

Union Calendar No. 394

114TH CONGRESS
2^D SESSION

H. R. 3826

[Report No. 114-514]

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 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

APRIL 21, 2016

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on October 23, 2015]

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”.*

6 **SEC. 2. COOPER SPUR LAND EXCHANGE CLARIFICATION**
7 **AMENDMENTS.**

8 *Section 1206(a) of the Omnibus Public Land Manage-*
9 *ment Act of 2009 (Public Law 111–11; 123 Stat. 1018) is*
10 *amended—*

11 (1) *in paragraph (1)—*

12 (A) *in subparagraph (C), by striking “120*
13 *acres” and inserting “107 acres”; and*

14 (B) *in subparagraph (E)(i), by inserting*
15 *“improvements,” after “buildings,”; and*

16 (2) *in paragraph (2)—*

17 (A) *in subparagraph (D)—*

18 (i) *in clause (i), by striking “As soon*
19 *as practicable after the date of enactment of*
20 *this Act, the Secretary and Mt. Hood Mead-*
21 *ows shall select” and inserting “Not later*
22 *than 120 days after the date of the enact-*
23 *ment of the Mount Hood Cooper Spur Land*
24 *Exchange Clarification Act, the Secretary*
25 *and Mt. Hood Meadows shall jointly select”;*

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

8 (iii) by adding at the end the fol-
9 lowing:

10 “(iii) *FINAL APPRAISED VALUE.*—

11 “(I) *IN GENERAL.*—Subject to
12 subclause (II), after the final appraised
13 value of the Federal land and the non-
14 Federal land are determined and ap-
15 proved by the Secretary, the Secretary
16 shall not be required to reappraise or
17 update the final appraised value for a
18 period of up to 3 years, beginning on
19 the date of the approval by the Sec-
20 retary of the final appraised value.

21 “(II) *EXCEPTION.*—Subclause (I)
22 shall not apply if the condition of ei-
23 ther the Federal land or the non-Fed-
24 eral land referred to in subclause (I) is

1 *significantly and substantially altered*
2 *by fire, windstorm, or other events.*

3 “(iv) *PUBLIC REVIEW.*—*Before com-*
4 *pleting the land exchange under this Act,*
5 *the Secretary shall make available for pub-*
6 *lic review the complete appraisals of the*
7 *land to be exchanged.”; and*

8 *(B) by striking subparagraph (G) and in-*
9 *serting the following:*

10 “(G) *REQUIRED CONVEYANCE CONDI-*
11 *TIONS.*—*Prior to the exchange of the Federal and*
12 *non-Federal land—*

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

19 “(I) *the conservation easement*
20 *shall be consistent with the terms of the*
21 *September 30, 2015, mediation between*
22 *the Secretary and Mt. Hood Meadows;*
23 *and*

24 “(II) *in order to take effect, the*
25 *conservation easement shall be final-*

1 *ized not later than 120 days after the*
2 *date of enactment of the Mount Hood*
3 *Cooper Spur Land Exchange Clarifica-*
4 *tion Act; and*

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

13 *“(I) to cross the trails with roads,*
14 *utilities, and infrastructure facilities;*
15 *and*

16 *“(II) to improve or relocate the*
17 *trails to accommodate development of*
18 *the Federal land.*

19 *“(H) EQUALIZATION OF VALUES.—*

20 *“(i) IN GENERAL.—Notwithstanding*
21 *subparagraph (A), in addition to or in lieu*
22 *of monetary compensation, a lesser area of*
23 *Federal land or non-Federal land may be*
24 *conveyed if necessary to equalize appraised*
25 *values of the exchange properties, without*

1 *limitation, consistent with the requirements*
2 *of this Act and subject to the approval of the*
3 *Secretary and Mt. Hood Meadows.*

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

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