

111TH CONGRESS
2D SESSION

S. 2963

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

JANUARY 28, 2010

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

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 “Cathedral Rock and
5 Horse Heaven Wilderness Act of 2010”.

6 **SEC. 2. DEFINITIONS.**

7 (1) FEDERAL LAND.—The term “Federal land”
8 means the Federal land authorized to be conveyed
9 by the United States under section 4(a).

1 (2) LANDOWNER.—The term “landowner”
2 means the owner of the applicable non-Federal land.

3 (3) NON-FEDERAL LAND.—The term “non-Fed-
4 eral land” means the land authorized to be conveyed
5 to the United States under section 4(a).

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

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

10 (6) WILDERNESS AREA.—The term “wilderness
11 area” means any of the areas designated as compo-
12 nents of the National Wilderness Preservation Sys-
13 tem by section 3(a).

14 (7) WILDERNESS MAP.—The term “wilderness
15 map” means the map entitled “Cathedral Rock–
16 Horse Heaven Wilderness Proposals” and dated
17 January 21, 2010.

18 **SEC. 3. CATHEDRAL ROCK WILDERNESS AND HORSE HEAV-**
19 **EN WILDERNESS.**

20 (a) DESIGNATION.—In accordance with the Wilder-
21 ness Act (16 U.S.C. 1131 et seq.), the following land in
22 the State is designated as wilderness and as components
23 of the National Wilderness Preservation System:

24 (1) CATHEDRAL ROCK WILDERNESS.—The ap-
25 proximately 8,686 acres of Bureau of Land Manage-

ment land in the State, as depicted on the wilderness map, to be known as the “Cathedral Rock Wilderness”.

(2) HORSE HEAVEN WILDERNESS.—The approximately 7,791 acres of Bureau of Land Management land in the State, as depicted on the wilderness map, to be known as the “Horse Heaven Wilderness”.

(b) MAPS; LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of each wilderness area with—

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

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

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct errors in the map and legal description.

(3) AVAILABILITY.—The maps and legal descriptions filed under paragraph (1) shall be on file and available for public inspection in—

1 (A) the Office of the Chief of the Forest
2 Service; and

3 (B) the Office of the Director of the Bu-
4 reau of Land Management.

5 (4) CONFLICT BETWEEN MAP AND LEGAL DE-
6SCRIPTION.—In the case of a conflict between the
7 maps and legal descriptions filed under paragraph
8 (1), the maps shall control.

9 (c) ADMINISTRATION OF WILDERNESS.—

10 (1) IN GENERAL.—Subject to valid existing
11 rights, the wilderness areas shall be administered by
12 the Secretary in accordance with the Wilderness Act
13 (16 U.S.C. 1131 et seq.), except that any reference
14 in that Act to the effective date shall be considered
15 to be a reference to the date of enactment of this
16 Act.

17 (2) INCORPORATION OF ACQUIRED LAND AND
18 INTERESTS.—Any land within or adjacent to the
19 boundary of a wilderness area that is acquired by
20 the United States shall—

21 (A) become part of the wilderness area;
22 and

23 (B) be managed in accordance with—

24 (i) this section; and

25 (ii) any other applicable laws.

1 (3) WITHDRAWAL.—Subject to valid rights in
2 existence on the date of enactment of this Act, the
3 Federal land within the wilderness areas is with-
4 drawn from all forms of—

5 (A) entry, appropriation, or disposal under
6 the public land laws;

7 (B) location, entry, and patent under the
8 mining laws; and

9 (C) disposition under all laws relating to
10 mineral and geothermal leasing or mineral ma-
11 terials.

12 (4) GRAZING.—The grazing of domestic live-
13 stock in a wilderness area shall be administered in
14 accordance with—

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

17 (B) the guidelines set forth in Appendix A
18 of the report of the Committee on Interior and
19 Insular Affairs of the House of Representatives
20 accompanying H.R. 2570 of the 101st Congress
21 (H. Rept. 101–405) and H.R. 5487 of the 96th
22 Congress (H. Rept. 96–617).

23 (5) ACCESS TO NON-FEDERAL LAND.—In ac-
24 cordance with the Wilderness Act (16 U.S.C. 1131
25 et seq.), the Secretary shall provide reasonable ac-

cess to non-Federal land within the boundaries of
the wilderness areas.

(6) STATE WATER LAWS.—Nothing in this section constitutes an exemption from State water laws (including regulations).

(7) TRIBAL RIGHTS.—Nothing in this section—

(A) affects, alters, amends, repeals, interprets, extinguishes, modifies, or is in conflict with—

(i) the treaty rights of an Indian tribe, including the rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963); and

(ii) any other rights of an Indian tribe;

(B) prevents, prohibits, terminates, or abridges the exercise of treaty-reserved rights, including the rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963), within the boundaries of the wilderness areas; or

(C) affects any non-Federal land acquired by the United States under section 4.

1 **SEC. 4. LAND EXCHANGES.**

2 (a) AUTHORIZATION.—

3 (1) SMITH EXCHANGE.—

4 (A) IN GENERAL.—If Derby Smith Part-
 5 ners, LLC, of Bend, Oregon (referred to in this
 6 section as “Smith”), offers to convey to the
 7 United States all right, title, and interest of
 8 Smith in and to the non-Federal land described
 9 in subparagraph (B)(i), the Secretary shall—

10 (i) accept the offer; and

11 (ii) on receipt of acceptable title to the
 12 non-Federal land and subject to valid ex-
 13 isting rights, convey to Smith all right,
 14 title, and interest of the United States in
 15 and to the Federal land described in sub-
 16 paragraph (B)(ii).

17 (B) DESCRIPTION OF LAND.—

18 (i) NON-FEDERAL LAND.—The non-
 19 Federal land referred to in subparagraph
 20 (A) is the approximately 1,057 acres of
 21 non-Federal land identified on the wilder-
 22 ness map as “Lands proposed for transfer
 23 from Smith to the Federal Government”.

24 (ii) FEDERAL LAND.—The Federal
 25 land referred to in subparagraph (A)(ii) is
 26 the approximately 1,195 acres of Federal

1 land identified on the wilderness map as
2 “Lands proposed for transfer from the
3 Federal Government to Smith”.

4 (2) SHRUM EXCHANGE.—

5 (A) IN GENERAL.—If Milton Shrum (re-
6 ferred to in this section as “Shrum”) offers to
7 convey to the United States all right, title, and
8 interest of Shrum in and to the non-Federal
9 land described in subparagraph (B)(i), the Sec-
10 retary shall—

11 (i) accept the offer; and

12 (ii) on receipt of acceptable title to the
13 non-Federal land and subject to valid ex-
14 isting rights, convey to Shrum all right,
15 title, and interest of the United States in
16 and to the Federal land described in sub-
17 paragraph (B)(ii).

18 (B) DESCRIPTION OF LAND.—

19 (i) NON-FEDERAL LAND.—The non-
20 Federal land referred to in subparagraph
21 (A) is the approximately 416 acres of non-
22 Federal land identified on the wilderness
23 map as “Lands proposed for transfer from
24 Shrum to the Federal Government”.

1 (ii) FEDERAL LAND.—The Federal
 2 land referred to in subparagraph (A)(ii) is
 3 the approximately 594 acres of Federal
 4 land identified on the wilderness map as
 5 “Lands proposed for transfer from the
 6 Federal Government to Shrum”.

7 (3) YOUNG LIFE EXCHANGE.—

8 (A) IN GENERAL.—If Young Life of Colo-
 9 rado Springs, Colorado (referred to in this sec-
 10 tion as “Young Life”), offers to convey to the
 11 United States all right, title, and interest of
 12 Young Life in and to the non-Federal land de-
 13 scribed in subparagraph (B)(i), the Secretary
 14 shall—

15 (i) accept the offer; and

16 (ii) on receipt of acceptable title to the
 17 non-Federal land and subject to valid ex-
 18 isting rights, convey to Young Life all
 19 right, title, and interest of the United
 20 States in and to the Federal land described
 21 in subparagraph (B)(ii).

22 (B) DESCRIPTION OF LAND.—

23 (i) NON-FEDERAL LAND.—The non-
 24 Federal land referred to in subparagraph
 25 (A) is the approximately 8,715 acres of

1 non-Federal land identified on the wilder-
2 ness map as “Lands proposed for transfer
3 from Young Life to the Federal Govern-
4 ment”.

5 (ii) FEDERAL LAND.—The Federal
6 land referred to in subparagraph (A)(ii) is
7 the approximately 12,335 acres of Federal
8 land identified on the wilderness map as
9 “Lands proposed for transfer from the
10 Federal Government to Young Life”.

11 (b) APPLICABLE LAW.—Except as otherwise provided
12 in this section, the Secretary shall carry out the land ex-
13 changes under subsection (a) in accordance with section
14 206 of the Federal Land Policy and Management Act of
15 1976 (43 U.S.C. 1716).

16 (c) CONDITIONS.—The conveyances of the Federal
17 land and non-Federal land under subsection (a) shall be
18 subject to such terms and conditions as the Secretary may
19 require.

20 (d) EQUAL VALUE EXCHANGE.—

21 (1) IN GENERAL.—The value of the Federal
22 land and non-Federal land to be exchanged under
23 this section—

24 (A) shall be equal; or

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

3 (2) EQUALIZATION.—

4 (A) SURPLUS OF FEDERAL LAND.—If the
5 value of the Federal land exceeds the value of
6 the non-Federal land, the value of the Federal
7 land and non-Federal land shall be equalized,
8 as determined to be appropriate and acceptable
9 by the Secretary and the landowner—

10 (i) by reducing the acreage of the
11 Federal land to be conveyed; or

12 (ii) by adding additional State land to
13 the non-Federal land to be conveyed.

14 (B) SURPLUS OF NON-FEDERAL LAND.—If
15 the value of the non-Federal land exceeds the
16 value of the Federal land, the value of the Fed-
17 eral land and non-Federal land shall be equal-
18 ized by reducing the acreage of the non-Federal
19 land to be conveyed, as determined to be appro-
20 priate and acceptable by the Secretary and the
21 landowner.

22 (e) APPRAISALS.—

23 (1) IN GENERAL.—As soon as practicable after
24 the date of enactment of this Act, the Secretary and
25 the landowner shall select an appraiser to conduct

1 an appraisal of the Federal land and non-Federal
2 land to be exchanged.

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

6 (A) the Uniform Appraisal Standards for
7 Federal Land Acquisitions; and

8 (B) the Uniform Standards of Professional
9 Appraisal Practice.

10 (f) SURVEYS.—

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

15 (2) COSTS.—The Secretary and the landowner
16 shall divide equally between the Secretary and the
17 landowner—

18 (A) the costs of any surveys conducted
19 under paragraph (1); and

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

22 (g) DEADLINE FOR COMPLETION OF LAND EX-
23 CHANGE.—It is the intent of Congress that the land ex-
24 changes under this section be completed not later than 2
25 years after the date of enactment of this Act.

1 (h) ADDITION TO WILDERNESS AREAS.—On comple-
2 tion of the land exchanges under this section, the non-
3 Federal land shall—

4 (1) become part of the wilderness areas; and

5 (2) be managed in accordance with—

6 (A) this Act;

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

9 (C) any other applicable law.

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