

109th CONGRESS
2d 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) Short Title- This Act may be cited as the 'Mount Hood Stewardship Legacy Act'.

(b) Table of Contents- The table of contents for this Act is as follows:

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SEC. 2. IMPLEMENTATION.

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

TITLE I--WILDERNESS AREA DESIGNATIONS

SEC. 101. PURPOSE.

The purpose of this title is to designate approximately 77,500
acres of National Forest System land in the Mount Hood National
Forest as wilderness, which represents a 41 percent increase in
the amount of designated wilderness in the national forest and

the first new wilderness designated in the national forest since 1984.

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

(a) Designation- In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the Mount Hood National Forest are designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) BIG BOTTOM WILDERNESS- National Forest System land comprising approximately **XXXXXX** acres, as generally depicted on the map entitled `**XXXXXX**' and dated **XXXXXXXX**, 2006, which shall be known as the `Big Bottom Wilderness'.

(2) BULL OF THE WOODS WILDERNESS ADDITION- National Forest System land comprising approximately **XXXXXX** acres, as generally depicted on the map entitled `**XXXXXX**' and dated **XXXXXXXX**, 2006, is incorporated in and shall be considered to be a part of the Bull of the Woods Wilderness, as designated by section 3(4) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-328).

(3) COOPER SPUR WILDERNESS- National Forest System land comprising approximately **XXXXXX** acres, as generally depicted on the map entitled `**XXXXXX**' and dated **XXXXXXXX**, 2006, which shall be known as the `Cooper Spur Wilderness'.

(4) GORGE RIDGELINE WILDERNESS- National Forest System land comprising approximately **XXXXXX** acres, as generally depicted on the map entitled `**XXXXXX**' and dated **XXXXXXXX**, 2006, which shall be known as the `Gorge Ridgeline Wilderness'.

(5) MOUNT HOOD WILDERNESS ADDITIONS- National Forest System land comprising approximately **XXXXXX** acres, as generally depicted on the map entitled `**XXXXXX**' and dated **XXXXXXXX**, 2006, is incorporated in and shall be considered to be a part of the Mount Hood Wilderness, as designated by section 3 of the Wilderness Act (16 U.S.C. 1132).

(6) ROARING RIVER WILDERNESS- National Forest System land comprising approximately **XXXXXX** acres, as generally depicted on the map entitled `**XXXXXX**' and dated **XXXXXXXX**, 2006, which shall be known as the `Roaring River Wilderness'.

(7) SALMON-HUCKLEBERRY WILDERNESS ADDITION- National Forest System land comprising approximately

XXXXX acres, as generally depicted on the map entitled 'XXXXX' and dated XXXXXXX, 2006, is incorporated in and shall be considered to be a part of the Salmon-Huckleberry Wilderness, as designated by section 3(2) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-328).

(b) Maps and Legal Description-

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

(2) FORCE OF LAW- The maps referred to in subsection (a) and the legal descriptions prepared under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct technical errors in the maps and legal descriptions. The Secretary shall notify Congress of any change made in a map or legal description under the authority of this paragraph and the reason for the change.

(3) PUBLIC AVAILABILITY- The maps referred to in subsection (a) and the legal descriptions prepared under paragraph (1) shall be filed and made available for public inspection in the appropriate offices of the Forest Service.

(c) Character of Designated Land-

(1) EXCLUSION OF PRIVATE LAND- It is the intent of Congress that the wilderness areas designated or expanded by this section do not incorporate any private land in-holding. If any private land is inadvertently included within the boundaries of a wilderness area designated or expanded by this section, the Secretary of Agriculture shall ensure that the landowner continues to have reasonable access to the private land.

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

(3) NO PRECEDENT VALUE- Nothing in this subsection is intended to establish a precedent with regard to the designation of Federal land as wilderness by any provision of law enacted after the date of the enactment of this Act.

SEC. 103. ADMINISTRATION OF WILDERNESS AREAS.

(a) Management- Subject to valid existing rights, the National Forest System land designated as wilderness by section 102

shall be administered by the Secretary of Agriculture in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in the Wilderness Act to the effective date of such Act shall be considered to be a reference to the date of the enactment of this Act.

(b) Incorporation of Acquired Land and Interests- Any non-Federal land that is located within the boundaries of the National Forest System land designated as wilderness by section 102 and is acquired by the United States after the date of the enactment of this Act shall--

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

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

(c) Withdrawal- Subject to valid existing rights, the National Forest System land designated as wilderness by section 102 is withdrawn from all forms of--

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

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

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(d) Fire, Insect, and Disease Management Activities- In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report No. 98-40 of the 98th Congress, the Secretary of Agriculture may take such measures on the National Forest System land designated as wilderness by section 102 as are necessary for the control and prevention of fire, insects, and diseases.

(e) Snow Sensors and Stream Gauges- Nothing in this title prevents the installation and maintenance of hydrologic, meteorologic, or climatological instrumentation on the National Forest System land designated as wilderness by section 102 if the Secretary of Agriculture determines that hydrologic, meteorologic, or climatological instrumentation is appropriate to further the scientific, educational, and conservation purposes of the wilderness areas.

(f) Military Activities- Nothing in this Act precludes low-level overflights of military aircraft, the designation of new units of special airspace, or the use or establishment of military flight training routes over the National Forest System land designated as wilderness by section 102.

(g) Livestock- Grazing of livestock and the maintenance of existing facilities related to grazing on the National Forest System land designated as wilderness by section 102, where

established before the date of the enactment of this Act, shall be permitted to continue in accordance with--

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

(2) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(h) Fish and Wildlife Management-

(1) IN GENERAL- In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary of Agriculture may carry out management activities to maintain or restore fish and wildlife populations and fish and wildlife habitats on the National Forest System land designated as wilderness by section 102 if such activities are consistent with applicable wilderness management plans and carried out in accordance with applicable guidelines and policies. Nothing in this Act affects the jurisdiction of the State of Oregon with respect to fish and wildlife on the public land located in the State.

(2) BULL TROUT RESTORATION PROJECT- It is the intent of Congress that nothing in this title prevents the Secretary of Agriculture from conducting the Bull Trout restoration project underway as of the date of the enactment of this Act in Clear Branch Creek west of Lawrence Lake in order to restore historic trout populations and habitat.

(i) Continued Use by Members of Indian Tribes-

(1) ACCESS- In recognition of the past use of the National Forest System land designated as wilderness by section 102 by members of Indian tribes for traditional cultural and religious purposes, the Secretary of Agriculture shall ensure that Indian tribes have access to the wilderness areas for traditional cultural and religious purposes.

(2) TEMPORARY CLOSURES- In carrying out this subsection, the Secretary, at the request of an Indian tribe, may temporarily close to the general public one or more specific portions of the National Forest System land designated as wilderness by section 102 to protect the privacy of the members of the Indian tribe in the conduct of the traditional cultural and religious activities in the wilderness area. Any such closure shall be made in such a manner as to affect the smallest practicable area for the minimum period of time necessary for the activity to be carried out.

(3) APPLICABLE LAW- Access to the wilderness areas under this subsection shall be provided in accordance with

the Wilderness Act (16 U.S.C. 1131 et seq.) and Public Law 95-341 (commonly known as the American Indian Religious Freedom Act; 42 U.S.C. 1996 et seq.).

(j) Adjacent Management- Nothing in this Act creates protective perimeters or buffer zones around the National Forest System land designated as wilderness by section 102. The fact that nonwilderness activities or uses can be seen or heard from the designated wilderness shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

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

In the case of each wilderness area designated or expanded by section 102, it is the intent of Congress that the Secretary of Agriculture be able to provide for the maintenance of the foot bridge crossings in the wilderness area and, when needed, the replacement of the foot bridge crossings to ensure public access and safety.

TITLE II--WILD AND SCENIC RIVER DESIGNATIONS

SEC. 201. PURPOSE.

The purpose of this title is to designate approximately 23 miles of waterways within the Mount Hood National Forest as additions to the National Wild and Scenic Rivers System, which represents a 19 percent increase in the total length of all of the waterways in the national forest included in the system.

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

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

“(168) Mount Hood National Forest, Oregon- The following rivers within the Mount Hood National Forest in the State of Oregon, to be administered by the Secretary of Agriculture:

“(A) The 4.1 miles of the South Fork of the Clackamas River, as generally depicted on the map entitled “[insert map name]” and dated **XXXXX**, 2006 (in this paragraph referred to as the “map”), as a scenic river.

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

- ` (C) The 3.7 miles of the Middle Fork of the Hood River, as generally depicted on the map, as a scenic river.
- ` (D) The 4.6 miles of the South Fork of the Roaring River, as generally depicted on the map, as a wild river.
- ` (E) The 2.9 miles of the Upper Reach of the Zig Zag River, as generally depicted on the map, as a wild river.'

SEC. 203. RELATION TO MIDDLE FORK IRRIGATION DISTRICT.

- (a) No Impact on Water Rights or Flow Requirements- The designation of the Middle Fork of the Hood River as a **XXX** river by paragraph (168)(C) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)), as added by section 202, is not intended to have any impact on water rights or flow requirements with regard to the Middle Fork Irrigation District.
- (b) Exclusion of Operational Areas- The area of the Middle Fork of the Hood River designated as a **XXX** river by such paragraph does not include any portion of the operation area of the Middle Fork Irrigation District.

TITLE III--RECREATION

SEC. 301. PURPOSE.

The purpose of this title is to recognize and support recreation as a dynamic social and economic component of the legacy and future of the Mount Hood National Forest.

SEC. 302. RETENTION OF MOUNT HOOD NATIONAL FOREST LAND USE FEES FROM SPECIAL USE AUTHORIZATIONS.

- (a) Special Account- The Secretary of the Treasury shall establish a special account in the Treasury for Mount Hood National Forest.
- (b) Deposits- Except as provided in section 7 of the Act of April 24, 1950 (commonly known as the Granger-Thye Act; 16 U.S.C. 580d), the National Forest Organizational Camp Fee Improvement Act of 2003 (title V of division F of Public Law 108-107; 16 U.S.C. 6231 et seq.), Public Law 106-206 (commonly known as the Commercial Filming Act; 16 U.S.C. 4601-6d), and the Federal Lands Recreation Enhancement Act (title VIII of division J of Public Law 108-477; 16 U.S.C. 6801 et seq.), all land use fees from special use authorizations, such as recreation residences, resorts, winter recreation resorts, communication

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

(c) Availability- Amounts in the special account established under subsection (a) shall remain available, without further appropriation and until expended, for expenditure as provided in section 303. Upon request of the Secretary of Agriculture, the Secretary of the Treasury shall transfer to the Secretary of Agriculture from the special account such funds as the Secretary of Agriculture may request. The Secretary shall accept and use the funds in accordance with section 303.

SEC. 303. USE OF FUNDS IN SPECIAL ACCOUNT TO SUPPORT RECREATION.

(a) Authorized Uses- The Secretary of Agriculture shall use funds received from the special account under section 302(c) for the following purposes related to Mount Hood National Forest:

- (1) Trail maintenance, interpretive programs, and other activities and projects to improve recreational services to the public.
- (2) Cooperative environmental restoration projects with non-Federal partnership groups and associations.
- (3) Law enforcement and rescue and recovery efforts.
- (4) Improving administration of special use authorizations.
- (5) Preparation of documents required under the National Environmental Policy Act of 1969 in connection with the improvement or development of recreational opportunities.

(b) Allocation Requirements- Of the total funds received by the Secretary of Agriculture from the special account under section 302(c) for a fiscal year, the Secretary shall allocate the funds as follows:

- (1) 95 percent of the funds to Mount Hood National Forest.
- (2) 5 percent of the funds to the Regional Office for the Pacific Northwest Region of the Forest Service to develop needed policy and training to support programs in wilderness areas, special uses, trails, developed and dispersed recreation, and interpretation related to Mount Hood National Forest.

SEC. 304. ANNUAL REPORTING REQUIREMENT.

The Secretary of Agriculture shall submit to Congress an annual report specifying--

- (1) the total funds received by the Secretary from the special account under section 302(c) for the preceding fiscal year;
- (2) how the funds were allocated and expended; and
- (3) the results from such expenditures.

SEC. 305. MOUNT HOOD NATIONAL FOREST RECREATIONAL ADVISORY COUNCIL.

(a) Establishment and Purpose- The Secretary of Agriculture shall establish an advisory council (to be known as the `Mount Hood National Forest Recreational Advisory Council') for the purpose of providing advice and recommendations to the Forest Service on planning and implementing recreation enhancements in Mount Hood National Forest, including advice and recommendations regarding how the funds in the special account established under section 302 should be requested and expended.

(b) Duties- The Advisory Council shall--

(1) review projects proposed by the Secretary for Mount Hood National Forest regarding--

(A) installation, repair, maintenance, and facility enhancement related directly to visitor enjoyment, visitor access, and health and safety, such as--

(i) improvements of trails, including trails used for hiking, biking, and off-highway vehicles;

(ii) water system improvements; and

(iii) personal sanitation facilities improvements;

(B) interpretation, visitor information, visitor services, visitor needs assessments, mapping, signage, Leave-No-Trace materials, and wilderness rangers;

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

(D) law enforcement related to public use and recreation, such as law enforcement at recreation events, search and rescue operations, illegal trail building investigations, and enforcement;

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

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

(4) provide opportunities for citizens, organizations, Indian tribes, the Forest Service, and other interested parties to participate openly and meaningfully, beginning at the early stages of the development of projects described in paragraph (1).

(c) Appointment-

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

(2) INITIAL APPOINTMENT- The Regional Forester shall make initial appointments to the Advisory Council not later than 180 days after the date of the enactment of this Act.

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

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

(d) Composition of Advisory Council- The Advisory Council shall be composed of 13 members, selected so that the following activities and interest groups are represented:

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

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

(3) Mountain biking.

(4) Hunting and fishing.

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

(6) Local environmental groups.

(7) Winter motorized recreation, such as snowmobiling.

(8) Permitted ski areas.

(9) Forest products industry.

(10) Affected Indian tribes.

(11) Local government interests, such as a county commissioner or city mayor in an elected position representing a county or city directly adjacent or included within Mount Hood National Forest.

(12) A resident of Government Camp.

(13) The State of Oregon.

(e) Chairperson- The chairperson of the Advisory Council shall be selected by a majority of the council.

(f) Other Council Authorities and Requirements-

(1) STAFF ASSISTANCE- The Secretary of Agriculture shall provide staff assistance to the Advisory Council from Federal employees under the jurisdiction of the Secretary.

(2) MEETINGS- All meetings of the Advisory Council shall be announced at least one week in advance in a local newspaper of record and shall be open to the public.

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

(g) Limitation on Administrative Assistance- Not more than five percent of the funds allocated under section 303(b)(1) to Mount Hood National Forest for a fiscal year may be used to provide administrative assistance to the Advisory Council during that fiscal year.

SEC. 306. CONSIDERATION OF CONVERSION OF FOREST ROADS TO RECREATIONAL USES.

(a) Evaluation of Currently Closed Roads-

(1) CONSIDERATION FOR RECREATIONAL USE- As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall make a determination regarding whether the Forest Service roads in Mount Hood National Forest that were selected before that date for closure and decommissioning, but have not yet been decommissioned, should be converted to recreational uses to enhance recreational opportunities in the national forest, such as conversion for use as single-track trails for mountain bikes. In evaluating the feasibility and suitability of converting the Forest Service roads to recreational uses, and the types of recreational uses to be authorized, the Secretary shall take into account the environmental and economic impacts of implementing the conversion and of the resulting recreational uses.

(2) PUBLIC PROCESS- The consideration and selection of Forest Service roads under this subsection for conversion to recreational uses, and the types of recreational uses to be authorized, shall be a public process, including consultation by the Secretary of Agriculture with the Mount Hood National Forest Recreational Advisory Council.

(b) Inclusion as Part of Future Closure Considerations- Whenever the Secretary of Agriculture considers a Forest Service road in Mount Hood National Forest for possible closure and decommissioning after the date of the enactment of this Act, the Secretary shall include as an alternative to decommissioning the road consideration of converting the road to recreational uses to enhance recreational opportunities in the Mount Hood National

Forest, such as conversion for use as single-track trails for mountain bikes.

SEC. 307. IMPROVED TRAIL ACCESS FOR PERSONS WITH DISABILITIES.

(a) Construction of Trail- The Secretary of Agriculture may enter into a contract with a partner organization or other person to design and construct a trail at a location selected by the Secretary in Mount Hood National Forest suitable for use by persons with disabilities.

(b) Public Process- The selection of the trail location under subsection (a) and the preparation of the design of the trail shall be a public process, including consultation by the Secretary of Agriculture with the Mount Hood National Forest Recreational Advisory Council.

(c) Funding- The Secretary of Agriculture may use funds in the special account established under section 302 to carry out this section.

TITLE IV--TRANSPORTATION

SEC. 401. PURPOSE.

The purpose of this title is to support the development of an integrated, multi-modal transportation plan for the Mount Hood region designed to achieve comprehensive solutions to transportation challenges in the region necessary to promote appropriate economic development, preserve landscapes, and enhance public safety.

SEC. 402. MOUNT HOOD REGION DEFINED.

In this title, the term 'Mount Hood region' means Mount Hood and the other areas immediately surrounding the mountain, as well as the Highway 26 and Highway 35 corridors in and near Mount Hood National Forest, other State, county, and Forest Service roads in and near the national forest, and the gateway communities along these corridors and roads.

SEC. 403. TRANSPORTATION PLAN.

(a) Forest Service Participation- The Secretary of Agriculture is authorized and directed to work with the State of Oregon to develop an integrated, multi-modal transportation plan for the Mount Hood region.

(b) Planning Process- The transportation plan shall conform with Federal and Oregon transportation planning requirements and be the product of a collaborative process, preferably through the use of a commission composed of interested persons appointed by the State, with representation from the Forest Service and local governments in the Mount Hood region.

(c) Scope of Plan- The transportation plan shall address both--
(1) transportation of people to and from areas outside the Mount Hood region on major corridors traversing the region; and
(2) transportation of people from place to place within the Mount Hood region.

(d) Specific Elements of Plan- At a minimum, the transportation plan shall consider the following:

- (1) Transportation alternatives between and among recreation areas and gateway communities within the Mount Hood region.
- (2) Park and ride facilities at gateway communities.
- (3) Intermodal transportation centers to link public transportation, parking, and recreation destinations.
- (4) A new interchange on Highway 26 in or near Government Camp.
- (5) Designation, maintenance, and improvements of alternative routes utilizing Forest Service and or State roads for emergency routes or improved access to, and travel within, the Mount Hood region.
- (6) Reconstruction of Highway 35 from Mineral Creek to Baseline Road to address ongoing debris flow locations.
- (7) Mechanisms for funding implementation of the plan, including Federal grants or appropriations, public-private partnerships, incremental tax financing, and other financing tools that link transportation infrastructure improvements with development.

(e) Completion- The transportation plan shall be completed within two years after the date on which funds are first made available under subsection (f) for the plan.

(f) Funding Source- Of the amounts appropriated under section 1117 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 23 U.S.C. 101 note; 119 Stat. 1177) for the Transportation, Community, and System Preservation Program, \$2,000,000 shall be made available to the State of Oregon for the preparation of the transportation plan for the Mount Hood region.

SEC. 404. STUDY REGARDING GONDOLA CONNECTION AND INTERMODAL TRANSPORTATION CENTER.

(a) Study Authorized- The Secretary of Agriculture shall conduct a study of the feasibility of establishing--

(1) a gondola connection between Timberline Lodge and Government Camp, Oregon, in the vicinity of the historic gondola corridor; and

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

(b) Consideration of Sites- In conducting the study under this section, the Secretary may include consideration of one or more possible sites for the gondola connection and intermodal transportation center.

TITLE V--FOREST AND WATERSHED STEWARDSHIP

SEC. 501. PURPOSE.

The purpose of this title is to promote forested landscapes resilient to catastrophic fire, insects, and disease, to protect homes and communities from property damage and threats to public safety, and to protect and enhance existing community or municipal watersheds.

SEC. 502. FOREST STEWARDSHIP PLAN.

(a) Preparation of Plan- The Secretary of Agriculture shall prepare a plan to address those areas of Mount Hood National Forest with a high incidence of insect or disease infestation (or both), heavily overstocked tree stands, or moderate-to-high risk of unnatural catastrophic wildfire for the purpose of improving condition class, which significantly improves the forest health and water quality.

(b) Improved Mapping- The preparation of the forest stewardship plan may include improved mapping of condition class 2 and condition class 3 areas and other areas identified in subsection (a) in Mount Hood National Forest.

(c) Public Participation- The Secretary of Agriculture shall prepare the forest stewardship plan in coordination with the resource advisory committee established under section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public 106-393; 16 U.S.C. 500 note) for Mount Hood National Forest and the public. Section 6(d) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(d)) also shall apply to the preparation (and any revision) of the plan.

(d) Completion- The Secretary of Agriculture shall complete development of the forest stewardship plan not later than one year after the date of the enactment of this Act.

(e) Duration of Plan- The forest stewardship plan shall cover a 10-year period.

(f) Implementation- The Secretary of Agriculture shall commence implementation of the forest stewardship plan not later than one year after completion of the plan. The plan is intended to be implemented using existing authorities available to the Secretary to manage Mount Hood National Forest to achieve the purpose specified in subsection (a). Nothing in this section grants the Secretary any authority to manage the national forest contrary to existing law.

SEC. 503. SUSTAINABLE BIOMASS UTILIZATION STUDY.

(a) Study Required- The Secretary of Agriculture shall conduct a study to assess the amount of long-term sustainable biomass available in the Mount Hood National Forest that, consistent with applicable law, could be made available as a raw material for--

(1) the production of electric energy, sensible heat, transportation fuel, or substitutes for petroleum-based products;

(2) dimensional lumber, fencing, framing material, poles, firewood, furniture, chips, pulp for paper; or

(3) other commercial purposes.

(b) Biomass Defined- In this section, the term 'biomass' means small diameter trees and understory vegetation that is removed from forested land as a by-product of forest restoration efforts.

SEC. 504. WATERSHED MANAGEMENT MEMORANDUMS OF UNDERSTANDING.

(a) Completion of Memorandums of Understanding- To the extent that memorandums of understanding or other legal agreements involving watersheds of Mount Hood National Forest do not exist between irrigation districts or municipalities and the Forest Service, the Secretary of Agriculture may complete memorandums of understanding that outline stewardship goals to manage the watersheds for water quality and water quantity.

(b) Elements of Memorandum- A memorandum of understanding involving a watershed of Mount Hood National Forest shall encourage adaptability, establish benchmarks regarding water quality and water quantity, and require monitoring to determine progress in meeting such benchmarks. The memorandum of understanding may restrict public access to areas of the watershed where appropriate.

(c) Public Process Required-

(1) COLLABORATION AND CONSULTATION- The Secretary of Agriculture shall ensure that the process by which the

Secretary enters into a memorandum of understanding with an irrigation district, local government, or other entity involving a watershed of Mount Hood National Forest is based on collaboration and cooperation between the Forest Service and local jurisdictions and other interested persons.

(2) PUBLIC MEETING REQUIRED- The Secretary and the other party or parties to the proposed memorandum of understanding shall hold at least one joint public meeting before completing a final draft of the memorandum of understanding.

(3) PUBLIC COMMENT- A draft memorandum of understanding also shall be open to public comment before being finalized.

TITLE VI --CRYSTAL SPRINGS WATERSHED MANAGEMENT UNIT

SEC. 601. PURPOSE.

The purpose of this title is to establish a special resources management unit to ensure protection of the quality and quantity of the Crystal Springs watershed as a clean drinking water source for the residents of Hood River County, Oregon, while also allowing visitors to enjoy its special scenic, natural, cultural, and wildlife values.

SEC. 602. ESTABLISHMENT OF CRYSTAL SPRINGS WATERSHED SPECIAL RESOURCES MANAGEMENT UNIT.

(a) Establishment- Effective as provided by section 605, the Secretary of Agriculture shall establish a special resources management unit in the State of Oregon consisting of all National Forest System land that is located within 200 yards from any point on the perimeter of the Crystal Springs Zone of Contribution, as determined by the Crystal Springs Water District, and other National Forest System land in and around the Inn at Cooper Spur and the Cooper Spur Ski Area, as depicted on the map entitled `XXXXXX' and dated XXXXXX, 2006 (in this subtitle referred to as the `official map').

(b) Designation- The special resources management unit established pursuant to subsection (a) shall be known as the Crystal Springs Watershed Special Resources Management Unit, in this title referred to as the `Management Unit'.

(c) Exclusion of Certain Land- The Management Unit does not include any National Forest System land otherwise covered by subsection (a) that is designated as wilderness by title I.

(d) Withdrawal- Subject to valid existing rights, National Forest System land included in the Management Unit are permanently withdrawn from all forms of appropriation under the public land laws, including the mining laws and mineral and geothermal leasing laws.

(e) Maps and Legal Description-

(1) SUBMISSION OF LEGAL DESCRIPTIONS- As soon as practicable after the effective date specified in section 605, the Secretary shall prepare and submit to Congress a legal description of the Management Unit.

(2) FORCE OF LAW- The map referred to in subsection (a) and the legal descriptions prepared under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct errors in the map and legal descriptions.

(3) PUBLIC AVAILABILITY- The map referred to in subsection (a) and the legal descriptions prepared under paragraph (1) shall be filed and made available for public inspection in the appropriate offices of the Forest Service.

SEC. 603. ADMINISTRATION OF MANAGEMENT UNIT.

(a) General Applicability of Existing Laws- Except as provided in this title, all other laws and regulations affecting National Forest System lands shall continue to apply to the National Forest System lands included in the Management Unit.

(b) Authorized Activities-

(1) PROCESS FOR ALLOWING ACTIVITIES- Only activities described in this subsection may occur in the Management Unit, and the Secretary of Agriculture may permit an activity described in this subsection to occur in the Management Unit only after the Secretary--

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

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

(C) provides advance notice, an opportunity to comment, and appeal rights regarding the activity to the general public.

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

(3) LEASE OF CERTAIN IMPROVEMENTS- The Secretary may lease improvements and facilities, in existence as of the effective date specified in section 605, within their

existing and designated footprints to one or more concessionaires.

(4) SALE OF CERTAIN IMPROVEMENTS- The Secretary may sell the improvements and facilities known as the Inn at Cooper Spur and the Cooper Spur Ski Area, as provided by subtitle A of title VIII.

(5) ROAD MAINTENANCE- Subject to subsection (d), the Secretary may maintain roads, in existence as of the effective date specified in section 605. Maintenance may include the installation of culverts and drainage improvements and other similar activities.

(6) FUEL REDUCTION IN PROXIMITY TO IMPROVEMENTS- The Secretary may permit non-commercial and pre-commercial fuel reduction up to 400 feet from historic and other structures on National Forest System land and homes on adjacent private lands.

(7) OTHER FUEL REDUCTION AND FOREST HEALTH ACTIVITIES- The Secretary may conduct fuel reduction and forest health management activities, with priority given to activities that restore previously harvested stands using non-commercial and pre-commercial means, including the removal of logging slash, smaller diameter material, and ladder fuels. The purpose of any fire risk reduction or forest health management activity conducted in the Management Unit shall be the maintenance and restoration of late-successional fire-resilient forest structures containing multi-storied canopies and the protection of water quality, water quantity, scenic, cultural natural and wildlife values. For purposes of this paragraph and paragraph (6), pre-commercial activities mean the cutting of smaller diameter trees from younger stands for the purposes specified in this paragraph and does not preclude the sale of trees cut for firewood or other similar useful purposes.

(c) Specifically Prohibited Activities- The following activities may not occur in the Management Unit, whether separately or as part of an activity authorized by subsection (b):

(1) New road construction or renovation of existing unused roads.

(2) Commercial timber harvesting.

(3) Domestic livestock grazing.

(4) The placement or maintenance of fuel storage tanks.

(5) The application of any toxic chemicals, including pesticides, rodenticides, herbicides, or retardants, for any purpose, except with the consent of the Crystal Springs Water District.

(d) Management Plan- In consultation with the Crystal Springs Water District, the Secretary of Agriculture shall adopt a management plan for the Management Unit that, while providing for the limited activities specifically authorized by subsection (b), protects the watershed from illegal dumping, human waste, fires, vandalism and other risks to water quality.

(e) Forest Road Closures- The Secretary of Agriculture may require the gating and closure to the general public of all Forest Service roads within the Management Unit, except for Cloud Cap Road (#Forest Road 3512).

(f) Private Land- Nothing in this section affects the use of, or access to, any private property in the Crystal Springs watershed by the owners of the private property and their guests.

(g) Relationship With Water District- Except as provided in this section, the Crystal Springs Water District has no authorities over management or use of National Forest System land included in the Management Unit.

SEC. 604. ACQUISITION OF LANDS.

(a) Acquisition Authority- The Secretary of Agriculture may acquire from willing landowners any lands located in the Crystal Springs Zone of Contribution within the boundaries of Mount Hood National Forest. Lands so acquired shall automatically be added to the Management Unit.

(b) Prohibition on Subsequent Conveyance- The Secretary may not sell, trade, or otherwise transfer ownership of any land within the Management Unit, including any of the land acquired under subsection (a) or received by the Secretary as part of the Cooper Spur-Government Camp land exchange authorized by subtitle A of title VIII and included within the Management Unit, to any person.

SEC. 605. EFFECTIVE DATE.

The Secretary of Agriculture shall establish the Management Unit within 30 days after the date of the final closing of the Cooper Spur-Government Camp land exchange authorized by subtitle A of title VIII. The Management Unit may not be established before final closing of the land exchange.

TITLE VII --LOCAL AND TRIBAL RELATIONSHIPS

SEC. 701. PURPOSE.

The purpose of this title is to recognize and support the ability of Native Americans to continue to gather first foods in the Mount

Hood National Forest using traditional methods and the central role of the State of Oregon and local governments in managing for issues dealing with natural and developed environments in the vicinity of the national forest.

SEC. 702. FIRST FOODS GATHERING AREAS.

(a) Priority Use Areas- The Secretary of Agriculture shall identify, establish, develop, and manage priority-use areas in Mount Hood National Forest for the gathering of first foods by members of Indian tribes with treaty-reserved gathering rights on lands encompassed by the national forest. The priority-use areas shall be identified, established, developed, and managed in a manner consistent with the memorandum of understanding entered into between the Department of Agriculture, the Bureau of Land Management, the Bureau of Indian Affairs, and the Confederated Tribes of the Warm Springs Reservation of Oregon (in this section referred to as the `Warm Springs Tribe') and dated April 23, 2003, and such further agreements as are necessary between the Secretary of Agriculture and the Warm Springs Tribe to carry out the purposes of this section.

(b) Priority Use- Members of Indian tribes with treaty-reserved gathering rights on lands encompassed by Mount Hood National Forest shall have exclusive rights to gather first foods in the priority-use areas established pursuant to subsection (a).

(c) Applicable Law- In considering and selecting National Forest System land for inclusion in a priority-use area under subsection (a), the Secretary of Agriculture shall comply with the land and resource management plan for Mount Hood National Forest and applicable laws.

(d) First Foods Defined- In this section, the term `first foods' means roots, berries, and plants on National Forest System land in Mount Hood National Forest that have been gathered for traditional and cultural purposes by members of Indian tribes with treaty-reserved gathering rights on lands encompassed by Mount Hood National Forest.

SEC. 703. FOREST SERVICE COORDINATION WITH STATE AND LOCAL GOVERNMENTS.

Congress encourages the Secretary of Agriculture to cooperate with the State of Oregon, local communities, counties, and Indian tribes in the vicinity of Mount Hood National Forest, and the heads of other Federal agencies to identify common ground, coordinate planning efforts around the national forest, and make the Federal Government a better partner in building cooperative

and lasting solutions for management of Mount Hood National Forest and non-Federal land in the vicinity of the national forest.

SEC. 704. SAVINGS PROVISIONS REGARDING RELATIONS WITH INDIAN TRIBES.

(a) Treaty Rights- Nothing in this Act is intended to alter, modify, enlarge, diminish, or extinguish the treaty rights of any Indian tribe, including the off-reservation reserved rights established by the Treaty of June 25, 1855, with the Tribes and Bands of Middle Oregon (12 Stat. 963). Section 702 is consistent with and intended to implement the gathering rights reserved by such treaty.

(b) Tribal Lands- Nothing in this Act is intended to affect lands held in trust by the Secretary of the Interior for Indian tribes or individual members of Indian tribes or other lands acquired by the Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of Indian tribes and individual members of Indian tribes.

(c) Hunting and Fishing- Nothing in this Act is intended to affect the laws, rules, and regulations pertaining to hunting and fishing under existing State and Federal laws and Indian treaties.

SEC. 705. IMPROVED NATURAL DISASTER PREPAREDNESS.

(a) Imposition of Standards- New development occurring on land conveyed by the Secretary of Agriculture under title VIII or undertaken or otherwise permitted by the Secretary of Agriculture on National Forest System land in Mount Hood National Forest after the date of the enactment of this Act shall be constructed or altered in compliance with one of the nationally recognized model building codes or wildland-urban interface codes and with other applicable nationally recognized codes.

(b) Inclusion of Standards in Land Conveyances- In the case of each of the land conveyances described in title VIII, the Secretary shall impose the requirements of subsection (a) as a condition on the conveyance of the Federal land under the conveyance.

(c) Effect on State and Local Law- To the maximum extent feasible, the codes imposed pursuant to subsection (a) shall be consistent with the nationally recognized codes adopted by the State of Oregon or political subdivisions of the State. This section shall not be construed to limit the power of the State of Oregon or a political subdivision of the State to implement or enforce

any law, rule, regulation, or standard concerning fire prevention and control.

(d) Enforcement- The codes imposed pursuant to subsection (a) may be enforced by the same entities otherwise enforcing building codes regarding new development occurring on land conveyed by the Secretary of Agriculture under title VIII.

TITLE VIII--LAND CONVEYANCES

Subtitle A--Cooper Spur-Government Camp Land Exchange

SEC. 801. PURPOSE.

The purpose of this subtitle is to recognize the years of work by local residents and political and business leaders from throughout the States of Oregon and Washington to protect the north side of Mount Hood and bring to culmination the land exchange authorized by section 802. Numerous public hearings have been held where broad public support has been voiced for the protection of Mount Hood and the consummation of the land exchange.

SEC. 802. COOPER SPUR-GOVERNMENT CAMP LAND EXCHANGE.

(a) Conveyance Required- The Secretary of Agriculture shall convey to Mt. Hood Meadows Oregon, Limited Partnership (in this subtitle referred to as `Mt. Hood Meadows'), all right, title, and interest of the United States in and to--

(1) a parcel of National Forest System land in Mount Hood National Forest consisting of approximately 80 acres in Government Camp, Clackamas County, Oregon, as depicted on the map entitled `XXXXXXXX' and dated XXXXX , 2006 (in this subtitle referred to as the `official map'); and

(2) a parcel of National Forest System land in Mount Hood National Forest consisting of approximately 40 acres in Government Camp, as depicted on the official map.

(b) Consideration- As consideration for the conveyance under subsection (a), Mt. Hood Meadows, Meadows North, LLC, and North Face Inn, LLC, shall convey to the United States all right, title, and interest of these entities in and to--

(1) a parcel of private land consisting of approximately 770 acres at Cooper Spur, as depicted on the official map;

(2) all buildings, furniture, fixtures, and equipment at the Inn at Cooper Spur covered by the appraisal described in subsection (c)(1);

- (3) the 1,350 acre special use permit for the Cooper Spur Ski Area, as depicted on the official map; and
- (4) all buildings, furniture, fixtures, and equipment at the Cooper Spur Ski Area covered by the appraisal described in subsection (c)(1).

(c) Appraised Values of Conveyed Property-

(1) USE OF AGREED UPON APPRAISAL- For purposes of the land exchange authorized by this subtitle, the values of the land and other property to be conveyed under subsections (a) and (b) are derived from appraisals performed in 2005 by Steve A. Hall, MAI, CCIM, Oregon State Certified General Appraiser. The appraisals were performed in compliance with the Uniform Standards of Professional Appraisal Practice and the Uniform Appraisal Standards for Federal Land Acquisitions 2000 and have been reviewed and approved by the parties to the settlement agreement.

(2) APPRAISED VALUES-

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

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

(3) TREATMENT OF EXCESS CONSIDERATION- The amount by which the appraised value of the land and other property conveyed by Mt. Hood Meadows, Meadows North, LLC, and North Face Inn, LLC, under subsection (b) exceeds the appraised value of the land conveyed by the Secretary under subsection (a), \$1,725,000, represents a donation to the United States.

(d) Completion of Land Exchange- The Secretary of Agriculture shall complete all legal and regulatory processes required in connection with the conveyances under this section and complete the closing of the conveyances within eight months after the date of the enactment of this Act.

(e) Reconveyance of Land and Improvements-

(1) PROHIBITION ON RECONVEYANCE OF LAND- The Secretary of Agriculture may not reconvey any of the land (as opposed to improvements thereon) acquired by the United States under subsection (b).

(2) LIMITATION ON RECONVEYANCE OF IMPROVEMENTS- Any subsequent sale or lease of improvements acquired under subsection (b) may not be made to Mt. Hood Meadows, or any successor thereof.

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

(a) Solicitation of New Concessionaire- Not later than 60 days after the date of the enactment of this Act, the Secretary of Agriculture shall prepare and publish a proposed prospectus in order to solicit a new concessionaire for the Inn at Cooper Spur and the Cooper Spur Ski Area within the new configuration of these establishments, as depicted on the official map. The Secretary may enter into the concession contract at any time after the closing of the land exchange under section 802.

(b) Competitive Process- Prospective concessionaires shall be able to bid competitively for the right to operate either the Inn at Cooper Spur or the Cooper Spur Ski Area (or both together) in an open process that considers all values, not just the highest dollar value.

(c) Consultation- The Secretary of Agriculture shall work collaboratively with Mt. Hood Meadows, Meadows North, LLC, and North Face Inn, LLC, the Hood River Valley Residents Committee, the Cooper Spur Wild and Free Coalition, and the Hood River County Commission in selecting a new concessionaire for the Inn at Cooper Spur and the Cooper Spur Ski Area and to prepare for the orderly and smooth transition of the operation of the Inn at Cooper Spur and the Cooper Spur Ski Area to the new concessionaire.

(d) Exclusion of Mt. Hood Meadows- Mt. Hood Meadows, or any successor thereof, may not be selected as a concessionaire for the Inn at Cooper Spur and the Cooper Spur Ski Area. However, to allow an orderly and smooth transition of the operation of the Inn at Cooper Spur and the Cooper Spur Ski Area to a new concessionaire, the Secretary of Agriculture may issue a short-term Special Use Permit to Mt. Hood Meadows for a period not to exceed one year under terms similar to the Cooper Spur Ski Area Special Use Permit in existence on the date of the enactment of this Act. The permit may not be extended.

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

SEC. 804. GENERAL PROVISIONS.

(a) Applicable Law- Except as otherwise provided in this subtitle, the exchange of Federal land under section 802 is subject to the existing laws and regulations applicable to the conveyance and acquisition of land under the jurisdiction of the Forest Service. It is anticipated that the Secretary of Agriculture will be able to carry out the land exchange without the promulgation of additional regulations.

(b) Conditions on Acceptance- Title to the non-Federal land to be acquired by the Secretary of Agriculture under section 802 must be acceptable to the Secretary, and the conveyances shall be subject to valid existing rights of record. The non-Federal land shall conform with the title approval standards applicable to Federal land acquisitions.

(c) Legal Descriptions- The exact acreage and legal description of the land to be exchanged under section 802 shall be determined by surveys satisfactory to the Secretary of Agriculture. The costs of any such survey, as well as other administrative costs incurred to execute the land exchange, shall be borne by the Secretary.

Subtitle B--Other Land Exchanges

SEC. 811. LAND EXCHANGE, PORT OF CASCADE LOCKS-PACIFIC CREST NATIONAL SCENIC TRAIL.

(a) Conveyance Required- The Secretary of Agriculture shall convey to the Port of Cascade Locks, Cascade Locks, Oregon (in this section referred to as the `Port'), all right, title, and interest of the United States in and to a parcel of National Forest System land in the Columbia River Gorge National Scenic Area consisting of approximately 10 acres, as depicted on the map entitled `XXXXX' and dated XXXXX, 2006.

(b) Consideration- As consideration for the conveyance under subsection (a), the Port shall convey to the United States all right, title, and interest of the Port in and to a parcel of land consisting of approximately 40 acres, as depicted on the map referred to in subsection (a). The acquisition of this land will ensure the continued integrity of the Pacific Crest National Scenic Trail in the vicinity of Cascade Locks and the public's ability to access the north Oregon entrance of the trail.

(c) Equal Value Exchange- The values of the land to be exchanged under this section shall be determined pursuant to an appraisal acceptable to the Secretary of Agriculture and the Port. If the values are not equal, they shall be equalized in the manner provided in section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(d) Applicable Law- Except as otherwise provided in this section, the exchange of Federal land under this section is subject to the existing laws and regulations applicable to the conveyance and acquisition of land under the jurisdiction of the Forest Service. It is anticipated that the Secretary of Agriculture will be able to carry out the land exchange without the promulgation of additional regulations.

(e) Conditions on Acceptance- Title to the non-Federal land to be acquired by the Secretary of Agriculture under this section must be acceptable to the Secretary, and the conveyances shall be subject to valid existing rights of record. The non-Federal land shall conform with the title approval standards applicable to Federal land acquisitions.

(f) Legal Descriptions- The exact acreage and legal description of the land to be exchanged under this section shall be determined by surveys satisfactory to the Secretary of Agriculture. The costs of any such survey, as well as other administrative costs incurred to execute the land exchange, shall be borne by the Secretary.

(g) Completion of Land Exchange- The Secretary of Agriculture shall complete all legal and regulatory processes required in connection with the conveyances under this section and complete the closing of the conveyances within eight months after the date of the enactment of this Act.

END