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SPEAKER: Mr. TESTER; Mr. DURBIN; Ms. SNOWE; Mr. WYDEN; Mr. GRASSLEY; Mr. BAUCUS

TEXT: [*5206]

By Mr. WYDEN:

[S. 3088](#). A bill to designate certain land in the State of Oregon as **wilderness**, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I am pleased to introduce two bills to protect two unique places in the high desert of Central and Eastern Oregon as **wilderness**. These areas both reflect the wild, rugged beauty that makes Oregon's terrain east of the Cascade Mountains so incomparable.

The first bill I am introducing, the Oregon Badlands **Wilderness** Act of 2008, [S. 3088](#), would designate as **wilderness** almost 30,000 acres of the area known as the Badlands. The Badlands consists of high desert that is located just 15 miles east of Bend, Oregon, and straddles the Deschutes-Crook county border. The Badlands is made up of pockets of soft sand, lichen-covered lava flows and 1,000-year-old ancient junipers. It is home to pronghorn, deer, and elk.

The effort to protect the Badlands was led by a Bend schoolteacher, Alice Elshoff, in the 1980s. According to an article about Ms. Elshoff's efforts, "Huge chunks of basalt rock jut out of the soft desert sand like blisters that burst from within the earth. Twisted juniper trees, some hundreds of years old, seem to desperately cling to the jagged rock formations. And beneath the trees and nearly hidden in narrow hideaways among the rocks are faint red drawings, messages left by prehistoric Indians who called this rugged part of the world home. This is the Badlands."

In addition to its natural attributes, many Bend business leaders understand that an Oregon Badlands **Wilderness** adds to the area's national reputation as a hub for diverse outdoor recreation. In the Bend area, people can enjoy almost any outdoor activity-boating, biking, skiing, horseback riding, hunting, riding off-road vehicles and hiking. Within roughly an hour's drive of Bend, there are more than 400,000 acres of public lands available to motorized recreation-and I look forward to continuing to work with the Central Oregon off road and snowmobile communities. The region's diverse recreational options are a true example of multiple use. Into that mix we now add the peace and solitude of a **wilderness** recreation experience. These kinds of diverse recreational opportunities and scenic natural areas are part of what has attracted companies and new residents to the Bend area and, with them, booming economic development. According to the 2007 article in The Economist entitled "Booming Bend," "Fabulous scenery attracts people with fabulous amounts of money." To sum it up, people seek places to live and work with the kind of high quality of life the Bend area can offer. The natural beauty and recreational opportunities of an area like Bend propel this growth.

The Bend community has been talking about protecting the special place known as the Badlands for many years. Volunteers have been working with long-time Oregon ranchers, notably Bev and Ray Clarno, whose family has worked the land for generations, along with conservationists, irrigators, and more than 200 local businesses to gain protection for the Badlands as **wilderness**.

This designation is also a tribute to a remarkable young woman, Rachel Scdoris, who grew up driving and training her sled dog team through this area-and the bill provides that she may continue doing so for as long as she chooses. Ms. Scdoris is legally blind, and she recently completed in her third Iditarod sled dog race.

This **wilderness** designation has been a long time in coming; it has been over two decades since the BLM began reviewing which lands should be considered candidates for **wilderness**. From that time forward, BLM has repeatedly concluded that the Badlands should be protected as **Wilderness**. It is time to make it happen. This unique part of the Oregon high desert needs to be permanently protected for generations to come.

The second bill I am introducing is the Spring Basin **Wilderness** Act of 2008, [S. 3089](#). This region is further east and even more remote than the Badlands. Spring Basin is one of Central Oregon's premier wild areas. Overlooking the John Day Wild and Scenic River, the rolling hills of Spring Basin burst with color during the spring wildflower bloom. It boasts canyons and diverse geology that offers recreational opportunities for hikers, horseback riders, hunters, botanists, and other outdoor enthusiasts. The area is important habitat for populations of Mule Deer and Rocky Mountain Elk, as well as many bird species. To preserve this natural treasure, my bill would designate approximately 8,600 acres as the Spring Basin **Wilderness**.

During the past several years, many community leaders and adjacent landowners have approached me advocating for **Wilderness** designation for this spectacular land that borders the Wild and Scenic John Day River and the nearby John Day Fossil Beds. The area is known across Oregon for its profusion of spring wildflowers. The Confederated Tribes of Warm Springs, local landowners, the County Commission and the Federal Bureau of Land Management all support **Wilderness** designation for Spring Basin. In fact, Spring Basin was recommended to Congress as a **wilderness** area by the Bureau of Land Management in 1989. Protecting this scenic jewel will add to Oregon's treasured **wilderness** and the unique recreational opportunities it provides.

I want to express my thanks to all the volunteers and supporters who have worked tirelessly to protect this area and reached out to diverse community groups to build support. I also want to thank the Confederated Tribes of the Warm Springs for their engagement and support. The Confederated Tribes of the Warm Springs own and manage approximately 30,000 acres of adjacent land that they manage to the north and east of Spring Basin. The Tribes manage these lands for the improvement of fish and wildlife habitat and I look forward to working with them to implement this legislation.

Mr. President, I ask unanimous consent that the text of the bills be printed in the Record.

There being no objection, the text of the bills was ordered to be printed in the Record, as follows:

[S. 3088](#)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oregon Badlands **Wilderness** Act of 2008".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.-Congress finds that-

(1) certain Bureau of Land Management land in central Oregon qualifies for addition to the National **Wilderness** Preservation System;

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

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

(4) motorized recreation users in central Oregon should continue to have access to an abundance of land managed, in part, for their use;

(5) the proposed Oregon Badlands **Wilderness** would increase the offerings in the region by making an additional 30,000 acres in [*5212]

Page 5212

central Oregon available for **wilderness** recreation and solitude; and

(6) certain land exchanges that would consolidate Federal land holdings within or near to the proposed **wilderness** to enhance **wilderness** values and management are in the public interest.

(b) Purposes.-The purposes of this Act are-

(1) to designate the Oregon Badlands **Wilderness** in the State of Oregon; and

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

SEC. 3. DEFINITIONS.

In this Act:

(1) District.-The term "District" means the Central Oregon Irrigation District, which has offices in Redmond, Oregon.

(2) Landowner.-The term "Landowner" means Ray Clarno, a resident of Redmond, Oregon.

(3) Secretary.-The term "Secretary" means the Secretary of the Interior.

(4) State.-The term "State" means the State of Oregon.

(5) **Wilderness**.-The term "**Wilderness**" means the Oregon Badlands **Wilderness** designated by section 4(a).

(6) **Wilderness** map.-The term "**wilderness** map" means the map entitled "Badlands **Wilderness**" and dated June 4, 2008.

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

(a) Designation.-In accordance with the **Wilderness** Act ([16 U.S.C. 1131 et seq.](#)), approximately 29,837 acres of Bureau of Land Management land in the State, as depicted on the **wilderness** map, is designated as **Wilderness** and as a component of the National **Wilderness** Preservation System, to be known as the "Oregon Badlands **Wilderness**".

(b) Map and Legal Description.-

(1) Submission of map and legal description.-As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the **Wilderness** with-

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

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

(2) Force of law.-The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct any errors in the map or legal description.

(3) Public availability.-The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Secretary.

(c) Administration of **Wilderness**.-

(1) In general.-Subject to valid existing rights, the **Wilderness** shall be administered by the Secretary in accordance with the **Wilderness** Act ([16 U.S.C. 1131 et seq.](#)), except that-

(A) any reference in the **Wilderness** Act to the effective date of the **Wilderness** Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) Incorporation of acquired land and interests.-Any land or interest in land within the boundary of the **Wilderness** that is acquired by the United States shall-

(A) become part of the **Wilderness**; and

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

(3) Withdrawal.-Subject to valid existing rights, the Federal land designated as **wilderness** by this Act is withdrawn from all forms of-

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

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

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

(4) Grazing.-The grazing of livestock in the **Wilderness**, if established before the date of enactment of this Act, and the maintenance of facilities in existence on the date of enactment of this Act relating to grazing, shall be permitted to continue subject to such reasonable regulations as are considered necessary by the Secretary in accordance with-

(A) section 4(d)(4) of the **Wilderness** Act ([16 U.S.C. 1133\(d\)\(4\)](#)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying [H.R. 2570](#) of the 101st Congress (H. Rept. 101-405).

(5) Access to private property.-The Secretary shall provide any owner of private property within the boundary of the **Wilderness** adequate access to the property to ensure the reasonable use and enjoyment of the property by the owner.

(6) Tribal rights.-Nothing in this Act-

(A) affects, alters, amends, repeals, interprets, extinguishes, modifies, or is in conflict with-

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

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

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

(i) within the boundaries of the **Wilderness**; or

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

SEC. 5. SCDORIS CORRIDOR.

(a) Existing Use.-

(1) In general.-Subject to subsection (b), the route depicted on the **wilderness** map shall be included in a corridor with a width of 25 feet to be excluded from the **Wilderness** to accommodate the existing use of the route for purposes relating to the training of sled dogs by Rachael Scdoris.

(2) Inclusion in **wilderness**.-On final and total termination of the use of the route for the purposes described in paragraph (1), the corridor described in that paragraph shall-

(A) become part of the **Wilderness**; and

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

(b) Interim Management.-Except as provided in subsection (a), the corridor shall otherwise be managed as **wilderness**.

(c) Withdrawal.-Subject to valid existing rights, the corridor described in subsection (a)(1) is withdrawn from all forms of-

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

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

(3) disposition under the mineral leasing, mineral materials, and geothermal leasing laws.

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

(a) Finding.-Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 ([43 U.S.C. 1782](#)), the Bureau of Land Management land identified as the Badlands **wilderness** study area has been adequately studied for **wilderness** designation.

(b) Release.-Any public land described in subsection (a) that is not designated as **wilderness** by this Act-

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 ([43 U.S.C. 1782\(c\)](#)); and

(2) shall be managed in accordance with the applicable land management plans adopted under section 202 of that Act ([43 U.S.C. 1712](#)).

SEC. 7. LAND EXCHANGES.

(a) Clarno Land Exchange.-

(1) Conveyance of land.-If the Landowner offers to convey to the United States all right, title, and interest of the Landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall-

(A) accept the offer; and

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

(2) Description of land.-

(A) Non-federal land.-The non-Federal land referred to in paragraph (1) is the approximately 240 acres of non-Federal land identified on the **wilderness** map as "Clarno to Federal Government".

(B) Federal land.-The Federal land referred to in paragraph (1)(B) is the approximately 245 acres of Federal land identified on the **wilderness** map as "Federal Government to Clarno".

(3) Surveys.-The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(b) District Exchange.-

(1) Conveyance of land.-If the District offers to convey to the United States all right, title, and interest of the District in and to the non-Federal land described in paragraph (2)(A), the Secretary shall-

(A) accept the offer; and

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

(2) Description of land.-

(A) Non-federal land.-The non-Federal land referred to in paragraph (1) is the approximately 564 acres of non-Federal land identified on the **wilderness** map as "COID to Federal Government".

(B) Federal land.-The Federal land referred to in paragraph (1)(B) is the approximately 686 acres

of Federal land identified on the **wilderness** map as "Federal Government to COID".

(3) Surveys.-The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(c) Applicable Law.-Except as otherwise provided in this section, the Secretary shall carry out the land exchanges under this section in accordance with section 206 of the Federal Land Policy and Management Act of 1976 ([43 U.S.C. 1716](#)).

(d) Valuation, Appraisals, and Equalization.-

(1) In general.-The value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section-

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or [*5213]

Page 5213

(B) if not equal, shall be equalized in accordance with paragraph (3).

(2) Appraisals.-

(A) In general.-The Federal land and the non-Federal land to be exchanged under this section shall be appraised by an independent, qualified appraiser that is agreed to by the Secretary and the owner of the non-Federal land to be exchanged.

(B) Requirements.-An appraisal under subparagraph (A) shall be conducted in accordance with-

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

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) Equalization.-

(A) In general.-If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value may be equalized by-

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

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

(iii) reducing the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

(B) Cash equalization payments.-Any cash equalization payments received by the Secretary under subparagraph (A)(ii) shall be-

(i) deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act ([43 U.S.C. 2305\(a\)](#)); and

(ii) used in accordance with that Act.

(e) Conditions of Exchange.-

(1) In general.-As a condition of a conveyance of Federal land and non-Federal land under this section, the Federal Government and the owner of the non-Federal land shall equally share all costs relating to the land exchange, including the costs of appraisals, surveys, and any necessary environmental clearances.

(2) Valid existing rights.-The exchange of Federal land and non-Federal land under this section shall be subject to any easements, rights-of-way, or other valid encumbrances in existence on the date of enactment of this Act.

(f) Deadline for Completion of Land Exchange.-It is the intent of Congress that the land exchanges under this section shall be completed not later than 16 months after the date of enactment of this Act.