

114TH CONGRESS
1ST SESSION

S. 2069

To amend the Omnibus Public Land Management Act of 2009 to modify provisions relating to certain land exchanges in the Mt. Hood Wilderness in the State of Oregon.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22, 2015

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

A BILL

To amend the Omnibus Public Land Management Act of 2009 to modify provisions relating to certain land exchanges in the Mt. Hood Wilderness in the State of Oregon.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Mount Hood Cooper
5 Spur Land Exchange Clarification Act”.

1 **SEC. 2. COOPER SPUR LAND EXCHANGE CLARIFICATION**
 2 **AMENDMENTS.**

3 Section 1206(a) of the Omnibus Public Land Man-
 4 agement Act of 2009 (Public Law 111–11; 123 Stat.
 5 1018) is amended—

6 (1) in paragraph (1)—

7 (A) in subparagraph (C), by striking “120
 8 acres” and inserting “107 acres”; and

9 (B) in subparagraph (E)(ii), by inserting
 10 “improvements,” after “buildings,”; and

11 (2) in paragraph (2)—

12 (A) by amending the text of subparagraph
 13 (C) to read as follows: “As a condition of the
 14 land exchange under this subsection, title to the
 15 non-Federal land to be acquired by the Sec-
 16 retary under this subsection shall be acceptable
 17 to the Secretary.”;

18 (B) in subparagraph (D)—

19 (i) in clause (i), by striking “As soon
 20 as practicable after the date of enactment
 21 of this Act, the Secretary and Mt. Hood
 22 Meadows shall select” and inserting “Not
 23 later than 60 days after the date of the en-
 24 actment of the Mount Hood Cooper Spur
 25 Land Exchange Clarification Act, the Sec-

retary and Mt. Hood Meadows shall jointly select”;

(ii) in clause (ii), in the matter preceding subclause (I), by striking “An appraisal under clause (i) shall” and inserting “Except as provided under clause (iii), an appraisal under clause (i) shall assign a separate value to each tax lot to allow for the equalization of values and”; and

(iii) by adding at the end the following:

“(iii) FINAL APPRAISED VALUE.—

“(I) IN GENERAL.—Subject to subclause (II), after the final appraised value of the Federal land and the non-Federal land are determined and approved by the Secretary, the Secretary shall not be required to re-appraise or update the final appraised value for a period of up to 3 years, beginning on the date of the approval by the Secretary of the final appraised value.

“(II) EXCEPTION.—Subclause (I) shall not apply if the condition of ei-

1 ther the Federal land or the non-Fed-
 2 eral land referred to in subclause (I)
 3 is significantly and substantially al-
 4 tered by fire, windstorm, or other
 5 events.

6 “(iv) PUBLIC REVIEW.—Before com-
 7 pleting the land exchange under this Act,
 8 the Secretary shall make available for pub-
 9 lic review the complete appraisals of the
 10 land to be exchanged.”;

11 (C) in subparagraph (F), by striking “16
 12 months after the date of enactment of this Act”
 13 and inserting “1 year after the date of the en-
 14 actment of the Mount Hood Cooper Spur Land
 15 Exchange Clarification Act”; and

16 (D) by striking subparagraph (G) and in-
 17 serting the following:

18 “(G) REQUIRED CONVEYANCE CONDI-
 19 TIONS.—Prior to the exchange of the Federal
 20 and non-Federal land—

21 “(i) in full satisfaction of Executive
 22 Order 11990, Mt. Hood Meadows shall ob-
 23 tain the concurrence of the Oregon Depart-
 24 ment of State Lands with the identification
 25 of wetland boundaries on the Federal land

1 as designated on a wetland delineation re-
2 port prepared by an independent profes-
3 sional engineer registered in the State of
4 Oregon so as to provide protection of the
5 identified wetland according to applicable
6 law; and

7 “(ii) the Secretary shall reserve a 24-
8 foot-wide nonexclusive trail easement at
9 the existing trail locations on the Federal
10 land that retains for the United States ex-
11 isting rights to construct, reconstruct,
12 maintain, and permit nonmotorized use by
13 the public of existing trails subject to the
14 right of the owner of the Federal land—

15 “(I) to cross the trails with
16 roads, utilities, and infrastructure fa-
17 cilities; and

18 “(II) to improve or relocate the
19 trails to accommodate development of
20 the Federal land.

21 “(H) EQUALIZATION OF VALUES.—

22 “(i) IN GENERAL.—Notwithstanding
23 subparagraph (A), in addition to or in lieu
24 of monetary compensation, a lesser area of
25 Federal land or non-Federal land may be

1 conveyed if necessary to equalize appraised
2 values of the exchange properties, without
3 limitation, consistent with the require-
4 ments of this Act and subject to the ap-
5 proval of the Secretary and Mt. Hood
6 Meadows.

7 “(ii) TREATMENT OF CERTAIN COM-
8 PENSATION OR CONVEYANCES AS DONA-
9 TION.—If, after payment of compensation
10 or adjustment of land area subject to ex-
11 change under this Act, the amount by
12 which the appraised value of the land and
13 other property conveyed by Mt. Hood
14 Meadows under subparagraph (A) exceeds
15 the appraised value of the land conveyed
16 by the Secretary under subparagraph (A)
17 shall be considered a donation by Mt.
18 Hood Meadows to the United States.”.

○