

**Calendar No. 336**114TH 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.

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**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*]

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**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

1 the enactment of the Mount Hood Cooper  
2 Spur Land Exchange Clarification Act, the  
3 Secretary and Mt. Hood Meadows shall  
4 jointly select”;

5 (ii) in clause (ii), in the matter pre-  
6 ceding subclause (I), by striking “An ap-  
7 praisal under clause (i) shall” and insert-  
8 ing “Except as provided under clause (iii),  
9 an appraisal under clause (i) shall assign a  
10 separate value to each tax lot to allow for  
11 the equalization of values and”;

12 (iii) by adding at the end the fol-  
13 lowing:

14 “(iii) FINAL APPRAISED VALUE.—

15 “(I) IN GENERAL.—Subject to  
16 subclause (II), after the final ap-  
17 praised value of the Federal land and  
18 the non-Federal land are determined  
19 and approved by the Secretary, the  
20 Secretary shall not be required to re-  
21 appraise or update the final appraised  
22 value for a period of up to 3 years,  
23 beginning on the date of the approval  
24 by the Secretary of the final appraised  
25 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.”.

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