

105TH CONGRESS
2D SESSION

H. R. 4326

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.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 1998

Mr. SMITH of Oregon introduced the following bill; which was referred to the Committee on Resources

A BILL

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”.

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

Sec. 1. Short title; table of contents.

TITLE I—ROGUE RIVER NATIONAL FOREST TRANSFERS

Sec. 101. Land transfers involving Rogue River National Forest and other public lands in Oregon.

TITLE II—PROTECTION OF OREGON AND CALIFORNIA RAILROAD GRANT LANDS

Sec. 201. Definitions.

Sec. 202. No net loss of O&C lands, CBWR lands, and public domain lands.

Sec. 203. Modifications to sales authority.

Sec. 204. Modifications to exchange authority.

Sec. 205. Administration of lands acquired in geographic area; redesignation of public domain lands.

Sec. 206. Relationship to Umpqua land exchange authority.

3 **TITLE I—ROGUE RIVER**
 4 **NATIONAL FOREST TRANSFERS**

5 **SEC. 101. LAND TRANSFERS INVOLVING ROGUE RIVER NA-**
 6 **TIONAL FOREST AND OTHER PUBLIC LANDS**
 7 **IN OREGON.**

8 (a) TRANSFER FROM PUBLIC DOMAIN TO NATIONAL
 9 FOREST.—

10 (1) LAND TRANSFER.—The public domain
 11 lands depicted on the map entitled “BLM/Rogue
 12 River N.F. Administrative Jurisdiction Transfer”
 13 and dated April 28, 1998, consisting of approxi-
 14 mately 2,058 acres within the external boundaries of
 15 Rogue River National Forest in the State of Oregon
 16 are hereby added to and made a part of Rogue River
 17 National Forest.

1 (2) ADMINISTRATIVE JURISDICTION.—Adminis-
2 trative jurisdiction over the lands described in para-
3 graph (1) is hereby transferred from the Secretary
4 of the Interior to the Secretary of Agriculture. Sub-
5 ject to valid existing rights, the Secretary of Agri-
6 culture shall manage such lands as part of Rogue
7 River National Forest in accordance with the Act of
8 March 1, 1911 (commonly known as the Weeks
9 Law), and under the laws, rules, and regulations ap-
10 pplicable to the National Forest System.

11 (b) TRANSFER FROM NATIONAL FOREST TO PUBLIC
12 DOMAIN.—

13 (1) LAND TRANSFER.—The Federal lands de-
14 picted on the map entitled “BLM/Rogue River N.F.
15 Administrative Jurisdiction Transfer” and dated
16 April 28, 1998, consisting of approximately 1,632
17 acres within the external boundaries of Rogue River
18 National Forest, are hereby transferred to unre-
19 served public domain status, and their status as part
20 of Rogue River National Forest and the National
21 Forest System is hereby revoked.

22 (2) ADMINISTRATIVE JURISDICTION.—Adminis-
23 trative jurisdiction over the lands described in para-
24 graph (1) is hereby transferred from the Secretary
25 of Agriculture to the Secretary of the Interior. Sub-

1 ject to valid existing rights, the Secretary of the In-
2 terior shall administer such lands under the laws,
3 rules, and regulations applicable to unreserved pub-
4 lic domain lands.

5 (c) RESTORATION OF STATUS OF CERTAIN NA-
6 TIONAL FOREST LANDS AS REVESTED RAILROAD GRANT
7 LANDS.—

8 (1) RESTORATION OF EARLIER STATUS.—The
9 Federal lands depicted on the map entitled “BLM/
10 Rogue River N.F. Administrative Jurisdiction
11 Transfer” and dated April 28, 1998, consisting of
12 approximately 4,298 acres within the external
13 boundaries of Rogue River National Forest, are
14 hereby restored to the status of revested Oregon and
15 California Railroad grant lands, and their status as
16 part of Rogue River National Forest and the Na-
17 tional Forest System is hereby revoked.

18 (2) ADMINISTRATIVE JURISDICTION.—Adminis-
19 trative jurisdiction over the lands described in para-
20 graph (1) is hereby transferred from the Secretary
21 of Agriculture to the Secretary of the Interior. Sub-
22 ject to valid existing rights, the Secretary of the In-
23 terior shall administer such lands under the Act of
24 August 28, 1937 (43 U.S.C. 1181a et seq.), and
25 other laws, rules, and regulations applicable to re-

1 vested Oregon and California Railroad grant lands
2 under the administrative jurisdiction of the Sec-
3 retary of the Interior.

4 (d) ADDITION OF CERTAIN REVESTED RAILROAD
5 GRANT LANDS TO NATIONAL FOREST.—

6 (1) LAND TRANSFER.—The revested Oregon
7 and California Railroad grant lands depicted on the
8 map entitled “BLM/Rogue River N.F. Administra-
9 tive Jurisdiction Transfer” and dated April 28,
10 1998, consisting of approximately 960 acres within
11 the external boundaries of Rogue River National
12 Forest, are hereby added to and made a part of
13 Rogue River National Forest.

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

24 (3) DISTRIBUTION OF RECEIPTS.—Notwith-
25 standing the sixth paragraph under the heading

1 “FOREST SERVICE” in the Act of May 23, 1908 and
2 section 13 of the Act of March 1, 1911 (16 U.S.C.
3 500), revenues derived from the lands described in
4 paragraph (1) shall be distributed in accordance
5 with the Act of August 28, 1937 (43 U.S.C. 1181a
6 et seq.).

7 (e) BOUNDARY ADJUSTMENT.—The boundaries of
8 Rogue River National Forest are hereby adjusted to en-
9 compass the lands transferred to the administrative juris-
10 diction of the Secretary of Agriculture under this section
11 and to exclude private property interests adjacent to the
12 exterior boundaries of Rogue River National Forest, as de-
13 picted on the map entitled “Rogue River National Forest
14 Boundary Adjustment” and dated April 28, 1998.

15 (f) MAPS.—Within 60 days after the date of the en-
16 actment of this Act, the maps referred to in this section
17 shall be available for public inspection in the office of the
18 Chief of the Forest Service.

19 (g) MISCELLANEOUS REQUIREMENTS.—As soon as
20 practicable after the date of the enactment of this Act,
21 the Secretary of the Interior and the Secretary of Agri-
22 culture shall revise the public land records relating to the
23 lands transferred under this section to reflect the adminis-
24 trative, boundary, and other changes made by this section.
25 The Secretaries shall publish in the Federal Register ap-

1 appropriate notice to the public of the changes in administra-
2 tive jurisdiction made by this section with regard to lands
3 described in this section.

4 **TITLE II—PROTECTION OF OR-**
5 **EGON AND CALIFORNIA RAIL-**
6 **ROAD GRANT LANDS**

7 **SEC. 201. DEFINITIONS.**

8 For purposes of this title:

9 (1) O&C LANDS.—The term “O&C lands”
10 means the lands that—

11 (A) revested in the United States under
12 the Act of June 9, 1916 (Chapter 137; 39 Stat.
13 218), commonly known as Oregon and Califor-
14 nia Railroad grant lands; and

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

19 (2) CBWR LANDS.—The term “CBWR lands”
20 means the lands that—

21 (A) were reconveyed to the United States
22 under the Act of February 26, 1919 (Chapter
23 47; 40 Stat. 1179), commonly known as Coos
24 Bay Wagon Road grant lands; and

1 (B) are managed by the Secretary of the
2 Interior 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 LANDS.—The term “public
6 domain lands” has the meaning given the term
7 “public lands” in the Federal Land Policy and Man-
8 agement Act of 1976 (43 U.S.C. 1701 et seq.), ex-
9 cept that the term does not include O&C lands and
10 CBWR lands.

11 (4) GEOGRAPHIC AREA.—The term “geographic
12 area” means all lands in the State of Oregon located
13 within the boundaries of the Bureau of Land Man-
14 agement’s Medford District, Roseburg District, Eu-
15 gene District, Salem District, Coos Bay District,
16 and Klamath Resource Area of the Lakeview Dis-
17 trict, as those districts and that resource area were
18 constituted on January 1, 1998.

19 (5) SECRETARY.—The term “Secretary” means
20 the Secretary of the Interior.

21 (6) TIMBERLANDS.—The term “timberlands”
22 means lands identified as timberlands in any land
23 use plan under the Federal Land Policy and Man-
24 agement Act of 1976 (16 U.S.C. 1701–1782).

1 **SEC. 202. NO NET LOSS OF O&C LANDS, CBWR LANDS, AND**
2 **PUBLIC DOMAIN LANDS.**

3 In carrying out sales, purchases, and exchanges of
4 lands located in the geographic area, the Secretary shall
5 ensure that upon the expiration of the 10-year period be-
6 ginning on the date of the enactment of this Act, and of
7 each 10-year period thereafter, the total number of acres
8 of O&C lands and CBWR lands in the geographic area,
9 and the total number of acres of O&C lands, CBWR lands,
10 and public domain lands in the geographic area that are
11 available for timber harvesting, are not less than the num-
12 ber of acres of such lands on the date of the enactment
13 of this Act.

14 **SEC. 203. MODIFICATIONS TO SALES AUTHORITY.**

15 (a) **LIMITATION ON LANDS TO BE SOLD.**—Notwith-
16 standing any other sales authority of the Secretary, the
17 Secretary may not sell any O&C lands, CBWR lands, or
18 public domain lands within the geographic area that are
19 located within—

20 (1) a congressionally designated wilderness
21 area;

22 (2) the national wild and scenic river system; or

23 (3) an area designated by the Secretary under
24 the Federal Land Policy and Management Act of
25 1976 (43 U.S.C. 1701 et seq.) to be an area of criti-
26 cal environmental concern.

1 (b) PRICE; PROCEDURES.—Notwithstanding any
2 other sales authority of the Secretary, the Secretary shall
3 make all sales of O&C lands, CBWR lands, public domain
4 lands within the geographic area—

5 (1) at a price that is not less than the fair mar-
6 ket value of the lands sold, as determined by the
7 Secretary; and

8 (2) by competitive public bidding, under proce-
9 dures established by the Secretary that ensure ade-
10 quate notice to owners of land adjoining the land
11 proposed for sale, to local governments in the vicin-
12 ity of the land proposed for sale, and to the State
13 of Oregon.

14 **SEC. 204. MODIFICATIONS TO EXCHANGE AUTHORITY.**

15 (a) LIMITATION ON FEDERAL LANDS TO BE EX-
16 CHANGED.—Notwithstanding any other exchange author-
17 ity of the Secretary, the Secretary may not exchange out
18 of Federal ownership any O&C lands, CBWR lands, or
19 public domain lands within the geographic area that are
20 located within—

21 (1) a congressionally designated wilderness
22 area;

23 (2) the national wild and scenic river system; or

24 (3) an area designated by the Secretary under
25 the Federal Land Policy and Management Act of

1 1976 (43 U.S.C. 1701 et seq.) to be an area of criti-
2 cal environmental concern.

3 (b) LIMITATION ON NON-FEDERAL LANDS AC-
4 QUIRED.—Notwithstanding any other exchange authority
5 of the Secretary, all non-Federal lands acquired by the
6 Secretary in an exchange for O&C lands, CBWR lands,
7 or public domain lands within the geographic area must
8 be located within the geographic area.

9 (c) PROCEDURES.—The Secretary shall establish pro-
10 cedures for exchanges out of Federal ownership of O&C
11 lands, CBWR lands, and public domain lands within the
12 geographic area, including—

13 (1) procedures for valuing the lands exchanged;
14 and

15 (2) procedures that ensure adequate notice of
16 proposed exchanges to local governments in the vi-
17 cinity of all lands to be exchanged and to the State
18 of Oregon.

19 (d) REQUIREMENTS FOR VALUE OF EXCHANGED
20 LANDS.—Notwithstanding any other exchange authority
21 of the Secretary, the Secretary may not exchange out of
22 Federal ownership O&C lands, CBWR lands, or public do-
23 main lands within the geographic area if the fair market
24 value of the lands received by the United States in the
25 exchange—

1 (1) is less than 75 percent of the fair market
2 value of the lands conveyed by the United States in
3 the exchange; or

4 (2) is greater than 125 percent of the fair mar-
5 ket value of the lands conveyed by the United States
6 in the exchange.

7 (e) EQUALIZATION PAYMENTS.—The Secretary, as
8 necessary to ensure that the total value received by the
9 United States in an exchange out of Federal ownership
10 of O&C lands, CBWR lands, or public domain lands within
11 the geographic area is equal to the total value conveyed
12 by the United States in the exchange, shall—

13 (1) use otherwise available amounts to pay, to
14 the person from whom lands are acquired by the
15 United States in the exchange, the difference be-
16 tween the value of the lands received by the United
17 States and the value of the lands conveyed by the
18 United States; or

19 (2) require that person to pay that difference to
20 the United States.

21 **SEC. 205. ADMINISTRATION OF LANDS ACQUIRED IN GEO-**
22 **GRAPHIC AREA; REDESIGNATION OF PUBLIC**
23 **DOMAIN LANDS.**

24 (a) ACQUIRED LANDS.—All lands in the geographic
25 area acquired by the United States and managed by the

1 Secretary through the Bureau of Land Management after
2 the date of the enactment of this Act shall for all purposes
3 have the same status, be administered, and be otherwise
4 treated as O&C lands.

5 (b) REDESIGNATION OF PUBLIC DOMAIN LANDS FOR
6 TREATMENT AS REVESTED LANDS.—

7 (1) LANDS DESIGNATED.—Not later than Sep-
8 tember 30, 1999, the Secretary shall—

9 (A) designate, for treatment as O&C lands
10 under paragraph (2), all public domain lands in
11 the geographic area that, on the date of the en-
12 actment of this Act, are timberlands; and

13 (B) notify the Congress of that designa-
14 tion.

15 (2) TREATMENT OF REDESIGNATED LANDS.—
16 Lands designated by the Secretary under paragraph
17 (1) shall for all purposes have the same status, be
18 administered, and be otherwise treated as O&C
19 lands.

20 (3) REVENUE DISTRIBUTION.—(A) Notwith-
21 standing paragraphs (1) and (2), revenues that are
22 produced on or before September 30, 2003, on lands
23 designated by the Secretary under paragraph (1)
24 shall be distributed according to provisions of law in
25 effect immediately before the enactment of this Act.

1 (B) Notwithstanding paragraphs (1) and (2),
2 revenues that are produced after September 30,
3 2003, on lands designated by the Secretary under
4 paragraph (1) and that are available to counties
5 pursuant to the Act of August 28, 1937 (43 U.S.C.
6 1181a et seq.), shall be disbursed to the Association
7 of Oregon and California Land Grant Counties, for
8 redistribution, after deducting a reasonable sum for
9 costs of administration, as follows:

10 (i) 92 percent shall be redistributed to
11 counties entitled to payments under the Act of
12 August 28, 1937 (43 U.S.C. 1181a et seq.), in
13 the same proportion as other payments under
14 that Act.

15 (ii) 8 percent shall be redistributed to
16 counties entitled to payments under section 3 of
17 the Act of July 31, 1947 (chapter 4306; 30
18 U.S.C. 603), and the fifth proposition of section
19 4 of the Act of February 14, 1859 (chapter
20 XXXIII; 11 Stat. 383), in the same proportion
21 as other payments under those provisions.

22 **SEC. 206. RELATIONSHIP TO UMPQUA LAND EXCHANGE AU-**
23 **THORITY.**

24 Notwithstanding any other provision of this title, this
25 title shall not apply to exchanges of land authorized pursu-

1 ant to section 1028 of the Omnibus Parks and Public
2 Lands Management Act of 1996 (Public Law 104–333;
3 110 Stat. 4231), or any implementing legislation or ad-
4 ministrative rule, if the land exchanges are consistent with
5 the provisions set forth in the Memorandum of Under-
6 standing between the Umpqua Land Exchange Project
7 and the Association of Oregon and California Land Grant
8 Counties, dated February 19, 1998.

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