

Calendar No. 336114TH CONGRESS
1ST SESSION**S. 2069****[Report No. 114–191]**

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

DECEMBER 16, 2015

Reported by Ms. MURKOWSKI, with amendments

[Omit the part struck through and insert the part printed in *italic*]

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. COOPER SPUR LAND EXCHANGE CLARIFICATION**
5 **AMENDMENTS.**

6 Section 1206(a) of the Omnibus Public Land Man-
7 agement Act of 2009 (Public Law 111–11; 123 Stat.
8 1018) is amended—

9 (1) in paragraph (1)—

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

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

14 (2) in paragraph (2)—

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

21 ~~(B)~~(A) in subparagraph (D)—

22 (i) in clause (i), by striking “As soon
23 as practicable after the date of enactment
24 of this Act, the Secretary and Mt. Hood
25 Meadows shall select” and inserting “Not
26 later than ~~60~~ 120 days after the date of

the enactment of the Mount Hood Cooper Spur Land Exchange Clarification Act, the Secretary 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.

1 “(II) EXCEPTION.—Subclause (I)
 2 shall not apply if the condition of ei-
 3 ther the Federal land or the non-Fed-
 4 eral land referred to in subclause (I)
 5 is significantly and substantially al-
 6 tered by fire, windstorm, or other
 7 events.

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

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

18 ~~(D)~~(C) by striking subparagraph (G) and
 19 inserting the following:

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

23 ~~“(i) in full satisfaction of Executive~~
 24 ~~Order 11990, Mt. Hood Meadows shall ob-~~
 25 ~~tain the concurrence of the Oregon Depart-~~

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

9 “(i) the Secretary and Mt. Hood Mead-
10 ows may mutually agree for the Secretary
11 to reserve a conservation easement to protect
12 the identified wetland in accordance with
13 applicable law, subject to the requirements
14 that—

15 “(I) the conservation easement
16 shall be consistent with the terms of the
17 September 30, 2015, mediation between
18 the Secretary and Mt. Hood Meadows;
19 and

20 “(II) in order to take effect, the
21 conservation easement shall be final-
22 ized not later than 120 days after the
23 date of enactment of the Mount Hood
24 Cooper Spur Land Exchange Clarifica-
25 tion Act; and

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

9 “(I) to cross the trails with
10 roads, utilities, and infrastructure fa-
11 cilities; and

12 “(II) to improve or relocate the
13 trails to accommodate development of
14 the Federal land.

15 “(H) EQUALIZATION OF VALUES.—

16 “(i) IN GENERAL.—Notwithstanding
17 subparagraph (A), in addition to or in lieu
18 of monetary compensation, a lesser area of
19 Federal land or non-Federal land may be
20 conveyed if necessary to equalize appraised
21 values of the exchange properties, without
22 limitation, consistent with the require-
23 ments of this Act and subject to the ap-
24 proval of the Secretary and Mt. Hood
25 Meadows.

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

Calendar No. 336

114TH CONGRESS
1ST Session

S. 2069

[Report No. 114-191]

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.

DECEMBER 16, 2015

Reported with amendments