

Calendar No. 448105TH CONGRESS
2^D SESSION**S. 1807****[Report No. 105-234]**

To transfer administrative jurisdiction over certain parcels of public domain land in Lake County, Oregon, to facilitate management of the land, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 20, 1998

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

JULY 2, 1998

Reported under authority of the order of the Senate of June 26, 1998, by
Mr. MURKOWSKI, with an amendment

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

A BILL

To transfer administrative jurisdiction over certain parcels of public domain land in Lake County, Oregon, to facilitate management of the 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Hart Mountain Trans-
3 fer Act of 1998”.

4 **SEC. 2. TRANSFERS OF ADMINISTRATIVE JURISDICTION**
5 **OVER PARCELS OF LAND ADMINISTERED BY**
6 **THE BUREAU OF LAND MANAGEMENT AND**
7 **THE UNITED STATES FISH AND WILDLIFE**
8 **SERVICE.**

9 (a) **TRANSFER FROM THE BUREAU OF LAND MAN-**
10 **AGEMENT TO THE UNITED STATES FISH AND WILDLIFE**
11 **SERVICE.—**

12 (1) **IN GENERAL.—**Administrative jurisdiction
13 over the parcels of land identified for transfer to the
14 United States Fish and Wildlife Service on the map
15 entitled “Hart Mountain Jurisdictional Transfer”,
16 dated February 26, 1998, comprising approximately
17 12,100 acres of land in Lake County, Oregon, lo-
18 cated adjacent to or within the Hart Mountain Na-
19 tional Antelope Refuge, is transferred from the Bu-
20 reau of Land Management to the United States Fish
21 and Wildlife Service.

22 (2) **INCLUSION IN REFUGE.—**The parcels of
23 land described in paragraph (1) shall be included in
24 the Hart Mountain National Antelope Refuge.

1 (3) WITHDRAWAL.—Subject to valid existing
2 rights, the parcels of land described in paragraph
3 (1)—

4 (A) are withdrawn from—

5 (i) surface entry under the public land
6 laws;

7 (ii) leasing under the mineral leasing
8 laws and Geothermal Steam Act of 1970
9 (30 U.S.C. 1001 et seq.); and

10 (iii) location under the mining laws;

11 and

12 (B) shall be treated as parcels of land sub-
13 ject to the provisions of Executive Order No.
14 7523 of December 21, 1936, as amended by
15 Executive Order No. 7895 of May 23, 1938,
16 and Presidential Proclamation No. 2416 of July
17 25, 1940, that withdrew parcels of land for the
18 Hart Mountain National Antelope Refuge.

19 (4) MANAGEMENT.—The land described in
20 paragraph (1) shall be included in the Hart Moun-
21 tain National Antelope Refuge and managed in ac-
22 cordance with the National Wildlife Refuge System
23 Administration Act of 1966 (16 U.S.C. 668dd et
24 seq.); and other applicable law, as expressed in man-
25 agement plans and agreements between the Bureau

1 of Land Management and the United States Fish
2 and Wildlife Service for the Hart Mountain Refuge.

3 (b) CONTINUED MANAGEMENT OF GUANO CREEK
4 WILDERNESS STUDY AREA BY THE BUREAU OF LAND
5 MANAGEMENT.—

6 (1) IN GENERAL.—The parcels of land identi-
7 fied for cooperative management on the map entitled
8 “Hart Mountain Jurisdictional Transfer”, dated
9 February 26, 1998, comprising approximately
10 10,900 acres of land in Lake County, Oregon, lo-
11 cated south of the Hart Mountain National Antelope
12 Refuge, shall be retained under the jurisdiction of
13 the Bureau of Land Management.

14 (2) MANAGEMENT.—The parcels of land de-
15 scribed in paragraph (1) that are within the Guano
16 Creek Wilderness Study Area as of the date of en-
17 actment of this Act shall be managed to maintain
18 the values for which the Wilderness Study Area was
19 designated, in accordance with current and future
20 management plans and agreements, including the
21 agreement known as the “Shirk Ranch Agreement”
22 and any amendments to that agreement.

23 (c) TRANSFER FROM THE UNITED STATES FISH AND
24 WILDLIFE SERVICE TO THE BUREAU OF LAND MANAGE-
25 MENT.—

1 (1) IN GENERAL.—Administrative jurisdiction
2 over the parcels of land identified for transfer to the
3 Bureau of Land Management on the map entitled
4 “Hart Mountain Jurisdictional Transfer”, dated
5 February 26, 1998, comprising approximately 7,700
6 acres of land in Lake County, Oregon, located adja-
7 cent to or within the Hart Mountain National Ante-
8 lope Refuge, is transferred from the United States
9 Fish and Wildlife Service to the Bureau of Land
10 Management.

11 (2) REMOVAL FROM REFUGE.—The parcels of
12 land described in paragraph (1) are removed from
13 the Hart Mountain National Antelope Refuge.

14 (3) REVOCATION OF WITHDRAWAL.—The provi-
15 sions of Executive Order No. 7523 of December 21,
16 1936, as amended by Executive Order No. 7895 of
17 May 23, 1938, and Presidential Proclamation No.
18 2416 of July 25, 1940, that withdrew the parcels of
19 land for the refuge, shall be of no effect with respect
20 to the parcels of land described in paragraph (1).

21 (4) STATUS.—The parcels of land described in
22 paragraph (1)—

23 (A) are designated as public land; and

24 (B) shall be open to—

1 (i) surface entry under the public land
2 laws;

3 (ii) leasing under the mineral leasing
4 laws and the Geothermal Steam Act of
5 1970 (30 U.S.C. 1001 et seq.); and

6 (iii) location and entry under the min-
7 ing laws.

8 (5) MANAGEMENT.—The land described in
9 paragraph (1) shall be managed in accordance with
10 the Federal Land Policy and Management Act of
11 1976 (43 U.S.C. 1701 et seq.) and other applicable
12 law, and the agreement known as the “Shirk Ranch
13 Agreement” and any amendments to that agree-
14 ment.

15 (d) MAP.—A copy of the map described in sub-
16 sections (a), (b), and (c) and such additional legal descrip-
17 tions as are applicable shall be kept on file and available
18 for public inspection in the Office of the Regional Director
19 of Region 1 of the United States Fish and Wildlife Serv-
20 ice, the local District Office of the Bureau of Land Man-
21 agement, the Committee on Energy and Natural Re-
22 sources of the Senate, and the Committee on Resources
23 of the House of Representatives.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Hart Mountain Transfer*
 3 *Act of 1998”.*

4 **SEC. 2. TRANSFERS OF ADMINISTRATIVE JURISDICTION**
 5 **OVER PARCELS OF LAND ADMINISTERED BY**
 6 **THE BUREAU OF LAND MANAGEMENT AND**
 7 **THE UNITED STATES FISH AND WILDLIFE**
 8 **SERVICE.**

9 *(a) TRANSFER FROM THE BUREAU OF LAND MANAGE-*
 10 *MENT TO THE UNITED STATES FISH AND WILDLIFE SERV-*
 11 *ICE.—*

12 *(1) IN GENERAL.—Administrative jurisdiction*
 13 *over the parcels of land identified for transfer to the*
 14 *United States Fish and Wildlife Service on the map*
 15 *entitled “Hart Mountain Jurisdictional Transfer”,*
 16 *dated February 26, 1998, comprising approximately*
 17 *12,100 acres of land in Lake County, Oregon, located*
 18 *adjacent to or within the Hart Mountain National*
 19 *Antelope Refuge, is transferred from the Bureau of*
 20 *Land Management to the United States Fish and*
 21 *Wildlife Service.*

22 *(2) INCLUSION IN REFUGE.—The parcels of land*
 23 *described in paragraph (1) shall be included in the*
 24 *Hart Mountain National Antelope Refuge.*

1 (3) *WITHDRAWAL.*—*Subject to valid existing*
2 *rights, the parcels of land described in paragraph*
3 *(1)—*

4 (A) *are withdrawn from—*

5 (i) *surface entry under the public land*
6 *laws;*

7 (ii) *leasing under the mineral leasing*
8 *laws and Geothermal Steam Act of 1970 (30*
9 *U.S.C. 1001 et seq.); and*

10 (iii) *location and entry under the min-*
11 *ing laws; and*

12 (B) *shall be treated as parcels of land sub-*
13 *ject to the provisions of Executive Order No.*
14 *7523 of December 21, 1936, as amended by Exec-*
15 *utive Order No. 7895 of May 23, 1938, and Pres-*
16 *idential Proclamation No. 2416 of July 25,*
17 *1940, that withdrew parcels of land for the Hart*
18 *Mountain National Antelope Refuge.*

19 (4) *MANAGEMENT.*—*The land described in para-*
20 *graph (1) shall be included in the Hart Mountain*
21 *National Antelope Refuge and managed in accordance*
22 *with the National Wildlife Refuge System Adminis-*
23 *tration Act of 1966 (16 U.S.C. 668dd et seq.), and*
24 *other applicable law and with management plans and*
25 *agreements between the Bureau of Land Management*

1 *and the United States Fish and Wildlife Service for*
2 *the Hart Mountain Refuge.*

3 *(b) CONTINUED MANAGEMENT OF GUANO CREEK WIL-*
4 *DERNESS STUDY AREA BY THE BUREAU OF LAND MANAGE-*
5 *MENT.—*

6 *(1) IN GENERAL.—The parcels of land identified*
7 *for cooperative management on the map entitled*
8 *“Hart Mountain Jurisdictional Transfer”, dated Feb-*
9 *ruary 26, 1998, comprising approximately 10,900*
10 *acres of land in Lake County, Oregon, located south*
11 *of the Hart Mountain National Antelope Refuge, shall*
12 *be retained under the jurisdiction of the Bureau of*
13 *Land Management.*

14 *(2) MANAGEMENT.—The parcels of land de-*
15 *scribed in paragraph (1) that are within the Guano*
16 *Creek Wilderness Study Area Act shall be managed so*
17 *as not to impair the suitability of the area for des-*
18 *ignation as wilderness, in accordance with current*
19 *and future management plans and agreements (in-*
20 *cluding the agreement known as the “Shirk Ranch*
21 *Agreement” dated September 30, 1997), until such*
22 *date as Congress enacts a law directing otherwise.*

23 *(c) TRANSFER FROM THE UNITED STATES FISH AND*
24 *WILDLIFE SERVICE TO THE BUREAU OF LAND MANAGE-*
25 *MENT.—*

1 (1) *IN GENERAL.*—*Administrative jurisdiction*
2 *over the parcels of land identified for transfer to the*
3 *Bureau of Land Management on the map entitled*
4 *“Hart Mountain Jurisdictional Transfer”, dated Feb-*
5 *ruary 26, 1998, comprising approximately 7,700*
6 *acres of land in Lake County, Oregon, located adja-*
7 *cent to or within the Hart Mountain National Ante-*
8 *lope Refuge, is transferred from the United States*
9 *Fish and Wildlife Service to the Bureau of Land*
10 *Management.*

11 (2) *REMOVAL FROM REFUGE.*—*The parcels of*
12 *land described in paragraph (1) are removed from the*
13 *Hart Mountain National Antelope Refuge, and the*
14 *boundary of the refuge is modified to reflect that re-*
15 *moval.*

16 (3) *REVOCATION OF WITHDRAWAL.*—*The provi-*
17 *sions of Executive Order No. 7523 of December 21,*
18 *1936, as amended by Executive Order No. 7895 of*
19 *May 23, 1938, and Presidential Proclamation No.*
20 *2416 of July 25, 1940, that withdrew the parcels of*
21 *land for the refuge, shall be of no effect with respect*
22 *to the parcels of land described in paragraph (1).*

23 (4) *STATUS.*—*The parcels of land described in*
24 *paragraph (1)—*

25 (A) *are designated as public land; and*

1 (B) shall be open to—

2 (i) surface entry under the public land
3 laws;

4 (ii) leasing under the mineral leasing
5 laws and the Geothermal Steam Act of 1970
6 (30 U.S.C. 1001 et seq.); and

7 (iii) location and entry under the min-
8 ing laws.

9 (5) *MANAGEMENT.*—The land described in para-
10 graph (1) shall be managed in accordance with the
11 *Federal Land Policy and Management Act of 1976*
12 (*43 U.S.C. 1701 et seq.*) and other applicable law,
13 and the agreement known as the “*Shirk Ranch Agree-*
14 *ment*” dated September 30, 1997.

15 (d) *MAP.*—A copy of the map described in subsections
16 (a), (b), and (c) and such additional legal descriptions as
17 are applicable shall be kept on file and available for public
18 inspection in the Office of the Regional Director of Region
19 1 of the United States Fish and Wildlife Service, the local
20 District Office of the Bureau of Land Management, the
21 Committee on Energy and Natural Resources of the Senate,
22 and the Committee on Resources of the House of Representa-
23 tives.

1 **SEC. 3. KLAMATH MARSH NATIONAL WILDLIFE REFUGE.**

2 *Section 28 of the Act of August 13, 1954 (68 Stat. 718,*
3 *chapter 732; 72 Stat. 818; 25 U.S.C. 564w-1), is amended*
4 *in subsections (f) and (g) by striking “Klamath Forest Na-*
5 *tional Wildlife Refuge” each place it appears and inserting*
6 *“Klamath Marsh National Wildlife Refuge”.*

Calendar No. 448

105TH CONGRESS
2^D SESSION

S. 1807

[Report No. 105-234]

A BILL

To transfer administrative jurisdiction over certain parcels of public domain land in Lake County, Oregon, to facilitate management of the land, and for other purposes.

JULY 2, 1998

Reported under authority of the order of the Senate of
June 26, 1998, with an amendment