

Calendar No. 1001

110TH CONGRESS
2D SESSION

S. 3089

To designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-Federal land, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 5, 2008

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

SEPTEMBER 16, 2008

Reported by Mr. BINGAMAN, with an amendment

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

A BILL

To designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-Federal land, 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 “Spring Basin Wilder-
5 ness Act of 2008”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) FAMILY TRUST.—The term “family trust”
4 means the Bowerman Family Trust, which is the
5 owner of the land described in section 4(d)(2)(A).

6 (2) KEYS.—The term “Keys” means Bob Keys,
7 a resident of Portland, Oregon.

8 (3) MCGREER.—The term “McGreer” means
9 H. Kelly McGreer, a resident of Antelope, Oregon.

10 (4) SECRETARY.—The term “Secretary” means
11 the Secretary of the Interior.

12 (5) STATE.—The term “State” means the State
13 of Oregon.

14 (6) TRIBES.—The term “Tribes” means the
15 Confederated Tribes of the Warm Springs Indian
16 Reservation, with offices in Warm Springs, Oregon.

17 (7) WILDERNESS MAP.—The term “wilderness
18 map” means the map entitled “Spring Basin Study
19 Area with Exchange Proposals” and dated May 22,
20 2008.

21 **SEC. 3. SPRING BASIN WILDERNESS.**

22 (a) DESIGNATION.—In accordance with the Wilder-
23 ness Act (16 U.S.C. 1131 et seq.), the approximately
24 8,661 acres of Bureau of Land Management land in the
25 State, as depicted on the wilderness map, is designated
26 as wilderness and as a component of the National Wilder-

1 ness Preservation System, to be known as the “Spring
2 Basin Wilderness”.

3 (b) ADMINISTRATION OF WILDERNESS.—

4 (1) IN GENERAL.—Subject to valid existing
5 rights, the Wilderness shall be administered by the
6 Secretary in accordance with the Wilderness Act (16
7 U.S.C. 1131 et seq.), except that—

8 (A) any reference in the Wilderness Act to
9 the effective date of the Wilderness Act shall be
10 considered to be a reference to the date of en-
11 actment of this Act; and

12 (B) any reference in that Act to the Sec-
13 retary of Agriculture shall be considered to be
14 a reference to the Secretary of the Interior.

15 (2) INCORPORATION OF ACQUIRED LAND AND
16 INTERESTS.—Any land or interest in land within the
17 boundary of the Wilderness that is acquired by the
18 United States shall—

19 (A) become part of the Wilderness; and

20 (B) be managed in accordance with this
21 Act, the Wilderness Act (16 U.S.C. 1131 et
22 seq.); and any other applicable law.

23 (3) GRAZING.—The grazing of domestic live-
24 stock in the Wilderness shall be administered in ac-
25 cordance with—

1 (A) section 4(d)(4) of the Wilderness Act
2 (16 U.S.C. 1133(d)(4));

3 (B) the guidelines set forth in the report of
4 the Committee on Interior and Insular Affairs
5 of the House of Representatives accompanying
6 H.R. 5487 of the 96th Congress (H. Rept. 96-
7 617); and

8 (C) the guidelines set forth in Appendix A
9 of the report of the Committee on Interior and
10 Insular Affairs of the House of Representatives
11 accompanying H.R. 2570 of the 101st Congress
12 (H. Rept. 101-405).

13 (4) ACCESS TO NON-FEDERAL LAND.—In ac-
14 cordance with the Wilderness Act (16 U.S.C. 1131
15 et seq.), the Secretary shall provide reasonable ac-
16 cess to non-Federal land within the boundaries of
17 the Wilderness.

18 (5) STATE WATER LAWS.—Nothing in this sec-
19 tion constitutes an exemption from State water laws
20 (including regulations).

21 (6) TRIBAL RIGHTS.—Nothing in this section—

22 (A) affects, alters, amends, repeals, inter-
23 prets, extinguishes, modifies, or is in conflict
24 with—

1 (i) the treaty rights of an Indian
 2 tribe, including the rights secured by the
 3 Treaty of June 25, 1855, between the
 4 United States and the Tribes and Bands of
 5 Middle Oregon (12 Stat. 963); or

6 (ii) any other rights of an Indian
 7 tribe; or

8 (B) prevents, prohibits, terminates, or
 9 abridges the exercise of treaty-reserved rights,
 10 including the rights secured by the Treaty of
 11 June 25, 1855, between the United States and
 12 the Tribes and Bands of Middle Oregon (12
 13 Stat. 963)—

14 (i) within the boundaries of the Wil-
 15 derness; or

16 (ii) on land acquired by the United
 17 States under this Act.

18 **SEC. 4. LAND EXCHANGES.**

19 (a) CONFEDERATED TRIBES OF THE WARM SPRINGS
 20 INDIAN RESERVATION LAND EXCHANGE.—

21 (1) CONVEYANCE OF LAND.—If the Tribes offer
 22 to convey to the United States all right, title, and
 23 interest of the Tribes in and to the non-Federal land
 24 described in paragraph (2)(A), the Secretary shall—

25 (A) accept the offer; and

1 (B) on receipt of acceptable title to the
2 non-Federal land and subject to valid existing
3 rights, convey to the Tribes all right, title, and
4 interest of the United States in and to the Fed-
5 eral land described in paragraph (2)(B).

6 (2) DESCRIPTION OF LAND.—

7 (A) NON-FEDERAL LAND.—The non-Fed-
8 eral land referred to in paragraph (1) is the ap-
9 proximately 3,635 acres of non-Federal land
10 identified on the wilderness map as “Lands pro-
11 posed for transfer from the CTWSIR to the
12 Federal Government”.

13 (B) FEDERAL LAND.—The Federal land
14 referred to in paragraph (1)(B) is the approxi-
15 mately 3,653 acres of Federal land identified on
16 the wilderness map as “Lands proposed for
17 transfer from the Federal Government to
18 CTWSIR”.

19 (3) SURVEYS.—The exact acreage and legal de-
20 scription of the Federal land and non-Federal land
21 described in paragraph (2) shall be determined by
22 surveys approved by the Secretary.

23 (b) MCGREER LAND EXCHANGE.—

24 (1) CONVEYANCE OF LAND.—If McGreer offers
25 to convey to the United States all right, title, and

1 interest of McGreer in and to the non-Federal land
2 described in paragraph (2)(A), the Secretary shall—

3 (A) accept the offer; and

4 (B) on receipt of acceptable title to the
5 non-Federal land and subject to valid existing
6 rights, convey to McGreer all right, title, and
7 interest of the United States in and to the Fed-
8 eral land described in paragraph (2)(B).

9 (2) DESCRIPTION OF LAND.—

10 (A) NON-FEDERAL LAND.—The non-Fed-
11 eral land referred to in paragraph (1) is the ap-
12 proximately 18 acres of non-Federal land iden-
13 tified on the wilderness map as “Lands pro-
14 posed for transfer from McGreer to the Federal
15 Government”.

16 (B) FEDERAL LAND.—The Federal land
17 referred to in paragraph (1)(B) is the approxi-
18 mately 325 acres of Federal land identified on
19 the wilderness map as “Lands proposed for
20 transfer from the Federal Government to
21 McGreer”.

22 (3) SURVEYS.—The exact acreage and legal de-
23 scription of the Federal land and non-Federal land
24 described in paragraph (2) shall be determined by
25 surveys approved by the Secretary.

1 (c) KEYS LAND EXCHANGE.—

2 (1) CONVEYANCE OF LAND.—If Keys offers to
3 convey to the United States all right, title, and in-
4 terest of Keys in and to the non-Federal land de-
5 scribed in paragraph (2)(A), the Secretary shall—

6 (A) accept the offer; and

7 (B) on receipt of acceptable title to the
8 non-Federal land and subject to valid existing
9 rights, convey to Keys all right, title, and inter-
10 est of the United States in and to the Federal
11 land described in paragraph (2)(B).

12 (2) DESCRIPTION OF LAND.—

13 (A) NON-FEDERAL LAND.—The non-Fed-
14 eral land referred to in paragraph (1) is the ap-
15 proximately 181 acres of non-Federal land iden-
16 tified on the wilderness map as “Lands pro-
17 posed for transfer from Keys to the Federal
18 Government”.

19 (B) FEDERAL LAND.—The Federal land
20 referred to in paragraph (1)(B) is the approxi-
21 mately 183 acres of Federal land identified on
22 the wilderness map as “Lands proposed for
23 transfer from the Federal Government to
24 Keys”.

1 ~~(2) SURVEYS.~~—The exact acreage and legal de-
2 scription of the Federal land and non-Federal land
3 described in paragraph ~~(2)~~ shall be determined by
4 surveys approved by the Secretary.

5 ~~(d) BOWERMAN LAND EXCHANGE.~~—

6 ~~(1) CONVEYANCE OF LAND.~~—If the family trust
7 offers to convey to the United States all right, title,
8 and interest of the family trust in and to the non-
9 Federal land described in paragraph ~~(2)(A)~~, the Sec-
10 retary shall—

11 ~~(A) accept the offer; and~~

12 ~~(B) on receipt of acceptable title to the~~
13 non-Federal land and subject to valid existing
14 rights, convey to the family trust all right, title,
15 and interest of the United States in and to the
16 Federal land described in paragraph ~~(2)(B)~~.

17 ~~(2) DESCRIPTION OF LAND.~~—

18 ~~(A) NON-FEDERAL LAND.~~—The non-Fed-
19 eral land referred to in paragraph ~~(1)~~ is the ap-
20 proximately 34 acres of non-Federal land iden-
21 tified on the wilderness map as “Lands pro-
22 posed for transfer from Bowerman to the Fed-
23 eral Government”.

24 ~~(B) FEDERAL LAND.~~—The Federal land
25 referred to in paragraph ~~(1)(B)~~ is the approxi-

1 mately 24 acres of Federal land identified on
 2 the wilderness map as “Lands proposed for
 3 transfer from the Federal Government to
 4 Bowerman”.

5 (3) SURVEYS.—The exact acreage and legal de-
 6 scription of the Federal land and non-Federal land
 7 described in paragraph (2) shall be determined by
 8 surveys approved by the Secretary.

9 (c) APPLICABLE LAW.—Except as otherwise provided
 10 in this section, the Secretary shall carry out the land ex-
 11 changes under this section in accordance with section 206
 12 of the Federal Land Policy and Management Act of 1976
 13 (43 U.S.C. 1716).

14 (f) VALUATION, APPRAISALS, AND EQUALIZATION.—

15 (1) IN GENERAL.—The value of the Federal
 16 land and the non-Federal land to be conveyed in a
 17 land exchange under this section—

18 (A) shall be equal, as determined by ap-
 19 praisals conducted in accordance with para-
 20 graph (2); or

21 (B) if not equal, shall be equalized in ac-
 22 cordance with paragraph (3).

23 (2) APPRAISALS.—

24 (A) IN GENERAL.—The Federal land and
 25 the non-Federal land to be exchanged under

1 this section shall be appraised by an inde-
2 pendent, qualified appraiser that is agreed to by
3 the Secretary and the owner of the non-Federal
4 land to be exchanged.

5 (B) REQUIREMENTS.—An appraisal under
6 subparagraph (A) shall be conducted in accord-
7 ance with—

8 (i) the Uniform Appraisal Standards
9 for Federal Land Acquisition; and

10 (ii) the Uniform Standards of Profes-
11 sional Appraisal Practice.

12 (3) EQUALIZATION.—

13 (A) IN GENERAL.—If the value of the Fed-
14 eral land and the non-Federal land to be con-
15 veyed in a land exchange under this section is
16 not equal, the value may be equalized by—

17 (i) the Secretary making a cash
18 equalization payment to the owner of the
19 non-Federal land;

20 (ii) the owner of the non-Federal land
21 making a cash equalization payment to the
22 Secretary; or

23 (iii) reducing the acreage of the Fed-
24 eral land or the non-Federal land to be ex-
25 changed, as appropriate.

1 (B) CASH EQUALIZATION PAYMENTS.—

2 Any cash equalization payments received by the
3 Secretary under subparagraph (A)(ii) shall be—

4 (i) deposited in the Federal Land Dis-
5 posal Account established by section
6 206(a) of the Federal Land Transaction
7 Facilitation Act (43 U.S.C. 2305(a)); and

8 (ii) used in accordance with that Act.

9 (g) CONDITIONS OF EXCHANGE.—

10 (1) IN GENERAL.—As a condition of the con-
11 veyance of Federal land and non-Federal land under
12 this section, the Federal Government and the owner
13 of the non-Federal land shall equally share all costs
14 relating to the land exchange, including the costs of
15 appraisals, surveys, and any necessary environ-
16 mental clearances.

17 (2) VALID EXISTING RIGHTS.—The exchange of
18 Federal land and non-Federal land under this sec-
19 tion shall be subject to any easements, rights-of-way,
20 or other valid encumbrances in existence on the date
21 of enactment of this Act.

22 (h) DEADLINE FOR COMPLETION OF LAND EX-
23 CHANGE.—It is the intent of Congress that the land ex-
24 changes under this section shall be completed not later
25 than 16 months after the date of enactment of this Act.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Spring Basin Wilderness*
3 *Act of 2008”.*

4 **SEC. 2. DEFINITIONS.**

5 *In this Act:*

6 (1) *SECRETARY.*—*The term “Secretary” means*
7 *the Secretary of the Interior.*

8 (2) *STATE.*—*The term “State” means the State*
9 *of Oregon.*

10 (3) *TRIBES.*—*The term “Tribes” means the Con-*
11 *federated Tribes of the Warm Springs Reservation of*
12 *Oregon.*

13 (4) *WILDERNESS MAP.*—*The term “wilderness*
14 *map” means the map entitled “Spring Basin Wilder-*
15 *ness with Land Exchange Proposals” and dated Sep-*
16 *tember 3, 2008.*

17 **SEC. 3. SPRING BASIN WILDERNESS.**

18 (a) *DESIGNATION.*—*In accordance with the Wilderness*
19 *Act (16 U.S.C. 1131 et seq.), the approximately 6,382 acres*
20 *of Bureau of Land Management land in the State, as gen-*
21 *erally depicted on the wilderness map, is designated as wil-*
22 *derness and as a component of the National Wilderness*
23 *Preservation System, to be known as the “Spring Basin*
24 *Wilderness”.*

25 (b) *ADMINISTRATION OF WILDERNESS.*—

1 (1) *IN GENERAL.*—Subject to valid existing
2 rights, the Spring Basin Wilderness shall be adminis-
3 tered by the Secretary in accordance with the Wilder-
4 ness Act (16 U.S.C. 1131 et seq.), except that—

5 (A) any reference in the Wilderness Act to
6 the effective date of that Act shall be considered
7 to be a reference to the date of enactment of this
8 Act; and

9 (B) any reference in the Wilderness Act to
10 the Secretary of Agriculture shall be considered
11 to be a reference to the Secretary of the Interior.

12 (2) *INCORPORATION OF ACQUIRED LAND AND IN-*
13 *TERESTS.*—Any land or interest in land within the
14 boundary of the Spring Basin Wilderness that is ac-
15 quired by the United States shall—

16 (A) become part of the Spring Basin Wil-
17 derness; and

18 (B) be managed in accordance with this
19 Act, the Wilderness Act (16 U.S.C. 1131 et seq.),
20 and any other applicable law.

21 (3) *GRAZING.*—The grazing of livestock in the
22 Spring Basin Wilderness, if established before the date
23 of enactment of this Act, shall be permitted to con-
24 tinue subject to such reasonable regulations as are

1 *considered necessary by the Secretary, in accordance*
2 *with—*

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

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

10 *(c) MAP AND LEGAL DESCRIPTION.—*

11 *(1) IN GENERAL.—As soon as practicable after*
12 *the date of enactment of this Act, the Secretary shall*
13 *file a map and a legal description of the Spring*
14 *Basin Wilderness with—*

15 *(A) the Committee on Energy and Natural*
16 *Resources of the Senate; and*

17 *(B) the Committee on Natural Resources of*
18 *the House of Representatives.*

19 *(2) FORCE OF LAW.—The map and legal descrip-*
20 *tion filed under paragraph (1) shall have the same*
21 *force and effect as if included in this Act, except that*
22 *the Secretary may correct any typographical errors*
23 *in the map and legal description.*

24 *(3) PUBLIC AVAILABILITY.—The map and legal*
25 *description filed under paragraph (1) shall be on file*

1 *and available for public inspection in the appropriate*
2 *offices of the Bureau of Land Management.*

3 **SEC. 4. RELEASE.**

4 *(a) FINDING.—Congress finds that, for the purposes of*
5 *section 603(c) of the Federal Land Policy and Management*
6 *Act of 1976 (43 U.S.C. 1782(c)), the portions of the Spring*
7 *Basin wilderness study area that are not designated by sec-*
8 *tion 3(a) as the Spring Basin Wilderness in the following*
9 *areas have been adequately studied for wilderness designa-*
10 *tion:*

11 *(1) T. 8 S., R. 19 E., sec. 10, NE $\frac{1}{4}$, W $\frac{1}{2}$.*

12 *(2) T. 8 S., R.19 E., sec. 25, SE $\frac{1}{4}$, SE $\frac{1}{4}$.*

13 *(3) T. 8 S., R. 20 E., sec. 19, SE $\frac{1}{4}$, S $\frac{1}{2}$ of*
14 *the S $\frac{1}{2}$.*

15 *(b) RELEASE.—Any public land described in sub-*
16 *section (a) that is not designated as wilderness by this*
17 *Act—*

18 *(1) is no longer subject to section 603(c) of the*
19 *Federal Land Policy and Management Act of 1976*
20 *(43 U.S.C. 1782(c)); and*

21 *(2) shall be managed in accordance with the ap-*
22 *plicable land use plan adopted under section 202 of*
23 *that Act (43 U.S.C. 1712).*

1 **SEC. 5. LAND EXCHANGES.**

2 (a) *CONFEDERATED TRIBES OF THE WARM SPRINGS*
3 *RESERVATION LAND EXCHANGE.*—

4 (1) *CONVEYANCE OF LAND.*—Subject to sub-
5 sections (e) through (g), if the Tribes offer to convey
6 to the United States all right, title, and interest of the
7 Tribes in and to the non-Federal land described in
8 paragraph (2)(A), the Secretary shall—

9 (A) accept the offer; and

10 (B) on receipt of acceptable title to the non-
11 Federal land, convey to the Tribes all right, title,
12 and interest of the United States in and to the
13 Federal land described in paragraph (2)(B).

14 (2) *DESCRIPTION OF LAND.*—

15 (A) *NON-FEDERAL LAND.*—The non-Federal
16 land referred to in paragraph (1) is the approxi-
17 mately 4,480 acres of non-Federal land identi-
18 fied on the wilderness map as “Lands proposed
19 for transfer from the CTWSIR to the Federal
20 Government”.

21 (B) *FEDERAL LAND.*—The Federal land re-
22 ferred to in paragraph (1)(B) is the approxi-
23 mately 4,578 acres of Federal land identified on
24 the wilderness map as “Lands proposed for
25 transfer from the Federal Government to
26 CTWSIR”.

1 (3) *SURVEYS.*—*The exact acreage and legal de-*
2 *scription of the Federal land and non-Federal land*
3 *described in paragraph (2) shall be determined by*
4 *surveys approved by the Secretary.*

5 (4) *WITHDRAWAL.*—*Subject to valid existing*
6 *rights, the land acquired by the Secretary under this*
7 *subsection is withdrawn from all forms of—*

8 (A) *entry, appropriation, or disposal under*
9 *the public land laws;*

10 (B) *location, entry, and patent under the*
11 *mining laws; and*

12 (C) *disposition under any law relating to*
13 *mineral and geothermal leasing or mineral ma-*
14 *terials.*

15 (b) *MCGREER LAND EXCHANGE.*—

16 (1) *CONVEYANCE OF LAND.*—*Subject to sub-*
17 *sections (e) through (g), if the landowner offers to con-*
18 *vey to the United States all right, title, and interest*
19 *of the landowner in and to the non-Federal land de-*
20 *scribed in paragraph (2)(A), the Secretary shall—*

21 (A) *accept the offer; and*

22 (B) *on receipt of acceptable title to the non-*
23 *Federal land, convey to the landowner all right,*
24 *title, and interest of the United States in and to*
25 *the Federal land described in paragraph (2)(B).*

1 (2) *DESCRIPTION OF LAND.*—

2 (A) *NON-FEDERAL LAND.*—*The non-Federal*
3 *land referred to in paragraph (1) is the approxi-*
4 *mately 18 acres of non-Federal land identified*
5 *on the wilderness map as “Lands proposed for*
6 *transfer from McGreer to the Federal Govern-*
7 *ment”.*

8 (B) *FEDERAL LAND.*—*The Federal land re-*
9 *ferred to in paragraph (1)(B) is the approxi-*
10 *mately 327 acres of Federal land identified on*
11 *the wilderness map as “Lands proposed for*
12 *transfer from the Federal Government to*
13 *McGreer”.*

14 (3) *SURVEYS.*—*The exact acreage and legal de-*
15 *scription of the Federal land and non-Federal land*
16 *described in paragraph (2) shall be determined by*
17 *surveys approved by the Secretary.*

18 (c) *KEYS LAND EXCHANGE.*—

19 (1) *CONVEYANCE OF LAND.*—*Subject to sub-*
20 *sections (e) through (g), if the landowner offers to con-*
21 *vey to the United States all right, title, and interest*
22 *of the landowner in and to the non-Federal land de-*
23 *scribed in paragraph (2)(A), the Secretary shall—*

24 (A) *accept the offer; and*

1 (B) on receipt of acceptable title to the non-
 2 Federal land, convey to the landowner all right,
 3 title, and interest of the United States in and to
 4 the Federal land described in paragraph (2)(B).

5 (2) DESCRIPTION OF LAND.—

6 (A) NON-FEDERAL LAND.—The non-Federal
 7 land referred to in paragraph (1) is the approxi-
 8 mately 180 acres of non-Federal land identified
 9 on the wilderness map as “Lands proposed for
 10 transfer from Keys to the Federal Government”.

11 (B) FEDERAL LAND.—The Federal land re-
 12 ferred to in paragraph (1)(B) is the approxi-
 13 mately 187 acres of Federal land identified on
 14 the wilderness map as “Lands proposed for
 15 transfer from the Federal Government to Keys”.

16 (3) SURVEYS.—The exact acreage and legal de-
 17 scription of the Federal land and non-Federal land
 18 described in paragraph (2) shall be determined by
 19 surveys approved by the Secretary.

20 (d) BOWERMAN LAND EXCHANGE.—

21 (1) CONVEYANCE OF LAND.—Subject to sub-
 22 sections (e) through (g), if the landowner offers to con-
 23 vey to the United States all right, title, and interest
 24 of the landowner in and to the non-Federal land de-
 25 scribed in paragraph (2)(A), the Secretary shall—

1 (A) *accept the offer; and*

2 (B) *on receipt of acceptable title to the non-*
3 *Federal land, convey to the landowner all right,*
4 *title, and interest of the United States in and to*
5 *the Federal land described in paragraph (2)(B).*

6 (2) *DESCRIPTION OF LAND.—*

7 (A) *NON-FEDERAL LAND.—The non-Federal*
8 *land referred to in paragraph (1) is the approxi-*
9 *mately 32 acres of non-Federal land identified*
10 *on the wilderness map as “Lands proposed for*
11 *transfer from Bowerman to the Federal Govern-*
12 *ment”.*

13 (B) *FEDERAL LAND.—The Federal land re-*
14 *ferred to in paragraph (1)(B) is the approxi-*
15 *mately 24 acres of Federal land identified on the*
16 *wilderness map as “Lands proposed for transfer*
17 *from the Federal Government to Bowerman”.*

18 (3) *SURVEYS.—The exact acreage and legal de-*
19 *scription of the Federal land and non-Federal land*
20 *described in paragraph (2) shall be determined by*
21 *surveys approved by the Secretary.*

22 (e) *APPLICABLE LAW.—Except as otherwise provided*
23 *in this section, the Secretary shall carry out the land ex-*
24 *changes under this section in accordance with section 206*

1 *of the Federal Land Policy and Management Act of 1976*
2 *(43 U.S.C. 1716).*

3 *(f) VALUATION, APPRAISALS, AND EQUALIZATION.—*

4 *(1) IN GENERAL.—The value of the Federal land*
5 *and the non-Federal land to be conveyed in a land ex-*
6 *change under this section—*

7 *(A) shall be equal, as determined by ap-*
8 *praisals conducted in accordance with para-*
9 *graph (2); or*

10 *(B) if not equal, shall be equalized in ac-*
11 *cordance with paragraph (3).*

12 *(2) APPRAISALS.—*

13 *(A) IN GENERAL.—The Federal land and*
14 *the non-Federal land to be exchanged under this*
15 *section shall be appraised by an independent,*
16 *qualified appraiser that is agreed to by the Sec-*
17 *retary and the owner of the non-Federal land to*
18 *be exchanged.*

19 *(B) REQUIREMENTS.—An appraisal under*
20 *subparagraph (A) shall be conducted in accord-*
21 *ance with—*

22 *(i) the Uniform Appraisal Standards*
23 *for Federal Land Acquisitions; and*

24 *(ii) the Uniform Standards of Profes-*
25 *sional Appraisal Practice.*

1 (3) *EQUALIZATION.*—

2 (A) *IN GENERAL.*—*If the value of the Fed-*
3 *eral land and the non-Federal land to be con-*
4 *veyed in a land exchange under this section is*
5 *not equal, the value may be equalized by—*

6 (i) *making a cash equalization pay-*
7 *ment to the Secretary or to the owner of the*
8 *non-Federal land, as appropriate, in ac-*
9 *cordance with section 206(b) of the Federal*
10 *Land Policy and Management Act of 1976*
11 *(43 U.S.C. 1716(b)); or*

12 (ii) *reducing the acreage of the Federal*
13 *land or the non-Federal land to be ex-*
14 *changed, as appropriate.*

15 (B) *CASH EQUALIZATION PAYMENTS.*—*Any*
16 *cash equalization payments received by the Sec-*
17 *retary under subparagraph (A)(i) shall be—*

18 (i) *deposited in the Federal Land Dis-*
19 *posal Account established by section 206(a)*
20 *of the Federal Land Transaction Facilita-*
21 *tion Act (43 U.S.C. 2305(a)); and*

22 (ii) *used in accordance with that Act.*

23 (g) *CONDITIONS OF EXCHANGE.*—

1 (1) *IN GENERAL.*—*The land exchanges under this*
2 *section shall be subject to such terms and conditions*
3 *as the Secretary may require.*

4 (2) *COSTS.*—*As a condition of a conveyance of*
5 *Federal land and non-Federal land under this sec-*
6 *tion, the Federal Government and the owner of the*
7 *non-Federal land shall equally share all costs relating*
8 *to the land exchange, including the costs of apprais-*
9 *als, surveys, and any necessary environmental clear-*
10 *ances.*

11 (3) *VALID EXISTING RIGHTS.*—*The exchange of*
12 *Federal land and non-Federal land under this section*
13 *shall be subject to any easements, rights-of-way, and*
14 *other valid rights in existence on the date of enact-*
15 *ment of this Act.*

16 (h) *COMPLETION OF LAND EXCHANGE.*—*It is the in-*
17 *tent of Congress that the land exchanges under this section*
18 *shall be completed not later than 2 years after the date of*
19 *enactment of this Act.*

20 **SEC. 6. PROTECTION OF TRIBAL TREATY RIGHTS.**

21 *Nothing in this Act alters, modifies, enlarges, dimin-*
22 *ishes, or abrogates the treaty rights of any Indian tribe,*
23 *including the off-reservation reserved rights secured by the*
24 *Treaty with the Tribes and Bands of Middle Oregon of June*
25 *25, 1855 (12 Stat. 963).*

Calendar No. 1001

110TH CONGRESS
2^D SESSION

S. 3089

A BILL

To designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-Federal land, and for other purposes.

SEPTEMBER 16, 2008

Reported with an amendment