

115TH CONGRESS
1ST SESSION

S. 225

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

JANUARY 24, 2017

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) in subparagraph (D)—

13 (i) in clause (i), by striking “As soon
14 as practicable after the date of enactment
15 of this Act, the Secretary and Mt. Hood
16 Meadows shall select” and inserting “Not
17 later than 120 days after the date of en-
18 actment of the Mount Hood Cooper Spur
19 Land Exchange Clarification Act, the Sec-
20 retary and Mt. Hood Meadows shall jointly
21 select”;

22 (ii) in clause (ii), in the matter pre-
23 ceding subclause (I), by striking “An ap-
24 praisal under clause (i) shall” and insert-
25 ing “Except as provided under clause (iii),
26 an appraisal under clause (i) shall assign a

1 separate value to each tax lot to allow for
 2 the equalization of values and”; and

3 (iii) by adding at the end the fol-
 4 lowing:

5 “(iii) FINAL APPRAISED VALUE.—

6 “(I) IN GENERAL.—Subject to
 7 subclause (II), after the final ap-
 8 praised value of the Federal land and
 9 the non-Federal land are determined
 10 and approved by the Secretary, the
 11 Secretary shall not be required to re-
 12 appraise or update the final appraised
 13 value for a period of up to 3 years,
 14 beginning on the date of the approval
 15 by the Secretary of the final appraised
 16 value.

17 “(II) EXCEPTION.—Subclause (I)
 18 shall not apply if the condition of ei-
 19 ther the Federal land or the non-Fed-
 20 eral land referred to in subclause (I)
 21 is significantly and substantially al-
 22 tered by fire, windstorm, or other
 23 events.

24 “(iv) PUBLIC REVIEW.—Before com-
 25 pleting the land exchange under this Act,

1 the Secretary shall make available for pub-
 2 lic review the complete appraisals of the
 3 land to be exchanged.”; and

4 (B) by striking subparagraph (G) and in-
 5 serting the following:

6 “(G) REQUIRED CONVEYANCE CONDI-
 7 TIONS.—Prior to the exchange of the Federal
 8 and non-Federal land—

9 “(i) the Secretary and Mt. Hood
 10 Meadows may mutually agree for the Sec-
 11 retary to reserve a conservation easement
 12 to protect the identified wetland in accord-
 13 ance with applicable law, subject to the re-
 14 quirements that—

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