

106TH CONGRESS  
1ST SESSION

# S. 1629

To provide for the exchange of certain land in the State of Oregon.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23 (legislative day, SEPTEMBER 22), 1999

Mr. SMITH of Oregon (for himself and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To provide for the exchange of certain land in the State  
of Oregon.

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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Oregon Land Exchange Act of 1999”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of  
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Availability of map.

TITLE I—BUREAU OF LAND MANAGEMENT

Sec. 101. Short title.  
 Sec. 102. Definitions.  
 Sec. 103. Land exchange.

TITLE II—FOREST SERVICE

Sec. 201. Short title.  
 Sec. 202. Definitions.  
 Sec. 203. Land exchange.

TITLE III—EQUITABLE EXCHANGE

Sec. 301. Exchange valuation, appraisals, and equalization.  
 Sec. 302. Administration.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) certain parcels of private land located in  
 4 northeast Oregon are intermingled with land owned  
 5 by the United States and administered—

6 (A) by the Secretary of the Interior as part  
 7 of the Central Oregon Resource Area in the  
 8 Prineville Bureau of Land Management District  
 9 and the Baker Resource Area in the Vale Bu-  
 10 reau of Land Management District; and

11 (B) by the Secretary of Agriculture as part  
 12 of the Malheur National Forest, the Wallowa-  
 13 Whitman National Forest, and the Umatilla  
 14 National Forest;

15 (2) the surface estate of the private land de-  
 16 scribed in paragraph (1) is intermingled with parcels  
 17 of land that—

18 (A) are owned by the United States; or

1 (B) contain valuable fisheries and wildlife  
2 habitat desired by the United States;

3 (3) the intermingled land ownership pattern of  
4 the land described in paragraph (1) has frustrated  
5 sound and efficient land management on private  
6 land and Federal land by complicating fish and wild-  
7 life habitat management, watershed protection,  
8 recreation use, establishment of access, timber har-  
9 vest, boundary administration, and protection and  
10 management of threatened and endangered species;

11 (4) the blocks of private land within the areas  
12 described in paragraph (1), and the land use and  
13 harvest restrictions associated with the land, frus-  
14 trate the efforts of private landowners to meet their  
15 individual property management objectives;

16 (5) the improvement of management efficiency  
17 through the land tenure adjustment program of the  
18 Department of the Interior, which disposes of small  
19 isolated tracts within larger blocks of contiguous  
20 parcels of land, would serve important public objec-  
21 tives, including—

22 (A) the enhancement of public access, aes-  
23 thetics, and recreation opportunities within or  
24 adjacent to designated wild and scenic river cor-  
25 ridors;

1 (B) the protection and enhancement of  
2 habitat for threatened, endangered, and sen-  
3 sitive species within unified landscapes under  
4 Federal management; and

5 (C) the consolidation of holdings of the  
6 Bureau of Land Management and the Forest  
7 Service—

8 (i) to facilitate more efficient adminis-  
9 tration, including a reduction in adminis-  
10 trative costs to the United States; and

11 (ii) to reduce right-of-way, special use,  
12 and other permit processing and issuance  
13 for roads and other facilities on Federal  
14 land;

15 (6) time is of the essence in completing a land  
16 exchange because further delays may force the iden-  
17 tified landowners to construct roads in, log, develop,  
18 or sell the private land and thereby diminish the  
19 public values for which the private land is to be ac-  
20 quired; and

21 (7) it is in the public interest to complete the  
22 land exchanges at the earliest practicable date so  
23 that the land acquired by the United States can be  
24 preserved for—

1 (A) protection of threatened and endan-  
 2 gered species habitat; and

3 (B) permanent public use and enjoyment.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) **CLEARWATER.**—The term “Clearwater”  
 7 means Clearwater Land Exchange-Oregon, an Or-  
 8 egon partnership, or its successors or assigns.

9 (2) **IDENTIFIED LANDOWNERS.**—The term  
 10 “identified landowners” means private landowners  
 11 identified by Clearwater and willing to exchange pri-  
 12 vate land for Federal land under title I or title II.

13 (3) **MAP.**—The term “map” means the map en-  
 14 titled “Northeast Oregon Assembled Land Ex-  
 15 change/Triangle Land Exchange”, dated August 27,  
 16 1999.

17 **SEC. 4. AVAILABILITY OF MAP.**

18 The map shall be kept on file and available for public  
 19 inspection in the appropriate offices of the Secretary of  
 20 the Interior or the Secretary of Agriculture.

21 **TITLE I—BUREAU OF LAND**  
 22 **MANAGEMENT**

23 **SEC. 101. SHORT TITLE.**

24 This title may be cited as the “Northeast Oregon As-  
 25 sembled Land Exchange Act of 1999”.

1 **SEC. 102. DEFINITIONS.**

2 In this title:

3 (1) OFFERED LAND.—The term “offered land”  
4 means the land described in section 103(a).

5 (2) SECRETARY.—The term “Secretary” means  
6 the Secretary of the Interior, acting through the Di-  
7 rector of the Bureau of Land Management.

8 (3) SELECTED LAND.—The term “selected  
9 land” means land described in section 103(b).

10 **SEC. 103. LAND EXCHANGE.**

11 (a) OFFERED LAND.—

12 (1) IN GENERAL.—The exchange under sub-  
13 section (b) shall be conditioned on the conveyance by  
14 the appropriate identified landowners of title accept-  
15 able to the Secretary to the parcels of land described  
16 in paragraph (2).

17 (2) LAND DESCRIPTION.—The parcels of land  
18 referred to in paragraph (1) are as follows:

19 (A) The parcel comprising approximately  
20 31,646 acres and located within the exterior  
21 boundaries of Central Oregon Resource Area in  
22 the Prineville Bureau of Land Management  
23 Districts, and the exterior boundaries of Grant  
24 County, Oregon, as generally depicted on the  
25 map.

1 (B) The parcel comprising approximately  
2 1,960 acres and located within the exterior  
3 boundaries of Baker Resource Area in the Vale  
4 Bureau of Land Management District, and the  
5 exterior boundaries of Morrow County, Oregon,  
6 as generally depicted on the map.

7 (C) The parcel comprising approximately  
8 10,544 acres and located within the exterior  
9 boundaries of Baker Resource Area in the Vale  
10 Bureau of Land Management District, and the  
11 exterior boundaries of Umatilla County, Or-  
12 egon, as generally depicted on the map.

13 (b) SELECTED LAND.—

14 (1) IN GENERAL.—On receipt of acceptable title  
15 to the land described in subsection (a), the Secretary  
16 shall convey to the appropriate identified land-  
17 owners, subject to valid existing rights, all right,  
18 title, and interest of the United States, to the par-  
19 cels of land described in paragraph (2).

20 (2) LAND DESCRIPTION.—The parcels of land  
21 referred to in paragraph (1) are as follows:

22 (A) A parcel in the Central Oregon Re-  
23 source Area in the Prineville Bureau of Land  
24 Management District, within the exterior  
25 boundaries of Grant County, Oregon, and com-

1           prising approximately 45,824 acres, as gen-  
2           erally depicted on the map.

3           (B) A parcel in the Central Oregon Re-  
4           source Area in the Prineville Bureau of Land  
5           Management District, within the exterior  
6           boundaries of Wheeler County, Oregon, and  
7           comprising approximately 2,755 acres, as gen-  
8           erally depicted on the map.

9           (C) A parcel in the Baker Resource Area  
10          in the Vale Bureau of Land Management Dis-  
11          trict, within the exterior boundaries of Morrow  
12          County, Oregon, and comprising approximately  
13          766 acres, as generally depicted on the map.

14          (D) A parcel in the Baker Resource Area  
15          in the Vale Bureau of Land Management Dis-  
16          trict, within the exterior boundaries of Umatilla  
17          County, Oregon, and comprising approximately  
18          1,139 acres, as generally depicted on the map.

## 19           **TITLE II—FOREST SERVICE**

### 20   **SEC. 201. SHORT TITLE.**

21          This title may be cited as the “Triangle Land Ex-  
22          change Act of 1999”.

### 23   **SEC. 202. DEFINITIONS.**

24          In this title:

1           (1) OFFERED LAND.—The term “offered land”  
2 means the land described in section 203(a) to be  
3 conveyed into the public ownership of the United  
4 States.

5           (2) SECRETARY.—The term “Secretary” means  
6 the Secretary of Agriculture.

7           (3) SELECTED LAND.—The term “selected  
8 land” means land described in section 203(b).

9 **SEC. 203. LAND EXCHANGE.**

10 (a) OFFERED LAND.—

11           (1) IN GENERAL.—The exchange under sub-  
12 section (b) shall be conditioned on the conveyance by  
13 the identified landowners of title acceptable to the  
14 Secretary to parcels of land described in paragraph  
15 (2).

16           (2) LAND DESCRIPTION.—The parcels of land  
17 referred to in paragraph (1) are as follows:

18                   (A) The parcel comprising approximately  
19 3,752 acres and located within the exterior  
20 boundaries of the Malheur National Forest, Or-  
21 egon, as generally depicted on the map.

22                   (B) The parcel comprising approximately  
23 1,702 acres and located within or adjacent to  
24 the exterior boundaries of the Wallowa-Whit-

1 man National Forest, Oregon, as generally de-  
 2 picted on the map.

3 (C) The parcel comprising approximately  
 4 246 acres and located within or adjacent to the  
 5 exterior boundaries of the Umatilla National  
 6 Forest, Oregon, as generally depicted on the  
 7 map.

8 (b) SELECTED LAND.—On receipt of acceptable title  
 9 to the land described in subsection (a), the Secretary shall  
 10 convey to the appropriate identified landowners, subject  
 11 to valid existing rights, all right, title, and interest of the  
 12 United States, including the surface and subsurface inter-  
 13 ests, to the parcels land administered on the date of enact-  
 14 ment of this title by the as part of the Malheur National  
 15 Forest, Oregon, comprising approximately 3,901 acres, as  
 16 generally depicted on the map.

17 **TITLE III—EQUITABLE**  
 18 **EXCHANGE**

19 **SEC. 301. EXCHANGE VALUATION, APPRAISALS, AND**  
 20 **EQUALIZATION.**

21 (a) IN GENERAL.—

22 (1) DEFINITION OF SECRETARY.—In this title,  
 23 the term “Secretary” means—

24 (A) the Secretary of the Interior, with re-  
 25 spect to the land exchange under title I; and

1 (B) the Secretary of Agriculture, with re-  
2 spect to the land exchange under title II.

3 (2) APPLICABILITY.—Any exchange of land de-  
4 scribed in titles I and II—

5 (A) may be accomplished in a single trans-  
6 action or in phases; and

7 (B) shall be subject to the requirements  
8 described in subsections (b) through (f).

9 (b) EQUAL VALUE EXCHANGE.—

10 (1) IN GENERAL.—The values of the offered  
11 land and the selected land—

12 (A) shall be equal; or

13 (B) if the values are not equal, shall be  
14 equalized in accordance with subsection (e).

15 (2) APPRAISALS.—

16 (A) IN GENERAL.—The values of the of-  
17 fered land and the selected land shall be deter-  
18 mined by appraisals using nationally recognized  
19 appraisal standards, including, as appropriate—

20 (i) the Uniform Appraisal Standards  
21 for Federal Land Acquisitions (1992);

22 (ii) the Uniform Standards of Profes-  
23 sional Appraisal Practice;

1 (iii) section 206(d) of the Federal  
2 Land Policy and Management Act of 1976  
3 (43 U.S.C. 1716(d)); and

4 (iv) the Federal Land Exchange Fa-  
5 cilitation Act (43 U.S.C. 1701 note).

6 (B) APPROVAL.—

7 (i) IN GENERAL.—Not later than 90  
8 days after the date of enactment of this  
9 Act, all appraisals of land conveyed under  
10 sections 103 and 203 shall be completed  
11 and submitted to the Secretary for ap-  
12 proval.

13 (ii) SUMMARY.—During the period be-  
14 ginning 45 days before and ending 30 days  
15 before the date on which deeds for land  
16 conveyed under sections 103 and 203 are  
17 exchanged, a comprehensive summary of  
18 each appraisal described under clause (i)  
19 shall be made available for public inspec-  
20 tion in the offices of—

21 (I) in the case of appraisals of  
22 land for the purposes of title I, the  
23 area managers for the Central Oregon  
24 Area in the Prineville Bureau of Land  
25 Management District, the Baker Re-

1 source Area in the Vale Bureau of  
2 Land Management District; and

3 (II) in the case of appraisals of  
4 land for purposes of title II, the forest  
5 supervisors of the Malheur National  
6 Forest, the Wallowa-Whitman Na-  
7 tional Forest, and the Umatilla Na-  
8 tional Forest.

9 (C) RESOLUTION OF DISAGREEMENT.—In  
10 the case of a dispute concerning an appraisal or  
11 appraisal issue that arises under this Act, the  
12 appraisal or appraisal issue in dispute shall be  
13 resolved in accordance with section 206(d) of  
14 the Federal Land Policy and Management Act  
15 of 1976 (43 U.S.C. 1716(d)).

16 (c) APPRAISAL DETERMINATIONS.—To ensure the  
17 equitable and uniform appraisal of the land conveyed  
18 under sections 103 and 203, all appraisals shall determine  
19 the best use of the land in accordance with the law of  
20 the State of Oregon, including use for the protection of  
21 wild and scenic river characteristics as provided in the Or-  
22 egon Administrative Code.

23 (d) APPRAISAL PERIOD.—After the Secretary ap-  
24 proves the final appraised values of any portion of the land  
25 conveyed under section 103 or 203, or otherwise deter-

1 mines the value of the land under section 206(d) of the  
2 Federal Land Policy and Management Act of 1976 (43  
3 U.S.C. 1716(d)), the value of the land shall not be re-  
4 appraised or updated before completion of the land ex-  
5 change, except for any adjustments in value as may be  
6 required under subsection (e).

7 (e) EQUALIZATION OF SURPLUS.—

8 (1) GREATER SELECTED LAND VALUE.—If the  
9 final appraised value of the selected land exceeds the  
10 final appraised value of the offered land, the appro-  
11 priate identified landowners shall equalize the value  
12 of the land by making a cash payment to the United  
13 States, subject to the 25 percent limitation under  
14 section 206(b) of the Federal Land Policy and Man-  
15 agement Act of 1976 (43 U.S.C. 1716(d)).

16 (2) GREATER OFFERED LAND VALUE.—If the  
17 final appraised value of the offered land exceeds the  
18 final appraised value of the selected land by 25 per-  
19 cent or more, Clearwater, after consultation with the  
20 affected identified landowners and the Secretary,  
21 shall withdraw from the exchange a portion of the  
22 offered land that is at least equal to the amount by  
23 which the value of the offered land exceeds the value  
24 of the selected land.

1 (f) USE OF PROCEEDS BY THE SECRETARY.—The  
2 amount of any cash equalization payment received by the  
3 Secretary under subsection (e)—

4 (1) shall be retained by the Secretary; and

5 (2) may be used by the Secretary, without fur-  
6 ther Act of appropriation, to purchase land from  
7 willing sellers in the State of Oregon for addition to  
8 land under the administration of the Bureau of  
9 Land Management or Forest Service, as the case  
10 may be.

11 **SEC. 302. ADMINISTRATION.**

12 (a) STATUS OF LAND AFTER EXCHANGE.—

13 (1) LAND ACQUIRED BY THE SECRETARY.—

14 (A) IN GENERAL.—

15 (i) DEPARTMENT OF THE INTE-  
16 RIOR.—Land acquired by the Secretary  
17 under title I shall be added, as determined  
18 appropriate by the Secretary, to—

19 (I) the Central Oregon Area in  
20 the Prineville District of the Bureau  
21 of Land Management; or

22 (II) the Baker Resource Area in  
23 the Vale District of the Bureau of  
24 Land Management.

1 (ii) DEPARTMENT OF AGRICULTURE.—Land acquired by the Secretary under title II shall be added, as determined appropriate by the Secretary, to—

6 (I) the Malheur National Forest;

7 (II) the Wallowa-Whitman National Forest; or

8 (III) the Umatilla National Forest.

11 (B) MODIFICATION OF BOUNDARIES.—If any of the land acquired under this title lies outside the exterior boundary of an area described in subparagraph (A) to which the land is to be added, the Secretary shall modify the boundary of the appropriate area to include the land.

18 (C) MANAGEMENT.—

19 (i) BUREAU OF LAND MANAGEMENT.—Land acquired by the Secretary under title I shall be managed in accordance with laws (including regulations) applicable to the management of public land under the administration of the Bureau of Land Management.

1 (ii) FOREST SERVICE.—Land acquired  
2 by the Secretary under title II shall be  
3 managed in accordance with laws (includ-  
4 ing regulations) applicable to the National  
5 Forest System.

6 (2) LAND ACQUIRED BY IDENTIFIED LAND-  
7 OWNERS.—Land acquired by an identified landowner  
8 under this Act shall be private land, except to the  
9 extent that the patent by which conveyance is made  
10 to an individual landowner contains a specific res-  
11 ervation.

12 (b) TIMING.—The land exchanges under sections 103  
13 and 203 shall be completed not later than 90 days after  
14 the date on which Clearwater, on behalf of the identified  
15 landowners, makes the Secretary an offer to exchange  
16 under section 103(a) or 203(a), unless the Secretary and  
17 the identified landowners agree to extend the completion  
18 date.

19 (c) WITHDRAWAL OF SELECTED LAND.—

20 (1) IN GENERAL.—Effective until the date de-  
21 scribed in paragraph (2), Congress withdraws from  
22 all forms of entry and appropriation under the pub-  
23 lic land laws (including the mining laws) any parcel  
24 of selected land—

1           (A) with respect to which such a with-  
2           drawal by the Secretary has not been made be-  
3           fore the date of enactment of this Act; or

4           (B) with respect to which such a with-  
5           drawal that the Secretary has made expires be-  
6           fore the date described in paragraph (2).

7           (2) DATE DESCRIBED.—With respect to any  
8           parcel of land described in paragraph (1), the date  
9           described in this paragraph is the date on which—

10           (A) the parcel is deleted from the exchange  
11           under section 103 or 203; or

12           (B) the land exchange under section 103  
13           or 203 is completed.

○