

114TH CONGRESS  
1ST SESSION

# S. 1255

To designate certain Bureau of Land Management land in the State of Oregon as wilderness, to authorize certain land exchanges in the State of Oregon, and to convey certain Bureau of Land Management land in the State of Oregon to Wheeler County, Oregon, for economic and community development purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 7, 2015

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

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## A BILL

To designate certain Bureau of Land Management land in the State of Oregon as wilderness, to authorize certain land exchanges in the State of Oregon, and to convey certain Bureau of Land Management land in the State of Oregon to Wheeler County, Oregon, for economic and community development 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 “Sutton Mountain and  
5        Painted Hills Area Preservation and Economic Enhance-  
6        ment Act of 2015”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) COUNTY.—The term “County” means  
4 Wheeler County, Oregon.

5 (2) LANDOWNER.—The term “landowner”  
6 means an owner of non-Federal land that enters into  
7 a land exchange with the Secretary under section  
8 4(a).

9 (3) MAP.—The term “Map” means the map  
10 prepared by the Bureau of Land Management enti-  
11 tled “Sutton Complex Wilderness Proposal” and  
12 dated May 6, 2015.

13 (4) SECRETARY.—The term “Secretary” means  
14 the Secretary of the Interior.

15 (5) STATE.—The term “State” means the State  
16 of Oregon.

17 **SEC. 3. DESIGNATION OF WILDERNESS AREAS.**

18 (a) IN GENERAL.—In furtherance of the purposes of  
19 the Wilderness Act (16 U.S.C. 1131 et seq.), the following  
20 areas in the State are designated as wilderness areas and  
21 as components of the National Wilderness Preservation  
22 System:

23 (1) SUTTON MOUNTAIN WILDERNESS.—Certain  
24 land in the Prineville District Office of the Bureau  
25 of Land Management comprising approximately  
26 29,675 acres, as generally depicted on the Map as

1 “Sutton Mountain”, which shall be known as the  
2 “Sutton Mountain Wilderness”.

3 (2) PAT’S CABIN WILDERNESS.—Certain land  
4 in the Prineville District Office of the Bureau of  
5 Land Management comprising approximately 15,951  
6 acres, as generally depicted on the Map as “Pat’s  
7 Cabin”, which shall be known as the “Pat’s Cabin  
8 Wilderness”.

9 (3) PAINTED HILLS WILDERNESS.—Certain  
10 land in the Prineville District Office of the Bureau  
11 of Land Management comprising approximately  
12 6,900 acres, as generally depicted on the Map as  
13 “Painted Hills”, which shall be known as the  
14 “Painted Hills Wilderness”.

15 (4) DEAD DOG WILDERNESS.—Certain land in  
16 the Prineville District Office of the Bureau of Land  
17 Management comprising approximately 4,939 acres,  
18 as generally depicted on the Map as “Dead Dog”,  
19 which shall be known as the “Dead Dog Wilder-  
20 ness”.

21 (b) MAPS AND LEGAL DESCRIPTIONS.—

22 (1) IN GENERAL.—As soon as practicable after  
23 the date of enactment of this Act, the Secretary  
24 shall file a map and legal description of each wilder-  
25 ness area designated by subsection (a) with—

1 (A) the Committee on Natural Resources  
2 of the House of Representatives; and

3 (B) the Committee on Energy and Natural  
4 Resources of the Senate.

5 (2) FORCE OF LAW.—Each map and legal de-  
6 scription filed under paragraph (1) shall have the  
7 same force and effect as if included in this Act, ex-  
8 cept that the Secretary may correct any clerical and  
9 typographical errors in the maps or legal descrip-  
10 tions.

11 (3) PUBLIC AVAILABILITY.—The maps and  
12 legal descriptions filed under paragraph (1) shall be  
13 on file and available for public inspection in the ap-  
14 propriate offices of the Bureau of Land Manage-  
15 ment.

16 (c) ADMINISTRATION OF WILDERNESS AREAS.—

17 (1) IN GENERAL.—Subject to valid existing  
18 rights, the wilderness areas established by subsection  
19 (a) shall be administered by the Secretary in accord-  
20 ance with this section and the Wilderness Act (16  
21 U.S.C. 1131 et seq.), except that—

22 (A) any reference in that Act to the effec-  
23 tive date shall be considered to be a reference  
24 to the date of enactment of this Act; and

1 (B) any reference in that Act to the Sec-  
2 retary of Agriculture shall be considered to be  
3 a reference to the Secretary that has jurisdic-  
4 tion over the wilderness area.

5 (2) WITHDRAWAL.—Subject to valid existing  
6 rights, the wilderness areas designated by subsection  
7 (a) are withdrawn from all forms of—

8 (A) entry, appropriation, or disposal under  
9 the public land laws;

10 (B) location, entry, and patent under the  
11 mining laws; and

12 (C) operation of the mineral leasing, min-  
13 eral materials, and geothermal leasing laws.

14 (3) GRAZING.—

15 (A) IN GENERAL.—The grazing of live-  
16 stock in the wilderness areas designated by sub-  
17 section (a), if established before the date of en-  
18 actment of this Act, shall be permitted to con-  
19 tinue at current levels, subject to such reason-  
20 able regulations as the Secretary considers nec-  
21 essary, in accordance with—

22 (i) section 4(d)(4) of the Wilderness  
23 Act (16 U.S.C. 1133(d)(4)); and

24 (ii) the guidelines set forth in Appen-  
25 dix A of the report of the Committee on

1 Interior and Insular Affairs of the House  
2 of Representatives accompanying H.R.  
3 2570 of the 101st Congress (H. Rept.  
4 101-405).

5 (B) VOLUNTARY RELINQUISHMENT OF  
6 GRAZING PERMITS OR LEASES.—

7 (i) ACCEPTANCE BY SECRETARY.—

8 The Secretary shall accept the voluntary  
9 relinquishment of any valid existing per-  
10 mits or leases authorizing grazing on pub-  
11 lic land, all or a portion of which is within  
12 the wilderness areas designated by sub-  
13 section (a).

14 (ii) TERMINATION.—With respect to  
15 each permit or lease voluntarily relin-  
16 quished under clause (i), the Secretary  
17 shall—

18 (I) terminate the grazing permit  
19 or lease; and

20 (II) ensure a permanent end to  
21 grazing on the land covered by the  
22 permit or lease.

23 (iii) PARTIAL RELINQUISHMENT.—

24 (I) IN GENERAL.—If a person  
25 holding a valid grazing permit or lease

1 voluntarily relinquishes less than the  
2 full level of grazing use authorized  
3 under the permit or lease, the Sec-  
4 retary shall—

5 (aa) reduce the authorized  
6 grazing level to reflect the vol-  
7 untary relinquishment; and

8 (bb) modify the permit or  
9 lease to reflect the revised level of  
10 use.

11 (II) AUTHORIZED LEVEL.—To  
12 ensure that there is a permanent re-  
13 duction in the authorized level of  
14 grazing on the land covered by a per-  
15 mit or lease voluntarily relinquished  
16 under subclause (I), the Secretary  
17 shall not allow grazing use to exceed  
18 the authorized level established under  
19 that subclause.

20 (4) TRIBAL RIGHTS.—Nothing in this section  
21 alters, modifies, enlarges, diminishes, or abrogates  
22 the treaty rights of any Indian tribe.

23 (5) FISH AND WILDLIFE.—

24 (A) IN GENERAL.—In accordance with sec-  
25 tion 4(d)(7) of the Wilderness Act (16 U.S.C.

1           1133(d)(7)), nothing in this section affects the  
2           jurisdiction or responsibilities of the State with  
3           respect to fish and wildlife management in the  
4           State.

5           (B) MANAGEMENT ACTIVITIES.—In fur-  
6           therance of the purposes and principles of the  
7           Wilderness Act (16 U.S.C. 1131 et seq.), the  
8           Secretary may conduct any management activi-  
9           ties in the wilderness areas designated by sub-  
10          section (a) that are necessary to maintain or re-  
11          store fish and wildlife populations and habitats,  
12          if the management activities are—

13                 (i) consistent with relevant wilderness  
14                 management plans; and

15                 (ii) conducted in accordance with ap-  
16                 propriate policies, such as the policies es-  
17                 tablished in Appendix B of the report of  
18                 the Committee on Interior and Insular Af-  
19                 fairs of the House of Representatives ac-  
20                 companying H.R. 2570 of the 101st Con-  
21                 gress (House Report 101–405).

22          (6) FIRE MANAGEMENT.—

23                 (A) IN GENERAL.—In accordance with sec-  
24                 tion 4(d)(1) of the Wilderness Act (16 U.S.C.  
25                 1133(d)(1)), the Secretary may take such meas-



1           ures in the wilderness areas designated by sub-  
2           section (a) as are necessary for the control of  
3           fire, insects, and diseases (including, as the  
4           Secretary determines to be appropriate, the co-  
5           ordination of the activities with a State or local  
6           agency and the use of aircraft or mechanized  
7           equipment by Federal, State, or local agencies  
8           or agents of the agencies).

9           (B) REVISION AND DEVELOPMENT OF  
10          LOCAL FIRE MANAGEMENT PLANS.—As soon as  
11          practicable after the date of enactment of this  
12          Act, the Secretary shall amend the local fire  
13          management plans that apply to the Sutton  
14          Mountain Wilderness designated by subsection  
15          (a)(1) to identify—

16                 (i) best management practices for  
17                 wildfire prevention and wildfire response in  
18                 the wilderness area; and

19                 (ii) the appropriate State and local of-  
20                 ficials to carry out the management prac-  
21                 tices described in clause (i).

22          (C) ADMINISTRATION.—Not later than 1  
23          year after the date of enactment of this Act, to  
24          ensure a timely and efficient response to  
25          wildfires in the Sutton Mountain Wilderness

1 designated by subsection (a)(1), the Secretary  
2 shall—

3 (i) establish agency approval proce-  
4 dures for responding to wildfires, including  
5 delegations of authority, as appropriate, to  
6 the Forest Supervisor, District Manager,  
7 Incident Commander, or other agency offi-  
8 cials; and

9 (ii) enter into agreements, as appro-  
10 priate, with State and local firefighting  
11 agencies to carry out measures for wildfire  
12 prevention and response.

13 (7) ADJACENT MANAGEMENT.—

14 (A) IN GENERAL.—Congress does not in-  
15 tend for the designation of wilderness areas by  
16 subsection (a) to lead to the creation of protec-  
17 tive perimeters or buffer zones around the wil-  
18 derness areas.

19 (B) ACTIVITIES OUTSIDE WILDERNESS.—  
20 The fact that a non-wilderness activity or use  
21 on land outside the wilderness areas designated  
22 by subsection (a) can be seen or heard from  
23 within the wilderness areas shall not, of itself,  
24 preclude the activity or use outside the bound-  
25 ary of the wilderness areas.

1           (8) MILITARY ACTIVITIES.—Nothing in this sec-  
2           tion precludes—

3                   (A) low-level overflights of military aircraft  
4                   over the wilderness areas designated by sub-  
5                   section (a);

6                   (B) the designation or establishment of  
7                   new units of special airspace, or the establish-  
8                   ment of a military flight training route, over  
9                   the wilderness areas designated by subsection  
10                  (a); or

11                  (C) flight testing and evaluation.

12           (9) INCORPORATION OF ACQUIRED LAND AND  
13           INTERESTS.—Any land within the boundary of a wil-  
14           derness area designated by subsection (a) that is ac-  
15           quired by the United States shall—

16                   (A) become part of the wilderness area in  
17                   which the land is located; and

18                   (B) be managed in accordance with—

19                           (i) this section;

20                           (ii) the Wilderness Act (16 U.S.C.  
21                           1131 et seq.); and

22                           (iii) any other applicable law.

23           (10) OUTFITTING AND GUIDE ACTIVITIES.—  
24           Consistent with section 4(d)(5) of the Wilderness  
25           Act (16 U.S.C. 1133(d)(5)), commercial services (in-

1 cluding authorized outfitting and guide activities)  
2 are authorized in wilderness areas designated by  
3 subsection (a), to the extent necessary for activities  
4 that fulfill the recreational or other wilderness pur-  
5 poses of the areas.

6 (11) ADEQUATE ACCESS TO PRIVATE PROP-  
7 erty.—In accordance with section 5(a) of the Wil-  
8 derness Act (16 U.S.C. 1134(a)), the Secretary shall  
9 provide any owner of private property within the  
10 boundary of a wilderness area designated by sub-  
11 section (a) adequate access to the property.

12 **SEC. 4. LAND EXCHANGES.**

13 (a) AUTHORIZATION.—

14 (1) COLLINS EXCHANGE.—

15 (A) IN GENERAL.—Subject to subsections  
16 (b) through (h), if the owner of the non-Federal  
17 land described in subparagraph (B)(i) offers to  
18 convey to the United States all right, title, and  
19 interest of the landowner in and to the non-  
20 Federal land, the Secretary shall—

21 (i) accept the offer; and

22 (ii) on receipt of acceptable title to the  
23 non-Federal land and subject to valid ex-  
24 isting rights, convey to the landowner all  
25 right, title, and interest of the United

1 States in and to the Federal land described  
2 in subparagraph (B)(ii).

3 (B) DESCRIPTION OF LAND.—

4 (i) NON-FEDERAL LAND.—The non-  
5 Federal land referred to in subparagraph  
6 (A) is the approximately 265 acres of non-  
7 Federal land identified on the Map as  
8 “Collins to BLM”.

9 (ii) FEDERAL LAND.—The Federal  
10 land referred to in subparagraph (A)(ii) is  
11 the approximately 279 acres of Federal  
12 land identified on the Map as “BLM to  
13 Collins”.

14 (2) FAULKNER EXCHANGE.—

15 (A) IN GENERAL.—Subject to subsections  
16 (b) through (h), if the owner of the non-Federal  
17 land described in subparagraph (B)(i) offers to  
18 convey to the United States all right, title, and  
19 interest of the landowner in and to the non-  
20 Federal land, the Secretary shall—

21 (i) accept the offer; and

22 (ii) on receipt of acceptable title to the  
23 non-Federal land and subject to valid ex-  
24 isting rights, convey to the landowner all  
25 right, title, and interest of the United

1 States in and to the Federal land described  
2 in subparagraph (B)(ii).

3 (B) DESCRIPTION OF LAND.—

4 (i) NON-FEDERAL LAND.—The non-  
5 Federal land referred to in subparagraph  
6 (A) is the approximately 15 acres of non-  
7 Federal land identified on the Map as  
8 “Faulkner to BLM”.

9 (ii) FEDERAL LAND.—The Federal  
10 land referred to in subparagraph (A)(ii) is  
11 the approximately 10 acres of Federal land  
12 identified on the Map as “BLM to Faulk-  
13 ner”.

14 (3) QUANT EXCHANGE.—

15 (A) IN GENERAL.—Subject to subsections  
16 (b) through (h), if the owner of the non-Federal  
17 land described in subparagraph (B)(i) offers to  
18 convey to the United States all right, title, and  
19 interest of the landowner in and to the non-  
20 Federal land, the Secretary shall—

21 (i) accept the offer; and

22 (ii) on receipt of acceptable title to the  
23 non-Federal land and subject to valid ex-  
24 isting rights, convey to the landowner all  
25 right, title, and interest of the United

1 States in and to the Federal land described  
2 in subparagraph (B)(ii).

3 (B) DESCRIPTION OF LAND.—

4 (i) NON-FEDERAL LAND.—The non-  
5 Federal land referred to in subparagraph  
6 (A) is the approximately 271 acres of non-  
7 Federal land identified on the Map as  
8 “Quant to BLM”.

9 (ii) FEDERAL LAND.—The Federal  
10 land referred to in subparagraph (A)(ii) is  
11 the approximately 277 acres of Federal  
12 land identified on the Map as “BLM to  
13 Quant”.

14 (4) TWICKENHAM LIVESTOCK LLC EX-  
15 CHANGE.—

16 (A) IN GENERAL.—Subject to subsections  
17 (b) through (h), if the owner of the non-Federal  
18 land described in subparagraph (B)(i) offers to  
19 convey to the United States all right, title, and  
20 interest of the landowner in and to the non-  
21 Federal land, the Secretary shall—

22 (i) accept the offer; and

23 (ii) on receipt of acceptable title to the  
24 non-Federal land and subject to valid ex-  
25 isting rights, convey to the landowner all

1 right, title, and interest of the United  
2 States in and to the Federal land described  
3 in subparagraph (B)(ii).

4 (B) DESCRIPTION OF LAND.—

5 (i) NON-FEDERAL LAND.—The non-  
6 Federal land referred to in subparagraph  
7 (A) is the approximately 574 acres of non-  
8 Federal land identified on the Map as  
9 “Twickenham to BLM”.

10 (ii) FEDERAL LAND.—The Federal  
11 land referred to in subparagraph (A)(ii) is  
12 the approximately 566 acres of Federal  
13 land identified on the Map as “BLM to  
14 Twickenham”.

15 (b) APPLICABLE LAW.—Except as otherwise provided  
16 in sections 202 and 203 of the Federal Land Policy and  
17 Management Act of 1976 (43 U.S.C. 1712, 1713), the  
18 Secretary shall carry out each land exchange under sub-  
19 section (a) in accordance with section 206 of the Federal  
20 Land Policy and Management Act of 1976 (43 U.S.C.  
21 1716).

22 (c) CONDITIONS.—Each land exchange under sub-  
23 section (a) shall be subject to such terms and conditions  
24 as the Secretary may require.

25 (d) EQUAL VALUE EXCHANGE.—



1           (1) IN GENERAL.—The value of the Federal  
2 land and non-Federal land to be exchanged under  
3 subsection (a)—

4                   (A) shall be equal; or

5                   (B) shall be made equal in accordance with  
6 paragraph (2).

7           (2) EQUALIZATION.—

8                   (A) SURPLUS OF FEDERAL LAND.—If the  
9 value of Federal land exceeds the value of non-  
10 Federal land to be conveyed under a land ex-  
11 change authorized under subsection (a), the  
12 value of the Federal land and non-Federal land  
13 shall be equalized, as determined to be appro-  
14 priate and acceptable by the Secretary and the  
15 landowner—

16                           (i) by reducing the acreage of the  
17 Federal land to be conveyed; or

18                           (ii) by adding additional Federal land  
19 to the Federal land to be conveyed.

20                   (B) SURPLUS OF NON-FEDERAL LAND.—If  
21 the value of the non-Federal land exceeds the  
22 value of the Federal land, the value of the Fed-  
23 eral land and non-Federal land shall be equal-  
24 ized by reducing the acreage of the non-Federal  
25 land to be conveyed, as determined to be appro-

1           priate and acceptable by the Secretary and the  
2           landowner.

3           (e) APPRAISALS.—

4           (1) IN GENERAL.—As soon as practicable after  
5           the date of enactment of this Act, the Secretary and  
6           the landowner shall select an appraiser to conduct  
7           an appraisal of the Federal land and non-Federal  
8           land to be exchanged under subsection (a).

9           (2) REQUIREMENTS.—An appraisal under para-  
10          graph (1) shall be conducted in accordance with na-  
11          tionally recognized appraisal standards, including—

12                   (A) the Uniform Appraisal Standards for  
13                   Federal Land Acquisitions; and

14                   (B) the Uniform Standards of Professional  
15                   Appraisal Practice.

16          (f) SURVEYS.—

17          (1) IN GENERAL.—The exact acreage and legal  
18          description of the Federal land and non-Federal land  
19          to be exchanged under subsection (a) shall be deter-  
20          mined by surveys approved by the Secretary.

21          (2) COSTS.—The Secretary and the landowner  
22          shall divide equally between the Secretary and the  
23          landowner—

24                   (A) the costs of any surveys conducted  
25                   under paragraph (1); and

1 (B) any other administrative costs of car-  
 2 rying out the land exchange under this section.

3 (g) DEADLINE FOR COMPLETION OF LAND EX-  
 4 CHANGE.—It is the intent of Congress that the land ex-  
 5 changes under subsection (a) be completed by the date  
 6 that is not later than 2 years after the date of enactment  
 7 of this Act.

8 (h) ADDITION TO WILDERNESS AREAS.—On comple-  
 9 tion of the land exchanges under subsection (a), the non-  
 10 Federal land shall—

11 (1) become part of the adjacent wilderness area;

12 and

13 (2) be managed in accordance with—

14 (A) this Act;

15 (B) the Wilderness Act (16 U.S.C. 1131 et  
 16 seq.); and

17 (C) any other applicable law.

18 **SEC. 5. CONVEYANCES OF BUREAU OF LAND MANAGEMENT**

19 **LAND TO WHEELER COUNTY, OREGON.**

20 (a) IN GENERAL.—As soon as practicable after the  
 21 date of enactment of this Act, subject to valid existing  
 22 rights and this section, and notwithstanding the land use  
 23 planning requirements of sections 202 and 203 of the Fed-  
 24 eral Land Policy and Management Act of 1976 (43 U.S.C.  
 25 1712, 1713), the Secretary shall convey to the County,

1 without consideration, all right, title, and interest of the  
2 United States in and to each parcel of Federal land de-  
3 scribed in subsection (b) for which the County has sub-  
4 mitted to the Secretary a request for conveyance by the  
5 date that is not later than 1 year after the date of enact-  
6 ment of this Act.

7 (b) DESCRIPTION OF LAND.—The parcels of Federal  
8 land referred to in subsection (a) consist of—

9 (1) the approximately 1,950 acres of land man-  
10 aged by the Bureau of Land Management, Prineville  
11 District, Oregon, depicted on the Map as “Wheeler  
12 County Conveyance 1”; and

13 (2) the approximately 120 acres of land man-  
14 aged by the Bureau of Land Management, Prineville  
15 District, Oregon, depicted on the Map as “Wheeler  
16 County Conveyance 2”.

17 (c) AVAILABILITY OF MAP.—The Map shall be on file  
18 and available for public inspection in the appropriate of-  
19 fices of the Bureau of Land Management.

20 (d) USE OF CONVEYED LAND.—

21 (1) IN GENERAL.—Consistent with the Act of  
22 June 14, 1926 (commonly known as the “Recreation  
23 and Public Purposes Act”) (43 U.S.C. 869 et seq.),  
24 the Federal land conveyed under subsection (a) shall  
25 be used for a purpose consistent with that Act.

1           (2) WITHDRAWAL.—Subject to valid existing  
2 rights, each parcel of land described in subsection  
3 (b) is withdrawn from—

4                   (A) all forms of location, entry, and patent  
5                   under the mining laws; and

6                   (B) disposition under all laws relating to  
7                   mineral leasing and geothermal leasing.

8           (3) ADDITIONAL TERMS AND CONDITIONS.—

9           The Secretary may require such additional terms  
10           and conditions for the conveyances under subsection  
11           (a) as the Secretary determines to be appropriate to  
12           protect the interests of the United States.

13           (e) ADMINISTRATIVE COSTS.—The Secretary shall  
14           require the County to pay all survey costs and other ad-  
15           ministrative costs associated with the conveyances to the  
16           County under this section.

17           (f) REVERSION.—If the land conveyed under sub-  
18           section (a) ceases to be used for the public purpose for  
19           which the land was conveyed, the land shall, at the discre-  
20           tion of the Secretary, revert to the United States.

21           (g) TRIBAL RIGHTS.—Nothing in this section alters,  
22           modifies, enlarges, diminishes, or abrogates the treaty  
23           rights of any Indian tribe.

1 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated such sums

3 as are necessary to carry out this Act.

○