

105TH CONGRESS
2D SESSION

H. R. 4326

AN ACT

To transfer administrative jurisdiction over certain Federal lands located within or adjacent to the Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal lands in Oregon.

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AN ACT

To transfer administrative jurisdiction over certain Federal lands located within or adjacent to the Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal lands in 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 Public Lands Transfer and Protection Act of
 6 1998”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Land transfers involving Rogue River National Forest and other public
 lands in Oregon.

Sec. 3. Protection of Oregon and California Railroad grant lands

Sec. 4. Hart Mountain jurisdictional transfers, Oregon.

Sec. 5. Boundary expansion, Bandon Marsh National Wildlife Refuge, Oregon.

Sec. 6. Willow Lake Natural Treatment System Project, Salem, Oregon.

Sec. 7. Conveyance to Deschutes County, Oregon.

9 **SEC. 2. LAND TRANSFERS INVOLVING ROGUE RIVER NA-**
 10 **TIONAL FOREST AND OTHER PUBLIC LANDS**
 11 **IN OREGON.**

12 (a) MAP REFERENCES.—In this section:

13 (1) The term “maps 1 and 2” refers to the
 14 maps entitled “BLM/Rogue River NF Administra-
 15 tive Jurisdiction Transfer, North Half” and “BLM/
 16 Rogue River NF Administrative Jurisdiction Trans-
 17 fer, South Half” , both dated April 28, 1998.

18 (2) The term “maps 3 and 4” refers to the
 19 maps entitled “BLM/Rogue River NF Boundary Ad-
 20 justment, North Half” and “BLM/Rogue River NF

1 Boundary Adjustment, South Half” , both dated
2 April 28, 1998.

3 (b) TRANSFER FROM PUBLIC DOMAIN TO NATIONAL
4 FOREST.—

5 (1) LAND TRANSFER.—The public domain
6 lands depicted on maps 1 and 2 consisting of ap-
7 proximately 2,058 acres within the external bound-
8 aries of Rogue River National Forest in the State of
9 Oregon are hereby added to and made a part of
10 Rogue River National Forest.

11 (2) ADMINISTRATIVE JURISDICTION.—Adminis-
12 trative jurisdiction over the lands described in para-
13 graph (1) is hereby transferred from the Secretary
14 of the Interior to the Secretary of Agriculture. Sub-
15 ject to valid existing rights, the Secretary of Agri-
16 culture shall manage such lands as part of Rogue
17 River National Forest in accordance with the Act of
18 March 1, 1911 (commonly known as the Weeks
19 Law), and under the laws, rules, and regulations ap-
20 plicable to the National Forest System.

21 (c) TRANSFER FROM NATIONAL FOREST TO PUBLIC
22 DOMAIN.—

23 (1) LAND TRANSFER.—The Federal lands de-
24 picted on maps 1 and 2 consisting of approximately
25 1,632 acres within the external boundaries of Rogue

1 River National Forest are hereby transferred to un-
2 reserved public domain status, and their status as
3 part of Rogue River National Forest and the Na-
4 tional Forest System is hereby revoked.

5 (2) ADMINISTRATIVE JURISDICTION.—Adminis-
6 trative jurisdiction over the lands described in para-
7 graph (1) is hereby transferred from the Secretary
8 of Agriculture to the Secretary of the Interior. Sub-
9 ject to valid existing rights, the Secretary of the In-
10 terior shall administer such lands under the laws,
11 rules, and regulations applicable to unreserved pub-
12 lic domain lands.

13 (d) RESTORATION OF STATUS OF CERTAIN NA-
14 TIONAL FOREST LANDS AS REVESTED RAILROAD GRANT
15 LANDS.—

16 (1) RESTORATION OF EARLIER STATUS.—The
17 Federal lands depicted on maps 1 and 2 consisting
18 of approximately 4,298 acres within the external
19 boundaries of Rogue River National Forest are here-
20 by restored to the status of revested Oregon and
21 California Railroad grant lands, and their status as
22 part of Rogue River National Forest and the Na-
23 tional Forest System is hereby revoked.

24 (2) ADMINISTRATIVE JURISDICTION.—Adminis-
25 trative jurisdiction over the lands described in para-

graph (1) is hereby transferred from the Secretary of Agriculture to the Secretary of the Interior. Subject to valid existing rights, the Secretary of the Interior shall administer such lands under the Act of August 28, 1937 (43 U.S.C. 1181a et seq.), and other laws, rules, and regulations applicable to re-vested Oregon and California Railroad grant lands under the administrative jurisdiction of the Secretary of the Interior.

(e) ADDITION OF CERTAIN REVESTED RAILROAD GRANT LANDS TO NATIONAL FOREST.—

(1) LAND TRANSFER.—The re-vested Oregon and California Railroad grant lands depicted on maps 1 and 2 consisting of approximately 960 acres within the external boundaries of Rogue River National Forest are hereby added to and made a part of Rogue River National Forest.

(2) ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the lands described in paragraph (1) is hereby transferred from the Secretary of the Interior to the Secretary of Agriculture. Subject to valid existing rights, the Secretary of Agriculture shall manage such lands as part of the Rogue River National Forest in accordance with the Act of March 1, 1911 (commonly known as the

1 Weeks Law), and under the laws, rules, and regula-
2 tions applicable to the National Forest System.

3 (3) DISTRIBUTION OF RECEIPTS.—Notwith-
4 standing the sixth paragraph under the heading
5 “FOREST SERVICE” in the Act of May 23, 1908 and
6 section 13 of the Act of March 1, 1911 (16 U.S.C.
7 500), revenues derived from the lands described in
8 paragraph (1) shall be distributed in accordance
9 with the Act of August 28, 1937 (43 U.S.C. 1181a
10 et seq.).

11 (f) BOUNDARY ADJUSTMENT.—The boundaries of
12 Rogue River National Forest are hereby adjusted to en-
13 compass the lands transferred to the administrative juris-
14 diction of the Secretary of Agriculture under this section
15 and to exclude private property interests adjacent to the
16 exterior boundaries of Rogue River National Forest, as de-
17 picted on maps 3 and 4.

18 (g) MAPS.—Within 60 days after the date of the en-
19 actment of this Act, the maps referred to in subsection
20 (a) shall be available for public inspection in the office of
21 the Chief of the Forest Service.

22 (h) MISCELLANEOUS REQUIREMENTS.—As soon as
23 practicable after the date of the enactment of this Act,
24 the Secretary of the Interior and the Secretary of Agri-
25 culture shall revise the public land records relating to the

1 lands transferred under this section to reflect the adminis-
 2 trative, boundary, and other changes made by this section.
 3 The Secretaries shall publish in the Federal Register ap-
 4 propriate notice to the public of the changes in administra-
 5 tive jurisdiction made by this section with regard to lands
 6 described in this section.

7 **SEC. 3. PROTECTION OF OREGON AND CALIFORNIA RAIL-**
 8 **ROAD GRANT LANDS**

9 (a) DEFINITIONS.—For purposes of this section:

10 (1) O & C LAND.—The term “O & C land”
 11 means the land (commonly known as “Oregon and
 12 California Railroad grant land”) that—

13 (A) revested in the United States under
 14 the Act of June 9, 1916 (39 Stat. 218, chapter
 15 137); and

16 (B) is managed by the Secretary of the In-
 17 terior through the Bureau of Land Manage-
 18 ment under the Act of August 28, 1937 (43
 19 U.S.C. 1181a et seq.).

20 (2) CBWR LAND.—The term “CBWR land”
 21 means the land (commonly known as “Coos Bay
 22 Wagon Road grant land”) that—

23 (A) was reconveyed to the United States
 24 under the Act of February 26, 1919 (40 Stat.
 25 1179, chapter 47); and

1 (B) is managed by the Secretary of the In-
2 terior through the Bureau of Land Manage-
3 ment under the Act of August 28, 1937 (43
4 U.S.C. 1181a et seq.).

5 (3) PUBLIC DOMAIN LAND.—

6 (A) IN GENERAL.—The term “public do-
7 main land” has the meaning given the term
8 “public lands” in section 103 of the Federal
9 Land Policy and Management Act of 1976 (43
10 U.S.C. 1702).

11 (B) EXCLUSIONS.—The term “public do-
12 main land” does not include O & C land or
13 CBWR land.

14 (4) GEOGRAPHIC AREA.—The term “geographic
15 area” means the area in the State of Oregon within
16 the boundaries of the Medford District, Roseburg
17 District, Eugene District, Salem District, Coos Bay
18 District, and Klamath Resource Area of the
19 Lakeview District of the Bureau of Land Manage-
20 ment, as the districts and the resource area were
21 constituted on January 1, 1998.

22 (5) SECRETARY.—The term “Secretary” means
23 the Secretary of the Interior.

24 (b) POLICY OF NO NET LOSS OF O & C LAND,
25 CBWR LAND, OR PUBLIC DOMAIN LAND.—In carrying

1 out sales, purchases, and exchanges of land in the geo-
2 graphic area, the Secretary shall ensure that on expiration
3 of the 10-year period beginning on the date of enactment
4 of this Act and on expiration of each 10-year period there-
5 after, the number of acres of O & C land and CBWR land
6 in the geographic area, and the number of acres of O &
7 C land, CBWR land, and public domain land in the geo-
8 graphic area that are available for timber harvesting, are
9 not less than the number of acres of such land on the
10 date of enactment of this Act.

11 (c) RELATIONSHIP TO UMPQUA LAND EXCHANGE
12 AUTHORITY.—Notwithstanding any other provision of this
13 section, this section shall not apply to an exchange of land
14 authorized pursuant to section 1028 of the Omnibus
15 Parks and Public Lands Management Act of 1996 (Public
16 Law 104–333; 110 Stat. 4231), or any implementing leg-
17 islation or administrative rule, if the land exchange is con-
18 sistent with the memorandum of understanding between
19 the Umpqua Land Exchange Project and the Association
20 of Oregon and California Land Grant Counties dated Feb-
21 ruary 19, 1998.

1 **SEC. 4. HART MOUNTAIN JURISDICTIONAL TRANSFERS, OR-**
2 **EGON.**

3 (a) TRANSFER FROM THE BUREAU OF LAND MAN-
4 AGEMENT TO THE UNITED STATES FISH AND WILDLIFE
5 SERVICE.—

6 (1) IN GENERAL.—Administrative jurisdiction
7 over the parcels of land identified for transfer to the
8 United States Fish and Wildlife Service on the map
9 entitled “Hart Mountain Jurisdictional Transfer”,
10 dated February 26, 1998, comprising approximately
11 12,100 acres of land in Lake County, Oregon, lo-
12 cated adjacent to or within the Hart Mountain Na-
13 tional Antelope Refuge, is transferred from the Bu-
14 reau of Land Management to the United States Fish
15 and Wildlife Service.

16 (2) INCLUSION IN REFUGE.—The parcels of
17 land described in paragraph (1) shall be included in
18 the Hart Mountain National Antelope Refuge.

19 (3) WITHDRAWAL.—Subject to valid existing
20 rights, the parcels of land described in paragraph
21 (1)—

22 (A) are withdrawn from—

23 (i) surface entry under the public land
24 laws;

1 (ii) leasing under the mineral leasing
2 laws and Geothermal Steam Act of 1970
3 (30 U.S.C. 1001 et seq.); and

4 (iii) location and entry under the min-
5 ing laws; and

6 (B) shall be treated as parcels of land sub-
7 ject to the provisions of Executive Order No.
8 7523 of December 21, 1936, as amended by
9 Executive Order No. 7895 of May 23, 1938,
10 and Presidential Proclamation No. 2416 of July
11 25, 1940, that withdrew parcels of land for the
12 Hart Mountain National Antelope Refuge.

13 (4) MANAGEMENT.—The land described in
14 paragraph (1) shall be included in the Hart Moun-
15 tain National Antelope Refuge and managed in ac-
16 cordance with the National Wildlife Refuge System
17 Administration Act of 1966 (16 U.S.C. 668dd et
18 seq.), and other applicable law and with manage-
19 ment plans and agreements between the Bureau of
20 Land Management and the United States Fish and
21 Wildlife Service for the Hart Mountain Refuge.

22 (b) CONTINUED MANAGEMENT OF GUANO CREEK
23 WILDERNESS STUDY AREA BY THE BUREAU OF LAND
24 MANAGEMENT.—

1 (1) IN GENERAL.—The parcels of land identi-
2 fied for cooperative management on the map entitled
3 “Hart Mountain Jurisdictional Transfer”, dated
4 February 26, 1998, comprising approximately
5 10,900 acres of land in Lake County, Oregon, lo-
6 cated south of the Hart Mountain National Antelope
7 Refuge, shall be retained under the jurisdiction of
8 the Bureau of Land Management.

9 (2) MANAGEMENT.—The parcels of land de-
10 scribed in paragraph (1) that are within the Guano
11 Creek Wilderness Study Area Act shall be managed
12 so as not to impair the suitability of the area for
13 designation as wilderness, in accordance with cur-
14 rent and future management plans and agreements
15 (including the agreement known as the “Shirk
16 Ranch Agreement” dated September 30, 1997),
17 until such date as Congress enacts a law directing
18 otherwise.

19 (c) TRANSFER FROM THE UNITED STATES FISH AND
20 WILDLIFE SERVICE TO THE BUREAU OF LAND MANAGE-
21 MENT.—

22 (1) IN GENERAL.—Administrative jurisdiction
23 over the parcels of land identified for transfer to the
24 Bureau of Land Management on the map entitled
25 “Hart Mountain Jurisdictional Transfer”, dated

1 February 26, 1998, comprising approximately 7,700
2 acres of land in Lake County, Oregon, located adja-
3 cent to or within the Hart Mountain National Ante-
4 lope Refuge, is transferred from the United States
5 Fish and Wildlife Service to the Bureau of Land
6 Management.

7 (2) REMOVAL FROM REFUGE.—The parcels of
8 land described in paragraph (1) are removed from
9 the Hart Mountain National Antelope Refuge, and
10 the boundary of the refuge is modified to reflect that
11 removal.

12 (3) REVOCATION OF WITHDRAWAL.—The provi-
13 sions of Executive Order No. 7523 of December 21,
14 1936, as amended by Executive Order No. 7895 of
15 May 23, 1938, and Presidential Proclamation No.
16 2416 of July 25, 1940, that withdrew the parcels of
17 land for the refuge, shall be of no effect with respect
18 to the parcels of land described in paragraph (1).

19 (4) STATUS.—The parcels of land described in
20 paragraph (1)—

21 (A) are designated as public land; and

22 (B) shall be open to—

23 (i) surface entry under the public land
24 laws;

1 (ii) leasing under the mineral leasing
2 laws and the Geothermal Steam Act of
3 1970 (30 U.S.C. 1001 et seq.); and
4 (iii) location and entry under the min-
5 ing laws.

6 (5) MANAGEMENT.—The land described in
7 paragraph (1) shall be managed in accordance with
8 the Federal Land Policy and Management Act of
9 1976 (43 U.S.C. 1701 et seq.) and other applicable
10 law, and the agreement known as the “Shirk Ranch
11 Agreement” dated September 30, 1997.

12 (d) MAP.—A copy of the map described in sub-
13 sections (a), (b), and (c) and such additional legal descrip-
14 tions as are applicable shall be kept on file and available
15 for public inspection in the Office of the Regional Director
16 of Region 1 of the United States Fish and Wildlife Serv-
17 ice, the local District Office of the Bureau of Land Man-
18 agement, the Committee on Energy and Natural Re-
19 sources of the Senate, and the Committee on Resources
20 of the House of Representatives.

21 (e) CORRECTION OF REFERENCE TO WILDLIFE REF-
22 UGE.—Section 28 of the Act of August 13, 1954 (68 Stat.
23 718, chapter 732; 72 Stat. 818; 25 U.S.C. 564w–1), is
24 amended in subsections (f) and (g) by striking “Klamath

1 Forest National Wildlife Refuge” each place it appears
 2 and inserting “Klamath Marsh National Wildlife Refuge”.

3 **SEC. 5. BOUNDARY EXPANSION, BANDON MARSH NATIONAL**
 4 **WILDLIFE REFUGE, OREGON.**

5 Section 102 of Public Law 97–137 (95 Stat. 1709;
 6 16 U.S.C. 668dd note) is amended by striking “three hun-
 7 dred acres” and inserting “1,000 acres”.

8 **SEC. 6. WILLOW LAKE NATURAL TREATMENT SYSTEM**
 9 **PROJECT, SALEM, OREGON.**

10 (a) IN GENERAL.—Title XVI of the Reclamation
 11 Projects Authorization and Adjustment Act of 1992 (43
 12 U.S.C. 390h et seq.) is amended by adding at the end
 13 the following:

14 **“SEC. 1634. WILLOW LAKE NATURAL TREATMENT SYSTEM**
 15 **PROJECT.**

16 “(a) AUTHORIZATION.—The Secretary, in coopera-
 17 tion with the city of Salem, Oregon, is authorized to par-
 18 ticipate in the design, planning, and construction of the
 19 Willow Lake Natural Treatment System Project to re-
 20 claim and reuse wastewater within and without the service
 21 area of the city of Salem.

22 “(b) COST SHARE.—The Federal share of the cost
 23 of the project authorized by this section shall not exceed
 24 25 percent of the total cost of the project.

1 “(c) LIMITATION.—The Secretary shall not provide
2 funds for the operation and maintenance of the project
3 authorized by this section.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 in section 2 of such Act is amended by inserting after the
6 item relating to section 1633 the following:

“Sec. 1634. Willow Lake Natural Treatment System Project.”.

7 **SEC. 7. CONVEYANCE TO DESCHUTES COUNTY, OREGON.**

8 (a) PURPOSES.—The purposes of this section are to
9 authorize the Secretary of the Interior to sell at fair mar-
10 ket value to Deschutes County, Oregon, certain land to
11 be used to protect the public’s interest in clean water in
12 the aquifer that provides drinking water for residents of
13 Deschutes County and to promote the public interest in
14 the efficient delivery of social services and public amenities
15 in southern Deschutes County by—

16 (1) providing land for private residential devel-
17 opment to compensate for development prohibitions
18 on private land that is currently zoned for residen-
19 tial development, but the development of which
20 would cause increased pollution of ground and sur-
21 face water;

22 (2) providing for the streamlined and low-cost
23 acquisition of land by nonprofit and governmental
24 social service entities that offer needed community
25 services to residents of the area;

1 (3) allowing Deschutes County to provide land
2 for community amenities and services, such as open
3 space, parks, roads, and other public spaces and
4 uses, to area residents at little or no cost to the pub-
5 lic; and

6 (4) otherwise assist in the implementation of
7 the Deschutes County Regional Problem Solving
8 Project.

9 (b) SALE OF LAND.—The Secretary of the Interior,
10 acting through the Director of the Bureau of Land Man-
11 agement (referred to in this section as the “Secretary”)
12 may make available for sale at fair market value to
13 Deschutes County, Oregon, a parcel of the land in
14 Deschutes County comprising approximately 544 acres
15 and lying in township 22 south, range 10 east, Willamette
16 meridian, as more fully described as follows:

17 (1) Section 1:

18 (A) Government Lot 3, the portion west of
19 Highway 97;

20 (B) Government Lot 4;

21 (C) SENW, the portion west of Highway
22 97; SWNW, the portion west of Highway 97,
23 NWSW, the portion west of Highway 97;
24 SWSW, the portion west of Highway 97;

25 (2) Section 2:

1 (A) Government Lot 1;

2 (B) SENE, SESW, the portion east of
3 Huntington Road; NESE; NWSE; SWSE;
4 SESE, the portion west of Highway 97;

5 (3) Section 11:

6 (A) Government Lot 10;

7 (B) NENE, the portion west of Highway
8 97; NWNE; SWNE, the portion west of High-
9 way 97; NENW, the portion east of Huntington
10 Road; SWNW, the portion east of Huntington
11 Road; SENW.

12 (c) SUITABILITY FOR SALE.—The Secretary shall
13 convey the land under subsection (b) only if the Secretary
14 determines that the land is suitable for sale through the
15 land use planning process.

16 (d) SPECIAL ACCOUNT.—The amount paid by the
17 County for the conveyance of land under subsection (b)—

18 (1) shall be deposited in a special account in
19 the Treasury of the United States; and

20 (2) may be used by the Secretary for the pur-
21 chase of environmentally sensitive land east of range
22 9 east, Willamette meridian, in the State of Oregon
23 that is consistent with the goals and objectives of

- 1 the land use planning process of the Bureau of Land
- 2 Management.

Passed the House of Representatives October 12,
1998.

Attest:

Clerk.