

110TH CONGRESS
2D SESSION

S. 3088

To designate certain land in the State of Oregon as wilderness, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 5, 2008

Mr. WYDEN 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, 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 “Oregon Badlands Wil-
5 derness Act of 2008”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) certain Bureau of Land Management land
9 in central Oregon qualifies for addition to the Na-
10 tional Wilderness Preservation System;

1 (2) one of the chief economic assets of the cen-
2 tral Oregon region is the rich diversity of available
3 recreation, with the region offering a wide variety of
4 multiple-use areas for skiing, biking, hunting, off-
5 highway vehicle use, boating, and other motorized
6 recreation;

7 (3) there are over 400,000 acres of public land
8 near Bend, Oregon, available for off-highway vehi-
9 cles and other motorized recreation uses;

10 (4) motorized recreation users in central Or-
11 regon should continue to have access to an abundance
12 of land managed, in part, for their use;

13 (5) the proposed Oregon Badlands Wilderness
14 would increase the offerings in the region by making
15 an additional 30,000 acres in central Oregon avail-
16 able for wilderness recreation and solitude; and

17 (6) certain land exchanges that would consoli-
18 date Federal land holdings within or near to the pro-
19 posed wilderness to enhance wilderness values and
20 management are in the public interest.

21 (b) PURPOSES.—The purposes of this Act are—

22 (1) to designate the Oregon Badlands Wilder-
23 ness in the State of Oregon; and

1 (2) to authorize, direct, and facilitate several
2 land exchanges to consolidate Federal land holdings
3 within or near the Oregon Badlands Wilderness.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) DISTRICT.—The term “District” means the
7 Central Oregon Irrigation District, which has offices
8 in Redmond, Oregon.

9 (2) LANDOWNER.—The term “Landowner”
10 means Ray Clarno, a resident of Redmond, Oregon.

11 (3) SECRETARY.—The term “Secretary” means
12 the Secretary of the Interior.

13 (4) STATE.—The term “State” means the State
14 of Oregon.

15 (5) WILDERNESS.—The term “Wilderness”
16 means the Oregon Badlands Wilderness designated
17 by section 4(a).

18 (6) WILDERNESS MAP.—The term “wilderness
19 map” means the map entitled “Badlands Wilder-
20 ness” and dated June 4, 2008.

21 **SEC. 4. OREGON BADLANDS WILDERNESS.**

22 (a) DESIGNATION.—In accordance with the Wilder-
23 ness Act (16 U.S.C. 1131 et seq.), approximately 29,837
24 acres of Bureau of Land Management land in the State,
25 as depicted on the wilderness map, is designated as Wil-

1 derness and as a component of the National Wilderness
2 Preservation System, to be known as the “Oregon Bad-
3 lands Wilderness”.

4 (b) MAP AND LEGAL DESCRIPTION.—

5 (1) SUBMISSION OF MAP AND LEGAL DESCRIP-
6 TION.—As soon as practicable after the date of en-
7 actment of this Act, the Secretary shall file a map
8 and legal description of the Wilderness with—

9 (A) the Committee on Energy and Natural
10 Resources of the Senate; and

11 (B) the Committee on Natural Resources
12 of the House of Representatives.

13 (2) FORCE OF LAW.—The map and legal de-
14 scription filed under paragraph (1) shall have the
15 same force and effect as if included in this Act, ex-
16 cept that the Secretary may correct any errors in
17 the map or legal description.

18 (3) PUBLIC AVAILABILITY.—The map and legal
19 description filed under paragraph (1) shall be on file
20 and available for public inspection in the appropriate
21 offices of the Secretary.

22 (c) ADMINISTRATION OF WILDERNESS.—

23 (1) IN GENERAL.—Subject to valid existing
24 rights, the Wilderness shall be administered by the

1 Secretary in accordance with the Wilderness Act (16
2 U.S.C. 1131 et seq.), except that—

3 (A) any reference in the Wilderness Act to
4 the effective date of the Wilderness Act shall be
5 considered to be a reference to the date of en-
6 actment of this Act; and

7 (B) any reference in that Act to the Sec-
8 retary of Agriculture shall be considered to be
9 a reference to the Secretary of the Interior.

10 (2) INCORPORATION OF ACQUIRED LAND AND
11 INTERESTS.—Any land or interest in land within the
12 boundary of the Wilderness that is acquired by the
13 United States shall—

14 (A) become part of the Wilderness; and

15 (B) be managed in accordance with this
16 Act, the Wilderness Act (16 U.S.C. 1131 et
17 seq.), and any other applicable law.

18 (3) WITHDRAWAL.—Subject to valid existing
19 rights, the Federal land designated as wilderness by
20 this Act is withdrawn from all forms of—

21 (A) entry, appropriation, or disposal under
22 the public land laws;

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

1 (C) disposition under the mineral leasing,
2 mineral materials, and geothermal leasing laws.

3 (4) GRAZING.—The grazing of livestock in the
4 Wilderness, if established before the date of enact-
5 ment of this Act, and the maintenance of facilities
6 in existence on the date of enactment of this Act re-
7 lating to grazing, shall be permitted to continue sub-
8 ject to such reasonable regulations as are considered
9 necessary by the Secretary in accordance with—

10 (A) section 4(d)(4) of the Wilderness Act
11 (16 U.S.C. 1133(d)(4)); and

12 (B) the guidelines set forth in Appendix A
13 of the report of the Committee on Interior and
14 Insular Affairs of the House of Representatives
15 accompanying H.R. 2570 of the 101st Congress
16 (H. Rept. 101–405).

17 (5) ACCESS TO PRIVATE PROPERTY.—The Sec-
18 retary shall provide any owner of private property
19 within the boundary of the Wilderness adequate ac-
20 cess to the property to ensure the reasonable use
21 and enjoyment of the property by the owner.

22 (6) TRIBAL RIGHTS.—Nothing in this Act—

23 (A) affects, alters, amends, repeals, inter-
24 prets, extinguishes, modifies, or is in conflict
25 with—

1 (i) the treaty rights of an Indian
 2 tribe, including the rights secured by the
 3 Treaty of June 25, 1855, between the
 4 United States and the Tribes and Bands of
 5 Middle Oregon (12 Stat. 963); or

6 (ii) any other rights of an Indian
 7 tribe; or

8 (B) prevents, prohibits, terminates, or
 9 abridges the exercise of treaty-reserved rights,
 10 including the rights secured by the Treaty of
 11 June 25, 1855, between the United States and
 12 the Tribes and Bands of Middle Oregon (12
 13 Stat. 963)—

14 (i) within the boundaries of the Wil-
 15 derness; or

16 (ii) on land acquired by the United
 17 States under this Act.

18 **SEC. 5. SCDORIS CORRIDOR.**

19 (a) EXISTING USE.—

20 (1) IN GENERAL.—Subject to subsection (b),
 21 the route depicted on the wilderness map shall be in-
 22 cluded in a corridor with a width of 25 feet to be
 23 excluded from the Wilderness to accommodate the
 24 existing use of the route for purposes relating to the
 25 training of sled dogs by Rachael Scdoris.

1 (2) INCLUSION IN WILDERNESS.—On final and
2 total termination of the use of the route for the pur-
3 poses described in paragraph (1), the corridor de-
4 scribed in that paragraph shall—

5 (A) become part of the Wilderness; and

6 (B) be managed in accordance with this
7 Act, the Wilderness Act (16 U.S.C. 1131 et
8 seq.), and any other applicable law.

9 (b) INTERIM MANAGEMENT.—Except as provided in
10 subsection (a), the corridor shall otherwise be managed
11 as wilderness.

12 (c) WITHDRAWAL.—Subject to valid existing rights,
13 the corridor described in subsection (a)(1) is withdrawn
14 from all forms of—

15 (1) entry, appropriation, or disposal under the
16 public land laws;

17 (2) location, entry, and patent under the mining
18 laws; and

19 (3) disposition under the mineral leasing, min-
20 eral materials, and geothermal leasing laws.

21 **SEC. 6. RELEASE OF WILDERNESS STUDY AREAS.**

22 (a) FINDING.—Congress finds that, for the purposes
23 of section 603 of the Federal Land Policy and Manage-
24 ment Act of 1976 (43 U.S.C. 1782), the Bureau of Land
25 Management land identified as the Badlands wilderness

1 study area has been adequately studied for wilderness des-
2 ignation.

3 (b) RELEASE.—Any public land described in sub-
4 section (a) that is not designated as wilderness by this
5 Act—

6 (1) is no longer subject to section 603(c) of the
7 Federal Land Policy and Management Act of 1976
8 (43 U.S.C. 1782(c)); and

9 (2) shall be managed in accordance with the ap-
10 plicable land management plans adopted under sec-
11 tion 202 of that Act (43 U.S.C. 1712).

12 **SEC. 7. LAND EXCHANGES.**

13 (a) CLARNO LAND EXCHANGE.—

14 (1) CONVEYANCE OF LAND.—If the Landowner
15 offers to convey to the United States all right, title,
16 and interest of the Landowner in and to the non-
17 Federal land described in paragraph (2)(A), the Sec-
18 retary shall—

19 (A) accept the offer; and

20 (B) on receipt of acceptable title to the
21 non-Federal land and subject to valid existing
22 rights, convey to the Landowner all right, title,
23 and interest of the United States in and to the
24 Federal land described in paragraph (2)(B).

25 (2) DESCRIPTION OF LAND.—

1 (A) NON-FEDERAL LAND.—The non-Fed-
2 eral land referred to in paragraph (1) is the ap-
3 proximately 240 acres of non-Federal land iden-
4 tified on the wilderness map as “Clarno to Fed-
5 eral Government”.

6 (B) FEDERAL LAND.—The Federal land
7 referred to in paragraph (1)(B) is the approxi-
8 mately 245 acres of Federal land identified on
9 the wilderness map as “Federal Government to
10 Clarno”.

11 (3) SURVEYS.—The exact acreage and legal de-
12 scription of the Federal land and non-Federal land
13 described in paragraph (2) shall be determined by
14 surveys approved by the Secretary.

15 (b) DISTRICT EXCHANGE.—

16 (1) CONVEYANCE OF LAND.—If the District of-
17 fers to convey to the United States all right, title,
18 and interest of the District in and to the non-Fed-
19 eral land described in paragraph (2)(A), the Sec-
20 retary shall—

21 (A) accept the offer; and

22 (B) on receipt of acceptable title to the
23 non-Federal land and subject to valid existing
24 rights, convey to the District all right, title, and

1 interest of the United States in and to the Fed-
2 eral land described in paragraph (2)(B).

3 (2) DESCRIPTION OF LAND.—

4 (A) NON-FEDERAL LAND.—The non-Fed-
5 eral land referred to in paragraph (1) is the ap-
6 proximately 564 acres of non-Federal land iden-
7 tified on the wilderness map as “COID to Fed-
8 eral Government”.

9 (B) FEDERAL LAND.—The Federal land
10 referred to in paragraph (1)(B) is the approxi-
11 mately 686 acres of Federal land identified on
12 the wilderness map as “Federal Government to
13 COID”.

14 (3) SURVEYS.—The exact acreage and legal de-
15 scription of the Federal land and non-Federal land
16 described in paragraph (2) shall be determined by
17 surveys approved by the Secretary.

18 (c) APPLICABLE LAW.—Except as otherwise provided
19 in this section, the Secretary shall carry out the land ex-
20 changes under this section in accordance with section 206
21 of the Federal Land Policy and Management Act of 1976
22 (43 U.S.C. 1716).

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

1 (1) IN GENERAL.—The value of the Federal
2 land and the non-Federal land to be conveyed in a
3 land exchange under this section—

4 (A) shall be equal, as determined by ap-
5 praisals conducted in accordance with para-
6 graph (2); or

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

9 (2) APPRAISALS.—

10 (A) IN GENERAL.—The Federal land and
11 the non-Federal land to be exchanged under
12 this section shall be appraised by an inde-
13 pendent, qualified appraiser that is agreed to by
14 the Secretary and the owner of the non-Federal
15 land to be exchanged.

16 (B) REQUIREMENTS.—An appraisal under
17 subparagraph (A) shall be conducted in accord-
18 ance with—

19 (i) the Uniform Appraisal Standards
20 for Federal Land Acquisition; and

21 (ii) the Uniform Standards of Profes-
22 sional Appraisal Practice.

23 (3) EQUALIZATION.—

24 (A) IN GENERAL.—If the value of the Fed-
25 eral land and the non-Federal land to be con-

1 veyed in a land exchange under this section is
2 not equal, the value may be equalized by—

3 (i) the Secretary making a cash
4 equalization payment to the owner of the
5 non-Federal land;

6 (ii) the owner of the non-Federal land
7 making a cash equalization payment to the
8 Secretary; or

9 (iii) reducing the acreage of the Fed-
10 eral land or the non-Federal land to be ex-
11 changed, as appropriate.

12 (B) CASH EQUALIZATION PAYMENTS.—

13 Any cash equalization payments received by the
14 Secretary under subparagraph (A)(ii) shall be—

15 (i) deposited in the Federal Land Dis-
16 posal Account established by section
17 206(a) of the Federal Land Transaction
18 Facilitation Act (43 U.S.C. 2305(a)); and

19 (ii) used in accordance with that Act.

20 (e) CONDITIONS OF EXCHANGE.—

21 (1) IN GENERAL.—As a condition of a convey-
22 ance of Federal land and non-Federal land under
23 this section, the Federal Government and the owner
24 of the non-Federal land shall equally share all costs
25 relating to the land exchange, including the costs of

1 appraisals, surveys, and any necessary environ-
2 mental clearances.

3 (2) VALID EXISTING RIGHTS.—The exchange of
4 Federal land and non-Federal land under this sec-
5 tion shall be subject to any easements, rights-of-way,
6 or other valid encumbrances in existence on the date
7 of enactment of this Act.

8 (f) DEADLINE FOR COMPLETION OF LAND EX-
9 CHANGE.—It is the intent of Congress that the land ex-
10 changes under this section shall be completed not later
11 than 16 months after the date of enactment of this Act.

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