

109TH CONGRESS
2^D SESSION

H. R. 5025

To protect for future generations the recreational opportunities, forests, timber, clean water, wilderness and scenic values, and diverse habitat of Mount Hood National Forest, Oregon, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 2006

Mr. WALDEN of Oregon (for himself, Mr. BLUMENAUER, Ms. HOOLEY, and Mr. DEFAZIO) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To protect for future generations the recreational opportunities, forests, timber, clean water, wilderness and scenic values, and diverse habitat of Mount Hood National Forest, Oregon, 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 AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Mount Hood Stewardship Legacy Act”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- Sec. 1. Short title and table of contents
 Sec. 2. Implementation

TITLE I—WILDERNESS AREA DESIGNATIONS

- Sec. 101. Purpose
 Sec. 102. Designation of wilderness areas, Mount Hood National Forest
 Sec. 103. Administration of wilderness areas
 Sec. 104. Maintenance and replacement of foot bridges in wilderness areas

TITLE II—WILD AND SCENIC RIVER DESIGNATIONS

- Sec. 201. Purpose
 Sec. 202. Wild and scenic river designations, Mount Hood National Forest
 Sec. 203. Relation to Middle Fork Irrigation District

TITLE III—RECREATION

- Sec. 301. Purpose
 Sec. 302. Retention of Mount Hood National Forest land use fees from special
 use authorizations
 Sec. 303. Use of funds in special account to support recreation
 Sec. 304. Annual reporting requirement
 Sec. 305. Mount Hood National Forest Recreational Advisory Council
 Sec. 306. Consideration of conversion of forest roads to recreational uses
 Sec. 307. Improved trail access for persons with disabilities

TITLE IV—TRANSPORTATION

- Sec. 401. Purpose
 Sec. 402. Mount Hood region defined
 Sec. 403. Transportation plan
 Sec. 404. Study regarding gondola connection and intermodal transportation
 center

TITLE V—FOREST AND WATERSHED STEWARDSHIP

- Sec. 501. Purpose
 Sec. 502. Forest Stewardship Plan
 Sec. 503. Sustainable biomass utilization study
 Sec. 504. Watershed management memorandums of understanding

TITLE VI—CRYSTAL SPRINGS WATERSHED MANAGEMENT UNIT

- Sec. 601. Purpose
 Sec. 602. Establishment of Crystal Springs Watershed Special Resources Man-
 agement Unit
 Sec. 603. Administration of Management Unit
 Sec. 604. Acquisition of lands
 Sec. 605. Effective date

TITLE VII—LOCAL AND TRIBAL RELATIONSHIPS

- Sec. 701. Purpose

- Sec. 702. First foods gathering areas
- Sec. 703. Forest Service coordination with State and local governments
- Sec. 704. Savings provisions regarding relations with Indian tribes
- Sec. 705. Improved natural disaster preparedness

TITLE VIII—LAND CONVEYANCES

Subtitle A—Cooper Spur-Government Camp Land Exchange

- Sec. 801. Purpose
- Sec. 802. Cooper Spur-Government Camp Land Exchange
- Sec. 803. Treatment of Inn at Cooper Spur and the Cooper Spur Ski Area
- Sec. 804. General provisions

Subtitle B—Other Land Exchanges

- Sec. 811. Land exchange, Port of Cascade Locks-Pacific Crest National Scenic Trail

1 **SEC. 2. IMPLEMENTATION.**

2 References in this Act to the Secretary of Agriculture
3 or the Secretary mean the Secretary of Agriculture, acting
4 through the Forest Service.

5 **TITLE I—WILDERNESS AREA** 6 **DESIGNATIONS**

7 **SEC. 101. PURPOSE.**

8 The purpose of this title is to designate approxi-
9 mately 77,500 acres of National Forest System land in
10 the Mount Hood National Forest as wilderness, which rep-
11 resents a 41 percent increase in the amount of designated
12 wilderness in the national forest and the first new wilder-
13 ness designated in the national forest since 1984.

14 **SEC. 102. DESIGNATION OF WILDERNESS AREAS, MOUNT** 15 **HOOD NATIONAL FOREST.**

16 (a) DESIGNATION.—In accordance with the Wilder-
17 ness Act (16 U.S.C. 1131 et seq.), the following areas in

1 the Mount Hood National Forest are designated as wilder-
2 ness and, therefore, as components of the National Wilder-
3 ness Preservation System:

4 (1) BIG BOTTOM WILDERNESS.—National For-
5 est System land comprising approximately
6 _____ acres, as generally depicted on the map
7 entitled “_____” and dated _____,
8 2006, which shall be known as the “Big Bottom
9 Wilderness”.

10 (2) BULL OF THE WOODS WILDERNESS ADDI-
11 TION.—National Forest System land comprising ap-
12 proximately _____ acres, as generally depicted
13 on the map entitled “_____” and dated
14 _____, 2006, is incorporated in and shall
15 considered to be a part of the Bull of the Woods
16 Wilderness, as designated by section 3(4) of the Or-
17 egon Wilderness Act of 1984 (16 U.S.C. 1132 note;
18 Public Law 98–328).

19 (3) COOPER SPUR WILDERNESS.—National
20 Forest System land comprising approximately
21 _____ acres, as generally depicted on the map
22 entitled “_____” and dated _____,
23 2006, which shall be known as the “Cooper Spur
24 Wilderness”.

1 (4) GORGE RIDGELINE WILDERNESS.—National
2 Forest System land comprising approximately
3 _____ acres, as generally depicted on the map
4 entitled “_____” and dated _____,
5 2006, which shall be known as the “Gorge Ridgeline
6 Wilderness”.

7 (5) MOUNT HOOD WILDERNESS ADDITIONS.—
8 National Forest System land comprising approxi-
9 mately _____ acres, as generally depicted on
10 the map entitled “_____” and dated
11 _____, 2006, is incorporated in and shall
12 be considered to be a part of the Mount Hood Wilder-
13 ness, as designated by section 3 of the Wilderness
14 Act (16 U.S.C. 1132).

15 (6) ROARING RIVER WILDERNESS.—National
16 Forest System land comprising approximately
17 _____ acres, as generally depicted on the map
18 entitled “_____” and dated _____,
19 2006, which shall be known as the “Roaring River
20 Wilderness”.

21 (7) SALMON-HUCKLEBERRY WILDERNESS ADDI-
22 TION.—National Forest System land comprising ap-
23 proximately _____ acres, as generally depicted
24 on the map entitled “_____” and dated
25 _____, 2006, is incorporated in and shall

1 considered to be a part of the Salmon-Huckleberry
2 Wilderness, as designated by section 3(2) of the Or-
3 egon Wilderness Act of 1984 (16 U.S.C. 1132 note;
4 Public Law 98–328).

5 (b) MAPS AND LEGAL DESCRIPTION.—

6 (1) SUBMISSION OF LEGAL DESCRIPTIONS.—As
7 soon as practicable after the date of the enactment
8 of this Act, the Secretary of Agriculture shall pre-
9 pare and submit to Congress a legal description of
10 each wilderness area designated by subsection (a).

11 (2) FORCE OF LAW.—The maps referred to in
12 subsection (a) and the legal descriptions prepared
13 under paragraph (1) shall have the same force and
14 effect as if included in this Act, except that the Sec-
15 retary may correct technical errors in the maps and
16 legal descriptions. The Secretary shall notify Con-
17 gress of any change made in a map or legal descrip-
18 tion under the authority of this paragraph and the
19 reason for the change.

20 (3) PUBLIC AVAILABILITY.—The maps referred
21 to in subsection (a) and the legal descriptions pre-
22 pared under paragraph (1) shall be filed and made
23 available for public inspection in the appropriate of-
24 fices of the Forest Service.

25 (c) CHARACTER OF DESIGNATED LAND.—

1 (1) EXCLUSION OF PRIVATE LAND.—It is the
2 intent of Congress that the wilderness areas des-
3 ignated or expanded by this section do not incor-
4 porate any private land in-holding. If any private
5 land is inadvertently included within the boundaries
6 of a wilderness area designated or expanded by this
7 section, the Secretary of Agriculture shall ensure
8 that the landowner continues to have reasonable ac-
9 cess to the private land.

10 (2) EXCLUSION OF POWER LINE.—In the case
11 of the Roaring River Wilderness established by sub-
12 section (a)(6), it is the intent of Congress to exclude
13 from the wilderness area the transmission lines of
14 the Oak Grove Hydroelectric Project along State
15 Highway 224.

16 (3) NO PRECEDENT VALUE.—Nothing in this
17 subsection is intended to establish a precedent with
18 regard to the designation of Federal land as wilder-
19 ness by any provision of law enacted after the date
20 of the enactment of this Act.

21 **SEC. 103. ADMINISTRATION OF WILDERNESS AREAS.**

22 (a) MANAGEMENT.—Subject to valid existing rights,
23 the National Forest System land designated as wilderness
24 by section 102 shall be administered by the Secretary of
25 Agriculture in accordance with the Wilderness Act (16

1 U.S.C. 1131 et seq.), except that any reference in the Wil-
2 derness Act to the effective date of such Act shall be con-
3 sidered to be a reference to the date of the enactment of
4 this Act.

5 (b) INCORPORATION OF ACQUIRED LAND AND IN-
6 TERESTS.—Any non-Federal land that is located within
7 the boundaries of the National Forest System land des-
8 ignated as wilderness by section 102 and is acquired by
9 the United States after the date of the enactment of this
10 Act shall—

11 (1) become part of the wilderness area in which
12 the land is located; and

13 (2) be managed in accordance with this title,
14 the Wilderness Act (16 U.S.C. 1131 et seq.), and
15 other laws applicable to the wilderness area.

16 (c) WITHDRAWAL.—Subject to valid existing rights,
17 the National Forest System land designated as wilderness
18 by section 102 is withdrawn from all forms of—

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

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

23 (3) disposition under all laws pertaining to min-
24 eral and geothermal leasing or mineral materials.

1 (d) FIRE, INSECT, AND DISEASE MANAGEMENT AC-
2 TIVITIES.—In accordance with section 4(d)(1) of the Wil-
3 derness Act (16 U.S.C. 1133(d)(1)) and House Report
4 No. 98–40 of the 98th Congress, the Secretary of Agri-
5 culture may take such measures on the National Forest
6 System land designated as wilderness by section 102 as
7 are necessary for the control and prevention of fire, in-
8 sects, and diseases.

9 (e) SNOW SENSORS AND STREAM GAUGES.—Nothing
10 in this title prevents the installation and maintenance of
11 hydrologic, meteorologic, or climatological instrumentation
12 on the National Forest System land designated as wilder-
13 ness by section 102 if the Secretary of Agriculture deter-
14 mines that hydrologic, meteorologic, or climatological in-
15 strumentation is appropriate to further the scientific, edu-
16 cational, and conservation purposes of the wilderness
17 areas.

18 (f) MILITARY ACTIVITIES.—Nothing in this Act pre-
19 cludes low-level overflights of military aircraft, the des-
20 ignation of new units of special airspace, or the use or
21 establishment of military flight training routes over the
22 National Forest System land designated as wilderness by
23 section 102.

24 (g) LIVESTOCK.—Grazing of livestock and the main-
25 tenance of existing facilities related to grazing on the Na-

1 tional Forest System land designated as wilderness by sec-
2 tion 102, where established before the date of the enact-
3 ment of this Act, shall be permitted to continue in accord-
4 ance with—

5 (1) section 4(d)(4) of the Wilderness Act (16
6 U.S.C. 1133(d)(4)); and

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

12 (h) FISH AND WILDLIFE MANAGEMENT.—

13 (1) IN GENERAL.—In furtherance of the pur-
14 poses of the Wilderness Act (16 U.S.C. 1131 et
15 seq.), the Secretary of Agriculture may carry out
16 management activities to maintain or restore fish
17 and wildlife populations and fish and wildlife habi-
18 tats on the National Forest System land designated
19 as wilderness by section 102 if such activities are
20 consistent with applicable wilderness management
21 plans and carried out in accordance with applicable
22 guidelines and policies. Nothing in this Act affects
23 the jurisdiction of the State of Oregon with respect
24 to fish and wildlife on the public land located in the
25 State.

1 (2) BULL TROUT RESTORATION PROJECT.—It
2 is the intent of Congress that nothing in this title
3 prevents the Secretary of Agriculture from con-
4 ducting the Bull Trout restoration project underway
5 as of the date of the enactment of this Act in Clear
6 Branch Creek west of Lawrence Lake in order to re-
7 store historic trout populations and habitat.

8 (i) CONTINUED USE BY MEMBERS OF INDIAN
9 TRIBES.—

10 (1) ACCESS.—In recognition of the past use of
11 the National Forest System land designated as wil-
12 derness by section 102 by members of Indian tribes
13 for traditional cultural and religious purposes, the
14 Secretary of Agriculture shall ensure that Indian
15 tribes have access to the wilderness areas for tradi-
16 tional cultural and religious purposes.

17 (2) TEMPORARY CLOSURES.—In carrying out
18 this subsection, the Secretary, at the request of an
19 Indian tribe, may temporarily close to the general
20 public one or more specific portions of the National
21 Forest System land designated as wilderness by sec-
22 tion 102 to protect the privacy of the members of
23 the Indian tribe in the conduct of the traditional cul-
24 tural and religious activities in the wilderness area.
25 Any such closure shall be made in such a manner as

1 to affect the smallest practicable area for the min-
2 imum period of time necessary for the activity to be
3 carried out.

4 (3) APPLICABLE LAW.—Access to the wilder-
5 ness areas under this subsection shall be provided in
6 accordance with the Wilderness Act (16 U.S.C. 1131
7 et seq.) and Public Law 95–341 (commonly known
8 as the American Indian Religious Freedom Act; 42
9 U.S.C. 1996 et seq.).

10 (j) ADJACENT MANAGEMENT.—Nothing in this Act
11 creates protective perimeters or buffer zones around the
12 National Forest System land designated as wilderness by
13 section 102. The fact that nonwilderness activities or uses
14 can be seen or heard from the designated wilderness shall
15 not preclude the conduct of those activities or uses outside
16 the boundary of the wilderness area.

17 **SEC. 104. MAINTENANCE AND REPLACEMENT OF FOOT**
18 **BRIDGES IN WILDERNESS AREAS.**

19 In the case of each wilderness area designated or ex-
20 panded by section 102, it is the intent of Congress that
21 the Secretary of Agriculture be able to provide for the
22 maintenance of the foot bridge crossings in the wilderness
23 area and, when needed, the replacement of the foot bridge
24 crossings to ensure public access and safety.

1 **TITLE II—WILD AND SCENIC**
2 **RIVER DESIGNATIONS**

3 **SEC. 201. PURPOSE.**

4 The purpose of this title is to designate approxi-
5 mately 23 miles of waterways within the Mount Hood Na-
6 tional Forest as additions to the National Wild and Scenic
7 Rivers System, which represents a 19 percent increase in
8 the total length of all of the waterways in the national
9 forest included in the system.

10 **SEC. 202. WILD AND SCENIC RIVER DESIGNATIONS, MOUNT**
11 **HOOD NATIONAL FOREST.**

12 Section 3(a) of the Wild and Scenic Rivers Act (16
13 U.S.C. 1274(a)) is amended by adding at the end the fol-
14 lowing new paragraph:

15 “(168) MOUNT HOOD NATIONAL FOREST, OR-
16 EGON.—The following rivers within the Mount Hood Na-
17 tional Forest in the State of Oregon, to be administered
18 by the Secretary of Agriculture:

19 “(A) The 4.1 miles of the South Fork of the
20 Clackamas River, as generally depicted on the map
21 entitled ‘[insert map name]’ and dated _____,
22 2006 (in this paragraph referred to as the ‘map’),
23 as a scenic river.

1 “(B) The 8.3 miles of Eagle Creek, as generally
2 depicted on the map, consisting of 7.2 miles as a
3 wild river and 1.1 miles as a recreational river.

4 “(C) The 3.7 miles of the Middle Fork of the
5 Hood River, as generally depicted on the map, as a
6 scenic river.

7 “(D) The 4.6 miles of the South Fork of the
8 Roaring River, as generally depicted on the map, as
9 a wild river.

10 “(E) The 2.9 miles of the Upper Reach of the
11 Zig Zag River, as generally depicted on the map, as
12 a wild river.”.

13 **SEC. 203. RELATION TO MIDDLE FORK IRRIGATION DIS-**
14 **TRICT.**

15 (a) NO IMPACT ON WATER RIGHTS OR FLOW RE-
16 QUIREMENTS.—The designation of the Middle Fork of the
17 Hood River as a _____ river by paragraph (168)(C) of
18 section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C.
19 1274(a)), as added by section 202, is not intended to have
20 any impact on water rights or flow requirements with re-
21 gard to the Middle Fork Irrigation District.

22 (b) EXCLUSION OF OPERATIONAL AREAS.—The area
23 of the Middle Fork of the Hood River designated as a
24 _____ river by such paragraph does not include any por-

1 tion of the operation area of the Middle Fork Irrigation
2 District.

3 **TITLE III—RECREATION**

4 **SEC. 301. PURPOSE.**

5 The purpose of this title is to recognize and support
6 recreation as a dynamic social and economic component
7 of the legacy and future of the Mount Hood National For-
8 est.

9 **SEC. 302. RETENTION OF MOUNT HOOD NATIONAL FOREST**

10 **LAND USE FEES FROM SPECIAL USE AUTHOR-** 11 **IZATIONS.**

12 (a) SPECIAL ACCOUNT.—The Secretary of the Treas-
13 ury shall establish a special account in the Treasury for
14 Mount Hood National Forest.

15 (b) DEPOSITS.—Except as provided in section 7 of
16 the Act of April 24, 1950 (commonly known as the Grang-
17 er-Thye Act; 16 U.S.C. 580d), the National Forest Orga-
18 nizational Camp Fee Improvement Act of 2003 (title V
19 of division F of Public Law 108–107; 16 U.S.C. 6231 et
20 seq.), Public Law 106–206 (commonly known as the Com-
21 mercial Filming Act; 16 U.S.C. 460l–6d), and the Federal
22 Lands Recreation Enhancement Act (title VIII of division
23 J of Public Law 108–477; 16 U.S.C. 6801 et seq.), all
24 land use fees from special use authorizations, such as
25 recreation residences, resorts, winter recreation resorts,

1 communication uses, and linear rights-of-way, and all
2 other special use types issued with regard to Mount Hood
3 National Forest shall be deposited in the special account
4 established under subsection (a).

5 (c) AVAILABILITY.—Amounts in the special account
6 established under subsection (a) shall remain available,
7 without further appropriation and until expended, for ex-
8 penditure as provided in section 303. Upon request of the
9 Secretary of Agriculture, the Secretary of the Treasury
10 shall transfer to the Secretary of Agriculture from the spe-
11 cial account such funds as the Secretary of Agriculture
12 may request. The Secretary shall accept and use the funds
13 in accordance with section 303.

14 **SEC. 303. USE OF FUNDS IN SPECIAL ACCOUNT TO SUP-**
15 **PORT RECREATION.**

16 (a) AUTHORIZED USES.—The Secretary of Agri-
17 culture shall use funds received from the special account
18 under section 302(c) for the following purposes related to
19 Mount Hood National Forest:

20 (1) Trail maintenance, interpretive programs,
21 and other activities and projects to improve rec-
22 reational services to the public.

23 (2) Cooperative environmental restoration
24 projects with non-Federal partnership groups and
25 associations.

1 (3) Law enforcement and rescue and recovery
2 efforts.

3 (4) Improving administration of special use au-
4 thorizations.

5 (5) Preparation of documents required under
6 the National Environmental Policy Act of 1969 in
7 connection with the improvement or development of
8 recreational opportunities.

9 (b) ALLOCATION REQUIREMENTS.—Of the total
10 funds received by the Secretary of Agriculture from the
11 special account under section 302(c) for a fiscal year, the
12 Secretary shall allocate the funds as follows:

13 (1) 95 percent of the funds to Mount Hood Na-
14 tional Forest.

15 (2) 5 percent of the funds to the Regional Of-
16 fice for the Pacific Northwest Region of the Forest
17 Service to develop needed policy and training to sup-
18 port programs in wilderness areas, special uses,
19 trails, developed and dispersed recreation, and inter-
20 pretation related to Mount Hood National Forest.

21 **SEC. 304. ANNUAL REPORTING REQUIREMENT.**

22 The Secretary of Agriculture shall submit to Con-
23 gress an annual report specifying—

1 (1) the total funds received by the Secretary
2 from the special account under section 302(c) for
3 the preceding fiscal year;

4 (2) how the funds were allocated and expended;
5 and

6 (3) the results from such expenditures.

7 **SEC. 305. MOUNT HOOD NATIONAL FOREST RECREATIONAL**
8 **ADVISORY COUNCIL.**

9 (a) ESTABLISHMENT AND PURPOSE.—The Secretary
10 of Agriculture shall establish an advisory council (to be
11 known as the “Mount Hood National Forest Recreational
12 Advisory Council”) for the purpose of providing advice and
13 recommendations to the Forest Service on planning and
14 implementing recreation enhancements in Mount Hood
15 National Forest, including advice and recommendations
16 regarding how the funds in the special account established
17 under section 302 should be requested and expended.

18 (b) DUTIES.—The Advisory Council shall—

19 (1) review projects proposed by the Secretary
20 for Mount Hood National Forest regarding—

21 (A) installation, repair, maintenance, and
22 facility enhancement related directly to visitor
23 enjoyment, visitor access, and health and safe-
24 ty, such as—

1 (i) improvements of trails, including
2 trails used for hiking, biking, and off-high-
3 way vehicles;

4 (ii) water system improvements; and

5 (iii) personal sanitation facilities im-
6 provements;

7 (B) interpretation, visitor information, vis-
8 itor services, visitor needs assessments, map-
9 ping, signage, Leave-No-Trace materials, and
10 wilderness rangers;

11 (C) habitat restoration directly related to
12 recreation, such as improving habitat around
13 trails converted from closed or decommissioned
14 forest roads under section 306;

15 (D) law enforcement related to public use
16 and recreation, such as law enforcement at
17 recreation events, search and rescue operations,
18 illegal trail building investigations, and enforce-
19 ment;

20 (2) propose projects described in paragraph (1)
21 to the Secretary;

22 (3) recommend the funding levels for projects
23 described in paragraph (1) to be derived from the
24 special account established under section 302; and

1 (4) provide opportunities for citizens, organiza-
2 tions, Indian tribes, the Forest Service, and other
3 interested parties to participate openly and meaning-
4 fully, beginning at the early stages of the develop-
5 ment of projects described in paragraph (1).

6 (c) APPOINTMENT.—

7 (1) APPOINTMENT AND TERM.—The Regional
8 Forester, acting on behalf of the Secretary of Agri-
9 culture, shall appoint the members of the Advisory
10 Council for a term of three years beginning on the
11 date of appointment. A member may be reappointed
12 to subsequent three-year terms.

13 (2) INITIAL APPOINTMENT.—The Regional For-
14 ester shall make initial appointments to the Advisory
15 Council not later than 180 days after the date of the
16 enactment of this Act.

17 (3) VACANCIES.—The Regional Forester shall
18 make appointments to fill vacancies on the Advisory
19 Council as soon as practicable after the vacancy has
20 occurred.

21 (4) COMPENSATION.—Members of the Advisory
22 Council shall not receive any compensation for their
23 service on the council.

24 (d) COMPOSITION OF ADVISORY COUNCIL.—The Ad-
25 visory Council shall be composed of 13 members, selected

1 so that the following activities and interest groups are rep-
2 resented:

3 (1) Summer non-mechanized recreation, such as
4 hiking.

5 (2) Winter non-motorized recreation, such as
6 snowshoeing and backcountry skiing.

7 (3) Mountain biking.

8 (4) Hunting and fishing.

9 (5) Summer motorized recreation, such as off-
10 highway vehicle use.

11 (6) Local environmental groups.

12 (7) Winter motorized recreation, such as
13 snowmobiling.

14 (8) Permitted ski areas.

15 (9) Forest products industry.

16 (10) Affected Indian tribes.

17 (11) Local government interests, such as a
18 county commissioner or city mayor in an elected po-
19 sition representing a county or city directly adjacent
20 or included within Mount Hood National Forest.

21 (12) A resident of Government Camp.

22 (13) The State of Oregon.

23 (e) CHAIRPERSON.—The chairperson of the Advisory
24 Council shall be selected by a majority of the council.

1 (f) OTHER COUNCIL AUTHORITIES AND REQUIRE-
2 MENTS.—

3 (1) STAFF ASSISTANCE.—The Secretary of Ag-
4 riculture shall provide staff assistance to the Advi-
5 sory Council from Federal employees under the ju-
6 risdiction of the Secretary.

7 (2) MEETINGS.—All meetings of the Advisory
8 Council shall be announced at least one week in ad-
9 vance in a local newspaper of record and shall be
10 open to the public.

11 (3) RECORDS.—The Advisory Council shall
12 maintain records of the meetings of the council and
13 make the records available for public inspection.

14 (g) LIMITATION ON ADMINISTRATIVE ASSISTANCE.—
15 Not more than five percent of the funds allocated under
16 section 303(b)(1) to Mount Hood National Forest for a
17 fiscal year may be used to provide administrative assist-
18 ance to the Advisory Council during that fiscal year.

19 **SEC. 306. CONSIDERATION OF CONVERSION OF FOREST**
20 **ROADS TO RECREATIONAL USES.**

21 (a) EVALUATION OF CURRENTLY CLOSED ROADS.—

22 (1) CONSIDERATION FOR RECREATIONAL
23 USE.—As soon as practicable after the date of the
24 enactment of this Act, the Secretary of Agriculture
25 shall make a determination regarding whether the

1 Forest Service roads in Mount Hood National For-
2 est that were selected before that date for closure
3 and decommissioning, but have not yet been decom-
4 missioned, should be converted to recreational uses
5 to enhance recreational opportunities in the national
6 forest, such as conversion for use as single-track
7 trails for mountain bikes. In evaluating the feasi-
8 bility and suitability of converting the Forest Service
9 roads to recreational uses, and the types of rec-
10 reational uses to be authorized, the Secretary shall
11 take into account the environmental and economic
12 impacts of implementing the conversion and of the
13 resulting recreational uses.

14 (2) PUBLIC PROCESS.—The consideration and
15 selection of Forest Service roads under this sub-
16 section for conversion to recreational uses, and the
17 types of recreational uses to be authorized, shall be
18 a public process, including consultation by the Sec-
19 retary of Agriculture with the Mount Hood National
20 Forest Recreational Advisory Council.

21 (b) INCLUSION AS PART OF FUTURE CLOSURE CON-
22 siderations.—Whenever the Secretary of Agriculture
23 considers a Forest Service road in Mount Hood National
24 Forest for possible closure and decommissioning after the
25 date of the enactment of this Act, the Secretary shall in-

1 clude as an alternative to decommissioning the road con-
2 sideration of converting the road to recreational uses to
3 enhance recreational opportunities in the Mount Hood Na-
4 tional Forest, such as conversion for use as single-track
5 trails for mountain bikes.

6 **SEC. 307. IMPROVED TRAIL ACCESS FOR PERSONS WITH**
7 **DISABILITIES.**

8 (a) CONSTRUCTION OF TRAIL.—The Secretary of Ag-
9 riculture may enter into a contract with a partner organi-
10 zation or other person to design and construct a trail at
11 a location selected by the Secretary in Mount Hood Na-
12 tional Forest suitable for use by persons with disabilities.

13 (b) PUBLIC PROCESS.—The selection of the trail lo-
14 cation under subsection (a) and the preparation of the de-
15 sign of the trail shall be a public process, including con-
16 sultation by the Secretary of Agriculture with the Mount
17 Hood National Forest Recreational Advisory Council.

18 (c) FUNDING.—The Secretary of Agriculture may use
19 funds in the special account established under section 302
20 to carry out this section.

21 **TITLE IV—TRANSPORTATION**

22 **SEC. 401. PURPOSE.**

23 The purpose of this title is to support the develop-
24 ment of an integrated, multi-modal transportation plan for
25 the Mount Hood region designed to achieve comprehensive

1 solutions to transportation challenges in the region nec-
2 essary to promote appropriate economic development, pre-
3 serve landscapes, and enhance public safety.

4 **SEC. 402. MOUNT HOOD REGION DEFINED.**

5 In this title, the term “Mount Hood region” means
6 Mount Hood and the other areas immediately surrounding
7 the mountain, as well as the Highway 26 and Highway
8 35 corridors in and near Mount Hood National Forest,
9 other State, county, and Forest Service roads in and near
10 the national forest, and the gateway communities along
11 these corridors and roads.

12 **SEC. 403. TRANSPORTATION PLAN.**

13 (a) **FOREST SERVICE PARTICIPATION.**—The Sec-
14 retary of Agriculture is authorized and directed to work
15 with the State of Oregon to develop an integrated, multi-
16 modal transportation plan for the Mount Hood region.

17 (b) **PLANNING PROCESS.**—The transportation plan
18 shall conform with Federal and Oregon transportation
19 planning requirements and be the product of a collabo-
20 rative process, preferably through the use of a commission
21 composed of interested persons appointed by the State,
22 with representation from the Forest Service and local gov-
23 ernments in the Mount Hood region.

24 (c) **SCOPE OF PLAN.**—The transportation plan shall
25 address both—

1 (1) transportation of people to and from areas
2 outside the Mount Hood region on major corridors
3 traversing the region; and

4 (2) transportation of people from place to place
5 within the Mount Hood region.

6 (d) SPECIFIC ELEMENTS OF PLAN.—At a minimum,
7 the transportation plan shall consider the following:

8 (1) Transportation alternatives between and
9 among recreation areas and gateway communities
10 within the Mount Hood region.

11 (2) Park and ride facilities at gateway commu-
12 nities.

13 (3) Intermodal transportation centers to link
14 public transportation, parking, and recreation des-
15 tinations.

16 (4) A new interchange on Highway 26 in or
17 near Government Camp.

18 (5) Designation, maintenance, and improve-
19 ments of alternative routes utilizing Forest Service
20 and or State roads for emergency routes or improved
21 access to, and travel within, the Mount Hood region.

22 (6) Reconstruction of Highway 35 from Mineral
23 Creek to Baseline Road to address ongoing debris
24 flow locations.

1 (2) an intermodal transportation center in or
2 near Government Camp.

3 (b) CONSIDERATION OF SITES.—In conducting the
4 study under this section, the Secretary may include con-
5 sideration of one or more possible sites for the gondola
6 connection and intermodal transportation center.

7 **TITLE V—FOREST AND**
8 **WATERSHED STEWARDSHIP**

9 **SEC. 501. PURPOSE.**

10 The purpose of this title is to promote forested land-
11 scapes resilient to catastrophic fire, insects, and disease,
12 to protect homes and communities from property damage
13 and threats to public safety, and to protect and enhance
14 existing community or municipal watersheds.

15 **SEC. 502. FOREST STEWARDSHIP PLAN.**

16 (a) PREPARATION OF PLAN.—The Secretary of Agri-
17 culture shall prepare a plan to address those areas of
18 Mount Hood National Forest with a high incidence of in-
19 sect or disease infestation (or both), heavily overstocked
20 tree stands, or moderate-to-high risk of unnatural cata-
21 strophic wildfire for the purpose of improving condition
22 class, which significantly improves the forest health and
23 water quality.

24 (b) IMPROVED MAPPING.—The preparation of the
25 forest stewardship plan may include improved mapping of

1 condition class 2 and condition class 3 areas and other
2 areas identified in subsection (a) in Mount Hood National
3 Forest.

4 (c) PUBLIC PARTICIPATION.—The Secretary of Agri-
5 culture shall prepare the forest stewardship plan in coordi-
6 nation with the resource advisory committee established
7 under section 205 of the Secure Rural Schools and Com-
8 munity Self-Determination Act of 2000 (Public 106–393;
9 16 U.S.C. 500 note) for Mount Hood National Forest and
10 the public. Section 6(d) of the Forest and Rangeland Re-
11 newable Resources Planning Act of 1974 (16 U.S.C.
12 1604(d)) also shall apply to the preparation (and any revi-
13 sion) of the plan.

14 (d) COMPLETION.—The Secretary of Agriculture
15 shall complete development of the forest stewardship plan
16 not later than one year after the date of the enactment
17 of this Act.

18 (e) DURATION OF PLAN.—The forest stewardship
19 plan shall cover a 10-year period.

20 (f) IMPLEMENTATION.—The Secretary of Agriculture
21 shall commence implementation of the forest stewardship
22 plan not later than one year after completion of the plan.
23 The plan is intended to be implemented using existing au-
24 thorities available to the Secretary to manage Mount Hood
25 National Forest to achieve the purpose specified in sub-

1 section (a). Nothing in this section grants the Secretary
2 any authority to manage the national forest contrary to
3 existing law.

4 **SEC. 503. SUSTAINABLE BIOMASS UTILIZATION STUDY.**

5 (a) STUDY REQUIRED.—The Secretary of Agriculture
6 shall conduct a study to assess the amount of long-term
7 sustainable biomass available in the Mount Hood National
8 Forest that, consistent with applicable law, could be made
9 available as a raw material for—

10 (1) the production of electric energy, sensible
11 heat, transportation fuel, or substitutes for petro-
12 leum-based products;

13 (2) dimensional lumber, fencing, framing mate-
14 rial, poles, firewood, furniture, chips, pulp for paper;
15 or

16 (3) other commercial purposes.

17 (b) BIOMASS DEFINED.—In this section, the term
18 “biomass” means small diameter trees and understory
19 vegetation that is removed from forested land as a by-
20 product of forest restoration efforts.

21 **SEC. 504. WATERSHED MANAGEMENT MEMORANDUMS OF**
22 **UNDERSTANDING.**

23 (a) COMPLETION OF MEMORANDUMS OF UNDER-
24 STANDING.—To the extent that memorandums of under-
25 standing or other legal agreements involving watersheds

1 of Mount Hood National Forest do not exist between irri-
2 gation districts or municipalities and the Forest Service,
3 the Secretary of Agriculture may complete memorandums
4 of understanding that outline stewardship goals to manage
5 the watersheds for water quality and water quantity.

6 (b) ELEMENTS OF MEMORANDUM.—A memorandum
7 of understanding involving a watershed of Mount Hood
8 National Forest shall encourage adaptability, establish
9 benchmarks regarding water quality and water quantity,
10 and require monitoring to determine progress in meeting
11 such benchmarks. The memorandum of understanding
12 may restrict public access to areas of the watershed where
13 appropriate.

14 (c) PUBLIC PROCESS REQUIRED.—

15 (1) COLLABORATION AND CONSULTATION.—
16 The Secretary of Agriculture shall ensure that the
17 process by which the Secretary enters into a memo-
18 randum of understanding with an irrigation district,
19 local government, or other entity involving a water-
20 shed of Mount Hood National Forest is based on
21 collaboration and cooperation between the Forest
22 Service and local jurisdictions and other interested
23 persons.

24 (2) PUBLIC MEETING REQUIRED.—The Sec-
25 retary and the other party or parties to the proposed

1 memorandum of understanding shall hold at least
 2 one joint public meeting before completing a final
 3 draft of the memorandum of understanding.

4 (3) PUBLIC COMMENT.—A draft memorandum
 5 of understanding also shall be open to public com-
 6 ment before being finalized.

7 **TITLE VI—CRYSTAL SPRINGS**
 8 **WATERSHED MANAGEMENT**
 9 **UNIT**

10 **SEC. 601. PURPOSE.**

11 The purpose of this title is to establish a special re-
 12 sources management unit to ensure protection of the qual-
 13 ity and quantity of the Crystal Springs watershed as a
 14 clean drinking water source for the residents of Hood
 15 River County, Oregon, while also allowing visitors to enjoy
 16 its special scenic, natural, cultural, and wildlife values.

17 **SEC. 602. ESTABLISHMENT OF CRYSTAL SPRINGS WATER-**
 18 **SHED SPECIAL RESOURCES MANAGEMENT**
 19 **UNIT.**

20 (a) ESTABLISHMENT.—Effective as provided by sec-
 21 tion 605, the Secretary of Agriculture shall establish a
 22 special resources management unit in the State of Oregon
 23 consisting of all National Forest System land that is lo-
 24 cated within 200 yards from any point on the perimeter
 25 of the Crystal Springs Zone of Contribution, as deter-

1 mined by the Crystal Springs Water District, and other
2 National Forest System land in and around the Inn at
3 Cooper Spur and the Cooper Spur Ski Area, as depicted
4 on the map entitled “_____” and dated
5 _____, 2006 (in this subtitle referred to as the
6 “official map”).

7 (b) DESIGNATION.—The special resources manage-
8 ment unit established pursuant to subsection (a) shall be
9 known as the Crystal Springs Watershed Special Re-
10 sources Management Unit, in this title referred to as the
11 “Management Unit”.

12 (c) EXCLUSION OF CERTAIN LAND.—The Manage-
13 ment Unit does not include any National Forest System
14 land otherwise covered by subsection (a) that is designated
15 as wilderness by title I.

16 (d) WITHDRAWAL.—Subject to valid existing rights,
17 National Forest System land included in the Management
18 Unit are permanently withdrawn from all forms of appro-
19 priation under the public land laws, including the mining
20 laws and mineral and geothermal leasing laws.

21 (e) MAPS AND LEGAL DESCRIPTION.—

22 (1) SUBMISSION OF LEGAL DESCRIPTIONS.—As
23 soon as practicable after the effective date specified
24 in section 605, the Secretary shall prepare and sub-

1 mit to Congress a legal description of the Manage-
2 ment Unit.

3 (2) FORCE OF LAW.—The map referred to in
4 subsection (a) and the legal descriptions prepared
5 under paragraph (1) shall have the same force and
6 effect as if included in this Act, except that the Sec-
7 retary may correct errors in the map and legal de-
8 scriptions.

9 (3) PUBLIC AVAILABILITY.—The map referred
10 to in subsection (a) and the legal descriptions pre-
11 pared under paragraph (1) shall be filed and made
12 available for public inspection in the appropriate of-
13 fices of the Forest Service.

14 **SEC. 603. ADMINISTRATION OF MANAGEMENT UNIT.**

15 (a) GENERAL APPLICABILITY OF EXISTING LAWS.—
16 Except as provided in this title, all other laws and regula-
17 tions affecting National Forest System lands shall con-
18 tinue to apply to the National Forest System lands in-
19 cluded in the Management Unit.

20 (b) AUTHORIZED ACTIVITIES.—

21 (1) PROCESS FOR ALLOWING ACTIVITIES.—
22 Only activities described in this subsection may
23 occur in the Management Unit, and the Secretary of
24 Agriculture may permit an activity described in this

1 subsection to occur in the Management Unit only
2 after the Secretary—

3 (A) obtains the review and opinions of the
4 Crystal Springs Water District regarding the
5 effect of the activity on the purposes of the
6 Management Unit;

7 (B) complies with all applicable Federal
8 law regarding development and implementation
9 of the activity; and

10 (C) provides advance notice, an oppor-
11 tunity to comment, and appeal rights regarding
12 the activity to the general public.

13 (2) RECREATION.—The Secretary may continue
14 to maintain recreational opportunities and trails, in
15 existence as of the effective date specified in section
16 605, within their existing and historic footprints.

17 (3) LEASE OF CERTAIN IMPROVEMENTS.—The
18 Secretary may lease improvements and facilities, in
19 existence as of the effective date specified in section
20 605, within their existing and designated footprints
21 to one or more concessionaires.

22 (4) SALE OF CERTAIN IMPROVEMENTS.—The
23 Secretary may sell the improvements and facilities
24 known as the Inn at Cooper Spur and the Cooper

1 Spur Ski Area, as provided by subtitle A of title
2 VIII.

3 (5) ROAD MAINTENANCE.—Subject to sub-
4 section (d), the Secretary may maintain roads, in ex-
5 istence as of the effective date specified in section
6 605. Maintenance may include the installation of
7 culverts and drainage improvements and other simi-
8 lar activities.

9 (6) FUEL REDUCTION IN PROXIMITY TO IM-
10 PROVEMENTS.—The Secretary may permit non-com-
11 mercial and pre-commercial fuel reduction up to 400
12 feet from historic and other structures on National
13 Forest System land and homes on adjacent private
14 lands.

15 (7) OTHER FUEL REDUCTION AND FOREST
16 HEALTH ACTIVITIES.—The Secretary may conduct
17 fuel reduction and forest health management activi-
18 ties, with priority given to activities that restore pre-
19 viously harvested stands using non-commercial and
20 pre-commercial means, including the removal of log-
21 ging slash, smaller diameter material, and ladder
22 fuels. The purpose of any fire risk reduction or for-
23 est health management activity conducted in the
24 Management Unit shall be the maintenance and res-
25 toration of late-successional fire-resilient forest

1 structures containing multi-storied canopies and the
2 protection of water quality, water quantity, scenic,
3 cultural natural and wildlife values. For purposes of
4 this paragraph and paragraph (6), pre-commercial
5 activities mean the cutting of smaller diameter trees
6 from younger stands for the purposes specified in
7 this paragraph and does not preclude the sale of
8 trees cut for firewood or other similar useful pur-
9 poses.

10 (c) SPECIFICALLY PROHIBITED ACTIVITIES.—The
11 following activities may not occur in the Management
12 Unit, whether separately or as part of an activity author-
13 ized by subsection (b):

14 (1) New road construction or renovation of ex-
15 isting unused roads.

16 (2) Commercial timber harvesting.

17 (3) Domestic livestock grazing.

18 (4) The placement or maintenance of fuel stor-
19 age tanks.

20 (5) The application of any toxic chemicals, in-
21 cluding pesticides, rodenticides, herbicides, or
22 retardants, for any purpose, except with the consent
23 of the Crystal Springs Water District.

24 (d) MANAGEMENT PLAN.—In consultation with the
25 Crystal Springs Water District, the Secretary of Agri-

1 culture shall adopt a management plan for the Manage-
2 ment Unit that, while providing for the limited activities
3 specifically authorized by subsection (b), protects the wa-
4 tershed from illegal dumping, human waste, fires, van-
5 dalism and other risks to water quality.

6 (e) FOREST ROAD CLOSURES.—The Secretary of Ag-
7 riculture may require the gating and closure to the general
8 public of all Forest Service roads within the Management
9 Unit, except for Cloud Cap Road (#Forest Road 3512).

10 (f) PRIVATE LAND.—Nothing in this section affects
11 the use of, or access to, any private property in the Crystal
12 Springs watershed by the owners of the private property
13 and their guests.

14 (g) RELATIONSHIP WITH WATER DISTRICT.—Except
15 as provided in this section, the Crystal Springs Water Dis-
16 trict has no authorities over management or use of Na-
17 tional Forest System land included in the Management
18 Unit.

19 **SEC. 604. ACQUISITION OF LANDS.**

20 (a) ACQUISITION AUTHORITY.—The Secretary of Ag-
21 riculture may acquire from willing landowners any lands
22 located in the Crystal Springs Zone of Contribution within
23 the boundaries of Mount Hood National Forest. Lands so
24 acquired shall automatically be added to the Management
25 Unit.

1 (b) PROHIBITION ON SUBSEQUENT CONVEYANCE.—
2 The Secretary may not sell, trade, or otherwise transfer
3 ownership of any land within the Management Unit, in-
4 cluding any of the land acquired under subsection (a) or
5 received by the Secretary as part of the Cooper Spur-Gov-
6 ernment Camp land exchange authorized by subtitle A of
7 title VIII and included within the Management Unit, to
8 any person.

9 **SEC. 605. EFFECTIVE DATE.**

10 The Secretary of Agriculture shall establish the Man-
11 agement Unit within 30 days after the date of the final
12 closing of the Cooper Spur-Government Camp land ex-
13 change authorized by subtitle A of title VIII. The Manage-
14 ment Unit may not be established before final closing of
15 the land exchange.

16 **TITLE VII—LOCAL AND TRIBAL**
17 **RELATIONSHIPS**

18 **SEC. 701. PURPOSE.**

19 The purpose of this title is to recognize and support
20 the ability of Native Americans to continue to gather first
21 foods in the Mount Hood National Forest using tradi-
22 tional methods and the central role of the State of Oregon
23 and local governments in managing for issues dealing with
24 natural and developed environments in the vicinity of the
25 national forest.

1 **SEC. 702. FIRST FOODS GATHERING AREAS.**

2 (a) PRIORITY USE AREAS.—The Secretary of Agri-
3 culture shall identify, establish, develop, and manage pri-
4 ority-use areas in Mount Hood National Forest for the
5 gathering of first foods by members of Indian tribes with
6 treaty-reserved gathering rights on lands encompassed by
7 the national forest. The priority-use areas shall be identi-
8 fied, established, developed, and managed in a manner
9 consistent with the memorandum of understanding en-
10 tered into between the Department of Agriculture, the Bu-
11 reau of Land Management, the Bureau of Indian Affairs,
12 and the Confederated Tribes of the Warm Springs Res-
13 ervation of Oregon (in this section referred to as the
14 “Warm Springs Tribe”) and dated April 23, 2003, and
15 such further agreements as are necessary between the Sec-
16 retary of Agriculture and the Warm Springs Tribe to
17 carry out the purposes of this section.

18 (b) PRIORITY USE.—Members of Indian tribes with
19 treaty-reserved gathering rights on lands encompassed by
20 Mount Hood National Forest shall have exclusive rights
21 to gather first foods in the priority-use areas established
22 pursuant to subsection (a).

23 (c) APPLICABLE LAW.—In considering and selecting
24 National Forest System land for inclusion in a priority-
25 use area under subsection (a), the Secretary of Agriculture

1 shall comply with the land and resource management plan
2 for Mount Hood National Forest and applicable laws.

3 (d) **FIRST FOODS DEFINED.**—In this section, the
4 term “first foods” means roots, berries, and plants on Na-
5 tional Forest System land in Mount Hood National Forest
6 that have been gathered for traditional and cultural pur-
7 poses by members of Indian tribes with treaty-reserved
8 gathering rights on lands encompassed by Mount Hood
9 National Forest.

10 **SEC. 703. FOREST SERVICE COORDINATION WITH STATE**
11 **AND LOCAL GOVERNMENTS.**

12 Congress encourages the Secretary of Agriculture to
13 cooperate with the State of Oregon, local communities,
14 counties, and Indian tribes in the vicinity of Mount Hood
15 National Forest, and the heads of other Federal agencies
16 to identify common ground, coordinate planning efforts
17 around the national forest, and make the Federal Govern-
18 ment a better partner in building cooperative and lasting
19 solutions for management of Mount Hood National Forest
20 and non-Federal land in the vicinity of the national forest.

21 **SEC. 704. SAVINGS PROVISIONS REGARDING RELATIONS**
22 **WITH INDIAN TRIBES.**

23 (a) **TREATY RIGHTS.**—Nothing in this Act is in-
24 tended to alter, modify, enlarge, diminish, or extinguish
25 the treaty rights of any Indian tribe, including the off-

1 reservation reserved rights established by the Treaty of
2 June 25, 1855, with the Tribes and Bands of Middle Or-
3 egon (12 Stat. 963). Section 702 is consistent with and
4 intended to implement the gathering rights reserved by
5 such treaty.

6 (b) TRIBAL LANDS.—Nothing in this Act is intended
7 to affect lands held in trust by the Secretary of the Inte-
8 rior for Indian tribes or individual members of Indian
9 tribes or other lands acquired by the Army Corps of Engi-
10 neers and administered by the Secretary of the Interior
11 for the benefit of Indian tribes and individual members
12 of Indian tribes.

13 (c) HUNTING AND FISHING.—Nothing in this Act is
14 intended to affect the laws, rules, and regulations per-
15 taining to hunting and fishing under existing State and
16 Federal laws and Indian treaties.

17 **SEC. 705. IMPROVED NATURAL DISASTER PREPAREDNESS.**

18 (a) IMPOSITION OF STANDARDS.—New development
19 occurring on land conveyed by the Secretary of Agriculture
20 under title VIII or undertaken or otherwise permitted by
21 the Secretary of Agriculture on National Forest System
22 land in Mount Hood National Forest after the date of the
23 enactment of this Act shall be constructed or altered in
24 compliance with one of the nationally recognized model

1 building codes or wildland-urban interface codes and with
2 other applicable nationally recognized codes.

3 (b) INCLUSION OF STANDARDS IN LAND CONVEY-
4 ANCES.—In the case of each of the land conveyances de-
5 scribed in title VIII, the Secretary shall impose the re-
6 quirements of subsection (a) as a condition on the convey-
7 ance of the Federal land under the conveyance.

8 (c) EFFECT ON STATE AND LOCAL LAW.—To the
9 maximum extent feasible, the codes imposed pursuant to
10 subsection (a) shall be consistent with the nationally rec-
11 ognized codes adopted by the State of Oregon or political
12 subdivisions of the State. This section shall not be con-
13 strued to limit the power of the State of Oregon or a polit-
14 ical subdivision of the State to implement or enforce any
15 law, rule, regulation, or standard concerning fire preven-
16 tion and control.

17 (d) ENFORCEMENT.—The codes imposed pursuant to
18 subsection (a) may be enforced by the same entities other-
19 wise enforcing building codes regarding new development
20 occurring on land conveyed by the Secretary of Agriculture
21 under title VIII.

1 **TITLE VIII—LAND**
 2 **CONVEYANCES**
 3 **Subtitle A—Cooper Spur-**
 4 **Government Camp Land Exchange**

5 **SEC. 801. PURPOSE.**

6 The purpose of this subtitle is to recognize the years
 7 of work by local residents and political and business lead-
 8 ers from throughout the States of Oregon and Washington
 9 to protect the north side of Mount Hood and bring to cul-
 10 mination the land exchange authorized by section 802.
 11 Numerous public hearings have been held where broad
 12 public support has been voiced for the protection of Mount
 13 Hood and the consummation of the land exchange.

14 **SEC. 802. COOPER SPUR-GOVERNMENT CAMP LAND EX-**
 15 **CHANGE.**

16 (a) CONVEYANCE REQUIRED.—The Secretary of Ag-
 17 riculture shall convey to Mt. Hood Meadows Oregon, Lim-
 18 ited Partnership (in this subtitle referred to as “Mt. Hood
 19 Meadows”), all right, title, and interest of the United
 20 States in and to—

21 (1) a parcel of National Forest System land in
 22 Mount Hood National Forest consisting of approxi-
 23 mately 80 acres in Government Camp, Clackamas
 24 County, Oregon, as depicted on the map entitled
 25 “ _____ ” and dated _____ , 2006

1 (in this subtitle referred to as the “official map”);
2 and

3 (2) a parcel of National Forest System land in
4 Mount Hood National Forest consisting of approxi-
5 mately 40 acres in Government Camp, as depicted
6 on the official map.

7 (b) CONSIDERATION.—As consideration for the con-
8 veyance under subsection (a), Mt. Hood Meadows, Mead-
9 ows North, LLC, and North Face Inn, LLC, shall convey
10 to the United States all right, title, and interest of these
11 entities in and to—

12 (1) a parcel of private land consisting of ap-
13 proximately 770 acres at Cooper Spur, as depicted
14 on the official map;

15 (2) all buildings, furniture, fixtures, and equip-
16 ment at the Inn at Cooper Spur covered by the ap-
17 praisal described in subsection (c)(1);

18 (3) the 1,350 acre special use permit for the
19 Cooper Spur Ski Area, as depicted on the official
20 map; and

21 (4) all buildings, furniture, fixtures, and equip-
22 ment at the Cooper Spur Ski Area covered by the
23 appraisal described in subsection (c)(1).

24 (c) APPRAISED VALUES OF CONVEYED PROPERTY.—

1 (1) USE OF AGREED UPON APPRAISAL.—For
2 purposes of the land exchange authorized by this
3 subtitle, the values of the land and other property to
4 be conveyed under subsections (a) and (b) are de-
5 rived from appraisals performed in 2005 by Steve A.
6 Hall, MAI, CCIM, Oregon State Certified General
7 Appraiser. The appraisals were performed in compli-
8 ance with the Uniform Standards of Professional
9 Appraisal Practice and the Uniform Appraisal
10 Standards for Federal Land Acquisitions 2000 and
11 have been reviewed and approved by the parties to
12 the settlement agreement.

13 (2) APPRAISED VALUES.—

14 (A) FEDERAL LAND.—The appraised value
15 of the land to be conveyed by the Secretary of
16 Agriculture under subsection (a) is \$3,810,000.

17 (B) PRIVATE LAND AND PROPERTY.—The
18 appraised value of the land and other property
19 to be conveyed by Mt. Hood Meadows, Meadows
20 North, LLC, and North Face Inn, LLC, under
21 subsection (b) is \$5,535,000.

22 (3) TREATMENT OF EXCESS CONSIDERATION.—
23 The amount by which the appraised value of the
24 land and other property conveyed by Mt. Hood
25 Meadows, Meadows North, LLC, and North Face

1 Inn, LLC, under subsection (b) exceeds the ap-
2 praised value of the land conveyed by the Secretary
3 under subsection (a), \$1,725,000, represents a dona-
4 tion to the United States.

5 (d) COMPLETION OF LAND EXCHANGE.—The Sec-
6 retary of Agriculture shall complete all legal and regu-
7 latory processes required in connection with the convey-
8 ances under this section and complete the closing of the
9 conveyances within eight months after the date of the en-
10 actment of this Act.

11 (e) RECONVEYANCE OF LAND AND IMPROVE-
12 MENTS.—

13 (1) PROHIBITION ON RECONVEYANCE OF
14 LAND.—The Secretary of Agriculture may not re-
15 convey any of the land (as opposed to improvements
16 thereon) acquired by the United States under sub-
17 section (b).

18 (2) LIMITATION ON RECONVEYANCE OF IM-
19 PROVEMENTS.—Any subsequent sale or lease of im-
20 provements acquired under subsection (b) may not
21 be made to Mt. Hood Meadows, or any successor
22 thereof.

1 **SEC. 803. TREATMENT OF INN AT COOPER SPUR AND THE**
2 **COOPER SPUR SKI AREA.**

3 (a) SOLICITATION OF NEW CONCESSIONAIRE.—Not
4 later than 60 days after the date of the enactment of this
5 Act, the Secretary of Agriculture shall prepare and publish
6 a proposed prospectus in order to solicit a new conces-
7 sionaire for the Inn at Cooper Spur and the Cooper Spur
8 Ski Area within the new configuration of these establish-
9 ments, as depicted on the official map. The Secretary may
10 enter into the concession contract at any time after the
11 closing of the land exchange under section 802.

12 (b) COMPETITIVE PROCESS.—Prospective conces-
13 sionaires shall be able to bid competitively for the right
14 to operate either the Inn at Cooper Spur or the Cooper
15 Spur Ski Area (or both together) in an open process that
16 considers all values, not just the highest dollar value.

17 (c) CONSULTATION.—The Secretary of Agriculture
18 shall work collaboratively with Mt. Hood Meadows, Mead-
19 ows North, LLC, and North Face Inn, LLC, the Hood
20 River Valley Residents Committee, the Cooper Spur Wild
21 and Free Coalition, and the Hood River County Commis-
22 sion in selecting a new concessionaire for the Inn at Co-
23 per Spur and the Cooper Spur Ski Area and to prepare
24 for the orderly and smooth transition of the operation of
25 the Inn at Cooper Spur and the Cooper Spur Ski Area
26 to the new concessionaire.

1 (d) EXCLUSION OF MT. HOOD MEADOWS.—Mt.
2 Hood Meadows, or any successor thereof, may not be se-
3 lected as a concessionaire for the Inn at Cooper Spur and
4 the Cooper Spur Ski Area. However, to allow an orderly
5 and smooth transition of the operation of the Inn at Co-
6 per Spur and the Cooper Spur Ski Area to a new conces-
7 sionaire, the Secretary of Agriculture may issue a short-
8 term Special Use Permit to Mt. Hood Meadows for a pe-
9 riod not to exceed one year under terms similar to the
10 Cooper Spur Ski Area Special Use Permit in existence on
11 the date of the enactment of this Act. The permit may
12 not be extended.

13 (e) TREATMENT OF PROCEEDS.—All funds received
14 pursuant to a concession contract under this section shall
15 be deposited in the fund established by Public Law 90-
16 171 (16 U.S.C. 484a; commonly known as the Sisk Act)
17 and shall remain available to the Secretary of Agriculture
18 until expended, without further appropriation, for use in
19 Mount Hood National Forest, with priority given to the
20 Hood River Ranger District for restoration projects on the
21 North side of Mount Hood.

22 **SEC. 804. GENERAL PROVISIONS.**

23 (a) APPLICABLE LAW.—Except as otherwise provided
24 in this subtitle, the exchange of Federal land under section
25 802 is subject to the existing laws and regulations applica-

1 ble to the conveyance and acquisition of land under the
 2 jurisdiction of the Forest Service. It is anticipated that
 3 the Secretary of Agriculture will be able to carry out the
 4 land exchange without the promulgation of additional reg-
 5 ulations.

6 (b) CONDITIONS ON ACCEPTANCE.—Title to the non-
 7 Federal land to be acquired by the Secretary of Agri-
 8 culture under section 802 must be acceptable to the Sec-
 9 retary, and the conveyances shall be subject to valid exist-
 10 ing rights of record. The non-Federal land shall conform
 11 with the title approval standards applicable to Federal
 12 land acquisitions.

13 (c) LEGAL DESCRIPTIONS.—The exact acreage and
 14 legal description of the land to be exchanged under section
 15 802 shall be determined by surveys satisfactory to the Sec-
 16 retary of Agriculture. The costs of any such survey, as
 17 well as other administrative costs incurred to execute the
 18 land exchange, shall be borne by the Secretary.

19 **Subtitle B—Other Land Exchanges**

20 **SEC. 811. LAND EXCHANGE, PORT OF CASCADE LOCKS-PA-** 21 **CIFIC CREST NATIONAL SCENIC TRAIL.**

22 (a) CONVEYANCE REQUIRED.—The Secretary of Ag-
 23 riculture shall convey to the Port of Cascade Locks, Cas-
 24 cade Locks, Oregon (in this section referred to as the
 25 “Port”), all right, title, and interest of the United States

1 in and to a parcel of National Forest System land in the
2 Columbia River Gorge National Scenic Area consisting of
3 approximately 10 acres, as depicted on the map entitled
4 “_____” and dated _____, 2006.

5 (b) CONSIDERATION.—As consideration for the con-
6 veyance under subsection (a), the Port shall convey to the
7 United States all right, title, and interest of the Port in
8 and to a parcel of land consisting of approximately 40
9 acres, as depicted on the map referred to in subsection
10 (a). The acquisition of this land will ensure the continued
11 integrity of the Pacific Crest National Scenic Trail in the
12 vicinity of Cascade Locks and the public’s ability to access
13 the north Oregon entrance of the trail.

14 (c) EQUAL VALUE EXCHANGE.—The values of the
15 land to be exchanged under this section shall be deter-
16 mined pursuant to an appraisal acceptable to the Sec-
17 retary of Agriculture and the Port. If the values are not
18 equal, they shall be equalized in the manner provided in
19 section 206(b) of the Federal Land Policy and Manage-
20 ment Act of 1976 (43 U.S.C. 1716(b)).

21 (d) APPLICABLE LAW.—Except as otherwise provided
22 in this section, the exchange of Federal land under this
23 section is subject to the existing laws and regulations ap-
24 plicable to the conveyance and acquisition of land under
25 the jurisdiction of the Forest Service. It is anticipated that

1 the Secretary of Agriculture will be able to carry out the
2 land exchange without the promulgation of additional reg-
3 ulations.

4 (e) CONDITIONS ON ACCEPTANCE.—Title to the non-
5 Federal land to be acquired by the Secretary of Agri-
6 culture under this section must be acceptable to the Sec-
7 retary, and the conveyances shall be subject to valid exist-
8 ing rights of record. The non-Federal land shall conform
9 with the title approval standards applicable to Federal
10 land acquisitions.

11 (f) LEGAL DESCRIPTIONS.—The exact acreage and
12 legal description of the land to be exchanged under this
13 section shall be determined by surveys satisfactory to the
14 Secretary of Agriculture. The costs of any such survey,
15 as well as other administrative costs incurred to execute
16 the land exchange, shall be borne by the Secretary.

17 (g) COMPLETION OF LAND EXCHANGE.—The Sec-
18 retary of Agriculture shall complete all legal and regu-
19 latory processes required in connection with the convey-
20 ances under this section and complete the closing of the
21 conveyances within eight months after the date of the en-
22 actment of this Act.

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