

Calendar No. 362

106TH CONGRESS
1ST SESSION

S. 977

[Report No. 106-206]

To provide for the conveyance by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land.

IN THE SENATE OF THE UNITED STATES

MAY 6, 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

NOVEMBER 2, 1999

Reported by Mr. MURKOWSKI, with amendments

[Omit the part struck through and insert the part printed in *italie*]

A BILL

To provide for the conveyance by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land.

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 “Miwaleta Park Expan-
5 sion Act”.

1 **SEC. 2. LAND CONVEYANCE, BUREAU OF LAND MANAGE-**
2 **MENT LAND, DOUGLAS COUNTY, OREGON.**

3 (a) IN GENERAL.—

4 (1) CONVEYANCE.—The Secretary of the Inte-
5 rior (referred to in this section as the “Secretary”)
6 shall convey, without consideration, to Douglas
7 County, Oregon (referred to in this section as the
8 “County”), all right, title, and interest of the United
9 States in and to a parcel of land (including improve-
10 ments on the land) described in paragraph (2) and
11 consisting of—

12 (A) Miwaleta Park, a county park man-
13 aged under agreement by the County on Fed-
14 eral land managed by the Bureau of Land Man-
15 agement; and

16 (B) an adjacent tract of Federal land man-
17 aged by the Bureau of Land Management.

18 (2) LEGAL DESCRIPTION.—The parcel of land
19 referred to in paragraph (1) is the parcel in the
20 SW¹/₄ of the NE¹/₄; SE¹/₄ of the NW¹/₄ of sec. 27,
21 T. 31 S., R. 4 W., W.M., Douglas County, Oregon,
22 described as follows:

23 The property lying between the southerly right-
24 of-way line of the relocated Cow Creek County
25 Road No. 36 and contour elevation 1881.5
26 MSL, comprising approximately 28.50 acres.

1 (b) USE OF LAND.—

2 ~~(1) IN GENERAL.—After conveyance of land~~
 3 ~~under subsection (a), the County may manage and~~
 4 ~~exercise any program or policy that the County con-~~
 5 ~~siders appropriate in the use of the land for park~~
 6 ~~purposes.~~

7 (1) *IN GENERAL.—After conveyance of land*
 8 *under subsection (a), the County shall manage the*
 9 *land for public park purposes in a manner so as not*
 10 *to adversely affect attainment of the objectives of the*
 11 *adjacent Late Successional Reserve as described in the*
 12 *Northwest Forest Plan, and in accordance with a*
 13 *management plan for the area developed in coopera-*
 14 *tion with the United States Fish and Wildlife Service.*

15 (2) REVERSIONARY INTEREST.—

16 ~~(A) IN GENERAL.—If the Secretary deter-~~
 17 ~~mines that the land conveyed under subsection~~
 18 ~~(a) is not being used for park purposes—~~

19 (A) *IN GENERAL.—If the Secretary deter-*
 20 *mines that the land conveyed under subsection*
 21 *(a) is not being used for public park purposes,*
 22 *at the option of the Secretary—*

23 (i) all right, title, and interest in and
 24 to the land, including any improvements on

1 the land, shall revert to the United States;
2 and

3 (ii) the United States shall have the
4 right of immediate entry onto the land.

5 (B) DETERMINATION ON THE RECORD.—

6 Any determination of the Secretary under sub-
7 paragraph (A) shall be made on the record.

8 (c) SURVEY.—The exact acreage and legal descrip-
9 tion of the land to be conveyed under subsection (a) shall
10 be determined by a survey satisfactory to the Secretary
11 and paid for by the County.

12 (d) IMPACT ON FERC WITHDRAWAL.—

13 (1) IN GENERAL.—The conveyance of land
14 under subsection (a) shall have no effect on the con-
15 ditions and rights provided in Federal Energy Regu-
16 latory Commission Withdrawal No. 7161.

17 (2) CONFLICTS.—In a case of conflict between
18 the use of the conveyed land as a park and the pur-
19 poses of the withdrawal, the purposes of the with-
20 drawal shall prevail.

21 (e) COSTS OF CONVEYANCE.—Except as provided in
22 subsection (c), costs associated with the conveyance under
23 subsection (a) shall be borne by the party incurring the
24 costs.

1 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
2 retary may require such additional terms and conditions
3 in connection with the conveyance under subsection (a) as
4 the Secretary considers appropriate to protect the inter-
5 ests of the United States.

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