

Calendar No. 596

107TH CONGRESS
2^D SESSION**S. 2482****[Report No. 107-277]**

To direct the Secretary of the Interior to grant to Deschutes and Crook Counties in the State of Oregon a right-of-way to West Butte Road.

IN THE SENATE OF THE UNITED STATES

MAY 8, 2002

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

SEPTEMBER 12, 2002

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]**A BILL**

To direct the Secretary of the Interior to grant to Deschutes and Crook Counties in the State of Oregon a right-of-way to West Butte Road.

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. COUNTY RIGHT-OF-WAY TO WEST BUTTE ROAD**

4 **IN THE STATE OF OREGON.**

5 (a) **DEFINITIONS.**—In this Act:

1 (1) BLM ROAD.—The term “BLM road”
 2 means the unpaved Bureau of Land Management
 3 road in the State of Oregon known as West Butte
 4 Road and identified on the map as BLM Road No.
 5 6520.

6 (2) COUNTY.—The term “County” means
 7 Crook County and Deschutes County in the State of
 8 Oregon.

9 (3) MAP.—The term “map” means the map en-
 10 titled “BLM Central Oregon Public Lands Map,
 11 1998”.

12 (4) SECRETARY.—The term “Secretary” means
 13 the Secretary of the Interior, acting through the Di-
 14 rector of the Bureau of Land Management.

15 (b) GRANT TO COUNTIES.—The Secretary shall grant
 16 to each of the Counties a right-of-way to the BLM road.

17 (c) BOUNDARIES.—

18 (1) IN GENERAL.—The rights-of-way granted
 19 under subsection (b) shall extend from Reservoir
 20 Road in Crook County to United States Route 20 in
 21 Deschutes County, Oregon.

22 (2) MODIFICATIONS.—

23 (A) STATE ROADS.—

24 (i) IN GENERAL.—The Secretary shall
 25 amend the rights-of-way of each of the

1 Counties to serialized Oregon Road 46940
 2 and Oregon Road 51362 to include the
 3 BLM road.

4 (ii) EFFECT.—The rights-of-way
 5 amended under clause (i) shall be subject
 6 to any conditions that apply to the rights-
 7 of-way on the date of enactment of this
 8 Act.

9 (B) BLM ROAD.—The Secretary shall ad-
 10 just the boundaries of the rights-of-way granted
 11 under subsection (b) in portions of the BLM
 12 road on which the alignment of the BLM road
 13 does not meet the standards applicable to an
 14 improved road, to meet approved standards
 15 with the least environmental impact.

16 (d) RELINQUISHMENT OF RIGHTS-OF-WAY.—In ex-
 17 change for the rights-of-way granted under subsection (b),
 18 the Counties shall relinquish any right-of-way of the Coun-
 19 ties to the portion of the road known as George Millican
 20 Road (identified on the map as serialized Oregon Road
 21 46940) that is located in the area described in subsection
 22 (c)(1).

23 **SECTION 1. COUNTY-RIGHT-OF-WAY TO WEST BUTTE ROAD**
 24 **IN THE STATE OF OREGON.**

25 (a) DEFINITIONS.—In this Act:

1 (1) *WEST BUTTE ROAD.*—*The term “West Butte*
 2 *Road” means the unpaved Bureau of Land Manage-*
 3 *ment road in the State of Oregon identified on the*
 4 *map as BLM Road 6520.*

5 (2) *COUNTY.*—*The term “County” means each of*
 6 *Crook County and Deschutes County in the State of*
 7 *Oregon.*

8 (3) *MAP.*—*The term “map” means the map enti-*
 9 *tled “West Butte Road Right of Way” dated July 17,*
 10 *2002.*

11 (4) *SECRETARY.*—*The term “Secretary” means*
 12 *the Secretary of the Interior, acting through the Di-*
 13 *rector of the Bureau of Land Management.*

14 (b) *GRANT TO COUNTIES.*—*Effective on the date the*
 15 *Secretary has received from a county notice that the county*
 16 *relinquishes any right in and to a right-of-way under sec-*
 17 *tion 2477 of the Revised Statutes (43 U.S.C. 932 note) by*
 18 *such county to the portion of the road known as George*
 19 *Millican Road that is located in the area described in sub-*
 20 *section (c)(1), such county is granted a right-of-way to the*
 21 *West Butte Road located within such county by operation*
 22 *of law, subject only to the common terms, conditions, and*
 23 *stipulations identified in the county’s rights-of-way grants*
 24 *that apply on the date of enactment of this Act.*

25 (c) *BOUNDARIES.*—

1 (1) *IN GENERAL.*—Subject to paragraph (2), the
 2 rights-of-way granted under subsection (b) shall—

3 (A) extend in length from Reservoir Road
 4 in Crook County to United States Route 20 in
 5 Deschutes County, Oregon; and

6 (B) shall extend in width 100 feet on each
 7 side of the centerline of West Butte Road.

8 (2) *MODIFICATIONS.*—

9 (A) *STATE ROADS.*—The Secretary shall
 10 modify the existing rights-of-way of each of the
 11 counties as contained in its respective road case
 12 file to include the rights-of-way granted under
 13 subsection (b).

14 (B) *WEST BUTTE ROAD.*—The Secretary
 15 shall adjust the right-of-way width and align-
 16 ment granted under subsection (b) in portions of
 17 the West Butte Road as necessary to meet appli-
 18 cable State and Federal highway standards.

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