

110TH CONGRESS
2D SESSION

S. 3089

To designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-Federal land, 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, to provide for the exchange of certain Federal land and non-Federal 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Spring Basin Wilder-
5 ness Act of 2008”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) FAMILY TRUST.—The term “family trust”
2 means the Bowerman Family Trust, which is the
3 owner of the land described in section 4(d)(2)(A).

4 (2) KEYS.—The term “Keys” means Bob Keys,
5 a resident of Portland, Oregon.

6 (3) MCGREER.—The term “McGreer” means
7 H. Kelly McGreer, a resident of Antelope, Oregon.

8 (4) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

10 (5) STATE.—The term “State” means the State
11 of Oregon.

12 (6) TRIBES.—The term “Tribes” means the
13 Confederated Tribes of the Warm Springs Indian
14 Reservation, with offices in Warm Springs, Oregon.

15 (7) WILDERNESS MAP.—The term “wilderness
16 map” means the map entitled “Spring Basin Study
17 Area with Exchange Proposals” and dated May 22,
18 2008.

19 **SEC. 3. SPRING BASIN WILDERNESS.**

20 (a) DESIGNATION.—In accordance with the Wilder-
21 ness Act (16 U.S.C. 1131 et seq.), the approximately
22 8,661 acres of Bureau of Land Management land in the
23 State, as depicted on the wilderness map, is designated
24 as wilderness and as a component of the National Wilder-

1 ness Preservation System, to be known as the “Spring
2 Basin Wilderness”.

3 (b) ADMINISTRATION OF WILDERNESS.—

4 (1) IN GENERAL.—Subject to valid existing
5 rights, the Wilderness shall be administered by the
6 Secretary in accordance with the Wilderness Act (16
7 U.S.C. 1131 et seq.), except that—

8 (A) any reference in the Wilderness Act to
9 the effective date of the Wilderness Act shall be
10 considered to be a reference to the date of en-
11 actment of this Act; and

12 (B) any reference in that Act to the Sec-
13 retary of Agriculture shall be considered to be
14 a reference to the Secretary of the Interior.

15 (2) INCORPORATION OF ACQUIRED LAND AND
16 INTERESTS.—Any land or interest in land within the
17 boundary of the Wilderness that is acquired by the
18 United States shall—

19 (A) become part of the Wilderness; and

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

23 (3) GRAZING.—The grazing of domestic live-
24 stock in the Wilderness shall be administered in ac-
25 cordance with—

1 (A) section 4(d)(4) of the Wilderness Act
2 (16 U.S.C. 1133(d)(4));

3 (B) the guidelines set forth in the report of
4 the Committee on Interior and Insular Affairs
5 of the House of Representatives accompanying
6 H.R. 5487 of the 96th Congress (H. Rept. 96-
7 617); and

8 (C) the guidelines set forth in Appendix A
9 of the report of the Committee on Interior and
10 Insular Affairs of the House of Representatives
11 accompanying H.R. 2570 of the 101st Congress
12 (H. Rept. 101-405).

13 (4) ACCESS TO NON-FEDERAL LAND.—In ac-
14 cordance with the Wilderness Act (16 U.S.C. 1131
15 et seq.), the Secretary shall provide reasonable ac-
16 cess to non-Federal land within the boundaries of
17 the Wilderness.

18 (5) STATE WATER LAWS.—Nothing in this sec-
19 tion constitutes an exemption from State water laws
20 (including regulations).

21 (6) TRIBAL RIGHTS.—Nothing in this section—

22 (A) affects, alters, amends, repeals, inter-
23 prets, extinguishes, modifies, or is in conflict
24 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. 4. LAND EXCHANGES.**

19 (a) CONFEDERATED TRIBES OF THE WARM SPRINGS
20 INDIAN RESERVATION LAND EXCHANGE.—

21 (1) CONVEYANCE OF LAND.—If the Tribes offer
22 to convey to the United States all right, title, and
23 interest of the Tribes in and to the non-Federal land
24 described in paragraph (2)(A), the Secretary shall—

25 (A) accept the offer; and

1 (B) on receipt of acceptable title to the
2 non-Federal land and subject to valid existing
3 rights, convey to the Tribes all right, title, and
4 interest of the United States in and to the Fed-
5 eral land described in paragraph (2)(B).

6 (2) DESCRIPTION OF LAND.—

7 (A) NON-FEDERAL LAND.—The non-Fed-
8 eral land referred to in paragraph (1) is the ap-
9 proximately 3,635 acres of non-Federal land
10 identified on the wilderness map as “Lands pro-
11 posed for transfer from the CTWSIR to the
12 Federal Government”.

13 (B) FEDERAL LAND.—The Federal land
14 referred to in paragraph (1)(B) is the approxi-
15 mately 3,653 acres of Federal land identified on
16 the wilderness map as “Lands proposed for
17 transfer from the Federal Government to
18 CTWSIR”.

19 (3) SURVEYS.—The exact acreage and legal de-
20 scription of the Federal land and non-Federal land
21 described in paragraph (2) shall be determined by
22 surveys approved by the Secretary.

23 (b) MCGREER LAND EXCHANGE.—

24 (1) CONVEYANCE OF LAND.—If McGreer offers
25 to convey to the United States all right, title, and

1 interest of McGreer in and to the non-Federal land
2 described in paragraph (2)(A), the Secretary shall—

3 (A) accept the offer; and

4 (B) on receipt of acceptable title to the
5 non-Federal land and subject to valid existing
6 rights, convey to McGreer all right, title, and
7 interest of the United States in and to the Fed-
8 eral land described in paragraph (2)(B).

9 (2) DESCRIPTION OF LAND.—

10 (A) NON-FEDERAL LAND.—The non-Fed-
11 eral land referred to in paragraph (1) is the ap-
12 proximately 18 acres of non-Federal land iden-
13 tified on the wilderness map as “Lands pro-
14 posed for transfer from McGreer to the Federal
15 Government”.

16 (B) FEDERAL LAND.—The Federal land
17 referred to in paragraph (1)(B) is the approxi-
18 mately 325 acres of Federal land identified on
19 the wilderness map as “Lands proposed for
20 transfer from the Federal Government to
21 McGreer”.

22 (3) SURVEYS.—The exact acreage and legal de-
23 scription of the Federal land and non-Federal land
24 described in paragraph (2) shall be determined by
25 surveys approved by the Secretary.

1 (c) KEYS LAND EXCHANGE.—

2 (1) CONVEYANCE OF LAND.—If Keys offers to
3 convey to the United States all right, title, and in-
4 terest of Keys in and to the non-Federal land de-
5 scribed in paragraph (2)(A), the Secretary shall—

6 (A) accept the offer; and

7 (B) on receipt of acceptable title to the
8 non-Federal land and subject to valid existing
9 rights, convey to Keys all right, title, and inter-
10 est of the United States in and to the Federal
11 land described in paragraph (2)(B).

12 (2) DESCRIPTION OF LAND.—

13 (A) NON-FEDERAL LAND.—The non-Fed-
14 eral land referred to in paragraph (1) is the ap-
15 proximately 181 acres of non-Federal land iden-
16 tified on the wilderness map as “Lands pro-
17 posed for transfer from Keys to the Federal
18 Government”.

19 (B) FEDERAL LAND.—The Federal land
20 referred to in paragraph (1)(B) is the approxi-
21 mately 183 acres of Federal land identified on
22 the wilderness map as “Lands proposed for
23 transfer from the Federal Government to
24 Keys”.

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

5 (d) BOWERMAN LAND EXCHANGE.—

6 (1) CONVEYANCE OF LAND.—If the family trust
7 offers to convey to the United States all right, title,
8 and interest of the family trust in and to the non-
9 Federal land described in paragraph (2)(A), the Sec-
10 retary shall—

11 (A) accept the offer; and

12 (B) on receipt of acceptable title to the
13 non-Federal land and subject to valid existing
14 rights, convey to the family trust all right, title,
15 and interest of the United States in and to the
16 Federal land described in paragraph (2)(B).

17 (2) DESCRIPTION OF LAND.—

18 (A) NON-FEDERAL LAND.—The non-Fed-
19 eral land referred to in paragraph (1) is the ap-
20 proximately 34 acres of non-Federal land iden-
21 tified on the wilderness map as “Lands pro-
22 posed for transfer from Bowerman to the Fed-
23 eral Government”.

24 (B) FEDERAL LAND.—The Federal land
25 referred to in paragraph (1)(B) is the approxi-

1 mately 24 acres of Federal land identified on
2 the wilderness map as “Lands proposed for
3 transfer from the Federal Government to
4 Bowerman”.

5 (3) SURVEYS.—The exact acreage and legal de-
6 scription of the Federal land and non-Federal land
7 described in paragraph (2) shall be determined by
8 surveys approved by the Secretary.

9 (e) APPLICABLE LAW.—Except as otherwise provided
10 in this section, the Secretary shall carry out the land ex-
11 changes under this section in accordance with section 206
12 of the Federal Land Policy and Management Act of 1976
13 (43 U.S.C. 1716).

14 (f) VALUATION, APPRAISALS, AND EQUALIZATION.—

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

18 (A) shall be equal, as determined by ap-
19 praisals conducted in accordance with para-
20 graph (2); or

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

23 (2) APPRAISALS.—

24 (A) IN GENERAL.—The Federal land and
25 the non-Federal land to be exchanged under

1 this section shall be appraised by an inde-
2 pendent, qualified appraiser that is agreed to by
3 the Secretary and the owner of the non-Federal
4 land to be exchanged.

5 (B) REQUIREMENTS.—An appraisal under
6 subparagraph (A) shall be conducted in accord-
7 ance with—

8 (i) the Uniform Appraisal Standards
9 for Federal Land Acquisition; and

10 (ii) the Uniform Standards of Profes-
11 sional Appraisal Practice.

12 (3) EQUALIZATION.—

13 (A) IN GENERAL.—If the value of the Fed-
14 eral land and the non-Federal land to be con-
15 veyed in a land exchange under this section is
16 not equal, the value may be equalized by—

17 (i) the Secretary making a cash
18 equalization payment to the owner of the
19 non-Federal land;

20 (ii) the owner of the non-Federal land
21 making a cash equalization payment to the
22 Secretary; or

23 (iii) reducing the acreage of the Fed-
24 eral land or the non-Federal land to be ex-
25 changed, as appropriate.

1 (B) CASH EQUALIZATION PAYMENTS.—

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

4 (i) deposited in the Federal Land Dis-
5 posal Account established by section
6 206(a) of the Federal Land Transaction
7 Facilitation Act (43 U.S.C. 2305(a)); and

8 (ii) used in accordance with that Act.

9 (g) CONDITIONS OF EXCHANGE.—

10 (1) IN GENERAL.—As a condition of the con-
11 veyance of Federal land and non-Federal land under
12 this section, the Federal Government and the owner
13 of the non-Federal land shall equally share all costs
14 relating to the land exchange, including the costs of
15 appraisals, surveys, and any necessary environ-
16 mental clearances.

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

22 (h) DEADLINE FOR COMPLETION OF LAND EX-
23 CHANGE.—It is the intent of Congress that the land ex-

1 changes under this section shall be completed not later
2 than 16 months after the date of enactment of this Act.

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