes; and water yield changes*
23 *over the short- and long-term in the pilot project*
24 *area.*

1 (3) *SUBMISSION TO THE CONGRESS.*—*The panel*
2 *shall submit the final report to the Congress as soon*
3 *as practicable, but in no case later than 18 months*
4 *after completion of the pilot project.*

5 (4) *LIMITATION ON EXPENDITURES.*—*The*
6 *amount of Federal funds expended for the report*
7 *under this subsection, other than for watershed mon-*
8 *itoring, shall not exceed \$350,000. The amount of*
9 *Federal funds expended for watershed monitoring*
10 *under this subsection shall not exceed \$175,000 for*
11 *each fiscal year in which the report is prepared.*

12 (l) *RELATIONSHIP TO OTHER LAWS.*—*Nothing in this*
13 *section exempts the pilot project from any Federal environ-*
14 *mental law.*

15 (m) *LOANS FOR DEMONSTRATION PROJECTS FOR*
16 *WOOD WASTE OR LOW-QUALITY WOOD BYPRODUCTS.*—

17 (1) *EVALUATION OF LOAN ADVISABILITY.*—*The*
18 *Alternative Agricultural Research and Commer-*
19 *cialization Corporation established under section*
20 *1658 of the Food, Agriculture, Conservation, and*
21 *Trade Act of 1990 (7 U.S.C. 5902) (in this section re-*
22 *ferred to as the “Corporation”) shall evaluate the ad-*
23 *visability of making commercialization assistance*
24 *loans under section 1661 of such Act (7 U.S.C. 5905)*
25 *to support a minimum of 2 demonstration projects*

1 *for the development and demonstration of commercial*
2 *application of technology to convert wood waste or*
3 *low-quality wood byproducts into usable, higher value*
4 *products.*

5 (2) *LOCATION OF DEMONSTRATION PROJECTS.—*
6 *If the Corporation determines to make loans under*
7 *this subsection to support the development and dem-*
8 *onstration of commercial application of technology to*
9 *convert wood waste or low-quality wood byproducts*
10 *into usable, higher value products, the Corporation*
11 *shall consider making one loan with regard to a dem-*
12 *onstration project to be conducted in the pilot project*
13 *area and one loan with regard to a demonstration*
14 *project to be conducted in southeast Alaska.*

15 (3) *ELIGIBILITY REQUIREMENTS.—To be eligible*
16 *for a loan under this subsection, a demonstration*
17 *project shall be required to satisfy the eligibility re-*
18 *quirements imposed by the Corporation under section*
19 *1661 of the Food, Agriculture, Conservation, and*
20 *Trade Act of 1990 (7 U.S.C. 5905).*

Amend the title so as to read: “A bill to permit the mineral leasing of Indian land located within the Fort Berthold Indian Reservation in any case in which there is consent from a majority interest in the parcel of land under consideration for lease, to direct the Secretary of Agriculture to conduct a pilot project on designated na-

tional forest lands in California to demonstrate the effectiveness of resource management activities proposed by the Quincy Library Group, and for other purposes.”.

Attest:

Clerk.