

114TH CONGRESS  
1ST SESSION

# H. R. 3826

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 HOUSE OF REPRESENTATIVES

OCTOBER 23, 2015

Mr. WALDEN (for himself and Mr. BLUMENAUER) introduced the following bill; which was referred to the Committee on Natural Resources

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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,*

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-

1           retary and Mt. Hood Meadows shall jointly  
2           select”;

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

10          (iii) by adding at the end the fol-  
11          lowing:

12           “(iii) FINAL APPRAISED VALUE.—

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

24           “(II) EXCEPTION.—Subclause (I)  
25           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.”.

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