

105TH CONGRESS
2D SESSION

H. R. 3542

To clarify the Bureau of Land Management's authority to make sales and exchanges of certain Federal lands in the State of Oregon, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 1998

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

A BILL

To clarify the Bureau of Land Management's authority to make sales and exchanges of certain Federal lands 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “O&C Lands Protection Act”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Modifications to sales authority.
- Sec. 4. Modifications to exchange authority.

Sec. 5. Administration of lands acquired in geographic area; redesignation of public domain lands.

Sec. 6. O&C Lands Protection Fund.

Sec. 7. Timber and surface resource revenue distribution.

Sec. 8. Relationship to Umpqua Land Exchange authority.

1 **SEC. 2. DEFINITIONS.**

2 For purposes of this Act:

3 (1) O&C LANDS.—The term “O&C lands”
 4 means the lands that revested in the United States
 5 under the Act of June 9, 1916 (Chapter 137; 39
 6 Stat. 218), and that are managed by the Secretary
 7 of the Interior through the Bureau of Land Manage-
 8 ment under the Act of August 28, 1937 (43 U.S.C.
 9 1181a et seq.).

10 (2) PUBLIC DOMAIN LANDS.—The term “public
 11 domain lands” has the meaning given the term
 12 “public lands” in the Federal Land Policy and Man-
 13 agement Act of 1976 (43 U.S.C. 1701 et seq.), other
 14 than O&C lands.

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

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

3 **SEC. 3. MODIFICATIONS TO SALES AUTHORITY.**

4 (a) LIMITATIONS ON ACREAGE SOLD.—Subject to
5 subsection (b)(2) and notwithstanding any other sales au-
6 thority of the Secretary, the Secretary may not sell more
7 than a maximum combined total of 640 acres of O&C
8 lands and public domain lands within the geographic area
9 during each fiscal year, and may not sell more than a max-
10 imum combined total of 6,400 acres of O&C lands and
11 public domain lands within the geographic area during any
12 continuous 15-year period beginning after the date of en-
13 actment of this Act.

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

18 (1) a congressionally designated wilderness
19 area;

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

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

1 (c) PRICE; PROCEDURES.—Notwithstanding any
2 other sales authority of the Secretary, the Secretary shall
3 make all sales of O&C lands and public domain lands with-
4 in 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 (d) ACQUISITION OF LANDS.—

15 (1) IN GENERAL.—The Secretary may use
16 amounts in the O&C Lands Protection Fund estab-
17 lished by section 6 to purchase from willing sellers
18 non-Federal lands located within the geographic area
19 that are contiguous to other O&C lands or public do-
20 main lands.

21 (2) PRIORITY OF LANDS FOR ACQUISITION.—In
22 acquiring lands under this subsection, the Secretary
23 may give first priority to satisfying the need, if any,
24 for acquisition of lands adjacent to streams, riparian
25 areas, or wildlife corridors within the geographic

1 area that are used by species that are listed as
2 threatened species or endangered species under the
3 Endangered Species Act of 1973 (16 U.S.C. 1531
4 et seq.).

5 **SEC. 4. MODIFICATIONS TO EXCHANGE AUTHORITY.**

6 (a) LIMITATIONS ON ACREAGE EXCHANGED.—Sub-
7 ject to the provisions of this section and notwithstanding
8 any other exchange authority of the Secretary, the Sec-
9 retary may not exchange out of Federal ownership more
10 than a maximum combined total of 480 acres of O&C
11 lands and public domain lands within the geographic area
12 during each fiscal year for non-Federal lands referred to
13 in subsection (c), and may not exchange out of Federal
14 ownership more than a maximum combined total of 4,800
15 acres of O&C lands and public domain lands within the
16 geographic area during any continuous 15-year period be-
17 ginning after the date of enactment of this Act.

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

23 (1) a congressionally designated wilderness
24 area;

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

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

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

12 (d) PROCEDURES.—The Secretary shall establish
13 procedures for exchanges out of Federal ownership of O&C
14 lands and public domain lands within the geographic area,
15 including—

16 (1) procedures for valuing the lands exchanged;
17 and

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

22 (e) REQUIREMENTS FOR VALUE OF EXCHANGED
23 LANDS.—Notwithstanding any other exchange authority
24 of the Secretary, the Secretary may not exchange out of
25 Federal ownership O&C lands or public domain lands

1 within the geographic area if the fair market value of the
2 lands received by the United States in the exchange—

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

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

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

15 (1) use amounts in the O&C Lands Protection
16 Fund established by section 3(c) to pay, to the per-
17 son from whom lands are acquired by the United
18 States in the exchange, the difference between the
19 value of the lands received by the United States and
20 the value of the lands conveyed by the United
21 States; or

22 (2) require that person to pay that difference to
23 the United States.

1 **SEC. 5. ADMINISTRATION OF LANDS ACQUIRED IN GEO-**
2 **GRAPHIC AREA; REDESIGNATION OF PUBLIC**
3 **DOMAIN LANDS.**

4 (a) **ACQUIRED LANDS.**—All lands in the geographic
5 area acquired by the United States after the date of the
6 enactment of this Act shall for all purposes have the same
7 status, be administered, and be otherwise treated as lands
8 that were revested in the United States pursuant to the
9 Act of June 9, 1916 (Chapter 137; 39 Stat. 218) and
10 managed by the Secretary under the Act of August 28,
11 1937 (43 U.S.C. 1181 et seq.).

12 (b) **REDESIGNATION OF PUBLIC DOMAIN LANDS FOR**
13 **TREATMENT AS REVESTED LANDS.**—

14 (1) **IN GENERAL.**—The Secretary—

15 (A) before the 180th day of each fiscal
16 year, shall determine whether there has been a
17 net reduction in the number of acres of O&C
18 lands during the preceding fiscal year as a re-
19 sult of disposal of lands by the United States
20 under any provision of law; and

21 (B) if the Secretary determines that there
22 was such a reduction, shall within 90 days after
23 that determination designate a number of acres
24 of public domain lands within the geographic
25 area, equal to the number of acres of that re-

1 duction, for treatment as O&C lands under
2 paragraph (3).

3 (2) LANDS DESIGNATED.—The Secretary shall
4 designate under paragraph (1)(B) public domain
5 lands that are stocked with timber in volumes per
6 acre that are not less than the average volumes per
7 acre found on the O&C lands and public domain
8 lands in the geographic area that were disposed of
9 during the preceding fiscal year.

10 (3) TREATMENT OF REDESIGNATED LANDS.—
11 Lands designated by the Secretary under paragraph
12 (1)(B) shall for all purposes have the same status,
13 be administered, and be otherwise treated as lands
14 that were revested in the United States pursuant to
15 the Act of June 9, 1916 (Chapter 136; 39 Stat.
16 218) and managed by the Secretary under the Act
17 of August 28, 1937 (43 U.S.C. 1181a et seq.).

18 (4) NOTIFICATION OF CONGRESS.—The Sec-
19 retary shall, before the end of each fiscal year, notify
20 the Congress of each redesignation of lands under
21 this subsection in that fiscal year.

22 **SEC. 6. O&C LANDS PROTECTION FUND.**

23 (a) IN GENERAL.—There is established in the Treas-
24 ury a separate account to be known as the O&C Lands
25 Protection Fund.

1 (b) CONTENTS.—The O&C Lands Protection Fund
2 shall consist of all amounts received by the United States
3 as—

4 (1) proceeds from sales of O&C lands and pub-
5 lic domain lands within the geographic area; or

6 (2) equalization payments under section 4(f).

7 (c) USE.—Amounts in the O&C Lands Protection
8 Fund shall be available to the Secretary, without fiscal
9 year limitation or further appropriation, solely for—

10 (1) purchasing lands under section 3(d);

11 (2) making equalization payments under section
12 4(f); and

13 (3) making distributions under subsection (d)
14 of this section.

15 (d) DISTRIBUTIONS FROM FUND.—All amounts in
16 the O&C Lands Protection Fund on January 1, 2013, and
17 on January 1 of each 15th year thereafter, shall be distrib-
18 uted as follows:

19 (1) 5 percent shall be paid to the State of Or-
20 egon as provided in the fifth proposition of section
21 4 of the Act of February 14, 1859 (Chapter
22 XXXIII; 11 Stat. 383), as in effect on the date of
23 the enactment of this Act.

24 (2) 50 percent shall be deposited in the general
25 fund of the Treasury of the United States.

1 (3) 45 percent shall be distributed to the 18
2 Oregon counties within which the geographic area is
3 located, by payment to each of the counties in the
4 same proportion as payments are made from the Or-
5 egon and California land-grant fund under section
6 201(a) of the Act of August 28, 1937 (Chapter 876;
7 43 U.S.C. 1181f(a)).

8 **SEC. 7. TIMBER AND SURFACE RESOURCE REVENUE DIS-**
9 **TRIBUTION.**

10 (a) IN GENERAL.—Notwithstanding any other provi-
11 sion of law, all revenue received by the United States as
12 proceeds from the sale of timber and other surface re-
13 sources from public domain lands within the geographic
14 area shall be distributed as follows:

15 (1) 5 percent shall be paid to the State of Or-
16 egon as provided in section 3 of the Act of July 31,
17 1947 (Chapter 406; 30 U.S.C. 603), popularly
18 known as the Materials Act of 1947, and the fifth
19 proposition of section 4 of the Act of February 14,
20 1859 (Chapter XXXIII; 11 Stat. 383), as in effect
21 on the date of the enactment of this Act.

22 (2) 50 percent shall be deposited in the Salmon
23 Habitat Restoration Fund established by subsection
24 (b).

1 (3) 45 percent shall be distributed to the 18
2 Oregon counties within which the geographic area is
3 located, by payment to each of the counties in the
4 same proportion as payments are made from the Or-
5 egon and California land-grant fund under section
6 201(a) of the Act of August 28, 1937 (Chapter 876;
7 43 U.S.C. 1181f(a)).

8 (b) SALMON HABITAT RESTORATION.—

9 (1) IN GENERAL.—There is established in the
10 Treasury as a separate account the Salmon Habitat
11 Restoration Fund, which shall consist of amounts
12 deposited under subsection (a)(2).

13 (2) USE.—Amounts in the account shall be
14 available to the Secretary without fiscal year limita-
15 tion or further appropriation—

16 (A) solely for the purpose of stream habi-
17 tat restoration and fisheries enhancement
18 projects on O&C lands and public domain lands
19 within the geographic area, for so long as any
20 species of salmonoid fish within the geographic
21 area is listed as a threatened species or endan-
22 gered species under the Endangered Species
23 Act of 1973 (16 U.S.C. 1531 et seq.); and

24 (B) thereafter for use within the geo-
25 graphic area for maintenance and development

1 of campgrounds and other recreation areas on
2 O&C lands or public domain lands.

3 **SEC. 8. RELATIONSHIP TO UMPQUA LAND EXCHANGE AU-**
4 **THORITY.**

5 Nothing in this Act shall be construed to limit the
6 authority of the Secretary to continue to study and imple-
7 ment the Umpqua Land Exchange Project in accordance
8 with the provisions set forth in the Memorandum of Un-
9 derstanding between the Umpqua Land Exchange Project
10 and the Association of O&C Counties dated February 19,
11 1998.

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