

Calendar No. 467

106TH CONGRESS
2^D SESSION**S. 1629****[Report No. 106-248]**

To provide for the exchange of certain land in the State of Oregon.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23 (legislative day, SEPTEMBER 22), 1999

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

MARCH 22, 2000

Reported by Mr. MURKOWSKI, with an amendment

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

A BILL

To provide for the exchange of certain land in the State
of Oregon.

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; TABLE OF CONTENTS.**

4 (a) ~~SHORT TITLE.~~—This Act may be cited as the
5 “Oregon Land Exchange Act of 1999”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. Findings.
 Sec. 3. Definitions.
 Sec. 4. Availability of map.

TITLE I—BUREAU OF LAND MANAGEMENT

Sec. 101. Short title.
 Sec. 102. Definitions.
 Sec. 103. Land exchange.

TITLE II—FOREST SERVICE

Sec. 201. Short title.
 Sec. 202. Definitions.
 Sec. 203. Land exchange.

TITLE III—EQUITABLE EXCHANGE

Sec. 301. Exchange valuation, appraisals, and equalization.
 Sec. 302. Administration.

3 **SEC. 2. FINDINGS.**

4 Congress finds that—

5 (1) certain parcels of private land located in
 6 northeast Oregon are intermingled with land owned
 7 by the United States and administered—

8 (A) by the Secretary of the Interior as part
 9 of the Central Oregon Resource Area in the
 10 Prineville Bureau of Land Management District
 11 and the Baker Resource Area in the Vale Bu-
 12 reau of Land Management District; and

13 (B) by the Secretary of Agriculture as part
 14 of the Malheur National Forest, the Wallowa-
 15 Whitman National Forest, and the Umatilla
 16 National Forest;

1 (2) the surface estate of the private land de-
2 scribed in paragraph (1) is intermingled with parcels
3 of land that—

4 (A) are owned by the United States; or

5 (B) contain valuable fisheries and wildlife
6 habitat desired by the United States;

7 (3) the intermingled land ownership pattern of
8 the land described in paragraph (1) has frustrated
9 sound and efficient land management on private
10 land and Federal land by complicating fish and wild-
11 life habitat management, watershed protection,
12 recreation use, establishment of access, timber har-
13 vest, boundary administration, and protection and
14 management of threatened and endangered species;

15 (4) the blocks of private land within the areas
16 described in paragraph (1), and the land use and
17 harvest restrictions associated with the land, frus-
18 trate the efforts of private landowners to meet their
19 individual property management objectives;

20 (5) the improvement of management efficiency
21 through the land tenure adjustment program of the
22 Department of the Interior, which disposes of small
23 isolated tracts within larger blocks of contiguous
24 parcels of land, would serve important public objec-
25 tives, including—

1 (A) the enhancement of public access, aes-
2 thetics, and recreation opportunities within or
3 adjacent to designated wild and scenic river cor-
4 ridors;

5 (B) the protection and enhancement of
6 habitat for threatened, endangered, and sen-
7 sitive species within unified landscapes under
8 Federal management; and

9 (C) the consolidation of holdings of the
10 Bureau of Land Management and the Forest
11 Service—

12 (i) to facilitate more efficient adminis-
13 tration, including a reduction in adminis-
14 trative costs to the United States; and

15 (ii) to reduce right-of-way, special use,
16 and other permit processing and issuance
17 for roads and other facilities on Federal
18 land;

19 (6) time is of the essence in completing a land
20 exchange because further delays may force the iden-
21 tified landowners to construct roads in, log, develop,
22 or sell the private land and thereby diminish the
23 public values for which the private land is to be ac-
24 quired; and

1 (7) it is in the public interest to complete the
2 land exchanges at the earliest practicable date so
3 that the land acquired by the United States can be
4 preserved for—

5 (A) protection of threatened and endan-
6 gered species habitat; and

7 (B) permanent public use and enjoyment.

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

10 (1) **CLEARWATER.**—The term “Clearwater”
11 means Clearwater Land Exchange-Oregon, an Or-
12 egon partnership, or its successors or assigns.

13 (2) **IDENTIFIED LANDOWNERS.**—The term
14 “identified landowners” means private landowners
15 identified by Clearwater and willing to exchange pri-
16 vate land for Federal land under title I or title H.

17 (3) **MAP.**—The term “map” means the map en-
18 titled “Northeast Oregon Assembled Land Ex-
19 change/Triangle Land Exchange”, dated August 27,
20 1999.

21 **SEC. 4. AVAILABILITY OF MAP.**

22 The map shall be kept on file and available for public
23 inspection in the appropriate offices of the Secretary of
24 the Interior or the Secretary of Agriculture.

1 **TITLE I—BUREAU OF LAND**
 2 **MANAGEMENT**

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “Northeast Oregon As-
 5 sembled Land Exchange Act of 1999”.

6 **SEC. 102. DEFINITIONS.**

7 In this title:

8 (1) OFFERED LAND.—The term “offered land”
 9 means the land described in section 103(a).

10 (2) SECRETARY.—The term “Secretary” means
 11 the Secretary of the Interior, acting through the Di-
 12 rector of the Bureau of Land Management.

13 (3) SELECTED LAND.—The term “selected
 14 land” means land described in section 103(b).

15 **SEC. 103. LAND EXCHANGE.**

16 (a) OFFERED LAND.—

17 (1) IN GENERAL.—The exchange under sub-
 18 section (b) shall be conditioned on the conveyance by
 19 the appropriate identified landowners of title accept-
 20 able to the Secretary to the parcels of land described
 21 in paragraph (2).

22 (2) LAND DESCRIPTION.—The parcels of land
 23 referred to in paragraph (1) are as follows:

24 (A) The parcel comprising approximately
 25 31,646 acres and located within the exterior

1 boundaries of Central Oregon Resource Area in
2 the Prineville Bureau of Land Management
3 Districts, and the exterior boundaries of Grant
4 County, Oregon, as generally depicted on the
5 map.

6 (B) The parcel comprising approximately
7 1,960 acres and located within the exterior
8 boundaries of Baker Resource Area in the Vale
9 Bureau of Land Management District, and the
10 exterior boundaries of Morrow County, Oregon,
11 as generally depicted on the map.

12 (C) The parcel comprising approximately
13 10,544 acres and located within the exterior
14 boundaries of Baker Resource Area in the Vale
15 Bureau of Land Management District, and the
16 exterior boundaries of Umatilla County, Or-
17 egon, as generally depicted on the map.

18 (b) SELECTED LAND.—

19 (1) IN GENERAL.—On receipt of acceptable title
20 to the land described in subsection (a), the Secretary
21 shall convey to the appropriate identified land-
22 owners, subject to valid existing rights, all right,
23 title, and interest of the United States, to the par-
24 cels of land described in paragraph (2).

1 (2) LAND DESCRIPTION.—The parcels of land
2 referred to in paragraph (1) are as follows:

3 (A) A parcel in the Central Oregon Re-
4 source Area in the Prineville Bureau of Land
5 Management District, within the exterior
6 boundaries of Grant County, Oregon, and com-
7 prising approximately 45,824 acres, as gen-
8 erally depicted on the map.

9 (B) A parcel in the Central Oregon Re-
10 source Area in the Prineville Bureau of Land
11 Management District, within the exterior
12 boundaries of Wheeler County, Oregon, and
13 comprising approximately 2,755 acres, as gen-
14 erally depicted on the map.

15 (C) A parcel in the Baker Resource Area
16 in the Vale Bureau of Land Management Dis-
17 trict, within the exterior boundaries of Morrow
18 County, Oregon, and comprising approximately
19 766 acres, as generally depicted on the map.

20 (D) A parcel in the Baker Resource Area
21 in the Vale Bureau of Land Management Dis-
22 trict, within the exterior boundaries of Umatilla
23 County, Oregon, and comprising approximately
24 1,139 acres, as generally depicted on the map.

1 **TITLE II—FOREST SERVICE**

2 **SEC. 201. SHORT TITLE.**

3 This title may be cited as the “Triangle Land Ex-
4 change Act of 1999”.

5 **SEC. 202. DEFINITIONS.**

6 In this title:

7 (1) **OFFERED LAND.**—The term “offered land”
8 means the land described in section 203(a) to be
9 conveyed into the public ownership of the United
10 States.

11 (2) **SECRETARY.**—The term “Secretary” means
12 the Secretary of Agriculture.

13 (3) **SELECTED LAND.**—The term “selected
14 land” means land described in section 203(b).

15 **SEC. 203. LAND EXCHANGE.**

16 (a) **OFFERED LAND.**—

17 (1) **IN GENERAL.**—The exchange under sub-
18 section (b) shall be conditioned on the conveyance by
19 the identified landowners of title acceptable to the
20 Secretary to parcels of land described in paragraph
21 (2).

22 (2) **LAND DESCRIPTION.**—The parcels of land
23 referred to in paragraph (1) are as follows:

24 (A) The parcel comprising approximately
25 3,752 acres and located within the exterior

1 boundaries of the Malheur National Forest, Or-
2 gon, as generally depicted on the map.

3 (B) The parcel comprising approximately
4 1,702 acres and located within or adjacent to
5 the exterior boundaries of the Wallowa-Whit-
6 man National Forest, Oregon, as generally de-
7 picted on the map.

8 (C) The parcel comprising approximately
9 246 acres and located within or adjacent to the
10 exterior boundaries of the Umatilla National
11 Forest, Oregon, as generally depicted on the
12 map.

13 (b) **SELECTED LAND.**—On receipt of acceptable title
14 to the land described in subsection (a), the Secretary shall
15 convey to the appropriate identified landowners, subject
16 to valid existing rights, all right, title, and interest of the
17 United States, including the surface and subsurface inter-
18 ests, to the parcels land administered on the date of enact-
19 ment of this title by the as part of the Malheur National
20 Forest, Oregon, comprising approximately 3,901 acres, as
21 generally depicted on the map.

1 **TITLE III—EQUITABLE**
 2 **EXCHANGE**

3 **SEC. 301. EXCHANGE VALUATION, APPRAISALS, AND**
 4 **EQUALIZATION.**

5 (a) **IN GENERAL.**—

6 (1) **DEFINITION OF SECRETARY.**—In this title,
 7 the term “Secretary” means—

8 (A) the Secretary of the Interior, with re-
 9 spect to the land exchange under title I; and

10 (B) the Secretary of Agriculture, with re-
 11 spect to the land exchange under title II.

12 (2) **APPLICABILITY.**—Any exchange of land de-
 13 scribed in titles I and II—

14 (A) may be accomplished in a single trans-
 15 action or in phases; and

16 (B) shall be subject to the requirements
 17 described in subsections (b) through (f).

18 (b) **EQUAL VALUE EXCHANGE.**—

19 (1) **IN GENERAL.**—The values of the offered
 20 land and the selected land—

21 (A) shall be equal; or

22 (B) if the values are not equal, shall be
 23 equalized in accordance with subsection (c).

24 (2) **APPRAISALS.**—

1 (A) ~~IN GENERAL.~~—The values of the of-
2 ferred land and the selected land shall be deter-
3 mined by appraisals using nationally recognized
4 appraisal standards, including, as appropriate—

5 (i) the Uniform Appraisal Standards
6 for Federal Land Acquisitions (1992);

7 (ii) the Uniform Standards of Profes-
8 sional Appraisal Practice;

9 (iii) section 206(d) of the Federal
10 Land Policy and Management Act of 1976
11 (43 U.S.C. 1716(d)); and

12 (iv) the Federal Land Exchange Fa-
13 cilitation Act (43 U.S.C. 1701 note).

14 (B) ~~APPROVAL.~~—

15 (i) ~~IN GENERAL.~~—Not later than 90
16 days after the date of enactment of this
17 Act, all appraisals of land conveyed under
18 sections 103 and 203 shall be completed
19 and submitted to the Secretary for ap-
20 proval.

21 (ii) ~~SUMMARY.~~—During the period be-
22 ginning 45 days before and ending 30 days
23 before the date on which deeds for land
24 conveyed under sections 103 and 203 are
25 exchanged, a comprehensive summary of

1 each appraisal described under clause (i)
2 shall be made available for public inspec-
3 tion in the offices of—

4 (I) in the case of appraisals of
5 land for the purposes of title I, the
6 area managers for the Central Oregon
7 Area in the Prineville Bureau of Land
8 Management District, the Baker Re-
9 source Area in the Vale Bureau of
10 Land Management District; and

11 (II) in the case of appraisals of
12 land for purposes of title II, the forest
13 supervisors of the Malheur National
14 Forest, the Wallowa-Whitman Na-
15 tional Forest, and the Umatilla Na-
16 tional Forest.

17 (C) RESOLUTION OF DISAGREEMENT.—In
18 the case of a dispute concerning an appraisal or
19 appraisal issue that arises under this Act, the
20 appraisal or appraisal issue in dispute shall be
21 resolved in accordance with section 206(d) of
22 the Federal Land Policy and Management Act
23 of 1976 (43 U.S.C. 1716(d)).

24 (c) APPRAISAL DETERMINATIONS.—To ensure the
25 equitable and uniform appraisal of the land conveyed

1 under sections 103 and 203, all appraisals shall determine
2 the best use of the land in accordance with the law of
3 the State of Oregon, including use for the protection of
4 wild and scenic river characteristics as provided in the Or-
5 egon Administrative Code.

6 (d) APPRAISAL PERIOD.—After the Secretary ap-
7 proves the final appraised values of any portion of the land
8 conveyed under section 103 or 203, or otherwise deter-
9 mines the value of the land under section 206(d) of the
10 Federal Land Policy and Management Act of 1976 (43
11 U.S.C. 1716(d)), the value of the land shall not be re-
12 appraised or updated before completion of the land ex-
13 change, except for any adjustments in value as may be
14 required under subsection (e).

15 (e) EQUALIZATION OF SURPLUS.—

16 (1) GREATER SELECTED LAND VALUE.—If the
17 final appraised value of the selected land exceeds the
18 final appraised value of the offered land, the appro-
19 priate identified landowners shall equalize the value
20 of the land by making a cash payment to the United
21 States, subject to the 25 percent limitation under
22 section 206(b) of the Federal Land Policy and Man-
23 agement Act of 1976 (43 U.S.C. 1716(d)).

24 (2) GREATER OFFERED LAND VALUE.—If the
25 final appraised value of the offered land exceeds the

1 final appraised value of the selected land by 25 per-
 2 cent or more, Clearwater, after consultation with the
 3 affected identified landowners and the Secretary,
 4 shall withdraw from the exchange a portion of the
 5 offered land that is at least equal to the amount by
 6 which the value of the offered land exceeds the value
 7 of the selected land.

8 (f) USE OF PROCEEDS BY THE SECRETARY.—The
 9 amount of any cash equalization payment received by the
 10 Secretary under subsection (e)—

11 (1) shall be retained by the Secretary; and

12 (2) may be used by the Secretary, without fur-
 13 ther Act of appropriation, to purchase land from
 14 willing sellers in the State of Oregon for addition to
 15 land under the administration of the Bureau of
 16 Land Management or Forest Service, as the case
 17 may be.

18 **SEC. 302. ADMINISTRATION.**

19 (a) STATUS OF LAND AFTER EXCHANGE.—

20 (1) LAND ACQUIRED BY THE SECRETARY.—

21 (A) IN GENERAL.—

22 (i) DEPARTMENT OF THE INTE-
 23 RIOR.—Land acquired by the Secretary
 24 under title I shall be added, as determined
 25 appropriate by the Secretary, to—

1 (I) the Central Oregon Area in
2 the Prineville District of the Bureau
3 of Land Management; or

4 (II) the Baker Resource Area in
5 the Vale District of the Bureau of
6 Land Management.

7 (ii) DEPARTMENT OF AGRICULTURE.—Land acquired by the Secretary under title II shall be added, as determined appropriate by the Secretary,
8
9
10 to—
11

12 (I) the Malheur National Forest;

13 (II) the Wallowa-Whitman National Forest; or
14

15 (III) the Umatilla National Forest.
16

17 (B) MODIFICATION OF BOUNDARIES.—If
18 any of the land acquired under this title lies
19 outside the exterior boundary of an area described in subparagraph (A) to which the land
20 is to be added, the Secretary shall modify the
21 boundary of the appropriate area to include the
22 land.
23

24 (C) MANAGEMENT.—

1 (i) BUREAU OF LAND MANAGE-
2 MENT.—Land acquired by the Secretary
3 under title I shall be managed in accord-
4 ance with laws (including regulations) ap-
5 plicable to the management of public land
6 under the administration of the Bureau of
7 Land Management.

8 (ii) FOREST SERVICE.—Land acquired
9 by the Secretary under title II shall be
10 managed in accordance with laws (includ-
11 ing regulations) applicable to the National
12 Forest System.

13 (2) LAND ACQUIRED BY IDENTIFIED LAND-
14 OWNERS.—Land acquired by an identified landowner
15 under this Act shall be private land, except to the
16 extent that the patent by which conveyance is made
17 to an individual landowner contains a specific res-
18 ervation.

19 (b) TIMING.—The land exchanges under sections 103
20 and 203 shall be completed not later than 90 days after
21 the date on which Clearwater, on behalf of the identified
22 landowners, makes the Secretary an offer to exchange
23 under section 103(a) or 203(a), unless the Secretary and
24 the identified landowners agree to extend the completion
25 date.

1 (c) ~~WITHDRAWAL OF SELECTED LAND.—~~

2 (1) ~~IN GENERAL.—~~Effective until the date de-
3 scribed in paragraph (2), Congress withdraws from
4 all forms of entry and appropriation under the pub-
5 lic land laws (including the mining laws) any parcel
6 of selected land—

7 (A) with respect to which such a with-
8 drawal by the Secretary has not been made be-
9 fore the date of enactment of this Act; or

10 (B) with respect to which such a with-
11 drawal that the Secretary has made expires be-
12 fore the date described in paragraph (2).

13 (2) ~~DATE DESCRIBED.—~~With respect to any
14 parcel of land described in paragraph (1), the date
15 described in this paragraph is the date on which—

16 (A) the parcel is deleted from the exchange
17 under section 103 or 203; or

18 (B) the land exchange under section 103
19 or 203 is completed.

20 **SECTION 1. SHORT TITLE.**

21 *This Act may be cited as the “Oregon Land Exchange*
22 *Act of 2000”.*

23 **SEC. 2. FINDINGS.**

24 *Congress finds that—*

1 (1) *certain parcels of private land located in*
2 *northeast Oregon are intermingled with land owned*
3 *by the United States and administered—*

4 (A) *by the Secretary of the Interior as part*
5 *of the Central Oregon Resource Area in the*
6 *Prineville Bureau of Land Management District*
7 *and the Baker Resource Area in the Vale Bureau*
8 *of Land Management District; and*

9 (B) *by the Secretary of Agriculture as part*
10 *of the Malheur National Forest, the Wallowa-*
11 *Whitman National Forest, and the Umatilla Na-*
12 *tional Forest;*

13 (2) *the surface estate of the private land de-*
14 *scribed in paragraph (1) is intermingled with parcels*
15 *of land that are owned by the United States or con-*
16 *tain valuable fisheries and wildlife habitat desired by*
17 *the United States;*

18 (3) *the consolidation of land ownerships will fa-*
19 *cilitate sound and efficient management for both pub-*
20 *lic and private lands;*

21 (4) *the improvement of management efficiency*
22 *through the land tenure adjustment program of the*
23 *Department of the Interior, which disposes of small*
24 *isolated tracts having low public resource values with-*

1 *in larger blocks of contiguous parcels of land, would*
2 *serve important public objectives, including—*

3 *(A) the enhancement of public access, aes-*
4 *thetics, and recreation opportunities within or*
5 *adjacent to designated wild and scenic river cor-*
6 *ridors;*

7 *(B) the protection and enhancement of habi-*
8 *tat for threatened, endangered, and sensitive spe-*
9 *cies within unified landscapes under Federal*
10 *management; and*

11 *(C) the consolidation of holdings of the Bu-*
12 *reau of Land Management and the Forest*
13 *Service—*

14 *(i) to facilitate more efficient adminis-*
15 *tration, including a reduction in adminis-*
16 *trative costs to the United States; and*

17 *(ii) to reduce right-of-way, special use,*
18 *and other permit processing and issuance*
19 *for roads and other facilities on Federal*
20 *land;*

21 *(5) time is of the essence in completing a land*
22 *exchange because further delays may force the identi-*
23 *fied landowners to construct roads in, log, develop, or*
24 *sell the private land and thereby diminish the public*

1 *values for which the private land is to be acquired;*
 2 *and*

3 *(6) it is in the public interest to complete the*
 4 *land exchanges at the earliest practicable date so that*
 5 *the land acquired by the United States can be pre-*
 6 *served for—*

7 *(A) protection of threatened and endangered*
 8 *species habitat; and*

9 *(B) permanent public use and enjoyment.*

10 **SEC. 3. DEFINITIONS.**

11 *As used in this Act—*

12 *(1) the term “Clearwater” means Clearwater*
 13 *Land Exchange—Oregon, an Oregon partnership that*
 14 *signed the document entitled “Assembled Land Ex-*
 15 *change Agreement between the Bureau of Land Man-*
 16 *agement and Clearwater Land Exchange—Oregon for*
 17 *the Northeast Oregon Assembled Lands Exchange, OR*
 18 *51858,” dated October 30, 1996, and the document*
 19 *entitled “Agreement to initiate” with the Forest Serv-*
 20 *ice, dated June 30, 1995, or its successors or assigns;*

21 *(2) the term “identified landowners” means pri-*
 22 *vate landowners identified by Clearwater and willing*
 23 *to exchange private land for Federal land in accord-*
 24 *ance with this Act;*

1 (3) the term “map” means the map entitled
2 “Northeast Oregon Assembled Land Exchange/Tri-
3 angle Land Exchange”, dated November 5, 1999; and

4 (4) the term “Secretary” means the Secretary of
5 the Interior or the Secretary of Agriculture, as appro-
6 priate.

7 **SEC. 4. BLM—NORTHEAST OREGON ASSEMBLED LAND EX-**
8 **CHANGE.**

9 (a) *IN GENERAL.*—Upon the request of Clearwater, on
10 behalf of the appropriate identified landowners, the Sec-
11 retary of the Interior shall exchange the Federal lands de-
12 scribed in subsection (b) for the private lands described in
13 subsection (c), as provided in section 6.

14 (b) *BLM LANDS TO BE CONVEYED.*—The parcels of
15 Federal lands to be conveyed by the Secretary to the appro-
16 priate identified landowners are as follows:

17 (1) the parcel comprising approximately 45,824
18 acres located in Grant County, Oregon, within the
19 Central Oregon Resource Area in the Prineville Dis-
20 trict of the Bureau of Land Management, as generally
21 depicted on the map;

22 (2) the parcel comprising approximately 2,755
23 acres located in Wheeler County, Oregon, within the
24 Central Oregon Resource Area in the Prineville Dis-

1 *trict of the Bureau of Land Management, as generally*
2 *depicted on the map;*

3 *(3) the parcel comprising approximately 726*
4 *acres located in Morrow County, Oregon, within the*
5 *Baker Resource Area of the Vale District of Land*
6 *Management, as generally depicted on the map; and*

7 *(4) the parcel comprising approximately 1,015*
8 *acres located in Umatilla County, Oregon, within the*
9 *Baker Resource Area in the Vale District of the Bu-*
10 *reau of Land Management, as generally depicted on*
11 *the map.*

12 *(c) PRIVATE LANDS TO BE ACQUIRED.—The parcel of*
13 *private lands to be conveyed by the appropriate identified*
14 *landowners to the Secretary are as follows:*

15 *(1) the parcel comprising approximately 31,646*
16 *acres located in Grant County, Oregon, within the*
17 *Central Oregon Resource Area in the Prineville Dis-*
18 *trict of the Bureau of Land Management, as generally*
19 *depicted on the map;*

20 *(2) the parcel comprising approximately 1,960*
21 *acres located in Morrow County, Oregon, within the*
22 *Baker Resource Area in the Vale District of the Bu-*
23 *reau of Land Management, as generally depicted on*
24 *the map; and*

1 (3) *the parcel comprising approximately 10,544*
2 *acres located in Umatilla County, Oregon, within the*
3 *Baker Resource Area in the Vale District of the Bu-*
4 *reau of Land Management, as generally depicted on*
5 *the map.*

6 **SEC. 5. FOREST SERVICE—TRIANGLE LAND EXCHANGE.**

7 (a) *IN GENERAL.*—*Upon the request of Clearwater, on*
8 *behalf of the appropriate identified landowners, the Sec-*
9 *retary of Agriculture shall exchange the Federal lands de-*
10 *scribed in subsection (b) for the private lands described in*
11 *subsection (c), as provided in section 6.*

12 (b) *FOREST SERVICE LANDS TO BE CONVEYED.*—*The*
13 *National Forest System lands to be conveyed by the Sec-*
14 *retary to the appropriate identified landowners comprise*
15 *approximately 3,901 acres located in Grant and Harney*
16 *Counties, Oregon, within the Malheur National Forest, as*
17 *generally depicted on the map.*

18 (c) *PRIVATE LANDS TO BE ACQUIRED.*—*The parcels*
19 *of private lands to be conveyed by the appropriate identified*
20 *landowners to the Secretary are as follows:*

21 (1) *the parcel comprising approximately 3,752*
22 *acres located in Grant and Harney Counties, Oregon,*
23 *within the Malheur National Forest, as generally de-*
24 *scribed on the map;*

1 (2) *the parcel comprising approximately 1,702*
2 *acres located in Baker and Grant Counties, Oregon,*
3 *within the Wallowa-Whitman National Forest, as*
4 *generally depicted on the map; and*

5 (3) *the parcel comprising approximately 246*
6 *acres located in Grant and Wallowa Counties, Or-*
7 *egon, within or adjacent to the Umatilla National*
8 *Forest, as generally depicted on the map.*

9 **SEC. 6. LAND EXCHANGE TERMS AND CONDITIONS.**

10 (a) *IN GENERAL.*—*Except as otherwise provided in*
11 *this Act, the land exchanges implemented by this Act shall*
12 *be conducted in accordance with section 206 of the Federal*
13 *Land Policy and Management Act (43 U.S.C. 1716) and*
14 *other applicable laws.*

15 (b) *MULTIPLE TRANSACTIONS.*—*The Secretary of the*
16 *Interior and the Secretary of Agriculture may carry out*
17 *a single or multiple transactions to complete the land ex-*
18 *changes authorized in this Act.*

19 (c) *COMPLETION OF EXCHANGES.*—*Any land exchange*
20 *under this Act shall be completed not later than 90 days*
21 *after the Secretary and Clearwater reach an agreement on*
22 *the final appraised values of the lands to be exchanged.*

23 (d) *APPRAISALS.*—*The values of the lands to be ex-*
24 *changed under this Act shall be determined by appraisals*

1 *using nationally recognized appraisal standards, including*
2 *as appropriate—*

3 *(A) the Uniform Appraisal Standards for Fed-*
4 *eral Land Acquisitions (1992); and*

5 *(B) the Uniform Standards of Professional Ap-*
6 *praisal Practice.*

7 *(2) To ensure the equitable and uniform appraisal of*
8 *the lands to be exchanged under this Act, all appraisals*
9 *shall determine the best use of the lands in accordance with*
10 *the law of the State of Oregon, including use for the protec-*
11 *tion of wild and scenic river characteristics as provided in*
12 *the Oregon Administrative Code.*

13 *(3)(A) all appraisals of lands to be exchanged under*
14 *this Act shall be completed, reviewed and submitted to the*
15 *Secretary not later than 90 days after the date Clearwater*
16 *requests the exchange.*

17 *(B) Not less than 45 days before an exchange of lands*
18 *under this Act is completed, a comprehensive summary of*
19 *each appraisal for the specific lands to be exchanged shall*
20 *be available for public inspection in the appropriate Oregon*
21 *offices of the Secretary, for a 15-day period.*

22 *(4) After the Secretary approves the final appraised*
23 *values of any parcel of the lands to be conveyed under this*
24 *Act, the value of such parcel shall not be reappraised or*
25 *updated before the completion of the applicable land ex-*

1 *change, except for any adjustments in value that may be*
2 *required under subsection (e)(2).*

3 *(e) EQUAL VALUE LAND EXCHANGE.—(1)(A) The*
4 *value of the lands to be exchanged under this Act shall be*
5 *equal, or if the values are not equal, they shall be equalized*
6 *in accordance with section 206(b) of the Federal Land Pol-*
7 *icy and Management Act (43 U.S.C. 1716(b)) of this sub-*
8 *section.*

9 *(B) The Secretary shall retain any cash equalization*
10 *payments received under subparagraph (A) to use, without*
11 *further appropriation, to purchase land from willing sellers*
12 *in the State of Oregon for addition to lands under the ad-*
13 *ministration of the Bureau of Land Management or the*
14 *Forest Service, as appropriate.*

15 *(2) If the value of the private lands exceeds the value*
16 *of the Federal lands by 25 percent or more, Clearwater,*
17 *after consultation with the affected identified landowners*
18 *and the Secretary, shall withdraw a portion of the private*
19 *lands necessary to equalize the values of the lands to be ex-*
20 *changed.*

21 *(3) If any of the private lands to be acquired do not*
22 *include the rights to the subsurface estate, the Secretary*
23 *may reserve the subsurface estate in the Federal lands to*
24 *be exchanged.*

1 (f) *LAND TITLES.*—(1) *Title to the private lands to*
2 *be conveyed to the Secretary shall be in a form acceptable*
3 *to the Secretary.*

4 (2) *The Secretary shall convey all right, title, and in-*
5 *terest of the United States in the Federal lands to the appro-*
6 *priate identified landowners, except to the extent the Sec-*
7 *retary reserves the subsurface estate under subsection (c)(2).*

8 (g) *MANAGEMENT OF LANDS.*—(1) *Lands acquired by*
9 *Secretary of the Interior under this Act shall be adminis-*
10 *tered in accordance with sections 205(c) of the Federal*
11 *Land Policy and Management Act (43 U.S.C. 1715(c)), and*
12 *lands acquired by the Secretary of Agriculture shall be ad-*
13 *ministered in accordance with sections 205(d) of such Act*
14 *(43 U.S.C. 1715(d)).*

15 (2) *Lands acquired by the Secretary of the Interior*
16 *pursuant to section 4 which are within the North Fork of*
17 *the John Day subwatershed shall be administered in accord-*
18 *ance with section 205(c) of the Federal Land Policy and*
19 *Management Act (43 U.S.C. 1715(c)), but shall be managed*
20 *primarily for the protection of native fish and wildlife habi-*
21 *tat, and for public recreation. The Secretary may permit*
22 *other authorized uses within the subwatershed if the Sec-*
23 *retary determines, through the appropriate land use plan-*
24 *ning process, that such uses are consistent with, and do not*
25 *diminish these management purposes.*

1 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

2 *There is authorized to be appropriated such sums as*
3 *may be necessary to carry out this Act.*

Calendar No. 467

106TH CONGRESS
2D SESSION

S. 1629

[Report No. 106-248]

A BILL

To provide for the exchange of certain land in the
State of Oregon.

MARCH 22, 2000

Reported with an amendment