

108TH CONGRESS
2D SESSION

S. 2221

To authorize the Secretary of Agriculture to sell or exchange certain National Forest System land in the State of Oregon, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2004

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

A BILL

To authorize the Secretary of Agriculture to sell or exchange certain National Forest System land in the State of Oregon, and for other purposes.

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.**

4 This Act may be cited as the “Umpqua National For-
5 est Land Management Act of 2004”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

1 (2) STATE.—The term “State” means the State
2 of Oregon.

3 (3) UMPQUA MAP.—The term “Umpqua map”
4 means the map entitled “Umpqua National Forest
5 Land Dispositions” and dated June 1, 2003.

6 (4) WILDERNESS MAP.—The term “Wilderness
7 map” means the map entitled “Rogue-Umpqua Di-
8 vide Wilderness Boundary Modification” and dated
9 May 6, 2003.

10 **SEC. 3. SALE OR EXCHANGE OF UMPQUA NATIONAL FOR-**
11 **EST ADMINISTRATIVE SITES.**

12 (a) IN GENERAL.—The Secretary may, under any
13 terms and conditions that the Secretary may prescribe,
14 sell or exchange any right, title, and interest of the United
15 States in and to the parcels of National Forest System
16 land described in subsection (b).

17 (b) DESCRIPTION OF LAND.—The parcels of Na-
18 tional Forest System land referred to in subsection (a)
19 are—

20 (1) tract UMP–A, the Roseburg Service Center
21 Administrative Site, Roseburg, Oregon, consisting of
22 approximately 2.92 acres, and more particularly de-
23 scribed as the NE¹/₄NW¹/₄ portion of T. 27 S., R.
24 5 W., Sec. 20, Umpqua Meridian, Douglas County,
25 Oregon, as depicted on the Umpqua map;

1 (2) tract UMP–B, the Roseburg Powder House
 2 Administrative Site, Roseburg, Oregon, consisting of
 3 approximately 1.34 acres, and more particularly de-
 4 scribed as T. 27 S., R. 5 W., Sec. 15, Umpqua Me-
 5 ridian, Douglas County, Oregon, as depicted on the
 6 Umpqua map; and

7 (3) tract UMP–C, the Brown Street Residence
 8 Administrative Site, Glide, Oregon, consisting of ap-
 9 proximately 2.35 acres, and more particularly de-
 10 scribed as the E¹/₂NW¹/₄ portion of T. 26 S., R. 3
 11 W., Sec. 19, Umpqua Meridian, Douglas County,
 12 Oregon, as depicted on the Umpqua map.

13 (c) MAP AND LEGAL DESCRIPTIONS.—

14 (1) IN GENERAL.—Until the date on which the
 15 parcels of land are sold or exchanged under sub-
 16 section (a), the Umpqua map shall be on file and
 17 available for public inspection in the office of the
 18 Chief of the Forest Service.

19 (2) MODIFICATIONS.—The Secretary may mod-
 20 ify the Umpqua map and legal descriptions to—

21 (A) correct technical errors; or

22 (B) to facilitate the conveyance under sub-
 23 section (a).

1 (d) CONSIDERATION.—Consideration for the sale or
2 exchange of land described in subsection (b) may be in
3 the form of—

4 (1) cash;

5 (2) land; or

6 (3) other consideration, including the construc-
7 tion of improvements on the land in accordance with
8 the specifications of the Secretary.

9 (e) SOLICITATIONS OF OFFERS.—

10 (1) IN GENERAL.—Subject to any terms and
11 conditions that the Secretary may prescribe, the Sec-
12 retary may solicit offers for the sale or exchange of
13 land under this Act.

14 (2) REJECTION OF OFFERS.—The Secretary
15 may reject any offer received under this section if
16 the Secretary determines that the offer is not—

17 (A) adequate; or

18 (B) in the public interest.

19 (f) METHODS OF SALE.—

20 (1) IN GENERAL.—The Secretary may sell the
21 land described in subsection (b) at public or private
22 sale (including auction), in accordance with such
23 terms, conditions, and procedures that the Secretary
24 determines to be appropriate.

1 (2) BROKERS.—In any sale or exchange of land
2 described in subsection (b), the Secretary may—

3 (A) use a real estate broker; and

4 (B) pay the real estate broker a commis-
5 sion in an amount comparable to the amounts
6 of commission generally paid for real estate
7 transactions in the area.

8 (g) VALUATION.—If the Secretary determines that an
9 appraisal is appropriate for a sale or exchange of land
10 under this Act, the appraisal shall be conducted in accord-
11 ance with the Uniform Appraisal Standards for Federal
12 Land Acquisitions.

13 (h) EQUALIZATION OF VALUES.—Notwithstanding
14 section 206(b) of the Federal Land Policy and Manage-
15 ment Act of 1976 (43 U.S.C. 1716(b)), the Secretary may
16 accept a cash equalization payment in excess of 25 percent
17 of the value of any Federal land exchanged under this Act.

18 (i) DISPOSITION OF PROCEEDS.—

19 (1) IN GENERAL.—The Secretary shall deposit
20 the net proceeds from a sales or exchange of land
21 under this Act in the fund established under Public
22 Law 90–171 (commonly known as the “Sisk Act”)
23 (16 U.S.C. 484a).

(2) USE.—Amounts deposited under paragraph (1) shall be available to the Secretary, without further appropriation, for—

(A) the acquisition of land and interests in land in the Umpqua National Forest in the State;

(B) the reimbursement of costs incurred by the Secretary in carrying out a sale or exchange of land under this Act, including the payment of real estate broker commissions under subsection (e)(2); and

(C) the acquisition or rehabilitation of existing facilities or construction of new facilities in Umpqua National Forest in the State.

(3) LIMITATION.—Funds deposited under paragraph (1) shall not—

(A) be paid or distributed to States or counties under any provision of law; or

(B) be considered to be money received from units of the National Forest System for purposes of—

(i) the Act of May 23, 1908 (16 U.S.C. 500); or

(ii) the Act of March 4, 1913 (16 U.S.C. 501).

1 (j) WITHDRAWALS AND REVOCATION OF PUBLIC
2 LAND ORDERS.—

3 (1) WITHDRAWAL.—Subject to valid existing
4 rights, all land described in subsection (b) is with-
5 drawn from location, entry, and patent under the
6 public land laws, mining laws, and mineral leasing
7 laws of the United States (including geothermal
8 leasing laws).

9 (2) REVOCATION OF PUBLIC LAND ORDERS.—
10 The Secretary shall revoke any public land orders in
11 existence on the date of enactment of this Act that
12 withdraw the land from all forms of appropriation
13 under the public land laws, to the extent that the or-
14 ders apply to the land described in subsection (b).

15 **SEC. 4. WILDERNESS BOUNDARY ADJUSTMENT.**

16 (a) BOUNDARY ADJUSTMENT.—The Rogue-Umpqua
17 Divide wilderness boundary, as established by the Oregon
18 Wilderness Act of 1984 (Public Law 98–328) and ap-
19 proved by the Forest Service on May 4, 1987, is adjusted
20 as depicted on the Wilderness map and described as fol-
21 lows:

22 (1) Beginning at T. 30 S., R. 3 E., Willamette
23 Base and Meridian, from Angle Point 927 of the
24 legal boundary description monumented with a 2

1 inch diameter brass cap, set in cement, marked
2 “USDA FOREST SERVICE AP 927 2001”.

3 (2) Thence North $63^{\circ}39'34''$ East, 3700.00 feet
4 to new Angle Point 927B.

5 (3) Thence South $84^{\circ}20'00''$ East, 360.00 feet
6 to new Angle Point 927C.

7 (4) Thence on a line northeasterly, approxi-
8 mately 330 feet, to original Angle Point 928, which
9 is monumented with a $1\frac{1}{2}$ inch diameter aluminum
10 cap, on a $\frac{5}{8}$ diameter rod driven flush with the
11 ground, marked “AP 928 1999”.

12 (5) Thence North $23^{\circ}00'00''$ West, 175.00 feet
13 to new Angle Point 928A.

14 (6) Thence on a line northeasterly, 1260 feet,
15 more or less, to original Angle Point 929, which is
16 described in the legal boundary description as “A
17 high point on a ridge” in Section 7, T. 30 S., R. 3
18 E., W.M., with an elevation of approximately 4150
19 feet.

20 (b) MAP.—

21 (1) IN GENERAL.—The Wilderness map shall be
22 on file and available for public inspection in the of-
23 fice of the Chief of the Forest Service.

24 (2) TECHNICAL CORRECTIONS.—The Secretary
25 may correct technical errors in—

1 (A) the Wilderness map; and

2 (B) the legal descriptions.

3 **SEC. 5. APPLICABLE LAW.**

4 (a) IN GENERAL.—Land transferred or otherwise ac-
5 quired by the Secretary under this Act shall be managed
6 in accordance with the Act of March 1, 1911 (commonly
7 known as the “Weeks Act”) (16 U.S.C. 480 et seq.), and
8 the other laws (including regulations) relating to the Na-
9 tional Forest System.

10 (b) EXEMPTION FROM PROPERTY MANAGEMENT
11 REGULATIONS.—Part 1955 of title 7, Code of Federal
12 Regulations (or a successor regulation), shall not apply to
13 any sale or exchange of National Forest System land
14 under this Act.

15 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated such sums
17 as are necessary to carry out this Act.

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