

112TH CONGRESS
1ST SESSION

S. 607

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

MARCH 17, 2011

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 2011”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) LAND EXCHANGE MAP.—The term “land
2 exchange map” means the map entitled “Antone
3 Ranch Exchanges” and dated July 26, 2010.

4 (2) PROPOSED WILDERNESS MAP.—The term
5 “proposed wilderness map” means the map entitled
6 “Cathedral Rock and Horse Heaven Wilderness”
7 and dated November 8, 2010.

8 (3) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

10 (4) STATE.—The term “State” means the State
11 of Oregon.

12 **SEC. 3. LAND EXCHANGES.**

13 (a) AUTHORIZATION.—

14 (1) SMITH EXCHANGE.—

15 (A) IN GENERAL.—Subject to subsections
16 (b) through (e), if the owner of the non-Federal
17 land described in subparagraph (B)(i) offers to
18 convey to the United States all right, title, and
19 interest of the owner in and to the non-Federal
20 land, the Secretary shall—

21 (i) accept the offer; and

22 (ii) convey to the owner of the non-
23 Federal land all right, title, and interest of
24 the United States in and to the Federal
25 land described in subparagraph (B)(ii).

1 (B) DESCRIPTION OF LAND.—

2 (i) NON-FEDERAL LAND.—The non-
3 Federal land referred to in subparagraph
4 (A) is the approximately 1,135 acres of
5 non-Federal land generally depicted on the
6 proposed wilderness map as “Land trans-
7 fer from Smith to BLM”.

8 (ii) FEDERAL LAND.—The Federal
9 land referred to in subparagraph (A)(ii) is
10 the approximately 1,195 acres of Federal
11 land generally depicted on the proposed
12 wilderness map as “Land transfer from
13 BLM to Smith”.

14 (2) SHRUM EXCHANGE.—

15 (A) IN GENERAL.—Subject to subsections
16 (b) through (e), if the owner of the non-Federal
17 land described in subparagraph (B)(i) offers to
18 convey to the United States all right, title, and
19 interest of the owner in and to the non-Federal
20 land, the Secretary shall—

21 (i) accept the offer; and

22 (ii) convey to the owner of the non-
23 Federal land all right, title, and interest of
24 the United States in and to the Federal
25 land described in subparagraph (B)(ii).

1 (B) DESCRIPTION OF LAND.—

2 (i) NON-FEDERAL LAND.—The non-
3 Federal land referred to in subparagraph
4 (A) is the approximately 415 acres of non-
5 Federal land generally depicted on the pro-
6 posed wilderness map as “Land transfer
7 from Shrum to BLM”.

8 (ii) FEDERAL LAND.—The Federal
9 land referred to in subparagraph (A)(ii) is
10 the approximately 555 acres of Federal
11 land generally depicted on the proposed
12 wilderness map as “Land transfer from
13 BLM to Shrum”.

14 (3) YOUNG LIFE EXCHANGE.—

15 (A) IN GENERAL.—Subject to subsections
16 (b) through (e), if the owner of the non-Federal
17 land described in subparagraph (B)(i) offers to
18 convey to the United States all right, title, and
19 interest of the owner in and to the non-Federal
20 land, the Secretary and the Secretary of Agri-
21 culture shall—

22 (i) accept the offer; and

23 (ii) convey to the owner of the non-
24 Federal land all right, title, and interest of

1 the United States in and to the Federal
2 land described in subparagraph (B)(ii).

3 (B) DESCRIPTION OF LAND.—

4 (i) NON-FEDERAL LAND.—The non-
5 Federal land referred to in subparagraph
6 (A) is the approximately 10,290 acres of
7 non-Federal land generally depicted on the
8 proposed wilderness map as “Land trans-
9 fer from Young Life to BLM”.

10 (ii) FEDERAL LAND.—The Federal
11 land referred to in subparagraph (A)(ii)
12 is—

13 (I) the approximately 11,365
14 acres of Federal land generally de-
15 picted on the proposed wilderness map
16 as “Land transfer from BLM to
17 Young Life”;

18 (II) the approximately 645 acres
19 of Federal land generally depicted on
20 the land exchange map as “Land
21 transfer from BLM to Young Life”;
22 and

23 (III) the approximately 690 acres
24 of Federal land generally depicted on

1 the land exchange map as “Land
2 transfer from USFS to Young Life”.

3 (b) APPLICABLE LAW.—Each land exchange under
4 subsection (a) shall be carried out in accordance with sec-
5 tion 206 of the Federal Land Policy and Management Act
6 of 1976 (43 U.S.C. 1716), including the requirement that
7 the Secretary determine that the public interest will be
8 well served by making the exchange.

9 (c) CONDITIONS.—Each land exchange under sub-
10 section (a) shall be subject to—

11 (1) valid existing rights;

12 (2) the condition that the owner make the offer
13 to convey all or part of the non-Federal land during
14 the 3-year period beginning on the date of enact-
15 ment of this Act;

16 (3) the condition that the owner of the non-
17 Federal land pay not less than 50 percent of all
18 costs relating to the land exchange, including the
19 costs of appraisals, surveys, and any necessary envi-
20 ronmental clearances;

21 (4) the condition that title to the non-Federal
22 land be acceptable to the Secretary and in conform-
23 ance with the title approval standards applicable to
24 Federal land acquisitions; and

1 (5) such terms and conditions as the Secretary
2 or the Secretary of Agriculture, as appropriate, may
3 require.

4 (d) VALUATION, APPRAISALS, AND EQUALIZATION.—

5 (1) IN GENERAL.—The value of the Federal
6 land and the non-Federal land to be conveyed in
7 each land exchange under this section—

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

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

13 (2) APPRAISALS.—

14 (A) IN GENERAL.—The Federal land and
15 the non-Federal land to be exchanged under
16 this section shall be appraised by an inde-
17 pendent, qualified appraiser that is agreed to by
18 the Secretary or the Secretary of Agriculture,
19 as appropriate.

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

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

1 (ii) the Uniform Standards of Profes-
2 sional Appraisal Practice.

3 (3) EQUALIZATION.—

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

8 (i) making a cash equalization pay-
9 ment to the Secretary or to the owner of
10 the non-Federal land, as appropriate, in
11 accordance with section 206(b) of the Fed-
12 eral Land Policy and Management Act of
13 1976 (43 U.S.C. 1716(b)); or

14 (ii) reducing the acreage of the Fed-
15 eral land or the non-Federal land to be ex-
16 changed, as appropriate.

17 (B) CASH EQUALIZATION PAYMENTS.—

18 Any cash equalization payments received by the
19 Secretary under subparagraph (A)(i) shall be—

20 (i) deposited in the Federal Land Dis-
21 posal Account established by section
22 206(a) of the Federal Land Transaction
23 Facilitation Act (43 U.S.C. 2305(a)); and

24 (ii) used in accordance with that Act.

1 (e) SURVEYS.—The exact acreage and legal descrip-
2 tion of the Federal land and non-Federal land to be ex-
3 changed under subsection (a) shall be determined by sur-
4 veys approved by the Secretary.

5 (f) COMPLETION OF LAND EXCHANGE.—It is the in-
6 tent of Congress that the land exchanges under this sec-
7 tion be completed not later than 5 years after the date
8 of enactment of this Act.

9 (g) TRANSFER OF ADMINISTRATIVE JURISDIC-
10 TION.—

11 (1) IN GENERAL.—Administrative jurisdiction
12 over the approximately 750 acres of Federal land
13 managed by the Bureau of Land Management gen-
14 erally depicted on the land exchange map as “Land
15 transfer from BLM to USFS” is transferred from
16 the Bureau of Land Management to the Forest
17 Service.

18 (2) ADMINISTRATION.—The Secretary of Agri-
19 culture shall administer the transferred land in ac-
20 cordance with—

21 (A) the Act of March 1, 1911 (commonly
22 known as the “Weeks Act”) (16 U.S.C. 480 et
23 seq.); and

24 (B) the laws (including regulations) appli-
25 cable to the National Forest System.

1 (3) COSTS.—Any costs relating to the transfer
2 under paragraph (1), including any costs for surveys
3 and other administrative costs, shall be paid by the
4 Secretary of Agriculture.

5 **SEC. 4. POTENTIAL WILDERNESS AREAS.**

6 (a) DESIGNATION OF POTENTIAL WILDERNESS.—

7 (1) IN GENERAL.—In furtherance of the pur-
8 poses of the Wilderness Act (16 U.S.C. 1131 et
9 seq.), the following areas of Federal land managed
10 by the Bureau of Land Management in the State
11 are designated as potential wilderness areas until the
12 date described in paragraph (2):

13 (A) CATHEDRAL ROCK.—Certain land
14 comprising approximately 4,560 acres generally
15 depicted on the proposed wilderness map as
16 “Proposed Cathedral Rock Wilderness”.

17 (B) HORSE HEAVEN.—Certain land com-
18 prising approximately 2,815 acres generally de-
19 picted on the proposed wilderness map as “Pro-
20 posed Horse Heaven Wilderness”.

21 (2) INTERIM MANAGEMENT.—Each potential
22 wilderness area shall be managed in a manner that
23 maintains or improves the wilderness character of
24 the potential wilderness area and suitability of the
25 potential wilderness area for designation in accord-

1 ance with the Wilderness Act (16 U.S.C. 1131 et
2 seq.) until the earlier of—

3 (A) the date on which the potential wilder-
4 ness area is designated as wilderness under
5 subsection (b); or

6 (B) the date that is 10 years after the date
7 of enactment of this Act.

8 (b) DESIGNATION OF WILDERNESS.—

9 (1) CATHEDRAL ROCK WILDERNESS.—The Fed-
10 eral land within the boundaries of the area generally
11 depicted on the proposed wilderness map as “Pro-
12 posed Cathedral Rock Wilderness” shall be des-
13 ignated as wilderness and as a component of the Na-
14 tional Wilderness Preservation System, to be known
15 as the “Cathedral Rock Wilderness”, on the earlier
16 of—

17 (A) the date on which the Secretary pub-
18 lishes in the Federal Register notice that suffi-
19 cient inholdings within the boundaries of the
20 Proposed Cathedral Rock Wilderness have been
21 acquired to establish a manageable wilderness
22 unit; or

23 (B) the date on which the Secretary ac-
24 quires secs. 2, 11, and 23 in T. 9 S, R. 19 E.

1 (2) HORSE HEAVEN WILDERNESS.—The Fed-
2 eral land within the boundaries of the area generally
3 depicted on the proposed wilderness map as “Pro-
4 posed Horse Heaven Wilderness” shall be designated
5 as wilderness and as a component of the National
6 Wilderness Preservation System, to be known as the
7 “Horse Heaven Wilderness”, on the earlier of—

8 (A) the date on which the Secretary pub-
9 lishes in the Federal Register notice that suffi-
10 cient inholdings within the boundaries of the
11 Proposed Horse Heaven Wilderness have been
12 acquired to establish a manageable wilderness
13 unit; or

14 (B) the date on which the Secretary ac-
15 quires those portions of secs. 11, 12, 13, 23,
16 and 24 in T. 10 S, R. 18 E. that are generally
17 depicted as within the boundaries of the “Pro-
18 posed Horse Heaven Wilderness” on the pro-
19 posed wilderness map.

20 (3) MAPS; LEGAL DESCRIPTIONS.—

21 (A) IN GENERAL.—As soon as practicable
22 after the date on which a wilderness area is
23 designated under paragraph (1) or (2), the Sec-
24 retary shall file a map and legal description of
25 the wilderness area with—

1 (i) the Committee on Natural Re-
2 sources of the House of Representatives;
3 and

4 (ii) the Committee on Energy and
5 Natural Resources of the Senate.

6 (B) FORCE OF LAW.—The maps and legal
7 descriptions filed under subparagraph (A) shall
8 have the same force and effect as if included in
9 this Act, except that the Secretary may correct
10 minor errors in the maps and legal descriptions.

11 (C) AVAILABILITY.—The maps and legal
12 descriptions filed under subparagraph (A) shall
13 be on file and available for public inspection in
14 the appropriate offices of the Bureau of Land
15 Management.

16 (4) ADMINISTRATION OF WILDERNESS.—

17 (A) IN GENERAL.—Subject to valid exist-
18 ing rights, each area designated as wilderness
19 under paragraph (1) or (2) shall be adminis-
20 tered by the Secretary in accordance with the
21 Wilderness Act (16 U.S.C. 1131 et seq.), except
22 that—

23 (i) any reference in the Wilderness
24 Act to the effective date of that Act shall

1 be considered to be a reference to the date
2 of enactment of this Act; and

3 (ii) any reference in the Wilderness
4 Act to the Secretary of Agriculture shall be
5 considered to be a reference to the Sec-
6 retary of the Interior.

7 (B) GRAZING.—The grazing of livestock in
8 a wilderness area designated under paragraph
9 (1) or (2), if established before the date of en-
10 actment of this Act, shall be permitted to con-
11 tinue subject to such reasonable regulations as
12 are considered necessary by the Secretary, in
13 accordance with—

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

16 (ii) the guidelines set forth in Appen-
17 dix A of the report of the Committee on
18 Interior and Insular Affairs of the House
19 of Representatives accompanying H.R.
20 2570 of the 101st Congress (H. Rept.
21 101–405).

22 (C) TRIBAL RIGHTS.—Nothing in this sec-
23 tion alters, modifies, enlarges, diminishes, or
24 abrogates the treaty rights of any Indian tribe,
25 including the off-reservation reserved rights se-

1 cured by the Treaty with the Tribes and Bands
2 of Middle Oregon of June 25, 1855 (12 Stat.
3 963).

4 (c) INCORPORATION OF ACQUIRED LAND AND INTER-
5 ESTS.—Any land or interest in land that is acquired by
6 the United States within the boundaries generally depicted
7 on the proposed wilderness map as “Proposed Cathedral
8 Rock Wilderness” and “Proposed Horse Heaven Wilder-
9 ness” shall—

10 (1) become part of the potential wilderness area
11 or wilderness area, as applicable; and

12 (2) be managed in accordance with—

13 (A) this section; and

14 (B) any other applicable laws.

15 (d) WITHDRAWAL.—Subject to valid existing rights,
16 within the boundaries generally depicted on the proposed
17 wilderness map as “Proposed Cathedral Rock Wilderness”
18 and “Proposed Horse Heaven Wilderness”, the Federal
19 land and any land or interest in land that is acquired by
20 the United States is withdrawn from all forms of—

21 (1) entry, appropriation, and disposal under the
22 public land laws;

23 (2) location, entry, and patent under the mining
24 laws; and

- 1 (3) operation of the mineral leasing, mineral
- 2 materials, and geothermal leasing laws.

○