

**Calendar No. 704**105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 2513**

To transfer administrative jurisdiction over certain Federal land located within or adjacent to Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal land in Oregon.

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**IN THE SENATE OF THE UNITED STATES**

SEPTEMBER 23, 1998

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

OCTOBER 6 (legislative day, OCTOBER 2), 1998

Reported by Mr. MURKOWSKI, without amendment

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**A BILL**

To transfer administrative jurisdiction over certain Federal land located within or adjacent to Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal land in Oregon.

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; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the  
 3 “Oregon Public Land Transfer and Protection Act of  
 4 1998”.

5 (b) **TABLE OF CONTENTS.**—The table of contents of  
 6 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—ROGUE RIVER NATIONAL FOREST TRANSFERS**

Sec. 101. Land transfers involving Rogue River National Forest and other public land in Oregon.

**TITLE II—PROTECTION OF OREGON AND CALIFORNIA RAILROAD GRANT LAND**

Sec. 201. Definitions.

Sec. 202. No net loss of O & C land, CBWR land, or public domain land.

Sec. 203. Relationship to Umpqua land exchange authority.

7 **TITLE I—ROGUE RIVER**  
 8 **NATIONAL FOREST TRANSFERS**

9 **SEC. 101. LAND TRANSFERS INVOLVING ROGUE RIVER NA-**  
 10 **TIONAL FOREST AND OTHER PUBLIC LAND IN**  
 11 **OREGON.**

12 (a) **TRANSFER FROM PUBLIC DOMAIN TO NATIONAL**  
 13 **FOREST.**—

14 (1) **LAND TRANSFER.**—The public domain land  
 15 depicted on the map entitled “BLM/Rogue River  
 16 N.F. Administrative Jurisdiction Transfer” and  
 17 dated April 28, 1998, consisting of approximately  
 18 2,058 acres within the external boundaries of Rogue  
 19 River National Forest in the State of Oregon, is

1 added to and made a part of Rogue River National  
2 Forest.

3 (2) ADMINISTRATIVE JURISDICTION.—Adminis-  
4 trative jurisdiction over the land described in para-  
5 graph (1) is transferred from the Secretary of the  
6 Interior to the Secretary of Agriculture.

7 (3) MANAGEMENT.—Subject to valid existing  
8 rights, the Secretary of Agriculture shall manage the  
9 land described in paragraph (1) as part of Rogue  
10 River National Forest in accordance with the Act of  
11 March 1, 1911 (commonly known as the “Weeks  
12 Law”) (36 Stat. 961, chapter 186), and other laws  
13 (including regulations) applicable to the National  
14 Forest System.

15 (b) TRANSFER FROM NATIONAL FOREST TO PUBLIC  
16 DOMAIN.—

17 (1) LAND TRANSFER.—The Federal land de-  
18 picted on the map entitled “BLM/Rogue River N.F.  
19 Administrative Jurisdiction Transfer” and dated  
20 April 28, 1998, consisting of approximately 1,632  
21 acres within the external boundaries of Rogue River  
22 National Forest, is transferred to unreserved public  
23 domain status, and the status of the land as part of  
24 Rogue River National Forest and the National For-  
25 est System is revoked.

1           (2) ADMINISTRATIVE JURISDICTION.—Adminis-  
2           trative jurisdiction over the land described in para-  
3           graph (1) is transferred from the Secretary of Agri-  
4           culture to the Secretary of the Interior.

5           (3) MANAGEMENT.—Subject to valid existing  
6           rights, the Secretary of the Interior shall administer  
7           such land under the laws (including regulations) ap-  
8           plicable to unreserved public domain land.

9           (c) RESTORATION OF STATUS OF CERTAIN NA-  
10          TIONAL FOREST LAND AS REVESTED RAILROAD GRANT  
11          LAND.—

12           (1) RESTORATION OF EARLIER STATUS.—The  
13          Federal land depicted on the map entitled “BLM/  
14          Rogue River N.F. Administrative Jurisdiction  
15          Transfer” and dated April 28, 1998, consisting of  
16          approximately 4,298 acres within the external  
17          boundaries of Rogue River National Forest, is re-  
18          stored to the status of revested Oregon and Califor-  
19          nia Railroad grant land, and the status of the land  
20          as part of Rogue River National Forest and the Na-  
21          tional Forest System is revoked.

22           (2) ADMINISTRATIVE JURISDICTION.—Adminis-  
23          trative jurisdiction over the land described in para-  
24          graph (1) is transferred from the Secretary of Agri-  
25          culture to the Secretary of the Interior.

1           (3) MANAGEMENT.—Subject to valid existing  
2 rights, the Secretary of the Interior shall administer  
3 the land described in paragraph (1) under the Act  
4 of August 28, 1937 (43 U.S.C. 1181a et seq.), and  
5 other laws (including regulations) applicable to re-  
6 vested Oregon and California Railroad grant land  
7 under the administrative jurisdiction of the Sec-  
8 retary of the Interior.

9           (d) ADDITION OF CERTAIN REVESTED RAILROAD  
10 GRANT LAND TO NATIONAL FOREST.—

11           (1) LAND TRANSFER.—The revested Oregon  
12 and California Railroad grant land depicted on the  
13 map entitled “BLM/Rogue River N.F. Administra-  
14 tive Jurisdiction Transfer” and dated April 28,  
15 1998, consisting of approximately 960 acres within  
16 the external boundaries of Rogue River National  
17 Forest, is added to and made a part of Rogue River  
18 National Forest.

19           (2) ADMINISTRATIVE JURISDICTION.—Adminis-  
20 trative jurisdiction over the land described in para-  
21 graph (1) is transferred from the Secretary of the  
22 Interior to the Secretary of Agriculture.

23           (3) MANAGEMENT.—Subject to valid existing  
24 rights, the Secretary of Agriculture shall manage the  
25 land described in paragraph (1) as part of Rogue

1 River National Forest in accordance with the Act of  
2 March 1, 1911 (36 Stat. 961, chapter 186), and  
3 other laws (including regulations) applicable to the  
4 National Forest System.

5 (4) DISTRIBUTION OF RECEIPTS.—Notwith-  
6 standing the sixth paragraph under the heading  
7 “FOREST SERVICE” in the Act of May 23, 1908 and  
8 section 13 of the Act of March 1, 1911 (16 U.S.C.  
9 500), revenues derived from the land described in  
10 paragraph (1) shall be distributed in accordance  
11 with the Act of August 28, 1937 (43 U.S.C. 1181a  
12 et seq.).

13 (e) BOUNDARY ADJUSTMENT.—The boundaries of  
14 Rogue River National Forest are adjusted to encompass  
15 the land transferred to the administrative jurisdiction of  
16 the Secretary of Agriculture under this section and to ex-  
17 clude private property interests adjacent to the exterior  
18 boundaries of Rogue River National Forest, as depicted  
19 on the map entitled “Rogue River National Forest Bound-  
20 ary Adjustment” and dated April 28, 1998.

21 (f) MAPS.—Not later than 60 days after the date of  
22 enactment of this Act, the maps described in this section  
23 shall be available for public inspection in the office of the  
24 Chief of the Forest Service.

1 (g) MISCELLANEOUS REQUIREMENTS.—As soon as  
2 practicable after the date of enactment of this Act, the  
3 Secretary of the Interior and the Secretary of Agriculture  
4 shall—

5 (1) revise the public land records relating to the  
6 land transferred under this section to reflect the ad-  
7 ministrative, boundary, and other changes made by  
8 this section; and

9 (2) publish in the Federal Register appropriate  
10 notice to the public of the changes in administrative  
11 jurisdiction made by this section with regard to the  
12 land.

13 **TITLE II—PROTECTION OF OR-**  
14 **EGON AND CALIFORNIA RAIL-**  
15 **ROAD GRANT LAND**

16 **SEC. 201. DEFINITIONS.**

17 In this title:

18 (1) O & C LAND.—The term “O & C land”  
19 means the land (commonly known as “Oregon and  
20 California Railroad grant land”) that—

21 (A) revested in the United States under  
22 the Act of June 9, 1916 (39 Stat. 218, chapter  
23 137); and

24 (B) is managed by the Secretary of the In-  
25 terior through the Bureau of Land Manage-

1           ment under the Act of August 28, 1937 (43  
2           U.S.C. 1181a et seq.).

3           (2) CBWR LAND.—The term “CBWR land”  
4           means the land (commonly known as “Coos Bay  
5           Wagon Road grant land”) that—

6                   (A) was reconveyed to the United States  
7                   under the Act of February 26, 1919 (40 Stat.  
8                   1179, chapter 47); and

9                   (B) is managed by the Secretary of the In-  
10                  terior through the Bureau of Land Manage-  
11                  ment under the Act of August 28, 1937 (43  
12                  U.S.C. 1181a et seq.).

13          (3) PUBLIC DOMAIN LAND.—

14                  (A) IN GENERAL.—The term “public do-  
15                  main land” has the meaning given the term  
16                  “public lands” in section 103 of the Federal  
17                  Land Policy and Management Act of 1976 (43  
18                  U.S.C. 1702).

19                  (B) EXCLUSIONS.—The term “public do-  
20                  main land” does not include O & C land or  
21                  CBWR land.

22          (4) GEOGRAPHIC AREA.—The term “geographic  
23          area” means the area in the State of Oregon within  
24          the boundaries of the Medford District, Roseburg  
25          District, Eugene District, Salem District, Coos Bay

1 District, and Klamath Resource Area of the  
2 Lakeview District of the Bureau of Land Manage-  
3 ment, as the districts and the resource area were  
4 constituted on January 1, 1998.

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

7 **SEC. 202. NO NET LOSS OF O & C LAND, CBWR LAND, OR**  
8 **PUBLIC DOMAIN LAND.**

9 In carrying out sales, purchases, and exchanges of  
10 land in the geographic area, the Secretary shall ensure  
11 that on expiration of the 10-year period beginning on the  
12 date of enactment of this Act and on expiration of each  
13 10-year period thereafter, the number of acres of O & C  
14 land and CBWR land in the geographic area, and the  
15 number of acres of O & C land, CBWR land, and public  
16 domain land in the geographic area that are available for  
17 timber harvesting, are not less than the number of acres  
18 of such land on the date of enactment of this Act.

19 **SEC. 203. RELATIONSHIP TO UMPQUA LAND EXCHANGE AU-**  
20 **THORITY.**

21 Notwithstanding any other provision of this title, this  
22 title shall not apply to an exchange of land authorized  
23 under section 1028 of the Omnibus Parks and Public  
24 Lands Management Act of 1996 (Public Law 104–333;  
25 110 Stat. 4231), or any implementing legislation or ad-

1 ministrative rule, if the land exchange is consistent with  
2 the memorandum of understanding between the Umpqua  
3 Land Exchange Project and the Association of Oregon  
4 and California Land Grant Counties dated February 19,  
5 1998.



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