

117TH CONGRESS
1ST SESSION

S. 3144

To establish the Sutton Mountain National Monument, to authorize certain land exchanges in the State of Oregon, to convey certain Bureau of Land Management land in the State of Oregon to the city of Mitchell, Oregon, and Wheeler County, Oregon, for conservation, economic, and community development purposes, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 3, 2021

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

A BILL

To establish the Sutton Mountain National Monument, to authorize certain land exchanges in the State of Oregon, to convey certain Bureau of Land Management land in the State of Oregon to the city of Mitchell, Oregon, and Wheeler County, Oregon, for conservation, economic, and community development purposes, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Sutton Mountain and
3 Painted Hills Area Wildfire Resiliency Preservation and
4 Economic Enhancement Act”.

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

7 (1) **ACTIVE HABITAT RESTORATION.**—The term
8 “active habitat restoration” means, with respect to
9 an area, to restore and enhance the ecological health
10 of the area through the use of management tools
11 consistent with this Act.

12 (2) **CITY.**—The term “City” means the city of
13 Mitchell, Oregon.

14 (3) **COUNTY.**—The term “County” means
15 Wheeler County, Oregon.

16 (4) **ECOLOGICAL HEALTH.**—The term “ecologi-
17 cal health” means the ability of the ecological proc-
18 esses of a native ecosystem to function in a manner
19 that maintains the structure, composition, activity,
20 and resilience of the ecosystem over time, including
21 an ecologically appropriate diversity of plant and
22 animal communities, habitats, and conditions that
23 are sustainable through successional processes.

24 (5) **LANDOWNER.**—The term “landowner”
25 means an owner of non-Federal land that enters into

1 a land exchange with the Secretary under section
2 4(a).

3 (6) LOWER UNIT.—The term “Lower Unit”
4 means the area that consists of the approximately
5 27,184 acres of land generally depicted as “Pro-
6 posed National Monument-Lower Unit” on the Map.

7 (7) MANAGEMENT PLAN.—The term “manage-
8 ment plan” means the management plan for the
9 Monument developed by the Secretary under section
10 3(d)(2).

11 (8) MAP.—The term “Map” means the map
12 prepared by the Bureau of Land Management enti-
13 tled “Sutton Complex-Painted Hills National Monu-
14 ment Proposal” and dated October 27, 2021.

15 (9) MONUMENT.—The term “Monument”
16 means the Sutton Mountain National Monument es-
17 tablished by section 3(a).

18 (10) PASSIVE HABITAT MANAGEMENT.—The
19 term “passive habitat management” means those ac-
20 tions that are proposed or implemented to address
21 degraded or non-functioning resource conditions that
22 are expected to improve the ecological health of the
23 area without additional on-the-ground actions, such
24 that resource objectives and desired outcomes are

1 anticipated to be reached without additional human
2 intervention.

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

5 (12) STATE.—The term “State” means the
6 State of Oregon.

7 (13) UPPER UNIT.—The term “Upper Unit”
8 means the area that consists of the approximately
9 38,023 acres of land generally depicted as “Pro-
10 posed National Monument-Upper Unit” on the Map.

11 **SEC. 3. ESTABLISHMENT OF SUTTON MOUNTAIN NATIONAL**
12 **MONUMENT.**

13 (a) IN GENERAL.—There is established in the State
14 the Sutton Mountain National Monument, consisting of
15 the following 2 management units, as generally depicted
16 on the Map:

17 (1) Upper Unit.

18 (2) Lower Unit.

19 (b) PURPOSES.—The purposes of the Monument
20 are—

21 (1) to increase the wildfire resiliency of Sutton
22 Mountain and the surrounding area; and

23 (2) to conserve, protect, and enhance the long-
24 term ecological health of Sutton Mountain and the
25 surrounding area for present and future generations.

1 (c) OBJECTIVES.—To further the purposes of the
2 Monument described in subsection (b), and consistent with
3 those purposes, the Secretary shall manage the Monument
4 for the benefit of present and future generations—

5 (1) to support and promote the growth of local
6 communities and economies;

7 (2) to promote the scientific and educational
8 values of the Monument;

9 (3) to maintain sustainable grazing on the Fed-
10 eral land within the Upper Unit and Lower Unit, in
11 accordance with applicable Federal law;

12 (4) to promote recreation, historical, cultural,
13 and other uses that are sustainable, in accordance
14 with applicable Federal law;

15 (5) to ensure the conservation, protection, res-
16 toration, and improved management of the ecologi-
17 cal, social, and economic environment of the Monu-
18 ment, including geological, paleontological, biological,
19 wildlife, riparian, and scenic resources;

20 (6) to reduce the risk of wildfire within the
21 Monument and the surrounding area, including
22 through juniper removal and habitat restoration, as
23 appropriate; and

24 (7)(A) to allow for active habitat restoration in
25 the Lower Unit; and

1 (B) to allow for passive habitat management in
2 the Upper Unit and Lower Unit.

3 (d) MANAGEMENT AUTHORITIES.—

4 (1) IN GENERAL.—The Secretary shall manage
5 the Monument—

6 (A) in accordance with—

7 (i) the Federal Land Policy and Man-
8 agement Act of 1976 (43 U.S.C. 1701 et
9 seq.) and other applicable laws; and

10 (ii) this Act; and

11 (B) in a manner that—

12 (i) improves wildfire resiliency; and

13 (ii) ensures the conservation, protec-
14 tion, and improved management of the eco-
15 logical, social, and economic environment
16 of the Monument, including geological, pa-
17 leontological, biological, wildlife, riparian,
18 and scenic resources, North American In-
19 dian Tribal and cultural and archaeological
20 resource sites, and additional cultural and
21 historic sites and culturally significant na-
22 tive species.

23 (2) MANAGEMENT PLAN.—

24 (A) IN GENERAL.—Not later than 2 years
25 after the date of enactment of this Act, the Sec-

1 retary shall develop a comprehensive manage-
2 ment plan for the long-term conservation and
3 management of the Monument that fulfills the
4 purposes of the Monument described in sub-
5 section (b).

6 (B) REQUIREMENTS.—The management
7 plan developed under subparagraph (A) shall—

8 (i) describe the appropriate uses and
9 management of each of the Upper Unit
10 and the Lower Unit, consistent with the
11 purposes and objectives of this Act;

12 (ii) include an assessment of ecologi-
13 cal conditions of the Monument, including
14 an assessment of—

15 (I) the status, causes, and rate of
16 juniper encroachments at the Monu-
17 ment; and

18 (II) the ecological impacts of the
19 juniper encroachments at the Monu-
20 ment;

21 (iii) identify science-based, short-term
22 and long-term, active habitat restoration
23 and passive habitat management actions—

1 (I) to reduce wildfire risk and
2 improve the resilience of native plant
3 communities; and

4 (II) to restore historical native
5 vegetation communities, including the
6 prioritization of the removal of
7 invasive annual grasses and juniper
8 trees in the Lower Unit;

9 (iv) include a habitat restoration op-
10 portunities component that prioritizes—

11 (I) restoration within the Lower
12 Unit; and

13 (II) maintenance of the existing
14 wilderness character of the Upper
15 Unit;

16 (v) include a riparian conservation
17 and restoration component to support
18 anadromous and other native fish, wildlife,
19 and other riparian resources and values in
20 the monument;

21 (vi) include a recreational enhance-
22 ment component that prioritizes—

23 (I) new and expanded opportuni-
24 ties for mechanized and nonmecha-

1 nized recreation in the Lower Unit;
2 and

3 (II) enhancing nonmechanized,
4 primitive, and unconfined recreation
5 opportunities in the Upper Unit;

6 (vii) include an active habitat restora-
7 tion component that prioritizes, with re-
8 spect to the Lower Unit—

9 (I) the restoration of native eco-
10 systems;

11 (II) the enhancement of recre-
12 ation and grazing activities; and

13 (III) activities that will reduce
14 wildfire risk;

15 (viii) include a passive habitat man-
16 agement component that prioritizes, with
17 respect to the Upper Unit—

18 (I) the restoration of native eco-
19 systems; and

20 (II) management activities that
21 will reduce the risk of wildfire;

22 (ix) determine measurable and achiev-
23 able management objectives, consistent
24 with the management objectives described

1 in subsection (c), to ensure the ecological
2 health of the Monument;

3 (x) develop a monitoring program for
4 the Monument so that progress towards ec-
5 ological health objectives can be deter-
6 mined;

7 (xi) include, as an integral part, a
8 comprehensive transportation plan devel-
9 oped in accordance with subsection (e);
10 and

11 (xii) include, as an integral part, a
12 wildfire mitigation plan developed in ac-
13 cordance with paragraph (4).

14 (3) WILDFIRE RISK ASSESSMENT.—Not later
15 than 1 year after the date of enactment of this Act,
16 the Secretary, in consultation with the Governor’s
17 Council on Wildfire Response of the State, shall con-
18 duct a wildfire risk assessment of the Upper Unit
19 and the Lower Unit.

20 (4) WILDFIRE MITIGATION PLAN.—

21 (A) IN GENERAL.—Not later than 2 years
22 after the date on which the wildfire risk assess-
23 ment is conducted under paragraph (3), the
24 Secretary shall develop, based on the wildfire
25 risk assessment, a wildfire mitigation plan as

1 part of the management plan developed under
2 paragraph (2) that identifies, evaluates, and
3 prioritizes management activities that can be
4 implemented in the Lower Unit to mitigate
5 wildfire risk to structures and communities lo-
6 cated near the Monument.

7 (B) PLAN COMPONENTS.—The wildfire
8 mitigation plan developed under subparagraph
9 (A) shall include—

10 (i) appropriate vegetation manage-
11 ment projects (including mechanical treat-
12 ments to reduce hazardous fuels and im-
13 prove ecological health and resiliency);

14 (ii) necessary evacuation routes for
15 communities located near the Monument,
16 to be developed in consultation with the
17 State and local fire agencies;

18 (iii) strategies for public dissemination
19 of emergency evacuation plans and routes;

20 (iv) appropriate passive habitat man-
21 agement activities; and

22 (v) strategies or management require-
23 ments to protect items of value identified
24 at the Monument, consistent with the ap-
25 plicable fire management plan and the doc-

1 ument prepared by the National Inter-
2 agency Fire Center entitled “Interagency
3 Standards for Fire and Fire Aviation Op-
4 erations” or successor interagency agree-
5 ment or guidance.

6 (C) APPLICABLE LAW.—The wildfire miti-
7 gation plan under subparagraph (A) shall be
8 developed in accordance with—

9 (i) this Act; and

10 (ii) any other applicable law.

11 (5) TEMPORARY ROADS.—

12 (A) IN GENERAL.—Consistent with the
13 purposes of this Act and the comprehensive
14 transportation plan under subsection (e), the
15 Secretary may travel off-road or establish tem-
16 porary roads within the Lower Unit to imple-
17 ment the wildfire mitigation plan developed
18 under paragraph (4).

19 (B) EFFECT ON WILDFIRE MANAGE-
20 MENT.—Nothing in this section affects the au-
21 thority of the Secretary, in cooperation with
22 other Federal, State, and local agencies, as ap-
23 propriate, to conduct wildland fire operations at
24 the Monument, consistent with the purposes of
25 this Act.

1 (6) INCORPORATION OF ACQUIRED LAND AND
2 INTERESTS IN LAND.—Any land or interest in land
3 within the boundary of the Monument or adjacent to
4 the Monument that is acquired by the United States
5 shall—

6 (A) become part of the Monument; and

7 (B) be managed in accordance with—

8 (i) this Act; and

9 (ii) applicable Federal laws.

10 (e) COMPREHENSIVE TRANSPORTATION PLAN.—

11 (1) IN GENERAL.—The Secretary shall develop
12 as part of the management plan a comprehensive
13 transportation plan for the Monument, which shall
14 address—

15 (A) motorized, mechanized, and non-
16 motorized use;

17 (B) the maintenance and closure of motor-
18 ized and nonmotorized routes; and

19 (C) travel access.

20 (2) PROHIBITION OF MOTORIZED AND MECHA-
21 NIZED USE IN THE UPPER UNIT.—Except as pro-
22 vided in paragraphs (3), (4), and (7), motorized and
23 mechanized use shall be prohibited in the Upper
24 Unit.

1 (3) PROHIBITION OF OFF-ROAD MOTORIZED
2 TRAVEL.—Except in cases in which motorized or
3 mechanized vehicles are needed for administrative
4 purposes, ecological restoration projects, or to re-
5 spond to an emergency, the use of motorized or
6 mechanized vehicles in the Monument shall be per-
7 mitted only on routes designated by the transpor-
8 tation plan developed under paragraph (1).

9 (4) PROHIBITION OF NEW CONSTRUCTION.—
10 Except as provided in paragraph (5), no new motor-
11 ized routes of any type shall be constructed within
12 the Monument unless the Secretary determines, in
13 consultation with the public, that the motorized
14 route is necessary for public safety in the Upper
15 Unit or Lower Unit.

16 (5) TEMPORARY MOTORIZED ROUTES IN THE
17 LOWER UNIT.—Notwithstanding paragraph (4), tem-
18 porary motorized routes may be developed in the
19 Lower Unit to assist with the removal of juniper.

20 (6) TRAILS.—Nothing in this subsection limits
21 the authority of the Secretary to construct or main-
22 tain trails for nonmotorized or nonmechanized use in
23 the Upper Unit or Lower Unit.

24 (7) ACCESS TO INHOLDINGS.—The Secretary
25 shall provide reasonable access to inholdings within

1 the boundaries of the Monument to provide private
2 landowners the reasonable use of the inholdings, in
3 accordance with section 1323(b) of the Alaska Na-
4 tional Interest Lands Conservation Act (16 U.S.C.
5 3210(b)).

6 (8) MODIFICATIONS TO EXISTING ROADS.—

7 (A) IN GENERAL.—Consistent with the
8 purposes of this Act, the existing roads de-
9 scribed in subparagraph (B) may be modified
10 or altered within 50 feet on either side of the
11 applicable road, as the Secretary determines to
12 be necessary to support use of motorized or
13 mechanized vehicles for access, utility develop-
14 ment, or public safety.

15 (B) DESCRIPTION OF ROADS.—The roads
16 referred to in subparagraph (A) are Burnt
17 Ranch Road, Twickenham Road, Girds Creek
18 Road, and the Logging Road, as depicted on
19 the Map.

20 (C) RIGHT-OF-WAY.—The Secretary shall
21 grant to the County a right-of-way for mainte-
22 nance and repair within 50 feet of Twickenham
23 Road and Girds Creek Road.

24 (f) GRAZING.—

1 (1) IN GENERAL.—The grazing of livestock in
2 the Monument, if established before the date of en-
3 actment of this Act, shall be allowed to continue—

4 (A) subject to—

5 (i) such reasonable regulations, poli-
6 cies, and practices as the Secretary con-
7 siders necessary; and

8 (ii) applicable law (including regula-
9 tions); and

10 (B) in a manner consistent with the au-
11 thorities described in subsection (d).

12 (2) VOLUNTARY RELINQUISHMENT OF GRAZING
13 PERMITS OR LEASES.—

14 (A) ACCEPTANCE BY SECRETARY.—The
15 Secretary shall accept the voluntary relinquish-
16 ment of any valid existing permits or leases au-
17 thORIZING grazing on public land, all or a por-
18 tion of which is within the Monument.

19 (B) TERMINATION.—With respect to each
20 permit or lease voluntarily relinquished under
21 subparagraph (A), the Secretary shall—

22 (i) terminate the grazing permit or
23 lease; and

1 (ii) ensure a permanent end to graz-
2 ing on the land covered by the permit or
3 lease.

4 (C) PARTIAL RELINQUISHMENT.—

5 (i) IN GENERAL.—If a person holding
6 a valid grazing permit or lease voluntarily
7 relinquishes less than the full level of graz-
8 ing use authorized under the permit or
9 lease under subparagraph (A), the Sec-
10 retary shall—

11 (I) reduce the authorized grazing
12 level to reflect the voluntary relin-
13 quishment; and

14 (II) modify the permit or lease to
15 reflect the revised level.

16 (ii) AUTHORIZED LEVEL.—To ensure
17 that there is a permanent reduction in the
18 authorized level of grazing on the land cov-
19 ered by a permit or lease voluntarily relin-
20 quished under clause (i), the Secretary
21 shall not allow grazing use to exceed the
22 authorized level established under that
23 clause.

24 (g) PROHIBITION ON CONSTRUCTION OF NEW FA-
25 CILITIES.—No new facilities may be constructed in the

1 Monument unless the Secretary determines that the facil-
2 ity—

3 (1) will be minimal in nature;

4 (2) is consistent with the purposes of the Monu-
5 ment described in subsection (b); and

6 (3) is necessary—

7 (A) to enhance botanical, fish, wildlife, or
8 watershed conditions;

9 (B) to provide for public information,
10 health, or safety;

11 (C) for the management of livestock; or

12 (D) for the management, but not pro-
13 motion, of recreation.

14 (h) RELEASE OF WILDERNESS STUDY AREA.—

15 (1) FINDING.—Congress finds that, for pur-
16 poses of section 603(c) of the Federal Land Policy
17 and Management Act of 1976 (43 U.S.C. 1782(c)),
18 any portion of Federal land designated as a wilder-
19 ness study area within the Monument as of the date
20 of enactment of this Act has been adequately studied
21 for wilderness designation.

22 (2) RELEASE.—The land described in para-
23 graph (1)—

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

4 (B) shall be managed in accordance with—

5 (i) this Act; and

6 (ii) applicable land use plans adopted
7 under section 202 of that Act (43 U.S.C.
8 1712).

9 (i) EFFECT ON EXISTING RIGHTS.—Nothing in this
10 section—

11 (1) terminates any valid right-of-way on land
12 included in the Monument that is in existence on the
13 date of enactment of this Act; or

14 (2) affects the ability of an owner of a private
15 inholding within, or private land adjoining, the
16 boundary of the Monument to obtain permits or
17 easements from any Federal agency with jurisdiction
18 over the Monument to support existing uses, access,
19 management, or maintenance of the private prop-
20 erty.

21 (j) WATER RIGHTS AND INFRASTRUCTURE.—Noth-
22 ing in this section—

23 (1) constitutes an express or implied claim or
24 denial on the part of the Federal Government re-
25 garding an exemption from State water laws; or

1 (2) prohibits access to existing water infrastruc-
2 ture within the boundaries of the Monument.

3 (k) TRIBAL RIGHTS.—Nothing in this section alters,
4 modifies, enlarges, diminishes, or abrogates the treaty
5 rights of any Indian Tribe.

6 **SEC. 4. LAND EXCHANGES.**

7 (a) AUTHORIZATION.—

8 (1) FAULKNER EXCHANGE.—

9 (A) IN GENERAL.—Subject to subsections
10 (b) through (h), if the owner of the non-Federal
11 land described in subparagraph (B)(i) offers to
12 convey to the United States all right, title, and
13 interest of the landowner in and to the non-
14 Federal land, the Secretary shall—

15 (i) accept the offer; and

16 (ii) on receipt of acceptable title to the
17 non-Federal land and subject to valid ex-
18 isting rights, convey to the landowner all
19 right, title, and interest of the United
20 States in and to the Federal land described
21 in subparagraph (B)(ii).

22 (B) DESCRIPTION OF LAND.—

23 (i) NON-FEDERAL LAND.—The non-
24 Federal land referred to in subparagraph
25 (A) is the approximately 15 acres of non-

1 Federal land identified on the Map as
2 “Faulkner to BLM”.

3 (ii) FEDERAL LAND.—The Federal
4 land referred to in subparagraph (A)(ii) is
5 the approximately 10 acres of Federal land
6 identified on the Map as “BLM to Faulk-
7 ner”.

8 (2) QUANT EXCHANGE.—

9 (A) IN GENERAL.—Subject to subsections
10 (b) through (h), if the owner of the non-Federal
11 land described in subparagraph (B)(i) offers to
12 convey to the United States all right, title, and
13 interest of the landowner in and to the non-
14 Federal land, the Secretary shall—

15 (i) accept the offer; and

16 (ii) on receipt of acceptable title to the
17 non-Federal land and subject to valid ex-
18 isting rights, convey to the landowner all
19 right, title, and interest of the United
20 States in and to the Federal land described
21 in subparagraph (B)(ii).

22 (B) DESCRIPTION OF LAND.—

23 (i) NON-FEDERAL LAND.—The non-
24 Federal land referred to in subparagraph
25 (A) is the approximately 236 acres of non-

1 Federal land identified on the Map as
2 “Quant to BLM”.

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

8 (3) TWICKENHAM LIVESTOCK LLC EX-
9 CHANGE.—

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

16 (i) accept the offer; and

17 (ii) on receipt of acceptable title to the
18 non-Federal land and subject to valid ex-
19 isting rights, convey to the landowner all
20 right, title, and interest of the United
21 States in and to the Federal land described
22 in subparagraph (B)(ii).

23 (B) DESCRIPTION OF LAND.—

24 (i) NON-FEDERAL LAND.—The non-
25 Federal land referred to in subparagraph

1 (A) is the approximately 574 acres of non-
2 Federal land identified on the Map as
3 “Twickenham to BLM”.

4 (ii) FEDERAL LAND.—The Federal
5 land referred to in subparagraph (A)(ii) is
6 the approximately 566 acres of Federal
7 land identified on the Map as “BLM to
8 Twickenham”.

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

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

17 (d) EQUAL VALUE EXCHANGE.—

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

21 (A) shall be equal; or

22 (B) shall be made equal in accordance with
23 paragraph (2).

24 (2) EQUALIZATION.—

1 (A) SURPLUS OF FEDERAL LAND.—If the
2 value of Federal land exceeds the value of non-
3 Federal land to be conveyed under a land ex-
4 change authorized under subsection (a), the
5 value of the Federal land and non-Federal land
6 shall be equalized by reducing the acreage of
7 the Federal land to be conveyed, as determined
8 to be appropriate and acceptable by the Sec-
9 retary and the landowner.

10 (B) SURPLUS OF NON-FEDERAL LAND.—If
11 the value of the non-Federal land exceeds the
12 value of the Federal land, the value of the Fed-
13 eral land and non-Federal land shall be equal-
14 ized by reducing the acreage of the non-Federal
15 land to be conveyed, as determined to be appro-
16 priate and acceptable by the Secretary and the
17 landowner.

18 (e) APPRAISALS.—

19 (1) IN GENERAL.—As soon as practicable after
20 the date of enactment of this Act, the Secretary and
21 the landowner shall select an appraiser to conduct
22 an appraisal of the Federal land and non-Federal
23 land to be exchanged under subsection (a).

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

4 (A) the Uniform Appraisal Standards for
5 Federal Land Acquisitions; and

6 (B) the Uniform Standards of Professional
7 Appraisal Practice.

8 (f) SURVEYS.—

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

13 (2) COSTS.—The Secretary and the landowner
14 shall divide equally between the Secretary and the
15 landowner—

16 (A) the costs of any surveys conducted
17 under paragraph (1); and

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

20 (g) VALID EXISTING RIGHTS.—The exchange of Fed-
21 eral land and non-Federal land under subsection (a) shall
22 be subject to any easements, rights-of-way, and other valid
23 rights in existence on the date of enactment of this Act.

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

1 changes under subsection (a) be completed by the date
2 that is not later than 2 years after the date of enactment
3 of this Act.

4 **SEC. 5. WITHDRAWAL.**

5 (a) IN GENERAL.—Subject to valid existing rights,
6 the Federal land and any interest in the Federal land in-
7 cluded within the Monument is withdrawn from—

8 (1) entry, appropriation, new rights-of-way, and
9 disposal under the public land laws;

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

12 (3) operation of—

13 (A) the mineral leasing and geothermal
14 leasing laws; and

15 (B) except as provided in subsection (b),
16 the minerals materials laws.

17 (b) ROAD MAINTENANCE.—As the Secretary deter-
18 mines to be consistent with the purposes of this Act and
19 the management plan, the Secretary may permit the devel-
20 opment of saleable mineral resources, for road mainte-
21 nance use only, in a location identified on the Map as an
22 existing “gravel pit” within the area withdrawn by sub-
23 section (a), if the development was authorized before the
24 date of enactment of this Act.

1 **SEC. 6. TREATMENT OF STATE LAND AND MINERAL INTER-**
2 **ESTS.**

3 (a) ACQUISITION REQUIRED.—The Secretary shall
4 acquire, for approximately equal value and as agreed to
5 by the Secretary and the State, any land and interests
6 in land owned by the State within the area withdrawn by
7 section 5(a).

8 (b) ACQUISITION METHODS.—The Secretary shall ac-
9 quire the State land and interests in land under subsection
10 (a) in exchange for—

11 (1) the conveyance of Federal land or Federal
12 mineral interests that are outside the boundaries of
13 the area withdrawn by section 5(a);

14 (2) a payment to the State; or

15 (3) a combination of the methods described in
16 paragraphs (1) and (2).

17 **SEC. 7. CONVEYANCES OF BUREAU OF LAND MANAGEMENT**
18 **LAND TO THE CITY OF MITCHELL, OREGON,**
19 **AND WHEELER COUNTY, OREGON.**

20 (a) IN GENERAL.—Notwithstanding the land use
21 planning requirements of sections 202 and 203 of the Fed-
22 eral Land Policy and Management Act of 1976 (43 U.S.C.
23 1712, 1713)—

24 (1) on the request of the City, the Secretary
25 shall convey to the City, without consideration, the
26 approximately 1,327 acres of Federal land generally

1 depicted on the Map as “City of Mitchell Convey-
2 ance”; and

3 (2) on request of the County, the Secretary
4 shall convey to the County, without consideration,
5 the approximately 159 acres of Federal land gen-
6 erally depicted on the Map as “Wheeler County Con-
7 veyance”.

8 (b) USE OF CONVEYED LAND.—

9 (1) IN GENERAL.—Subject to paragraphs (2)
10 and (3), the Federal land conveyed under subsection
11 (a) shall be used for recreation or other public pur-
12 poses consistent with the Act of June 14, 1926
13 (commonly known as the “Recreation and Public
14 Purposes Act”) (44 Stat. 741, chapter 578; 43
15 U.S.C. 869 et seq.).

16 (2) AFFORDABLE OR SENIOR HOUSING.—Not
17 more than 50 acres of the Federal land conveyed
18 under subsection (a)(1) may be used for the con-
19 struction of affordable or senior housing.

20 (3) ECONOMIC DEVELOPMENT.—Not more than
21 50 acres of the Federal land conveyed under sub-
22 section (a)(1) may be used to support economic de-
23 velopment.

24 (c) MAP AND LEGAL DESCRIPTIONS.—

1 (1) IN GENERAL.—As soon as practicable after
2 the date of enactment of this Act, the Secretary
3 shall finalize legal descriptions of the parcels of land
4 to be conveyed under subsection (a).

5 (2) CORRECTIONS OF ERRORS.—The Secretary
6 may correct minor errors in the Map or the legal de-
7 scriptions.

8 (3) AVAILABILITY.—The Map and legal descrip-
9 tions shall be on file and available for public inspec-
10 tion in the appropriate offices of the Bureau of
11 Land Management.

12 (d) REVERSION.—

13 (1) IN GENERAL.—If any parcel of land con-
14 veyed under subsection (a) ceases to be used for the
15 purposes described in subsection (b), the land shall,
16 at the discretion of the Secretary based on the deter-
17 mination of the Secretary of the best interests of the
18 United States, revert to the United States.

19 (2) RESPONSIBILITY OF LOCAL GOVERNMENTAL
20 ENTITY.—If the Secretary determines under para-
21 graph (1) that the land should revert to the United
22 States, and if the Secretary determines that the land
23 is contaminated with hazardous waste, the City or
24 the County, as applicable, shall be responsible for re-
25 mediation of the contamination.

1 (e) TRIBAL RIGHTS.—Nothing in this section alters,
2 modifies, enlarges, diminishes, or abrogates the treaty
3 rights of any Indian Tribe.

4 **SEC. 8. COORDINATION WITH UNITS OF LOCAL GOVERN-**
5 **MENT.**

6 The Secretary shall coordinate with units of local gov-
7 ernment, including the County commission and the City,
8 in accordance with section 202 of the Federal Land Policy
9 and Management Act of 1976 (43 U.S.C. 1712) and sec-
10 tion 1610.3–1 of title 43, Code of Federal Regulations (or
11 a successor regulation) in—

- 12 (1) developing the management plan;
13 (2) prioritizing implementation of project-level
14 activities under the management plan;
15 (3) developing activities that implement the
16 management plan; and
17 (4) carrying out any other activities under this
18 Act.

19 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated such sums
21 as are necessary to carry out this Act.

○

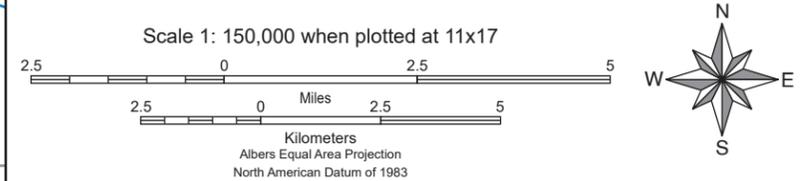
Sutton Complex - Painted Hills National Monument Proposal

October 27, 2021

This map was prepared at the request of Senator Jeff Merkley

LEGEND

-  Proposed National Monument- Upper Unit
-  Proposed National Monument- Lower Unit
-  John Day Wild & Scenic River Corridor
- Administered Land**
-  Bureau of Land Management
-  City of Mitchell Conveyance
-  Wheeler County Conveyance
-  BLM to Twickenham
-  BLM to Faulkner
-  BLM to Quant
-  National Park Service
-  John Day Fossil Beds National Monument
-  US Forest Service
-  State of Oregon
-  Private or Other
-  Twickenham to BLM
-  Faulkner to BLM
-  Quant to BLM



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