

106TH CONGRESS
1ST SESSION

H. R. 2950

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 1999

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

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.

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

19 (B) contain valuable fisheries and wildlife
20 habitat desired by the United States;

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

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

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

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

24 (B) the protection and enhancement of
25 habitat for threatened, endangered, and sen-

1 sitive species within unified landscapes under
2 Federal management; and

3 (C) the consolidation of holdings of the
4 Bureau of Land Management and the Forest
5 Service—

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

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

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

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

23 (A) protection of threatened and endan-
24 gered species habitat; and

25 (B) permanent public use and enjoyment.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) CLEARWATER.—The term “Clearwater”
4 means Clearwater Land Exchange-Oregon, an Or-
5 egon partnership, or its successors or assigns.

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

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

14 **SEC. 4. AVAILABILITY OF MAP.**

15 The map shall be kept on file and available for public
16 inspection in the appropriate offices of the Secretary of
17 the Interior or the Secretary of Agriculture.

18 **TITLE I—BUREAU OF LAND**
19 **MANAGEMENT**

20 **SEC. 101. SHORT TITLE.**

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

23 **SEC. 102. DEFINITIONS.**

24 In this title:

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

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

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

6 **SEC. 103. LAND EXCHANGE.**

7 (a) OFFERED LAND.—

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

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

15 (A) The parcel comprising approximately
16 31,646 acres and located within the exterior
17 boundaries of Central Oregon Resource Area in
18 the Prineville Bureau of Land Management
19 Districts, and the exterior boundaries of Grant
20 County, Oregon, as generally depicted on the
21 map.

22 (B) The parcel comprising approximately
23 1,960 acres and located within the exterior
24 boundaries of Baker Resource Area in the Vale
25 Bureau of Land Management District, and the

1 exterior boundaries of Morrow County, Oregon,
2 as generally depicted on the map.

3 (C) The parcel comprising approximately
4 10,544 acres and located within the exterior
5 boundaries of Baker Resource Area in the Vale
6 Bureau of Land Management District, and the
7 exterior boundaries of Umatilla County, Or-
8 egon, as generally depicted on the map.

9 (b) SELECTED LAND.—

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

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

18 (A) A parcel in the Central Oregon Re-
19 source Area in the Prineville Bureau of Land
20 Management District, within the exterior
21 boundaries of Grant County, Oregon, and com-
22 prising approximately 45,824 acres, as gen-
23 erally depicted on the map.

24 (B) A parcel in the Central Oregon Re-
25 source Area in the Prineville Bureau of Land

1 Management District, within the exterior
2 boundaries of Wheeler County, Oregon, and
3 comprising approximately 2,755 acres, as gen-
4 erally depicted on the map.

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

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

15 **TITLE II—FOREST SERVICE**

16 **SEC. 201. SHORT TITLE.**

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

19 **SEC. 202. DEFINITIONS.**

20 In this title:

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

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

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

5 **SEC. 203. LAND EXCHANGE.**

6 (a) OFFERED LAND.—

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

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

14 (A) The parcel comprising approximately
15 3,752 acres and located within the exterior
16 boundaries of the Malheur National Forest, Or-
17 regon, as generally depicted on the map.

18 (B) The parcel comprising approximately
19 1,702 acres and located within or adjacent to
20 the exterior boundaries of the Wallowa-Whit-
21 man National Forest, Oregon, as generally de-
22 picted on the map.

23 (C) The parcel comprising approximately
24 246 acres and located within or adjacent to the
25 exterior boundaries of the Umatilla National

1 Forest, Oregon, as generally depicted on the
2 map.

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

12 **TITLE III—EQUITABLE** 13 **EXCHANGE**

14 **SEC. 301. EXCHANGE VALUATION, APPRAISALS, AND** 15 **EQUALIZATION.**

16 (a) **IN GENERAL.**—

17 (1) **DEFINITION OF SECRETARY.**—In this title,
18 the term “Secretary” means—

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

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

23 (2) **APPLICABILITY.**—Any exchange of land de-
24 scribed in titles I and II—

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

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

5 (b) EQUAL VALUE EXCHANGE.—

6 (1) IN GENERAL.—The values of the offered
7 land and the selected land—

8 (A) shall be equal; or

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

11 (2) APPRAISALS.—

12 (A) IN GENERAL.—The values of the of-
13 fered land and the selected land shall be deter-
14 mined by appraisals using nationally recognized
15 appraisal standards, including, as appropriate—

16 (i) the Uniform Appraisal Standards
17 for Federal Land Acquisitions (1992);

18 (ii) the Uniform Standards of Profes-
19 sional Appraisal Practice;

20 (iii) section 206(d) of the Federal
21 Land Policy and Management Act of 1976
22 (43 U.S.C. 1716(d)); and

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

25 (B) APPROVAL.—

1 (i) IN GENERAL.—Not later than 90
2 days after the date of enactment of this
3 Act, all appraisals of land conveyed under
4 sections 103 and 203 shall be completed
5 and submitted to the Secretary for ap-
6 proval.

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

15 (I) in the case of appraisals of
16 land for the purposes of title I, the
17 area managers for the Central Oregon
18 Area in the Prineville Bureau of Land
19 Management District, the Baker Re-
20 source Area in the Vale Bureau of
21 Land Management District; and

22 (II) in the case of appraisals of
23 land for purposes of title II, the forest
24 supervisors of the Malheur National
25 Forest, the Wallowa-Whitman Na-

1 tional Forest, and the Umatilla Na-
2 tional Forest.

3 (C) RESOLUTION OF DISAGREEMENT.—In
4 the case of a dispute concerning an appraisal or
5 appraisal issue that arises under this Act, the
6 appraisal or appraisal issue in dispute shall be
7 resolved in accordance with section 206(d) of
8 the Federal Land Policy and Management Act
9 of 1976 (43 U.S.C. 1716(d)).

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

17 (d) APPRAISAL PERIOD.—After the Secretary ap-
18 proves the final appraised values of any portion of the land
19 conveyed under section 103 or 203, or otherwise deter-
20 mines the value of the land under section 206(d) of the
21 Federal Land Policy and Management Act of 1976 (43
22 U.S.C. 1716(d)), the value of the land shall not be re-
23 appraised or updated before completion of the land ex-
24 change, except for any adjustments in value as may be
25 required under subsection (e).

1 (e) EQUALIZATION OF SURPLUS.—

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

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

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

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

23 (2) may be used by the Secretary, without fur-
24 ther Act of appropriation, to purchase land from
25 willing sellers in the State of Oregon for addition to

1 land under the administration of the Bureau of
2 Land Management or Forest Service, as the case
3 may be.

4 **SEC. 302. ADMINISTRATION.**

5 (a) STATUS OF LAND AFTER EXCHANGE.—

6 (1) LAND ACQUIRED BY THE SECRETARY.—

7 (A) IN GENERAL.—

8 (i) DEPARTMENT OF THE INTE-
9 RIOR.—Land acquired by the Secretary
10 under title I shall be added, as determined
11 appropriate by the Secretary, to—

12 (I) the Central Oregon Area in
13 the Prineville District of the Bureau
14 of Land Management; or

15 (II) the Baker Resource Area in
16 the Vale District of the Bureau of
17 Land Management.

18 (ii) DEPARTMENT OF AGRI-
19 CULTURE.—Land acquired by the Sec-
20 retary under title II shall be added, as de-
21 termined appropriate by the Secretary,
22 to—

23 (I) the Malheur National Forest;

24 (II) the Wallowa-Whitman Na-
25 tional Forest; or

1 (III) the Umatilla National For-
2 est.

3 (B) MODIFICATION OF BOUNDARIES.—If
4 any of the land acquired under this title lies
5 outside the exterior boundary of an area de-
6 scribed in subparagraph (A) to which the land
7 is to be added, the Secretary shall modify the
8 boundary of the appropriate area to include the
9 land.

10 (C) MANAGEMENT.—

11 (i) BUREAU OF LAND MANAGE-
12 MENT.—Land acquired by the Secretary
13 under title I shall be managed in accord-
14 ance with laws (including regulations) ap-
15 plicable to the management of public land
16 under the administration of the Bureau of
17 Land Management.

18 (ii) FOREST SERVICE.—Land ac-
19 quired by the Secretary under title II shall
20 be managed in accordance with laws (in-
21 cluding regulations) applicable to the Na-
22 tional Forest System.

23 (2) LAND ACQUIRED BY IDENTIFIED LAND-
24 OWNERS.—Land acquired by an identified landowner
25 under this Act shall be private land, except to the

1 extent that the patent by which conveyance is made
2 to an individual landowner contains a specific res-
3 ervation.

4 (b) TIMING.—The land exchanges under sections 103
5 and 203 shall be completed not later than 90 days after
6 the date on which Clearwater, on behalf of the identified
7 landowners, makes the Secretary an offer to exchange
8 under section 103(a) or 203(a), unless the Secretary and
9 the identified landowners agree to extend the completion
10 date.

11 (c) WITHDRAWAL OF SELECTED LAND.—

12 (1) IN GENERAL.—Effective until the date de-
13 scribed in paragraph (2), Congress withdraws from
14 all forms of entry and appropriation under the pub-
15 lic land laws (including the mining laws) any parcel
16 of selected land—

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

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

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

1 (A) the parcel is deleted from the exchange
2 under section 103 or 203; or

3 (B) the land exchange under section 103
4 or 203 is completed.

○