

116TH CONGRESS  
1ST SESSION

# S. 1597

To designate certain Bureau of Land Management land in the State of Oregon as wilderness, to authorize certain land exchanges in the State of Oregon, and to convey certain Bureau of Land Management land in the State of Oregon to the city of Mitchell, Oregon, and Wheeler County, Oregon, for economic and community development purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 22, 2019

Mr. MERKLEY 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 designate certain Bureau of Land Management land in the State of Oregon as wilderness, to authorize certain land exchanges in the State of Oregon, and to convey certain Bureau of Land Management land in the State of Oregon to the city of Mitchell, Oregon, and Wheeler County, Oregon, for economic and community development purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Sutton Mountain and  
3 Painted Hills Area Preservation and Economic Enhance-  
4 ment Act”.

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

7 (1) CITY.—The term “City” means the city of  
8 Mitchell, Oregon.

9 (2) COUNTY.—The term “County” means  
10 Wheeler County, Oregon.

11 (3) LANDOWNER.—The term “landowner”  
12 means an owner of non-Federal land that enters into  
13 a land exchange with the Secretary under section  
14 4(a).

15 (4) MAP.—The term “Map” means the map  
16 prepared by the Bureau of Land Management enti-  
17 tled “Sutton Complex Wilderness Proposal” and  
18 dated May 6, 2015.

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

21 (6) STATE.—The term “State” means the State  
22 of Oregon.

23 **SEC. 3. DESIGNATION OF WILDERNESS AREAS.**

24 (a) IN GENERAL.—In furtherance of the purposes of  
25 the Wilderness Act (16 U.S.C. 1131 et seq.), the following  
26 areas in the State are designated as wilderness areas and

1 as components of the National Wilderness Preservation  
2 System:

3 (1) SUTTON MOUNTAIN WILDERNESS.—Certain  
4 land in the Prineville District Office of the Bureau  
5 of Land Management comprising approximately  
6 29,675 acres, as generally depicted on the Map as  
7 “Sutton Mountain”, which shall be known as the  
8 “Sutton Mountain Wilderness”.

9 (2) PAT’S CABIN WILDERNESS.—Certain land  
10 in the Prineville District Office of the Bureau of  
11 Land Management comprising approximately 15,951  
12 acres, as generally depicted on the Map as “Pat’s  
13 Cabin”, which shall be known as “Pat’s Cabin Wil-  
14 derness”.

15 (3) PAINTED HILLS WILDERNESS.—Certain  
16 land in the Prineville District Office of the Bureau  
17 of Land Management comprising approximately  
18 6,900 acres, as generally depicted on the Map as  
19 “Painted Hills”, which shall be known as the  
20 “Painted Hills Wilderness”.

21 (4) DEAD DOG WILDERNESS.—Certain land in  
22 the Prineville District Office of the Bureau of Land  
23 Management comprising approximately 4,939 acres,  
24 as generally depicted on the Map as “Dead Dog”,

1 which shall be known as the “Dead Dog Wilder-  
2 ness”.

3 (b) MAPS AND LEGAL DESCRIPTIONS.—

4 (1) IN GENERAL.—As soon as practicable after  
5 the date of enactment of this Act, the Secretary  
6 shall file a map and legal description of each wilder-  
7 ness area designated by subsection (a) with—

8 (A) the Committee on Natural Resources  
9 of the House of Representatives; and

10 (B) the Committee on Energy and Natural  
11 Resources of the Senate.

12 (2) FORCE OF LAW.—Each map and legal de-  
13 scription filed under paragraph (1) shall have the  
14 same force and effect as if included in this Act, ex-  
15 cept that the Secretary may correct any clerical and  
16 typographical errors in the maps or legal descrip-  
17 tions.

18 (3) PUBLIC AVAILABILITY.—The maps and  
19 legal descriptions filed under paragraph (1) shall be  
20 on file and available for public inspection in the ap-  
21 propriate offices of the Bureau of Land Manage-  
22 ment.

23 (c) ADMINISTRATION OF WILDERNESS AREAS.—

24 (1) IN GENERAL.—Subject to valid existing  
25 rights, the wilderness areas established by subsection

1 (a) shall be administered by the Secretary in accord-  
2 ance with this section and the Wilderness Act (16  
3 U.S.C. 1131 et seq.), except that—

4 (A) any reference in that Act to the effec-  
5 tive date shall be considered to be a reference  
6 to the date of enactment of this Act; and

7 (B) any reference in that Act to the Sec-  
8 retary of Agriculture shall be considered to be  
9 a reference to the Secretary that has jurisdic-  
10 tion over the wilderness area.

11 (2) WITHDRAWAL.—Subject to valid existing  
12 rights, the wilderness areas designated by subsection  
13 (a) are withdrawn from all forms of—

14 (A) entry, appropriation, or disposal under  
15 the public land laws;

16 (B) location, entry, and patent under the  
17 mining laws; and

18 (C) operation of the mineral leasing, min-  
19 eral materials, and geothermal leasing laws.

20 (3) GRAZING.—

21 (A) IN GENERAL.—The grazing of live-  
22 stock in the wilderness areas designated by sub-  
23 section (a), if established before the date of en-  
24 actment of this Act, shall be permitted to con-  
25 tinue at current levels, subject to such reason-

1           able regulations as the Secretary considers nec-  
2           essary, in accordance with—

3                   (i) section 4(d)(4) of the Wilderness  
4                   Act (16 U.S.C. 1133(d)(4)); and

5                   (ii) the guidelines set forth in Appen-  
6                   dix A of the report of the Committee on  
7                   Interior and Insular Affairs of the House  
8                   of Representatives accompanying H.R.  
9                   2570 of the 101st Congress (H. Rept.  
10                  101–405).

11                  (B) VOLUNTARY RELINQUISHMENT OF  
12                  GRAZING PERMITS OR LEASES.—

13                   (i) ACCEPTANCE BY SECRETARY.—  
14                   The Secretary shall accept the voluntary  
15                   relinquishment of any valid existing per-  
16                   mits or leases authorizing grazing on pub-  
17                   lic land, all or a portion of which is within  
18                   the wilderness areas designated by sub-  
19                   section (a).

20                   (ii) TERMINATION.—With respect to  
21                   each permit or lease voluntarily relin-  
22                   quished under clause (i), the Secretary  
23                   shall—

24                           (I) terminate the grazing permit  
25                           or lease; and

1 (II) ensure a permanent end to  
2 grazing on the land covered by the  
3 permit or lease.

4 (iii) PARTIAL RELINQUISHMENT.—

5 (I) IN GENERAL.—If a person  
6 holding a valid grazing permit or lease  
7 voluntarily relinquishes less than the  
8 full level of grazing use authorized  
9 under the permit or lease, the Sec-  
10 retary shall—

11 (aa) reduce the authorized  
12 grazing level to reflect the vol-  
13 untary relinquishment; and

14 (bb) modify the permit or  
15 lease to reflect the revised level of  
16 use.

17 (II) AUTHORIZED LEVEL.—To  
18 ensure that there is a permanent re-  
19 duction in the authorized level of  
20 grazing on the land covered by a per-  
21 mit or lease voluntarily relinquished  
22 under subclause (I), the Secretary  
23 shall not allow grazing use to exceed  
24 the authorized level established under  
25 that subclause.

1           (4) TRIBAL RIGHTS.—Nothing in this section  
2 alters, modifies, enlarges, diminishes, or abrogates  
3 the treaty rights of any Indian Tribe.

4           (5) FISH AND WILDLIFE.—

5           (A) IN GENERAL.—In accordance with sec-  
6 tion 4(d)(7) of the Wilderness Act (16 U.S.C.  
7 1133(d)(7)), nothing in this section affects the  
8 jurisdiction or responsibilities of the State with  
9 respect to fish and wildlife management in the  
10 State.

11           (B) MANAGEMENT ACTIVITIES.—In fur-  
12 therance of the purposes and principles of the  
13 Wilderness Act (16 U.S.C. 1131 et seq.), the  
14 Secretary may conduct any management activi-  
15 ties in the wilderness areas designated by sub-  
16 section (a) that are necessary to maintain or re-  
17 store fish and wildlife populations and habitats,  
18 if the management activities are—

19           (i) consistent with relevant wilderness  
20 management plans; and

21           (ii) conducted in accordance with ap-  
22 propriate policies, such as the policies es-  
23 tablished in Appendix B of the report of  
24 the Committee on Interior and Insular Af-  
25 fairs of the House of Representatives ac-

1            accompanying H.R. 2570 of the 101st Con-  
2            gress (House Report 101–405).

3            (6) FIRE MANAGEMENT.—

4            (A) IN GENERAL.—In accordance with sec-  
5            tion 4(d)(1) of the Wilderness Act (16 U.S.C.  
6            1133(d)(1)), the Secretary may take such meas-  
7            ures in the wilderness areas designated by sub-  
8            section (a) as are necessary for the control of  
9            fire, insects, and diseases (including, as the  
10           Secretary determines to be appropriate, the co-  
11           ordination of the activities with a State or local  
12           agency and the use of aircraft or mechanized  
13           equipment by Federal, State, or local agencies  
14           or agents of the agencies).

15           (B) REVISION AND DEVELOPMENT OF  
16           LOCAL FIRE MANAGEMENT PLANS.—As soon as  
17           practicable after the date of enactment of this  
18           Act, the Secretary shall amend the local fire  
19           management plans that apply to the Sutton  
20           Mountain Wilderness designated by subsection  
21           (a)(1) to identify—

22                    (i) best management practices for  
23                    wildfire prevention and wildfire response in  
24                    the wilderness area; and

1 (ii) the appropriate State and local of-  
2 ficials to carry out the management prac-  
3 tices described in clause (i).

4 (C) ADMINISTRATION.—Not later than 1  
5 year after the date of enactment of this Act, to  
6 ensure a timely and efficient response to  
7 wildfires in the Sutton Mountain Wilderness  
8 designated by subsection (a)(1), the Secretary  
9 shall—

10 (i) establish agency approval proce-  
11 dures for responding to wildfires, including  
12 delegations of authority, as appropriate, to  
13 the Forest Supervisor, District Manager,  
14 Incident Commander, or other agency offi-  
15 cials; and

16 (ii) enter into agreements, as appro-  
17 priate, with State and local firefighting  
18 agencies to carry out measures for wildfire  
19 prevention and response.

20 (7) ADJACENT MANAGEMENT.—

21 (A) IN GENERAL.—Congress does not in-  
22 tend for the designation of wilderness areas by  
23 subsection (a) to lead to the creation of protec-  
24 tive perimeters or buffer zones around the wil-  
25 derness areas.

1 (B) ACTIVITIES OUTSIDE WILDERNESS.—

2 The fact that a non-wilderness activity or use  
3 on land outside the wilderness areas designated  
4 by subsection (a) can be seen or heard from  
5 within the wilderness areas shall not, of itself,  
6 preclude the activity or use outside the bound-  
7 ary of the wilderness areas.

8 (8) MILITARY ACTIVITIES.—Nothing in this sec-  
9 tion precludes—

10 (A) low-level overflights of military aircraft  
11 over the wilderness areas designated by sub-  
12 section (a);

13 (B) the designation or establishment of  
14 new units of special airspace, or the establish-  
15 ment of a military flight training route, over  
16 the wilderness areas designated by subsection  
17 (a); or

18 (C) flight testing and evaluation.

19 (9) INCORPORATION OF ACQUIRED LAND AND  
20 INTERESTS.—Any land within the boundary of a wil-  
21 derness area designated by subsection (a) that is ac-  
22 quired by the United States shall—

23 (A) become part of the wilderness area in  
24 which the land is located; and

25 (B) be managed in accordance with—

- 1 (i) this section;
- 2 (ii) the Wilderness Act (16 U.S.C.
- 3 1131 et seq.); and
- 4 (iii) any other applicable law.

5 (10) OUTFITTING AND GUIDE ACTIVITIES.—

6 Consistent with section 4(d)(5) of the Wilderness

7 Act (16 U.S.C. 1133(d)(5)), commercial services (in-

8 cluding authorized outfitting and guide activities)

9 are authorized in wilderness areas designated by

10 subsection (a), to the extent necessary for activities

11 that fulfill the recreational or other wilderness pur-

12 poses of the areas.

13 (11) ADEQUATE ACCESS TO PRIVATE PROP-

14 erty.—In accordance with section 5(a) of the Wil-

15 derness Act (16 U.S.C. 1134(a)), the Secretary shall

16 provide any owner of private property within the

17 boundary of a wilderness area designated by sub-

18 section (a) adequate access to the property.

19 **SEC. 4. LAND EXCHANGES.**

20 (a) AUTHORIZATION.—

21 (1) COLLINS EXCHANGE.—

22 (A) IN GENERAL.—Subject to subsections

23 (b) through (h), if the owner of the non-Federal

24 land described in subparagraph (B)(i) offers to

25 convey to the United States all right, title, and

1 interest of the landowner in and to the non-  
2 Federal land, the Secretary shall—

3 (i) accept the offer; and

4 (ii) on receipt of acceptable title to the  
5 non-Federal land and subject to valid ex-  
6 isting rights, convey to the landowner all  
7 right, title, and interest of the United  
8 States in and to the Federal land described  
9 in subparagraph (B)(ii).

10 (B) DESCRIPTION OF LAND.—

11 (i) NON-FEDERAL LAND.—The non-  
12 Federal land referred to in subparagraph  
13 (A) is the approximately 265 acres of non-  
14 Federal land identified on the Map as  
15 “Collins to BLM”.

16 (ii) FEDERAL LAND.—The Federal  
17 land referred to in subparagraph (A)(ii) is  
18 the approximately 279 acres of Federal  
19 land identified on the Map as “BLM to  
20 Collins”.

21 (2) FAULKNER EXCHANGE.—

22 (A) IN GENERAL.—Subject to subsections  
23 (b) through (h), if the owner of the non-Federal  
24 land described in subparagraph (B)(i) offers to  
25 convey to the United States all right, title, and

1 interest of the landowner in and to the non-  
2 Federal land, the Secretary shall—

3 (i) accept the offer; and

4 (ii) on receipt of acceptable title to the  
5 non-Federal land and subject to valid ex-  
6 isting rights, convey to the landowner all  
7 right, title, and interest of the United  
8 States in and to the Federal land described  
9 in subparagraph (B)(ii).

10 (B) DESCRIPTION OF LAND.—

11 (i) NON-FEDERAL LAND.—The non-  
12 Federal land referred to in subparagraph  
13 (A) is the approximately 15 acres of non-  
14 Federal land identified on the Map as  
15 “Faulkner to BLM”.

16 (ii) FEDERAL LAND.—The Federal  
17 land referred to in subparagraph (A)(ii) is  
18 the approximately 10 acres of Federal land  
19 identified on the Map as “BLM to Faulk-  
20 ner”.

21 (3) QUANT EXCHANGE.—

22 (A) IN GENERAL.—Subject to subsections  
23 (b) through (h), if the owner of the non-Federal  
24 land described in subparagraph (B)(i) offers to  
25 convey to the United States all right, title, and

1 interest of the landowner in and to the non-  
 2 Federal land, the Secretary shall—

3 (i) accept the offer; and

4 (ii) on receipt of acceptable title to the  
 5 non-Federal land and subject to valid ex-  
 6 isting rights, convey to the landowner all  
 7 right, title, and interest of the United  
 8 States in and to the Federal land described  
 9 in subparagraph (B)(ii).

10 (B) DESCRIPTION OF LAND.—

11 (i) NON-FEDERAL LAND.—The non-  
 12 Federal land referred to in subparagraph  
 13 (A) is the approximately 271 acres of non-  
 14 Federal land identified on the Map as  
 15 “Quant to BLM”.

16 (ii) FEDERAL LAND.—The Federal  
 17 land referred to in subparagraph (A)(ii) is  
 18 the approximately 277 acres of Federal  
 19 land identified on the Map as “BLM to  
 20 Quant”.

21 (4) TWICKENHAM LIVESTOCK LLC EX-  
 22 CHANGE.—

23 (A) IN GENERAL.—Subject to subsections  
 24 (b) through (h), if the owner of the non-Federal  
 25 land described in subparagraph (B)(i) offers to

1 convey to the United States all right, title, and  
2 interest of the landowner in and to the non-  
3 Federal land, the Secretary shall—

4 (i) accept the offer; and

5 (ii) on receipt of acceptable title to the  
6 non-Federal land and subject to valid ex-  
7 isting rights, convey to the landowner all  
8 right, title, and interest of the United  
9 States in and to the Federal land described  
10 in subparagraph (B)(ii).

11 (B) DESCRIPTION OF LAND.—

12 (i) NON-FEDERAL LAND.—The non-  
13 Federal land referred to in subparagraph  
14 (A) is the approximately 574 acres of non-  
15 Federal land identified on the Map as  
16 “Twickenham to BLM”.

17 (ii) FEDERAL LAND.—The Federal  
18 land referred to in subparagraph (A)(ii) is  
19 the approximately 566 acres of Federal  
20 land identified on the Map as “BLM to  
21 Twickenham”.

22 (b) APPLICABLE LAW.—Except as otherwise provided  
23 in sections 202 and 203 of the Federal Land Policy and  
24 Management Act of 1976 (43 U.S.C. 1712, 1713), the  
25 Secretary shall carry out each land exchange under sub-

1 section (a) in accordance with section 206 of the Federal  
2 Land Policy and Management Act of 1976 (43 U.S.C.  
3 1716).

4 (c) CONDITIONS.—Each land exchange under sub-  
5 section (a) shall be subject to such terms and conditions  
6 as the Secretary may require.

7 (d) EQUAL VALUE EXCHANGE.—

8 (1) IN GENERAL.—The value of the Federal  
9 land and non-Federal land to be exchanged under  
10 subsection (a)—

11 (A) shall be equal; or

12 (B) shall be made equal in accordance with  
13 paragraph (2).

14 (2) EQUALIZATION.—

15 (A) SURPLUS OF FEDERAL LAND.—If the  
16 value of Federal land exceeds the value of non-  
17 Federal land to be conveyed under a land ex-  
18 change authorized under subsection (a), the  
19 value of the Federal land and non-Federal land  
20 shall be equalized, as determined to be appro-  
21 priate and acceptable by the Secretary and the  
22 landowner—

23 (i) by reducing the acreage of the  
24 Federal land to be conveyed; or

1 (ii) by adding additional Federal land  
2 to the Federal land to be conveyed.

3 (B) SURPLUS OF NON-FEDERAL LAND.—If  
4 the value of the non-Federal land exceeds the  
5 value of the Federal land, the value of the Fed-  
6 eral land and non-Federal land shall be equal-  
7 ized by reducing the acreage of the non-Federal  
8 land to be conveyed, as determined to be appro-  
9 priate and acceptable by the Secretary and the  
10 landowner.

11 (e) APPRAISALS.—

12 (1) IN GENERAL.—As soon as practicable after  
13 the date of enactment of this Act, the Secretary and  
14 the landowner shall select an appraiser to conduct  
15 an appraisal of the Federal land and non-Federal  
16 land to be exchanged under subsection (a).

17 (2) REQUIREMENTS.—An appraisal under para-  
18 graph (1) shall be conducted in accordance with na-  
19 tionally recognized appraisal standards, including—

20 (A) the Uniform Appraisal Standards for  
21 Federal Land Acquisitions; and

22 (B) the Uniform Standards of Professional  
23 Appraisal Practice.

24 (f) SURVEYS.—

1           (1) IN GENERAL.—The exact acreage and legal  
2 description of the Federal land and non-Federal land  
3 to be exchanged under subsection (a) shall be deter-  
4 mined by surveys approved by the Secretary.

5           (2) COSTS.—The Secretary and the landowner  
6 shall divide equally between the Secretary and the  
7 landowner—

8                   (A) the costs of any surveys conducted  
9                   under paragraph (1); and

10                   (B) any other administrative costs of car-  
11                   rying out the land exchange under this section.

12           (g) DEADLINE FOR COMPLETION OF LAND EX-  
13 CHANGE.—It is the intent of Congress that the land ex-  
14 changes under subsection (a) be completed by the date  
15 that is not later than 2 years after the date of enactment  
16 of this Act.

17           (h) ADDITION TO WILDERNESS AREAS.—On comple-  
18 tion of the land exchanges under subsection (a), the non-  
19 Federal land shall—

20                   (1) become part of the adjacent wilderness area;

21           and

22                   (2) be managed in accordance with—

23                           (A) this Act;

24                           (B) the Wilderness Act (16 U.S.C. 1131 et  
25                   seq.); and

1 (C) any other applicable law.

2 **SEC. 5. CONVEYANCES OF BUREAU OF LAND MANAGEMENT**

3 **LAND TO THE CITY OF MITCHELL, OREGON,**

4 **AND WHEELER COUNTY, OREGON.**

5 (a) IN GENERAL.—As soon as practicable after the  
6 date of enactment of this Act, subject to valid existing  
7 rights and this section, and notwithstanding the land use  
8 planning requirements of sections 202 and 203 of the Fed-  
9 eral Land Policy and Management Act of 1976 (43 U.S.C.  
10 1712, 1713), the Secretary shall convey, without consider-  
11 ation—

12 (1) to the City all right, title, and interest of  
13 the United States in and to the parcel of Federal  
14 land described in subsection (b)(1) for which the  
15 City has submitted to the Secretary a request for  
16 conveyance by the date that is not later than 1 year  
17 after the date of enactment of this Act; and

18 (2) to the County all right, title, and interest of  
19 the United States in and to the parcel of Federal  
20 land described in subsection (b)(2) for which the  
21 County has submitted to the Secretary a request for  
22 conveyance by the date that is not later than 1 year  
23 after the date of enactment of this Act.

24 (b) DESCRIPTION OF LAND.—

1           (1) CONVEYANCE TO CITY.—The parcel of Fed-  
2           eral land referred to in subsection (a)(1) consists of  
3           the approximately 1,950 acres of land managed by  
4           the Bureau of Land Management, Prineville Dis-  
5           trict, Oregon, depicted on the Map as “City of  
6           Mitchell Conveyance 1”.

7           (2) CONVEYANCE TO COUNTY.—The parcel of  
8           Federal land referred to in subsection (a)(2) consists  
9           of the approximately 120 acres of land managed by  
10          the Bureau of Land Management, Prineville Dis-  
11          trict, Oregon, depicted on the Map as “Wheeler  
12          County Conveyance 2”.

13          (c) AVAILABILITY OF MAP.—The Map shall be on file  
14          and available for public inspection in the appropriate of-  
15          fices of the Bureau of Land Management.

16          (d) USE OF CONVEYED LAND.—

17               (1) IN GENERAL.—Consistent with the Act of  
18               June 14, 1926 (commonly known as the “Recreation  
19               and Public Purposes Act”) (43 U.S.C. 869 et seq.),  
20               the Federal land conveyed under subsection (a) shall  
21               be used for a purpose consistent with that Act.

22               (2) WITHDRAWAL.—Subject to valid existing  
23               rights, the parcels of land described in paragraphs  
24               (1) and (2) of subsection (b) are withdrawn from—

1 (A) all forms of location, entry, and patent  
2 under the mining laws; and

3 (B) disposition under all laws relating to  
4 mineral leasing and geothermal leasing.

5 (3) ADDITIONAL TERMS AND CONDITIONS.—

6 The Secretary may require such additional terms  
7 and conditions for the conveyances under subsection  
8 (a) as the Secretary determines to be appropriate to  
9 protect the interests of the United States.

10 (e) ADMINISTRATIVE COSTS.—The Secretary shall  
11 require the City or the County, as applicable, to pay all  
12 survey costs and other administrative costs associated with  
13 the applicable conveyances to the City or the County under  
14 this section.

15 (f) REVERSION.—If the land conveyed under sub-  
16 section (a) ceases to be used for the public purpose for  
17 which the land was conveyed, the land shall, at the discre-  
18 tion of the Secretary, revert to the United States.

19 (g) TRIBAL RIGHTS.—Nothing in this section alters,  
20 modifies, enlarges, diminishes, or abrogates the treaty  
21 rights of any Indian Tribe.

22 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated such sums  
24 as are necessary to carry out this Act.

○