

109TH CONGRESS
2^D SESSION

H. R. 5025

IN THE SENATE OF THE UNITED STATES

JULY 25, 2006

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

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,*

1 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

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

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

- Sec. 1. Short title and table of contents.
- Sec. 2. Implementation.
- Sec. 3. No reduction in Mount Hood National Forest funding.

TITLE I—WILDERNESS AREA DESIGNATIONS

- Sec. 101. Findings and 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. Findings and 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. Findings and 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 Working Group.
- 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. Findings and 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. Findings and purpose.
- Sec. 502. Forest stewardship assessment.
- Sec. 503. Sustainable biomass utilization study.
- Sec. 504. Watershed management memoranda of understanding.

TITLE VI—CRYSTAL SPRINGS WATERSHED SPECIAL RESOURCES
MANAGEMENT UNIT

- Sec. 601. Findings and purpose.

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

TITLE VII—LOCAL AND TRIBAL RELATIONSHIPS

- Sec. 701. Findings and 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. Findings and 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.
- Sec. 812. Hunchback Mountain land exchange, Clackamas County.

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 **SEC. 3. NO REDUCTION IN MOUNT HOOD NATIONAL FOR-** 6 **EST FUNDING.**

7 Nothing in this Act is intended to authorize a reduc-
8 tion in the amount of funds appropriated or otherwise
9 made available for the Mount Hood National Forest below
10 the average annual funding level provided for the national
11 forest during fiscal years 1997 through 2006.

1 **TITLE I—WILDERNESS AREA**
2 **DESIGNATIONS**

3 **SEC. 101. FINDINGS AND PURPOSE.**

4 The purpose of this title is to designate approxi-
5 mately 77,216 acres of National Forest System land in
6 the Mount Hood National Forest as wilderness. The most
7 recent designation of wilderness in the Mount Hood Na-
8 tional Forest occurred in 1984, and the designation of an
9 additional 77,216 acres by this title represents a 41 per-
10 cent increase in the amount of wilderness designated in
11 the national forest.

12 **SEC. 102. DESIGNATION OF WILDERNESS AREAS, MOUNT**
13 **HOOD NATIONAL FOREST.**

14 (a) DESIGNATION.—In furtherance of the purposes of
15 this title and the Wilderness Act (16 U.S.C. 1131 et seq.),
16 the following areas in the Mount Hood National Forest
17 are designated as wilderness and, therefore, as compo-
18 nents of the National Wilderness Preservation System:

19 (1) BIG BOTTOM WILDERNESS.—National For-
20 est System land comprising approximately 1,330
21 acres, as generally depicted on the map entitled “Big
22 Bottom Wilderness” and dated June 2006, which
23 shall be known as the “Big Bottom Wilderness”.

24 (2) BULL OF THE WOODS WILDERNESS ADDI-
25 TION.—National Forest System land comprising ap-

1 proximately 4,717 acres, as generally depicted on the
2 map entitled “Bull of the Woods Wilderness” and
3 dated June 2006, is incorporated in and shall be
4 considered to be a part of the Bull of the Woods
5 Wilderness, as designated by section 3(4) of the Or-
6 egon Wilderness Act of 1984 (16 U.S.C. 1132 note;
7 Public Law 98–328).

8 (3) COOPER SPUR WILDERNESS.—National
9 Forest System land comprising approximately 2,038
10 acres, as generally depicted on the map entitled
11 “Cooper Spur Wilderness” and dated June 2006,
12 which shall be known as the “Cooper Spur Wilder-
13 ness”.

14 (4) GORGE RIDGELINE WILDERNESS.—National
15 Forest System land comprising approximately
16 22,577 acres, as generally depicted on the map enti-
17 tled “Gorge Ridgeline Wilderness” and dated June
18 2006, which shall be known as the “Gorge Ridgeline
19 Wilderness”.

20 (5) MOUNT HOOD WILDERNESS ADDITIONS.—
21 National Forest System land comprising approxi-
22 mately 4,672 acres, as generally depicted on the
23 maps entitled “Mount Hood Wilderness (Elk Cove/
24 Mazama Addition)” and “Mount Hood Wilderness
25 (Sandy Addition)” and dated June 2006, is incor-

1 porated in and shall be considered to be a part of
2 the Mount Hood Wilderness, as designated by sec-
3 tion 3 of the Wilderness Act (16 U.S.C. 1132).

4 (6) ROARING RIVER WILDERNESS.—National
5 Forest System land comprising approximately
6 37,749 acres, as generally depicted on the map enti-
7 tled “Roaring River Wilderness” and dated June
8 2006, which shall be known as the “Roaring River
9 Wilderness”.

10 (7) SALMON-HUCKLEBERRY WILDERNESS ADDI-
11 TIONS.—National Forest System land comprising
12 approximately 4,133 acres, as generally depicted on
13 the maps entitled “Salmon Huckleberry Wilderness
14 (Alder Creek Addition)” and “Salmon Huckleberry
15 Wilderness (Eagle Creek Addition)” and dated June
16 2006, is incorporated in and shall be considered to
17 be a part of the Salmon-Huckleberry Wilderness, as
18 designated by section 3(2) of the Oregon Wilderness
19 Act of 1984 (16 U.S.C. 1132 note; Public Law 98–
20 328).

21 (b) MAPS AND LEGAL DESCRIPTION.—

22 (1) SUBMISSION OF LEGAL DESCRIPTIONS.—As
23 soon as practicable after the date of the enactment
24 of this Act, the Secretary of Agriculture shall pre-
25 pare and submit to Congress a legal description of

1 each wilderness area designated or expanded by sub-
2 section (a). It is the intent of Congress that the final
3 boundary description of the wilderness area be writ-
4 ten so that any road or trail depicted on the map
5 referred to in subsection (a) corresponding to that
6 wilderness area as being inside of the designated
7 area shall in fact be inside of the wilderness area
8 and any road or trail depicted on the map as being
9 outside of the designated area shall in fact be out-
10 side of the wilderness area.

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 adequate ac-
9 cess to the private land.

10 (2) EXCLUSION OF FERC PROJECT LANDS.—
11 Lands inside the Federal Energy Regulatory Com-
12 mission boundaries established as of the date of the
13 enactment of this Act for a licensed hydroelectric
14 project are excluded from wilderness areas des-
15 ignated or expanded by this section. Operations,
16 maintenance, and construction activities associated
17 with such a project are not affected in any way by
18 the designation or expansion of wilderness areas by
19 this section.

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

1 (4) COLUMBIA GORGE AIRSHED.—The designa-
2 tion of wilderness by this section in the Columbia
3 Gorge, as depicted on the map entitled “Gorge
4 Ridgeline Wilderness” and dated June 2006, shall
5 not result in the designation of a Class I airshed in
6 the Columbia Gorge through Federal regulatory ac-
7 tion.

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

9 (a) MANAGEMENT.—Subject to valid existing rights,
10 the National Forest System land designated as wilderness
11 by section 102 shall be administered by the Secretary of
12 Agriculture in accordance with this title and the Wilder-
13 ness Act (16 U.S.C. 1131 et seq.), except that any ref-
14 erence in the Wilderness Act to the effective date of such
15 Act shall be considered to be a reference to the date of
16 the enactment of this Act.

17 (b) INCORPORATION OF ACQUIRED LAND AND IN-
18 TERESTS.—Any non-Federal land that is located within
19 the boundaries of the National Forest System land des-
20 ignated as wilderness by section 102 and is acquired by
21 the United States after the date of the enactment of this
22 Act shall—

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

1 (2) be managed in accordance with this title
2 and the Wilderness Act (16 U.S.C. 1131 et seq.).

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

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

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

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

12 (d) FIRE, INSECT, AND DISEASE MANAGEMENT AC-
13 TIVITIES.—In accordance with section 4(d)(1) of the Wil-
14 derness Act (16 U.S.C. 1133(d)(1)) and House Report
15 No. 98–40 of the 98th Congress, the Secretary of Agri-
16 culture may take such measures on the National Forest
17 System land designated as wilderness by section 102 as
18 are necessary for the control of fire, insects, and diseases.

19 (e) SNOW SENSORS AND STREAM GAUGES.—Nothing
20 in this title prevents the installation and maintenance of
21 hydrologic, meteorologic, or climatological instrumentation
22 on the National Forest System land designated as wilder-
23 ness by section 102 if the Secretary of Agriculture deter-
24 mines that hydrologic, meteorologic, or climatological in-
25 strumentation is appropriate to further the scientific, edu-

1 cational, and conservation purposes of the wilderness
2 areas.

3 (f) MILITARY ACTIVITIES.—Nothing in this Act pre-
4 cludes low-level overflights of military aircraft, the des-
5 ignation of new units of special airspace, or the use or
6 establishment of military flight training routes over the
7 National Forest System land designated as wilderness by
8 section 102.

9 (g) LIVESTOCK.—Grazing of livestock and the main-
10 tenance of existing facilities related to grazing on the Na-
11 tional Forest System land designated as wilderness by sec-
12 tion 102, where established before the date of the enact-
13 ment of this Act, shall be permitted to continue in accord-
14 ance with—

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

17 (2) the guidelines set forth in Appendix A of
18 House Report 101–405 of the 101st Congress.

19 (h) FISH AND WILDLIFE MANAGEMENT.—

20 (1) IN GENERAL.—In furtherance of the pur-
21 poses of the Wilderness Act (16 U.S.C. 1131 et
22 seq.), the Secretary of Agriculture may carry out
23 management activities to maintain or restore fish
24 and wildlife populations and fish and wildlife habi-
25 tats on the National Forest System land designated

1 as wilderness by section 102 if such activities are
2 consistent with applicable wilderness management
3 plans and carried out in accordance with applicable
4 guidelines and policies. Nothing in this Act affects
5 the jurisdiction of the State of Oregon with respect
6 to fish and wildlife on the public land located in the
7 State.

8 (2) BULL TROUT RESTORATION PROJECT.—It
9 is the intent of Congress that nothing in this title
10 prevents the Secretary of Agriculture from con-
11 ducting the Bull Trout restoration project underway
12 as of the date of the enactment of this Act in Clear
13 Branch Creek west of Lawrence Lake in order to re-
14 store historic trout populations and habitat. Project
15 work shall be carried out in accordance with the
16 minimum tools policies of the Forest Service.

17 (i) CONTINUED USE BY MEMBERS OF INDIAN
18 TRIBES.—

19 (1) ACCESS.—In recognition of the past use of
20 the National Forest System land designated as wil-
21 derness by section 102 by members of Indian tribes
22 for traditional cultural and religious purposes, the
23 Secretary of Agriculture shall ensure that Indian
24 tribes have access to the wilderness areas for tradi-
25 tional cultural and religious purposes.

1 (2) TEMPORARY CLOSURES.—In carrying out
2 this subsection, the Secretary, at the request of an
3 Indian tribe, may temporarily close to the general
4 public one or more specific portions of the National
5 Forest System land designated as wilderness by sec-
6 tion 102 to protect the privacy of the members of
7 the Indian tribe in the conduct of the traditional cul-
8 tural and religious activities in the wilderness area.
9 Any such closure shall be made in such a manner as
10 to affect the smallest practicable area for the min-
11 imum period of time necessary for the activity to be
12 carried out.

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

19 (j) ADJACENT MANAGEMENT.—Nothing in this Act
20 creates protective perimeters or buffer zones around the
21 National Forest System land designated as wilderness by
22 section 102. The fact that nonwilderness activities or uses
23 can be seen or heard from the designated wilderness shall
24 not preclude the conduct of those activities or uses outside
25 the boundary of the wilderness area.

1 **SEC. 104. MAINTENANCE AND REPLACEMENT OF FOOT**
2 **BRIDGES IN WILDERNESS AREAS.**

3 In the case of each wilderness area designated or ex-
4 panded by section 102, it is the intent of Congress that
5 the Secretary of Agriculture be able to provide for the
6 maintenance of the foot bridge crossings in the wilderness
7 area and, when needed, the replacement of the foot bridge
8 crossings to ensure public access and safety. Foot bridge
9 replacement work shall be carried out in accordance with
10 the minimum tools policies of the Forest Service.

11 **TITLE II—WILD AND SCENIC**
12 **RIVER DESIGNATIONS**

13 **SEC. 201. FINDINGS AND PURPOSE.**

14 The purpose of this title is to designate approxi-
15 mately 25 miles of waterways in the Mount Hood National
16 Forest as additions to the National Wild and Scenic Riv-
17 ers System. The addition of these 25 miles of waterways
18 represents an increase of 20 percent in the total length
19 of all of the waterways in the Mount Hood National For-
20 est included in the National Wild and Scenic Rivers Sys-
21 tem.

22 **SEC. 202. WILD AND SCENIC RIVER DESIGNATIONS, MOUNT**
23 **HOOD NATIONAL FOREST.**

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

1 “(____) MOUNT HOOD NATIONAL FOREST, OR-
2 EGON.—The following rivers in the Mount Hood National
3 Forest in the State of Oregon, to be administered by the
4 Secretary of Agriculture:

5 “(A) The 4.1 miles of the South Fork of the
6 Clackamas River from its confluence with the East
7 Fork of the South Fork of the Clackamas to the its
8 confluence with the Clackamas River, as a scenic
9 river.

10 “(B) The 8.5 miles of Eagle Creek from its
11 headwaters to the Mount Hood National Forest
12 boundary, of which—

13 “(i) the 6.7-mile segment from its head-
14 waters to the west section line of section 20,
15 township 3 south, range 6 east, shall be admin-
16 istered as a wild river; and

17 “(ii) the remaining 1.8-mile segment from
18 such section line shall be administered as a rec-
19 reational river.

20 “(C) The 3.7 miles of the Middle Fork of the
21 Hood River from the confluence of Clear and Coe
22 Branches to the Mount Hood National Forest
23 boundary in sections 11 and 12 of township 1 south,
24 ranges 9 and 10 east, as a scenic river.

1 “(D) The 4.6 miles of the South Fork Roaring
2 River from its headwaters to its confluence with
3 Roaring River, as a wild river.

4 “(E) The 4.3 miles of the Zig Zag River from
5 its headwaters to the Mount Hood Wilderness
6 boundary, as a wild river.”.

7 **SEC. 203. RELATION TO MIDDLE FORK IRRIGATION DIS-**
8 **TRICT.**

9 (a) **NO IMPACT ON WATER RIGHTS OR FLOW RE-**
10 **QUIREMENTS.**—The designation of the Middle Fork of the
11 Hood River as a scenic river by the amendment made by
12 section 202 is not intended to have any impact on water
13 rights or flow requirements with regard to the Middle
14 Fork Irrigation District.

15 (b) **EXCLUSION OF OPERATIONAL AREAS.**—The area
16 of the Middle Fork of the Hood River designated as a sce-
17 nic river by the amendment made by section 202 does not
18 include any portion of the operation area of the Middle
19 Fork Irrigation District.

20 **TITLE III—RECREATION**

21 **SEC. 301. FINDINGS AND PURPOSE.**

22 The purpose of this title is to recognize and support
23 recreation as a dynamic social and economic component
24 of the legacy and future of the Mount Hood National For-
25 est.

1 **SEC. 302. RETENTION OF MOUNT HOOD NATIONAL FOREST**
2 **LAND USE FEES FROM SPECIAL USE AUTHOR-**
3 **IZATIONS.**

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

7 (b) DEPOSITS.—Except as provided in section 7 of
8 the Act of April 24, 1950 (commonly known as the Grang-
9 er-Thye Act; 16 U.S.C. 580d), the National Forest Orga-
10 nizational Camp Fee Improvement Act of 2003 (title V
11 of division F of Public Law 108–107; 16 U.S.C. 6231 et
12 seq.), Public Law 106–206 (commonly known as the Com-
13 mercial Filming Act; 16 U.S.C. 460l–6d), and the Federal
14 Lands Recreation Enhancement Act (title VIII of division
15 J of Public Law 108–477; 16 U.S.C. 6801 et seq.), all
16 land use fees received after the date which is six months
17 after the date of the enactment of this Act from special
18 use authorizations, such as recreation residences, resorts,
19 winter recreation resorts, communication uses, and linear
20 rights-of-way, and all other special use types issued with
21 regard to Mount Hood National Forest shall be deposited
22 in the special account established under subsection (a).

23 (c) AVAILABILITY.—Subject to subsection (d),
24 amounts in the special account established under sub-
25 section (a) shall remain available, without further appro-
26 priation and until expended, for expenditure as provided

1 in section 303. Upon request of the Secretary of Agri-
2 culture, the Secretary of the Treasury shall transfer to
3 the Secretary of Agriculture from the special account such
4 funds as the Secretary of Agriculture may request. The
5 Secretary shall accept and use the funds in accordance
6 with section 303.

7 (d) **TERMINATION OF SPECIAL ACCOUNT.**—The spe-
8 cial account required by subsection (a) shall terminate at
9 the end of the 10-year period beginning on the date of
10 the enactment of this Act. Any amounts remaining in the
11 special account at the end of such period shall be trans-
12 ferred to the general fund of the Treasury.

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

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

19 (1) Installation, repair, maintenance, and facil-
20 ity enhancement related directly to visitor enjoy-
21 ment, visitor access, and health and safety, such
22 as—

23 (A) the improvement and maintenance of
24 trails, including trails used for hiking, biking,

1 snowmobiling, horseback riding, cross-country
2 skiing, and off-highway vehicles;

3 (B) water system improvements; and

4 (C) personal sanitation facilities improve-
5 ments.

6 (2) Interpretive programs, visitor information,
7 visitor services, visitor needs assessments, mapping,
8 signage, Leave-No-Trace materials, and wilderness
9 rangers.

10 (3) Habitat restoration directly related to recre-
11 ation.

12 (4) Cooperative environmental restoration
13 projects with non-Federal partnership groups and
14 associations, including groups and associations that
15 work with youth.

16 (5) Law enforcement and rescue and recovery
17 efforts related to public use and recreation, such as
18 law enforcement at recreation events, search and
19 rescue operations, illegal recreation activities inves-
20 tigations, and enforcement.

21 (6) Improving administration of special use au-
22 thorizations.

23 (7) Preparation of documents required under
24 the National Environmental Policy Act of 1969 in

1 connection with the improvement or development of
2 recreational opportunities.

3 (8) Other projects or partnerships rec-
4 ommended by the Mount Hood National Forest
5 Recreation Working Group established by section
6 305.

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

11 (1) 95 percent of the funds to Mount Hood Na-
12 tional Forest.

13 (2) 5 percent of the funds to the Regional Of-
14 fice for the Pacific Northwest Region of the Forest
15 Service to develop needed policy and training to sup-
16 port programs in wilderness areas, special uses,
17 trails, developed and dispersed recreation, and inter-
18 pretation related to Mount Hood National Forest.

19 **SEC. 304. ANNUAL REPORTING REQUIREMENT.**

20 The Secretary of Agriculture shall submit to Con-
21 gress an annual report specifying—

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

- 1 (2) how the funds were allocated and expended;
2 and
3 (3) the results from such expenditures.

4 **SEC. 305. MOUNT HOOD NATIONAL FOREST RECREATIONAL**
5 **WORKING GROUP.**

6 (a) ESTABLISHMENT AND PURPOSE.—The Secretary
7 of Agriculture shall establish the Mount Hood National
8 Forest Recreational Working Group for the purpose of
9 providing advice and recommendations to the Forest Serv-
10 ice on planning and implementing recreation enhance-
11 ments in Mount Hood National Forest, including advice
12 and recommendations regarding how the funds in the spe-
13 cial account established under section 302 should be re-
14 quested and expended.

15 (b) DUTIES.—The Working Group shall—

16 (1) review projects proposed by the Secretary
17 for Mount Hood National Forest under section
18 303(a);

19 (2) propose projects under section 303(a) to the
20 Secretary;

21 (3) recommend the amount of funds from the
22 special account established under section 302 to be
23 used to fund projects under section 303; and

24 (4) provide opportunities for citizens, organiza-
25 tions, Indian tribes, the Forest Service, and other

1 interested parties to participate openly and meaning-
2 fully, beginning at the early stages of the develop-
3 ment of projects under section 303(a).

4 (c) APPOINTMENT.—

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

11 (2) INITIAL APPOINTMENT.—The Regional For-
12 ester shall make initial appointments to the Working
13 Group not later than 180 days after the date of the
14 enactment of this Act.

15 (3) VACANCIES.—The Regional Forester shall
16 make appointments to fill vacancies on the Working
17 Group as soon as practicable after the vacancy has
18 occurred.

19 (4) COMPENSATION.—Members of the Working
20 Group shall not receive any compensation for their
21 service on the Working Group.

22 (5) NOMINATIONS.—The State of Oregon and
23 county governments for each county directly adja-
24 cent to or containing any portion of Mount Hood
25 National Forest may submit a nomination to the Re-

1 regional Forester for each activity or interest group
2 category described in subsection (d).

3 (6) BROAD AND BALANCED REPRESENTA-
4 TION.—In appointing the members of the Working
5 Group, the Regional Forester shall provide for a bal-
6 anced and broad representation from the recreation
7 community.

8 (d) COMPOSITION OF WORKING GROUP.—The Work-
9 ing Group shall be composed of 15 members, selected so
10 that the following activities and interest groups are rep-
11 resented:

12 (1) Summer non-mechanized recreation, such as
13 hiking.

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

16 (3) Mountain biking.

17 (4) Hunting and fishing.

18 (5) Summer motorized recreation, such as off-
19 highway vehicle use.

20 (6) Local environmental groups.

21 (7) Winter motorized recreation, such as
22 snowmobiling.

23 (8) Permitted ski areas.

24 (9) Forest products industry.

25 (10) Affected Indian tribes.

1 (11) Local holder of a recreation residence per-
2 mit.

3 (12) Local government interests, such as a
4 county commissioner or city mayor in an elected po-
5 sition representing a county or city directly adjacent
6 or containing any portion of Mount Hood National
7 Forest.

8 (13) A resident of Government Camp.

9 (14) The State of Oregon.

10 (15) Operators of campground facilities open to
11 the general public.

12 (e) CHAIRPERSON.—The chairperson of the Working
13 Group shall be selected by a majority of the Working
14 Group.

15 (f) OTHER WORKING GROUP AUTHORITIES AND RE-
16 QUIREMENTS.—

17 (1) STAFF ASSISTANCE.—The Secretary of Ag-
18 riculture shall provide staff assistance to the Work-
19 ing Group from Federal employees under the juris-
20 diction of the Secretary.

21 (2) MEETINGS.—All meetings of the Working
22 Group shall be announced at least one week in ad-
23 vance in a local newspaper of record and shall be
24 open to the public.

1 in the national forest, such as conversion to single-
2 track trails for mountain bikes and trails for
3 snowmobiling, off-road vehicle use, horseback riding,
4 hiking, cross country skiing, and other recreational
5 uses.

6 (2) CONSIDERATION OF ENVIRONMENTAL AND
7 ECONOMIC IMPACTS.—In evaluating the feasibility
8 and suitability of converting Forest Service roads
9 under this subsection to recreational uses, and the
10 types of recreational uses to be authorized, the Sec-
11 retary shall take into account the environmental and
12 economic impacts of implementing the conversion
13 and of the resulting recreational uses.

14 (3) 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 Working Group.

21 (b) FUTURE CLOSURE CONSIDERATIONS.—Whenever
22 the Secretary of Agriculture considers a Forest Service
23 road in Mount Hood National Forest for possible closure
24 and decommissioning after the date of the enactment of
25 this Act, the Secretary shall include, as an alternative to

1 decommissioning the road, consideration of converting the
2 road to recreational uses to enhance recreational opportu-
3 nities in the Mount Hood National Forest.

4 **SEC. 307. IMPROVED TRAIL ACCESS FOR PERSONS WITH**
5 **DISABILITIES.**

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

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

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

19 **TITLE IV—TRANSPORTATION**

20 **SEC. 401. FINDINGS AND PURPOSE.**

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

1 essary to promote appropriate economic development, pre-
2 serve landscapes, and enhance public safety.

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

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

11 **SEC. 403. TRANSPORTATION PLAN.**

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

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

23 (c) SCOPE OF PLAN.—The transportation plan shall
24 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 (b) CONSIDERATION OF SITES.—In conducting the
2 study under this section, the Secretary may include con-
3 sideration of one or more possible sites for the gondola
4 connection and intermodal transportation center.

5 **TITLE V—FOREST AND**
6 **WATERSHED STEWARDSHIP**

7 **SEC. 501. FINDINGS AND PURPOSE.**

8 The purpose of this title is to direct the Forest Serv-
9 ice to prepare an assessment to promote forested land-
10 scapes resilient to catastrophic fire, insects, and disease,
11 to protect homes and communities from property damage
12 and threats to public safety, and to protect and enhance
13 existing community or municipal watersheds. It is the in-
14 tent of Congress that site-specific forest health projects
15 undertaken pursuant to this assessment shall be com-
16 pleted in accordance with existing law.

17 **SEC. 502. FOREST STEWARDSHIP ASSESSMENT.**

18 (a) PREPARATION OF ASSESSMENT.—The Secretary
19 of Agriculture shall prepare an assessment to identify the
20 forest health needs in those areas of the Mount Hood Na-
21 tional Forest with a high incidence of insect or disease
22 infestation (or both), heavily overstocked tree stands, or
23 moderate-to-high risk of unnatural catastrophic wildfire
24 for the purpose of improving condition class, which signifi-
25 cantly improves the forest health and water quality. The

1 Secretary may utilize existing information to complete the
2 assessment. The assessment shall also identify specific
3 projects to address these issues.

4 (b) IMPROVED MAPPING.—The assessment may in-
5 clude improved mapping of condition class 2 and condition
6 class 3 areas and other areas identified in subsection (a)
7 in Mount Hood National Forest.

8 (c) COMPLETION.—The Secretary of Agriculture
9 shall complete the assessment not later than one year after
10 the date of the enactment of this Act.

11 (d) DURATION OF STUDY.—The assessment shall
12 cover a 10-year period.

13 (e) IMPLEMENTATION.—Not later than one year after
14 completion of the assessment, the Secretary shall com-
15 mence implementation of projects to address the needs
16 identified in the assessment. These projects shall be imple-
17 mented using authorities available to the Secretary to
18 manage the Mount Hood National Forest to achieve the
19 purpose specified in subsection (a).

20 (f) DELAY.—During development of the assessment
21 under this section, a forest management project that is
22 unaffiliated with the assessment and has completed review
23 as required under the National Environmental Policy Act
24 of 1969 (42 U.S.C. 4321) in accordance with existing law,

1 need not be delayed in the event the Secretary fails to
2 meet the deadline specified in subsection (c).

3 (g) RELATION TO EXISTING LAW AND PLANS.—

4 Nothing in this section grants the Secretary any authority
5 to manage the Mount Hood National Forest contrary to
6 existing law. The assessment conducted by the Secretary
7 under this section shall not supersede, be considered a
8 supplement or amendment to, or in any way affect the
9 legal or regulatory authority of the Mount Hood National
10 Forest Land and Resource Management Plan or the col-
11 lection of documents entitled “Final Supplemental Envi-
12 ronmental Impact Statement and Record of Decision for
13 Amendments to Forest Service and Bureau of Land Man-
14 agement Planning Documents within the Range of the
15 Northern Spotted Owl” and “Standards and Guidelines
16 for Management of Habitat for Late-Successional and
17 Old-Growth Forest Related Species Within the Range of
18 the Northern Spotted Owl”.

19 (h) PUBLIC PARTICIPATION.—The Secretary shall
20 provide an opportunity for interested persons to be in-
21 volved in development of the assessment conducted by the
22 Secretary under this section.

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

24 (a) STUDY REQUIRED.—The Secretary of Agriculture
25 shall conduct a study to assess the amount of long-term

1 sustainable biomass available in the Mount Hood National
2 Forest that, consistent with applicable law, could be made
3 available as a raw material for—

4 (1) the production of electric energy, sensible
5 heat, transportation fuel, or substitutes for petro-
6 leum-based products;

7 (2) dimensional lumber, fencing, framing mate-
8 rial, poles, firewood, furniture, chips, pulp for paper;
9 or

10 (3) other commercial purposes.

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

15 **SEC. 504. WATERSHED MANAGEMENT MEMORANDA OF UN-**
16 **DERSTANDING.**

17 (a) COMPLETION OF MEMORANDA OF UNDER-
18 STANDING.—To the extent that memoranda of under-
19 standing or other legal agreements involving watersheds
20 of Mount Hood National Forest do not exist between irri-
21 gation districts or municipalities and the Forest Service,
22 the Secretary of Agriculture may complete memoranda of
23 understanding that outline stewardship goals to manage
24 the watersheds for water quality and water quantity.

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

9 (c) PUBLIC PROCESS REQUIRED.—

10 (1) COLLABORATION AND CONSULTATION.—

11 The Secretary of Agriculture shall ensure that the
12 process by which the Secretary enters into a memo-
13 randum of understanding with an irrigation district,
14 local government, or other entity involving a water-
15 shed of Mount Hood National Forest is based on
16 collaboration and cooperation between the Forest
17 Service and local jurisdictions and other interested
18 persons.

19 (2) PUBLIC MEETING REQUIRED.—The Sec-
20 retary and the other party or parties to the proposed
21 memorandum of understanding shall hold at least
22 one joint public meeting before completing a final
23 draft of the memorandum of understanding.

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

4 **TITLE VI—CRYSTAL SPRINGS**
5 **WATERSHED SPECIAL RE-**
6 **SOURCES MANAGEMENT UNIT**

7 **SEC. 601. FINDINGS AND PURPOSE.**

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

14 **SEC. 602. ESTABLISHMENT OF CRYSTAL SPRINGS WATER-**
15 **SHED SPECIAL RESOURCES MANAGEMENT**
16 **UNIT.**

17 (a) ESTABLISHMENT.—Effective as provided by sec-
18 tion 605, the Secretary of Agriculture shall establish a
19 special resources management unit in the State of Oregon
20 consisting of all National Forest System land that is lo-
21 cated within 200 yards from any point on the perimeter
22 of the Crystal Springs Zone of Contribution, as deter-
23 mined by the Crystal Springs Water District, and other
24 National Forest System land in and around the Inn at
25 Cooper Spur and the Cooper Spur Ski Area, as depicted

1 on the map entitled “Crystal Springs Watershed Special
2 Resources Management Unit” and dated June 2006 in
3 this subtitle referred to as the “official map”).

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

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

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

18 (e) MAPS AND LEGAL DESCRIPTION.—

19 (1) SUBMISSION OF LEGAL DESCRIPTIONS.—As
20 soon as practicable after the effective date specified
21 in section 605, the Secretary shall prepare and sub-
22 mit to Congress a legal description of the Manage-
23 ment Unit.

24 (2) FORCE OF LAW.—The map referred to in
25 subsection (a) and the legal descriptions prepared

1 under paragraph (1) shall have the same force and
2 effect as if included in this Act, except that the Sec-
3 retary may correct technical errors in the map and
4 legal descriptions. The map of the Crystal Springs
5 Zone of Contribution is incorporated in this Act to
6 delineate the boundaries of the Management Unit,
7 and the delineation of these boundaries is not in-
8 tended to affect the specific uses that may occur on
9 private land within the boundaries of the Manage-
10 ment Unit.

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

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

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

22 (b) AUTHORIZED ACTIVITIES.—

23 (1) PROCESS FOR ALLOWING ACTIVITIES.—
24 Only activities described in this subsection may
25 occur in the Management Unit, and the Secretary of

1 Agriculture may permit an activity described in this
2 subsection to occur in the Management Unit only
3 after the Secretary—

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

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

11 (C) when appropriate, provides to the gen-
12 eral public advance notice of the activity, an op-
13 portunity to comment on the activity, and ap-
14 peal rights regarding the activity.

15 (2) RECREATION.—The Secretary may—

16 (A) continue to maintain recreational op-
17 portunities and trails, in existence in the Man-
18 agement Unit as of the effective date specified
19 in section 605, within their existing and historic
20 footprints or at an alternative location; and

21 (B) develop new foot paths or cross-county
22 skiing trails in the Management Unit.

23 (3) LEASE OF CERTAIN IMPROVEMENTS.—The
24 Secretary may lease improvements and facilities, in
25 existence in the Management Unit as of the effective

1 date specified in section 605, within their existing
2 and designated footprints to one or more conces-
3 sionaires.

4 (4) ROAD MAINTENANCE.—Subject to sub-
5 section (d), the Secretary may maintain National
6 Forest System roads, in existence in the Manage-
7 ment Unit as of the effective date specified in sec-
8 tion 605 or as directed by the management plan re-
9 quired by subsection (d). Maintenance may include
10 the installation of culverts and drainage improve-
11 ments and other similar activities.

12 (5) FUEL REDUCTION IN PROXIMITY TO IM-
13 PROVEMENTS AND PRIMARY PUBLIC ROADS.—The
14 Secretary may permit fuel reduction on National
15 Forest System land in the Management Unit—

16 (A) extending up to 400 feet from struc-
17 tures on National Forest System land or struc-
18 tures on adjacent private land; and

19 (B) extending up to 400 feet from the Coo-
20 per Spur Road, the Cloud Cap Road, and the
21 Cooper Spur ski area loop road.

22 (6) OTHER FUEL REDUCTION AND FOREST
23 HEALTH ACTIVITIES.—The Secretary may conduct
24 fuel reduction and forest health management activi-
25 ties in the Management Unit, with priority given to

1 activities that restore previously harvested stands,
2 including the removal of logging slash, smaller di-
3 ameter material, and ladder fuels. The purpose of
4 any fire risk reduction or forest health management
5 activity conducted in the Management Unit shall be
6 the maintenance and restoration of fire-resilient for-
7 est structures containing multi-storied canopies
8 (where ecologically appropriate) and the protection
9 of water quality, water quantity, scenic, cultural nat-
10 ural and wildlife values.

11 (c) SPECIFICALLY PROHIBITED ACTIVITIES.—The
12 following activities may not occur on National Forest Sys-
13 tem land in the Management Unit, whether separately or,
14 except as provided in paragraph (2), as part of an activity
15 authorized by subsection (b):

16 (1) New road construction or renovation of ex-
17 isting non-System roads.

18 (2) Projects undertaken for the purpose of har-
19 vesting commercial timber. The harvest of merchant-
20 able products that are a by-product of activities con-
21 ducted pursuant to subsection (b)(6) and carried out
22 pursuant to a stewardship contract are not prohib-
23 ited by this subsection

24 (3) Commercial livestock grazing.

1 (4) The placement or maintenance of fuel stor-
2 age tanks.

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

7 (d) MANAGEMENT PLAN.—

8 (1) PLAN REQUIRED.—Within nine months
9 after the effective date specified in section 605, the
10 Secretary of Agriculture shall adopt a management
11 plan for the Management Unit that, while providing
12 for the limited activities specifically authorized by
13 subsection (b), protects the watershed from illegal
14 dumping, human waste, fires, vandalism and other
15 risks to water quality.

16 (2) CONSULTATION AND PUBLIC PARTICIPA-
17 TION.—The Secretary shall prepare the management
18 plan in consultation with the Crystal Springs Water
19 District, the Cooper Spur Wild and Free Coalition,
20 and Hood River County and provide for public par-
21 ticipation as described in subsection (b)(1)(C).

22 (e) FOREST ROAD CLOSURES.—As part of the man-
23 agement plan required by subsection (d), the Secretary of
24 Agriculture may provide for the closure or gating to the
25 general public of any Forest Service road within the Man-

1 agement Unit, except for the road commonly known as
2 Cloud Cap Road.

3 (f) PRIVATE LAND.—Nothing in this section affects
4 the use of, or access to, any private property within the
5 Crystal Springs Zone of Contribution by the owners of the
6 private property and their guests. The Secretary is encour-
7 aged to work with interested private landowners who have
8 voluntarily agreed to cooperate with the Secretary to fur-
9 ther the purposes of this title.

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

15 **SEC. 604. ACQUISITION OF LANDS.**

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

22 (b) PROHIBITION ON SUBSEQUENT CONVEYANCE.—
23 The Secretary may not sell, trade, or otherwise transfer
24 ownership of any land within the Management Unit, in-
25 cluding any of the land acquired under subsection (a) or

1 received by the Secretary as part of the Cooper Spur-Gov-
2 ernment Camp land exchange authorized by subtitle A of
3 title VIII and included within the Management Unit, to
4 any person.

5 **SEC. 605. EFFECTIVE DATE.**

6 The Secretary of Agriculture shall establish the Man-
7 agement Unit as soon as practicable after the final closing
8 of the Cooper Spur-Government Camp land exchange au-
9 thorized by subtitle A of title VIII, but in no case later
10 than 30 days after the date of the final closing of such
11 land exchange. The Management Unit may not be estab-
12 lished before final closing of the land exchange.

13 **TITLE VII—LOCAL AND TRIBAL**
14 **RELATIONSHIPS**

15 **SEC. 701. FINDINGS AND PURPOSE.**

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

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

24 (a) **PRIORITY USE AREAS.**—The Secretary of Agri-
25 culture shall identify, establish, develop, and manage pri-

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

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

20 (c) APPLICABLE LAW.—In considering and selecting
21 National Forest System land for inclusion in a priority-
22 use area under subsection (a), the Secretary of Agriculture
23 shall comply with the land and resource management plan
24 for Mount Hood National Forest and applicable laws.

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

8 **SEC. 703. FOREST SERVICE COORDINATION WITH STATE**
9 **AND LOCAL GOVERNMENTS.**

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

19 **SEC. 704. SAVINGS PROVISIONS REGARDING RELATIONS**
20 **WITH INDIAN TRIBES.**

21 (a) TREATY RIGHTS.—Nothing in this Act is in-
22 tended to alter, modify, enlarge, diminish, or extinguish
23 the treaty rights of any Indian tribe, including the off-
24 reservation reserved rights established by the Treaty of
25 June 25, 1855, with the Tribes and Bands of Middle Or-

1 egon (12 Stat. 963). Section 702 is consistent with and
2 intended to implement the gathering rights reserved by
3 such treaty.

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

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

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

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

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

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

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

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

5 **SEC. 801. FINDINGS AND 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 Congress finds that numerous public hearings have been
12 held where broad public support has been voiced for the
13 protection of Mount Hood and the consummation of the
14 land exchange.

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

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

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

1 “Cooper Spur-Government Camp Land Exchange”
2 and dated June 2006 (in this subtitle referred to as
3 the “official map”); and

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

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

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

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

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

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

25 (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.

23 (f) EXISTING RIGHTS.—The conveyance of Federal
24 land under this section shall be subject to valid existing
25 rights of third parties. In the alternative, the Secretary

1 of Agriculture may grant substitute permit rights of equiv-
2 alent utility to use other Federal land.

3 **SEC. 803. TREATMENT OF INN AT COOPER SPUR AND THE**
4 **COOPER SPUR SKI AREA.**

5 (a) SOLICITATION OF NEW CONCESSIONAIRE.—Not
6 later than 60 days after the date of the final closing of
7 the land exchange under section 802, the Secretary of Ag-
8 riculture shall prepare and publish a proposed prospectus
9 in order to solicit a new concessionaire for the Inn at Co-
10 per Spur and the Cooper Spur Ski Area within the new
11 configuration of these establishments, as depicted on the
12 official map.

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

18 (c) CONSULTATION.—The Secretary of Agriculture
19 shall consult with Mt. Hood Meadows, Meadows North,
20 LLC, and North Face Inn, LLC, the Hood River Valley
21 Residents Committee, the Cooper Spur Wild and Free Co-
22 alition, and the Hood River County Commission in select-
23 ing a new concessionaire for the Inn at Cooper Spur and
24 the Cooper Spur Ski Area and to prepare for the orderly
25 and smooth transition of the operation of the Inn at Co-

1 per Spur and the Cooper Spur Ski Area to the new conces-
2 sionaire.

3 (d) TREATMENT OF PROCEEDS.—All funds received
4 pursuant to a concession contract under this section shall
5 be deposited in the fund established by Public Law 90–
6 171 (16 U.S.C. 484a; commonly known as the Sisk Act)
7 and shall remain available to the Secretary of Agriculture
8 until expended, without further appropriation, for use in
9 Mount Hood National Forest, with priority given to the
10 Hood River Ranger District for restoration projects on the
11 North side of Mount Hood.

12 (e) ALTERNATIVE CONVEYANCE AND SPECIAL USE
13 PERMIT.—If the Secretary of Agriculture has not selected
14 a concessionaire for the Inn at Cooper Spur and the Co-
15 per Spur Ski Area by the end of the one-year period begin-
16 ning on the date of the publication of the prospectus under
17 subsection (a), the Secretary may convey, without consid-
18 eration, the improvements acquired under paragraphs (2)
19 and (4) of section 802(b) only to Hood River County, Or-
20 egon. If the Secretary conveys improvements to Hood
21 River County pursuant to this subsection, the Secretary
22 shall issue a special use permit that would allow reason-
23 able access to and management of the improvements
24 under terms similar to the Cooper Spur Ski Area Special
25 Use Permit.

1 **SEC. 804. GENERAL PROVISIONS.**

2 (a) **APPLICABLE LAW.**—Except as otherwise provided
3 in this subtitle, the exchange of Federal land under section
4 802 is subject to the existing laws and regulations applica-
5 ble to the conveyance and acquisition of land under the
6 jurisdiction of the Forest Service. It is anticipated that
7 the Secretary of Agriculture will be able to carry out the
8 land exchange without the promulgation of additional reg-
9 ulations.

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

17 (c) **LEGAL DESCRIPTIONS.**—The exact acreage and
18 legal description of the land to be exchanged under section
19 802 shall be determined by surveys satisfactory to the Sec-
20 retary of Agriculture. The costs of any such survey, as
21 well as other administrative costs incurred to execute the
22 land exchange, shall be borne by the Secretary.

1 **Subtitle B—Other Land Exchanges**

2 **SEC. 811. LAND EXCHANGE, PORT OF CASCADE LOCKS-PA-** 3 **CIFIC CREST NATIONAL SCENIC TRAIL.**

4 (a) CONVEYANCE REQUIRED.—The Secretary of Ag-
5 riculture shall convey to the Port of Cascade Locks, Cas-
6 cade Locks, Oregon (in this section referred to as the
7 “Port”), all right, title, and interest of the United States
8 in and to a parcel of National Forest System land in the
9 Columbia River Gorge National Scenic Area consisting of
10 approximately 10 acres, as depicted on the map entitled
11 “Port of Cascade Locks-Pacific Crest National Scenic
12 Trail Land Exchange” and dated June 2006.

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

22 (c) EQUAL VALUE EXCHANGE.—The values of the
23 land to be exchanged under this section shall be deter-
24 mined pursuant to an appraisal acceptable to the Sec-
25 retary of Agriculture and the Port. If the values are not

1 equal, they shall be equalized in the manner provided in
2 section 206(b) of the Federal Land Policy and Manage-
3 ment Act of 1976 (43 U.S.C. 1716(b)).

4 (d) COMPLIANCE WITH EXISTING LAW.—Except as
5 otherwise provided in this section, the Secretary shall
6 carry out the land exchange under this section in the man-
7 ner provided in section 206 of the Federal Land Policy
8 Management Act of 1976 (43 U.S.C. 1716).

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

16 (f) LEGAL DESCRIPTIONS.—The exact acreage and
17 legal description of the land to be exchanged under this
18 section shall be determined by surveys satisfactory to the
19 Secretary of Agriculture. The costs of such survey, as well
20 as other administrative costs incurred to execute the land
21 exchange, shall be negotiated between the Secretary and
22 the Port.

23 (g) EXISTING RIGHTS.—The conveyance of Federal
24 land under this section shall be subject to valid existing
25 rights of third parties. In the alternative, the Secretary

1 of Agriculture may grant substitute permit rights of equiv-
2 alent utility to use other Federal land.

3 (h) COMPLETION OF LAND EXCHANGE.—The Sec-
4 retary of Agriculture shall complete all legal and regu-
5 latory processes required in connection with the convey-
6 ances under this section and complete the closing of the
7 conveyances within 16 months after the date of the enact-
8 ment of this Act.

9 **SEC. 812. HUNCHBACK MOUNTAIN LAND EXCHANGE,**
10 **CLACKAMAS COUNTY.**

11 (a) CONVEYANCE REQUIRED.—The Secretary of Ag-
12 riculture shall convey to Clackamas County, Oregon (in
13 this section referred to as the “County”), all right, title,
14 and interest of the United States in and to a parcel of
15 National Forest System land in the Mount Hood National
16 Forest consisting of approximately 160 acres, as depicted
17 on the map entitled “Hunchback Mountain Land Ex-
18 change-Clackamas County” and dated June 2006.

19 (b) CONSIDERATION.—As consideration for the con-
20 veyance under subsection (a), the County shall convey to
21 the United States all right, title, and interest of the Coun-
22 ty in and to a parcel of land consisting of approximately
23 160 acres, as depicted on the map referred to in sub-
24 section (a). The acquisition of this parcel will ensure the
25 continued integrity of the forested land, a substantial por-

1 tion of which exceeds 120 years in age, and the public's
2 access to the parcel.

3 (c) EQUAL VALUE EXCHANGE.—The values of the
4 land to be exchanged under this section shall be deter-
5 mined pursuant to an appraisal acceptable to the Sec-
6 retary of Agriculture and the County. If the values are
7 not equal, they shall be equalized in the manner provided
8 in section 206(b) of the Federal Land Policy and Manage-
9 ment Act of 1976 (43 U.S.C. 1716(b)).

10 (d) COMPLIANCE WITH EXISTING LAW.—Except as
11 otherwise provided in this section, the Secretary shall
12 carry out the land exchange under this section in the man-
13 ner provided in section 206 of the Federal Land Policy
14 Management Act of 1976 (43 U.S.C. 1716).

15 (e) CONDITIONS ON ACCEPTANCE.—Title to the non
16 Federal land to be acquired by the Secretary of Agri-
17 culture under this section must be acceptable to the Sec-
18 retary, and the conveyances shall be subject to valid exist-
19 ing rights of record. The non-Federal land shall conform
20 with the title approval standards applicable to Federal
21 land acquisitions.

22 (f) LEGAL DESCRIPTIONS.—The exact acreage and
23 legal description of the land to be exchanged under this
24 section shall be determined by surveys satisfactory to the
25 Secretary of Agriculture. The costs of any such survey,

1 as well as other administrative costs incurred to execute
2 the land exchange, shall be negotiated between the Sec-
3 retary and the County.

4 (g) EXISTING RIGHTS.—The conveyance of Federal
5 land under this section shall be subject to valid existing
6 rights of third parties. In the alternative, the Secretary
7 of Agriculture may grant substitute permit rights of equiv-
8 alent utility to use other Federal land.

9 (h) COMPLETION OF LAND EXCHANGE.—The Sec-
10 retary of Agriculture shall complete all legal and regu-
11 latory processes required in connection with the land ex-
12 change under this section and complete the closing of the
13 land exchange not later than 16 months after the date
14 of the enactment of this Act.

Passed the House of Representatives July 24, 2006.

Attest:

KAREN L. HAAS,

Clerk.