

CONGRESSIONAL RECORD -- SENATE

110th Congress, 1st Session

153 Cong Rec S 2025

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

February 15, 2007

REFERENCE: Vol. 153, No. 29

SECTION: Senate

SPEAKER: Mr. PRYOR; Mr. LAUTENBERG; Ms. CANTWELL; Mr. LEAHY; Mrs. FEINSTEIN; Mr. CORNYN; Mr. ROCKEFELLER; Mr. LUGAR; Ms. COLLINS; Mr. SMITH; Mr. LOTT; Mr. SPECTER; Mr. REID; Mr. FEINGOLD; Mr. HARKIN; Mr. SCHUMER; Ms. CLINTON; Mr. KENNEDY; Mr. COLEMAN; Mr. DODD; Mr. HATCH; Mr. DURBIN; Mr. AKAKA; Mr. WYDEN

TEXT: [*2025]

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By Mr. WYDEN (for himself and Mr. Smith):

S. 647. A bill to designate certain land in the State of Oregon as **wilderness**, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, it has been more than 200 years since Lewis and Clark first laid eyes on Mount Hood. Today, I propose, with Senator Smith, that the spectacular mountain, seen first by our pioneers, should be preserved for all time.

The Lewis and Clark Mount Hood **Wilderness** Act of 2007, which we introduce today, is similar to the bill Senator Smith and I introduced in the last Congress. It does include several improvements that came about from comments and constructive suggestions [*2089]

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from a variety of groups at home in Oregon.

The legislation also includes input from the Energy and Natural Resources Committee. We appreciate their input and believe their views can help speed the bill's passage.

In tribute to the great river-dependent journey of Lewis and Clark, our legislation adds nine free-flowing stretches of rivers to the National Wild and Scenic River System. This reflects the views of Oregonians, but, frankly, I hear it from folks in the Midwest, where the Presiding Officer lives, and from people from every nook and cranny in this country who have all come to treasure our spectacular mountain.

This legislation contains a number of provisions of the original Mount Hood legislation I introduced in 2004. The bill protects the lower elevation forests surrounding Mount Hood and the Columbia River Gorge as Lewis and Clark saw them. These forests embody the natural beauty of our home State. They provide the clean water necessary for the survival of threatened steelhead, Coho, and Chinook salmon. They provide critical habitat and diverse ecosystems for elk, deer, lynx, and the majestic bald eagle. These are the forests that provide unparalleled recreational opportunities for Oregonians and the scores and scores of visitors we get from

Minnesota and every other part of the country as well.

But the legislation I offer today with Senator Smith differs from the bill I introduced several years ago because it responds to the many comments we have heard. We have received thousands of comments on our proposed legislation. Some comments came as a result of the general public meetings I held at home in Oregon. Many of the meetings lasted over 3 hours. Everybody who wanted to speak was given the opportunity to do so. Other comments came from the second Mount Hood summit that was held at Timberline Lodge, hosted by Congressmen Walden and Blumenauer. My staff and I met with over 100 community groups and local governments, the members of the Oregon congressional delegation, the Governor, and the Bush administration. More comments came from calls and letters from Oregonians who are saying that now, now, now is the time to preserve Mount Hood.

Overwhelmingly, these comments have urged that we build on Oregon's **wilderness** system. This goal is as important today as it was in 1804, when Lewis and Clark first viewed Mount Hood; in 1964, when the **Wilderness** Act was passed; or in 1984, when **wilderness** protections were last designated on Mount Hood. It is time to plan now to protect this treasure for future generations.

The Mount Hood National Forest is the seventh most visited national forest in our country. In the 22 years that have elapsed since any new **wilderness** has been designated on Mount Hood, the population in the local counties has increased significantly—25 percent in Multnomah County, 24 percent in Hood River County, and 28 percent in Clackamas County.

The predominant public use of this urban forest is nonmechanized activities such as hiking, camping, and fishing. With increasing emphasis on wild scenery, unspoiled wildlife habitats, free-flowing rivers, **wilderness**, and the need for opportunities for diverse outdoor recreation, sometimes it seems we are in jeopardy of loving our wild places to death. We all see Americans coming together to make sure the most special places are protected for future generations.

A few years ago, the Forest Service made a proposal to limit the number of people who could hike on the south side of Mount Hood. Suffice it to say, the public outcry in opposition was enormous. It seems to me, rather than tell people they are going to be restricted from using our public lands, part of the solution for Mount Hood lies in providing more opportunities for them to enjoy the mountain's great places. We ought to ensure that the Mount Hood National Forest can meet the increased demand for outdoor experiences, and the legislation I offer today with Senator Smith provides these opportunities. Hundreds of people spoke at the public meetings I held throughout the State. I have received 2,500 written comments urging additional **wilderness** on Mount Hood. There are a few key areas the citizens continually come back and refer to:

First, by astonishing numbers, they want to see additional **wilderness** on Mount Hood. A large number of Oregonians didn't think enough **wilderness** had been included, for example, in the legislation that was considered by the other body.

A second area is mountain biking. Some mountain bikers expressed concern that their recreation opportunities not be unfairly curtailed. Senator Smith and I had many discussions with them to ensure that would not be the case.

Third, fire protection and forest health was something referred to by many Oregonians. Citizens were concerned about the health of the forest. Those living in towns on the mountain and the gorge were concerned about fire protection in their communities, and we sought to address those issues as well.

An additional concern was developed recreation, with some citizens worried about maintaining a role for developed recreation, such as skiing, on Mount Hood.

In each of these areas, Senator Smith and I tried to follow up and be responsive to what citizens at home were saying.

With respect to additional **wilderness**, there are currently 189,200 acres of designated **wilderness** in the Mount Hood National Forest. This bill increases **wilderness** on Mount Hood by designating approximately 128,000 acres of new **wilderness**.

The bill adds the areas surrounding the oldest Mount Hood **wilderness**-the mountain itself-which was designated in the original **Wilderness** Act of 1964. These additions include cathedral old growth forests, special trails, lava beds that were created during the Mount Hood eruptions, and much of the legendary route that Oregon's pioneers used when they came to our great State.

To the north and west of the mountain, we add the viewshed of the Columbia Gorge to the current Mark O. Hatfield **Wilderness**. These areas encompass the spectacular ridges that frame the gorge that we marvel at from I-84 and include perhaps the greatest concentration of waterfalls in all of North America.

To the southwest of the mountain, we add lands to the current Salmon Huckleberry **Wilderness** to conserve their diverse wildlife and protect unique recreational areas such as those around the extremely popular Mirror Lake. These lands include Alder Creek, the source of drinking water for the city of Sandy, and that city unanimously endorsed the draft proposal.

Over to the east are proposed additions to the Badger Creek **Wilderness** area. These areas provide a critical link between westside forests and eastside ecosystems. This area is known for its spectacular colors in the fall and the best deer and elk hunting in our entire Mount Hood National Forest.

Among the areas we are protecting is the newly designated Richard L. Kohnstamm Memorial area. It is dedicated in honor of Mr. Kohnstamm who restored the historic Timberline Lodge built originally by the Works Progress Administration in 1937. Our new 2007 bill adds 2,730 acres of Marion County lands in the Bull of the Woods **Wilderness** Additions, while removing lands where users identified potential conflicts.

Second, in the area of wild and scenic rivers, we protect over 79 miles of wild and scenic rivers on nine free-flowing rivers. This protects some of the most pristine rivers in our State. Among those proposed rivers are the picturesque waterfalls and glacial outwash of the East Fork of the Hood River, and the ancestral hunting and fishing grounds of Fish Creek. Over 17 miles of extraordinary salmon and steelhead habitat on the Collowash River have also been added for protection under our legislation.

Mountain biking is an area where there has been a lot of debate. We believed the local riders raised valid concerns, and we took two steps. First, we proposed the Mount Hood National Recreation Area. This area was so popular in our last bill that Senator Smith and I decided to greatly expand it to include 34,640 acres, an increase of over 16,000 additional acres. It is going to offer permanent environmental protection to those beautiful areas, while [*2090]

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providing mountain bikers, recreational users, and others an opportunity to enjoy recreation on the mountain.

Additionally, I made boundary adjustments to ensure that all open mountain biking trails were not included in this proposed legislation.

With respect to fire protection and forest health, we tried to make clear that where there are

healthy, older trees, they should not be harvested on Mount Hood or in the gorge. Older healthy stands are most resistant to fire and disease. However, there is an enormous backlog of overcrowded plantation, second growth that really ought to be thinned. The legislation includes provisions that would give the Forest Service a mandate to prepare an assessment for promoting forests resilient to fire, insects, and disease. This also includes provisions to study and encourage the development of biomass in conjunction with forest health work.

We happen to think that biomass is one of the most exciting new fields for Oregonians to get into. The opportunity to generate clean energy, help small rural communities, create family wage jobs, is something that we should not miss out on. This legislation tries to tap the potential for progress in the biomass field as well.

Finally, we add fire-safe community zones so that the Secretary of Agriculture will construct a system of fire-safe buffer zones around the communities of Cascade Locks and Government Camp.

With respect to developed recreation, we wanted to facilitate recreational opportunities in this area and thus adopted a provision that came from the other body known as "fee retention" that would establish a special account for the Mount Hood National Forest.

In addition, in order to help address growth while ensuring access to recreational opportunities, we have adopted provisions originally coming, again, from language from the other body directing the Secretary of Agriculture and the State of Oregon to develop an integrated transportation plan for the Mount Hood region.

I commend particularly my colleague in the other body, Congressman Blumenauer, one of the real pioneers in thinking about transportation.

Finally, with respect to key relationships with our tribes and our local governmental bodies, we have incorporated provisions on local and tribal relationships, emphasizing the rich history of the Mount Hood area and affirming the rights of Native peoples to access the mountains as they have for generations.

The protections of these important Oregon places is going to depend on the hard work and dedication of all Oregonians. I am very pleased-I am summing up, and the Senate has been patient in giving me this extra time-to say that this has been a bipartisan effort by the Oregon congressional delegation. Senator Smith joins me in introducing this legislation. We believe this brings together our county commissioners, entrepreneurs, environmentalists, Chamber of Commerce, State-elected officials, the Governor. All of those who feel so strongly about protecting Mount Hood rolled up their sleeves, went to work, and joined myself and Senator Smith to try to find common ground to make sure that Mount Hood would be protected for all time.

We are looking forward to perfecting the legislation together in the coming weeks and looking forward to seeing a swift adoption by Congress.

The grandeur of Mount Hood and our special treasures is pretty much in the chromosomes of Oregonians. Protecting our treasures is something about which we feel so strongly. Today is a special day for us because, once again, the citizens of our State have come together and have worked with myself and Senator Smith to take action to protect our treasures.

Mr. President, Oregon's Mount Hood is a cherished State treasure. This wild place is often photographed, visited and enjoyed by scores of Oregonians and non-Oregonians. Today, I am introducing, along with my colleague Senator Smith, a bi-partisan Oregon **Wilderness** bill: the "Lewis and Clark Mount Hood **Wilderness** Act of 2007." This bill is similar to the one Senator Smith and I introduced in the last Congress, but it includes several improvements that resulted

from comments received from stakeholders. The bill also includes input from the Energy and Natural Resources Committee, which we hope will help speed the bill's passage. In tribute to the great riverdependent journey of Lewis and Clark, our legislation adds nine free-flowing stretches of rivers to the National Wild and Scenic River System. This reflects the Oregonian wish to protect but also actively experience our State's treasures.

This bill contains many elements of the Mount Hood bill I introduced in 2004, while also incorporating many new provisions to protect and improve the Mount Hood region. This bill protects the lower elevation forests surrounding Mount Hood and the Columbia River Gorge as Lewis and Clark saw them. These forests embody the natural beauty of Oregon. They provide the clean water necessary for the survival of threatened steelhead, Coho and Chinook salmon. These forests provide critical habitat and diverse ecosystems for elk, deer, lynx and the majestic bald eagle. And these are the forests that provide unparalleled recreational opportunities for Oregonians and our visitors.

But the bill I introduce today differs from the bill I introduced 2 years ago because it responds to the many comments I heard in the ensuing years. I received thousands of comments on proposed Mount Hood legislation. Some comments came as a result of the general public meetings I held in Oregon. Many of the meetings lasted over 3 hours, and everyone who wanted to speak was given an opportunity to do so. Other comments came from the second Mount Hood Summit held at Timberline Lodge hosted by Representatives Walden and Blumenauer. I and my staff met with over 100 community groups and local governments, the members of the Oregon congressional delegation, the Governor, and the Bush administration. And still more comments came from letters and phone calls from Oregonians.

Overwhelmingly, these comments urged me to protect and build on Oregon's **Wilderness** system. This goal is as important today as it was in 1804, when Lewis and Clark first viewed Mount Hood, 1964, when the **Wilderness** Act was passed, or 1984, when **wilderness** protections were last designated on Mount Hood-if not more so. To succeed, we must provide the tools that help us create a planned future on Mount Hood. This bill does both.

The Mount Hood National Forest is the seventh most visited National Forest in the United States. In the 22 years that have elapsed since any new **wilderness** has been designated in the Mount Hood area, the population in local counties has increased significantly-25 percent in Multnomah County, 24 percent in Hood River County, and 28 percent in Clackamas County.

The predominant public use of this urban forest is non-mechanized activity like hiking, camping, and fishing. With increasing emphasis on wild scenery, unspoiled wildlife habitats, free flowing rivers, **wilderness** and the need for opportunities for diverse outdoor recreation, sometimes it seems we are in jeopardy of "loving our wild places to death."

A few years ago, the Forest Service made a proposal to limit the number of people that could hike the south side of Mount Hood and the public outcry was enormous. Seems to me, rather than tell people that they are going to be restricted from using our public lands, part of the solution for the future of the Mountain lies in providing more opportunities for them to enjoy the Mountain's great places. We should ensure the Mount Hood National Forest can meet the increased use and demand for outdoor experiences-my bill will provide those opportunities.

Of the hundreds of people who attended the meetings I held throughout the State of Oregon, the vast majority spoke in favor of more **wilderness**. Additionally, I have received more than 2,500 written comments supporting additional **wilderness** for Mount Hood.

This is what I have heard: First and foremost, I heard that Oregonians in astonishing numbers support protecting Mount Hood and the Columbia River Gorge with additional **wilderness**. A large number of Oregonians didn't think that enough **wilderness** areas had been included in the House proposal. [*2091]

Some mountain bikers expressed concerns that their recreation opportunities not be unfairly curtailed.

Some people were worried about forest health, and those living in towns on the mountain and in the gorge were concerned about fire protection for their communities.

Some people were worried about maintaining a role for developed recreation, like skiing, on Mt. Hood.

This is what my bill does to address those concerns: There are currently 189,200 acres of designated **wilderness** in the Mount Hood National Forest. This bill increases **wilderness** on Mount Hood by designating approximately 128,600 new acres of **wilderness**.

This bill adds the areas surrounding the oldest Mt. Hood **Wilderness**-the mountain itself-which was designated in the original **Wilderness** Act of 1964. These additions include cathedral old growth forests, the historic Tilly Jane trail, lava beds that were created during the Mt. Hood eruptions, and much of the legendary route that Oregon's pioneers used when they were settling our great State. To the north and west of the mountain, I would add the viewshed of the Columbia Gorge to the current Mark O. Hatfield **wilderness**. These areas encompass the spectacular ridges framing the Gorge that we all marvel at from 1-84 and include perhaps the greatest concentration of waterfalls in North America. To the southwest of the mountain I add lands to the current Salmon Huckleberry **Wilderness** to conserve their diverse wildlife and protect unique recreational areas like those around popular Mirror Lake. These lands include Alder Creek, the source of drinking water for the City of Sandy, which unanimously endorsed the draft proposal. Over to the east are proposed additions to the Badger Creek **Wilderness**. These areas provide a critical link between Westside forests and Eastside ecosystems. This area is known for beautiful fall color and the best deer and elk hunting in the entire Mount Hood National Forest. Among the areas we are protecting is the newly designated Richard L. Kohnstamm Memorial Area. It is dedicated in honor of Mr. Kohnstamm who restored the historic Timberline Lodge-built originally by the Works Progress Administration in 1937-to its former grandeur. Our new 2007 bill adds 2730 acres of Marion County lands in the Bull of the Woods **Wilderness** Additions, while removing lands where users identified potential conflicts.

My proposal seeks to protect over 79.6 miles of wild and scenic rivers on nine free flowing rivers. This includes some of the most pristine and beautiful rivers in Oregon. Among those proposed rivers are the picturesque waterfalls and glacial outwash of the East Fork of the Hood River, and the ancestral hunting and fishing grounds of Fish Creek. Over 17 miles of superb salmon and steelhead habitat on the Collowash River have also been proposed for protection.

I believe that local riders raised some valid concerns, so I did two things. I have proposed Mount Hood National Recreation Area. This area was so popular in our last bill that Senator Smith and I decided to greatly expand it to include 34,640 acres-an increase of over 16,700 acres. It will offer greater, permanent environmental protections to those beautiful areas, while providing mountain bikers and other recreational users an opportunity to continue to recreate in these areas. Additionally, I made boundary adjustments to ensure all open mountain biking trails were not included in my proposed **wilderness**.

I protect **wilderness**, where there are healthy, older trees that should never be harvested on Mount Hood or in the Gorge. Older, healthy stands are the most resistant to fire and disease. However, there is an enormous backlog of over-crowded, plantation, second-growth that should be thinned. My bill includes provisions that would give the Forest Service a mandate to prepare an assessment for promoting forests resilient to fire, insects and disease. This also includes

provisions to study and encourage the development of biomass in conjunction with forest health work. In addition, I added fire safe community zones so that the Secretary will construct a system of fire safe buffer zones around the communities of Cascade Locks and Government Camp.

In order to facilitate developed recreation opportunities, I have adopted the House provisions establishing a "feeretention" provision that will establish an account for the Mount Hood National Forest. In addition, in order to help address growth while ensuring access to recreational opportunities, I have adopted provisions, originally coming from the language passed in the House last Congress, directing the Secretary and the State of Oregon to develop an integrated transportation plan for the Mount Hood region.

I have also incorporated provisions on local and tribal relationships emphasizing the rich history of the Mount Hood region and affirming the rights of Native peoples to access the mountain's resources, as they have for generations.

The protection of these important Oregon places will depend on the hard work and dedication of all Oregonians and particularly that of my Oregon colleagues here in the Congress. I am especially pleased that Senator Smith has joined me in developing this bipartisan legislation and putting forth our proposal for **wilderness**. I am hopeful everyone will pull together: county Commissioners, environmentalists, entrepreneurs, chambers of commerce, State elected officials, the Governor, and the Oregon delegation here in the Capitol. I look forward to perfecting legislation together in the coming weeks, and seeing its swift adoption by Congress thereafter. Then the grandeur of Mount Hood and other Oregon treasures can be assured for future generations.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 647

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.-This Act may be cited as the "Lewis and Clark Mount Hood **Wilderness** Act of 2007".

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

Sec.1.Short title; table of contents.

Sec.2.Definitions.

TITLE I-DESIGNATION OF **WILDERNESS** AREAS

Sec.101.Designation of Lewis and Clark Mount Hood **wilderness** areas.

Sec.102.Richard L. Kohnstamm Memorial Area.

Sec.103.Map and legal descriptions.

Sec.104.Administration.

Sec.105.Buffer zones.

Sec.106.Fire safe community zones.

Sec.107.Fish and wildlife; hunting and fishing.

Sec.108.Fire, insects, and diseases.

Sec.109.Land reclassification.

Sec.110.Valid existing rights and withdrawal.

Sec.111.Maintenance and replacement of foot bridges in **wilderness** areas.

TITLE II-DESIGNATION OF STREAMS FOR WILD AND SCENIC RIVER PROTECTION IN THE MOUNT HOOD AREA

Sec.201.Purpose.

Sec.202.Wild and Scenic River designations, Mount Hood National Forest.

Sec.203.Impact on water rights and flow requirements.

Sec.204.Culvert replacement.

Sec.205.Protection for Hood River, Oregon.

TITLE III-MOUNT HOOD NATIONAL RECREATION AREA

Sec.301.Designation.

TITLE IV-TRANSPORTATION AND COMMUNICATION SYSTEMS

Sec.401.Definition of Mount Hood region.

Sec.402.Transportation plan.

Sec.403.Study relating to gondola connection and intermodal transportation center.

Sec.404.Burial of power lines.

Sec.405.Clarification of treatment of State highways.

TITLE V-LAND EXCHANGE

Subtitle A-Cooper Spur-Government Camp Land Exchange

Sec.501.Purposes.

Sec.502.Definitions.

Sec.503.Cooper Spur-Government Camp land exchange.

Sec.504.Concessionaires at the Inn at Cooper Spur and the Cooper Spur Ski Area.

Subtitle B-Port of Cascade Locks Land Exchange

Sec.511.Definitions.

Sec.512.Land exchange, Port of Cascade Locks-Pacific Crest National Scenic Trail.

Subtitle C-Hunchback Mountain Land Exchange and Boundary Adjustment

Sec.521.Definitions.

Sec.522.Hunchback Mountain land exchange, Clackamas County.

Sec.523.Boundary adjustment. [*2092]

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TITLE VI-MOUNT HOOD NATIONAL FOREST AND WATERSHED STEWARDSHIP

Sec.601.Findings and purpose.

Sec.602.Forest stewardship assessment.

Sec.603.Sustainable biomass utilization study.

Sec.604.Watershed management memoranda of understanding.

Sec.605.Termination of authority.

TITLE VII-CRYSTAL SPRINGS WATERSHED SPECIAL RESOURCES MANAGEMENT UNIT

Sec.701.Findings and purpose.

Sec.702.Establishment of Crystal Springs Watershed Special Resources Management Unit.

Sec.703.Administration of Management Unit.

Sec.704.Acquisition of lands.

Sec.705.Effective date.

TITLE VIII-LOCAL AND TRIBAL RELATIONSHIPS

Sec.801.Findings and purpose.

Sec.802.First foods gathering areas.

Sec.803.Forest Service coordination with State and local governments.

Sec.804.Savings provisions regarding relations with Indian tribes.

Sec.805.Improved natural disaster preparedness.

TITLE IX-RECREATION

Sec.901.Findings and purpose.

Sec.902.Retention of Mount Hood National Forest land use fees from special use authorizations.

Sec.903.Use of funds in special account to support recreation.

Sec.904.Annual reporting requirement.

Sec.905.Mount Hood National Forest Recreational Working Group.

Sec.906.Consideration of conversion of forest roads to recreational uses.

Sec.907.Improved trail access for persons with disabilities.

TITLE X-AUTHORIZATION OF APPROPRIATIONS

Sec.1001.Authorization of appropriations.

SEC. 2. DEFINITIONS.

In this Act:

(1) Indian tribe.-The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act ([25 U.S.C. 450b](#)).

(2) Mountain bike.-The term "mountain bike" does not include a motorized vehicle.

(3) Secretary.-The term "Secretary" means-

(A) when used in reference to Forest Service land, the Secretary of Agriculture; and

(B) when used in reference to Bureau of Land Management land, the Secretary of the Interior.

(4) State.-The term "State" means the State of Oregon.

TITLE I-DESIGNATION OF **WILDERNESS** AREAS

SEC. 101. DESIGNATION OF LEWIS AND CLARK MOUNT HOOD **WILDERNESS** AREAS.

In accordance with the **Wilderness** Act ([16 U.S.C. 1131 et seq.](#)), the following areas in the State are designated as **wilderness** areas and as components of the National **Wilderness** Preservation System:

(1) Badger creek **wilderness** additions.-Certain Federal land managed by the Forest Service, comprising approximately 4,139 acres, as generally depicted on the maps entitled "Badger Creek" and "Bonney Butte", dated February 2007, which are incorporated in, and considered to be a part of, the Badger Creek **Wilderness**, as designated by section 3(3) of the Oregon **Wilderness** Act of 1984 ([16 U.S.C. 1132 note](#); [98 Stat. 273](#)).

(2) Bull of the woods **wilderness** addition.-Certain Federal land managed by the Forest Service, comprising approximately 9,814 acres, as generally depicted on the map entitled "Bull of the Woods", dated February 2007, which is incorporated in, and 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](#); [98 Stat. 273](#)).

(3) Clackamas **wilderness**.-Certain Federal land managed by the Forest Service and Bureau of Land Management, comprising approximately 11,532 acres, as generally depicted on the maps entitled "Clackamas Canyon", "Big Bottom", "Memaloose Lake", "South Fork Clackamas", "Sisi

Butte", and "Upper Big Bottom", dated February 2007, which shall be known as the "Clackamas **Wilderness**".

(4) Mark o. hatfield **wilderness** additions.-Certain Federal land managed by the Forest Service, comprising approximately 25,807 acres, as generally depicted on the maps entitled "Gorge Face" and "Larch Mountain", dated February 2007, which shall be known as the "Mark O. Hatfield **Wilderness** Additions".

(5) Mount hood **wilderness** additions.-Certain Federal land managed by the Forest Service, comprising approximately 20,230 acres, as generally depicted on the maps entitled "Elk Cove/Mazama", "Sandy Additions", "Tilly Jane", "Sand Canyon", "Twin Lakes", "Barlow Butte", "White River", and "Richard L. Kohnstamm Memorial Area", dated February 2007, which are incorporated in, and considered to be a part of, the Mount Hood **Wilderness** as designated under section 3(a) of the **Wilderness** Act ([16 U.S.C. 1132\(a\)](#)), and enlarged by section 3(d) of the Endangered American **Wilderness** Act of 1978 ([16 U.S.C. 1132](#) note; [92 Stat. 43](#)).

(6) Roaring river **wilderness**.-Certain Federal land managed by the Forest Service, comprising approximately 37,590 acres, as generally depicted on the map entitled "Roaring River **Wilderness**", dated February 2007, which shall be known as the "Roaring River **Wilderness**".

(7) Salmon-huckleberry **wilderness** additions.-Certain Federal land managed by the Forest Service, comprising approximately 16,704 acres, as generally depicted on the maps entitled "Alder Creek Addition", "Eagle Creek Addition", "Mirror Lake", "Inch Creek", "Salmon River Meadows", and "Hunchback Mountain", dated February 2007, which are incorporated in, and 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; [98 Stat. 273](#)).

(8) Lower white river **wilderness**.-Certain Federal land managed by the Forest Service and Bureau of Land Management, comprising approximately 2,844 acres, as generally depicted on the map entitled "Lower White River", dated February 2007, which shall be known as the "Lower White River **Wilderness**".

SEC. 102. RICHARD L. KOHNSTAMM MEMORIAL AREA.

(a) Designation.-Certain Federal land managed by the Forest Service, as generally depicted on the map entitled "Richard L. Kohnstamm **Wilderness**", dated February 2007, and including approximately 157 acres of designated **wilderness**, as generally depicted on the map entitled "Richard L. Kohnstamm **Wilderness**", dated February 2007, shall be known and designated as the "Richard L. Kohnstamm **Wilderness**".

(b) References.-Any reference in a law, map, regulation, document, paper, or other record of the United States to an area described in subsection (a) shall be deemed to be a reference to the Richard L. Kohnstamm **Wilderness**.

(c) Boundary.-

(1) In general.-The memorial area shall consist of land located within the boundary depicted on the map entitled "Richard L. Kohnstamm **Wilderness**", dated February 2007.

(2) Availability of map.-The map shall be on file and available for public inspection in the appropriate offices of the Forest Service.

SEC. 103. MAP AND LEGAL DESCRIPTIONS.

(a) In General.-As soon as practicable after the date of enactment of this Act, the Secretary shall file a map entitled "Lewis and Clark Mount Hood **Wilderness** Additions of 2007", dated February

2007, and a legal description of each **wilderness** area designated by this title, with-

- (1) the Committee on Energy and Natural Resources of the Senate; and
- (2) the Committee on Natural Resources of the House of Representatives.

(b) Force of Law.-The map and legal descriptions filed under subsection (a) shall have the same force and effect as if included in this Act, except that the Secretary may correct typographical errors in the map and each legal description.

(c) Public Availability.-Each map and legal description filed under subsection (a) shall be on file and available for public inspection in the appropriate offices of the Forest Service and Bureau of Land Management.

(d) Description of Lands.-The boundaries of the areas designated as **wilderness** by section 101 where generally depicted on the map as immediately adjacent to a utility right of way or a Federal Energy Regulatory Commission project boundary shall be 100 feet from the boundary of the right of way.

SEC. 104. ADMINISTRATION.

(a) In General.-Subject to valid existing rights, each area designated as **wilderness** by this Act shall be administered by the Secretary in accordance with the **Wilderness** Act ([16 U.S.C. 1131 et seq.](#)), except that-

- (1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and
- (2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the **wilderness**.

(b) Consistent Interpretation to the Public.-Notwithstanding their separate jurisdictions, the Secretary of Agriculture and the Secretary of the Interior shall collaborate to ensure that the **wilderness** areas designated by this title, if appropriate, are interpreted for the public as an overall complex related by-

- (1) common location in the Mount Hood-Columbia River Gorge region;
- (2) the abundant history of Native American use;
- (3) the epic journey of Lewis and Clark;
- (4) the pioneer settlement and growth of the State; and
- (5) water sources for more than 40 percent of the residents of the State.

(c) Incorporation of Acquired Land and Interests.-Any land within the boundary of a **wilderness** area designated by this Act that is acquired by the Federal Government shall-

- (1) become part of the **wilderness** area in which the land is located; and
- (2) be managed in accordance with this Act, the **Wilderness** Act ([16 U.S.C. 1131 et seq.](#)), and any other applicable law.

(d) **Wilderness** Areas Designated in National Recreation Areas.-Any portion of a **wilderness** area designated by section 101(a) that is located within a national recreation area shall be

administrated in accordance with the **Wilderness** Act ([16 U.S.C. 1131 et seq.](#)). [*2093]

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SEC. 105. BUFFER ZONES.

(a) In General.-As provided in the Oregon **Wilderness** Act of 1984 ([16 U.S.C. 1132](#) note; Public Law 98-328), Congress does not intend for designation of **wilderness** areas in the State under this title to lead to the creation of protective perimeters or buffer zones around each **wilderness** area.

(b) Activities or Uses up to Boundaries.-The fact that nonwilderness activities or uses can be seen or heard from within a **wilderness** area shall not, of itself, preclude the activities or uses up to the boundary of the **wilderness** area.

SEC. 106. FIRE SAFE COMMUNITY ZONES.

Consistent with the Mount Hood National Forest Management Plan and the Healthy Forests Restoration Act of 2003 ([16 U.S.C. 6501 et seq.](#)), the Secretary shall construct a strategic system of defensible fuel profile zones (including shaded fuelbreaks, thinning, individual tree selection, and other methods of vegetation management) between the **wilderness** boundary and the community boundary around Cascade Locks and Government Camp.

SEC. 107. FISH AND WILDLIFE; HUNTING AND FISHING.

As provided in section 4(d)(7) of the **Wilderness** Act ([16 U.S.C. 1133\(d\)\(7\)](#)), nothing in this section shall be construed as affecting the jurisdiction or responsibilities of the State with respect to fish and wildlife in the State.

SEC. 108. FIRE, INSECTS, AND DISEASES.

As provided in section 4(d)(1) of the **Wilderness** Act ([16 U.S.C. 1133\(d\)\(1\)](#)), within the **wilderness** areas designated by this Act, the Secretary of Agriculture (in collaboration with the Secretary of the Interior, where appropriate) may take such measures as are necessary to control fire, insects, and diseases, subject to such terms and conditions as the Secretary of Agriculture (in collaboration with the Secretary of the Interior where appropriate) determines to be desirable and appropriate.

SEC. 109. LAND RECLASSIFICATION.

(a) Oregon and California Railroad Land.-Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall identify any Oregon and California Railroad Land that is subject to section 201 of the Act of August 28, 1937 ([43 U.S.C. 1181](#)), within the boundary of the Clackamas **Wilderness**, as generally depicted on the map entitled "South Fork Clackamas", dated February 2007.

(b) Public Domain Land.-

(1) Definition of public domain land.-In this section, the term "public domain land"-

(A) has the meaning given the term "public land" in section 103 of the Federal Land Policy and Management Act of 1976 ([43 U.S.C. 1702](#)); and

(B) does not include any land managed under the Act of August 28, 1937 ([43 U.S.C. 1181a et seq.](#)).

(2) Identification.-Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall identify public domain land within the State that-

- (A) is approximately equal in acreage of land described in subsection (a); and
- (B) would be appropriate for administration in accordance with the Act of August 28, 1937 ([43 U.S.C. 1181a et seq.](#)).

(3) Maps.-Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress and publish in the Federal Register, 1 or more maps depicting the land identified under subsections (a) and this subsection.

(4) Reclassification.-After providing an opportunity for public comment, the Secretary of the Interior shall administratively reclassify-

- (A) the land described in subsection (a) as public domain land that is not subject to section 201 of the Act of August 28, 1937 ([43 U.S.C. 1181f](#)); and
- (B) the land described in this subsection as Oregon and California Railroad Land that is subject to the Act of August 28, 1937 ([43 U.S.C. 1181a et seq.](#)).

SEC. 110. VALID EXISTING RIGHTS AND WITHDRAWAL.

Subject to valid rights in existence on the date of enactment of this Act, the Federal land designated as **wilderness** by this Act 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.

SEC. 111. MAINTENANCE AND REPLACEMENT OF FOOT BRIDGES IN **WILDERNESS** AREAS.

(a) In General.-In the case of each **wilderness** area designated or expanded by section 102, it is the intent of Congress that the Secretary be able to provide for-

- (1) the maintenance of any foot bridge crossing located in a **wilderness** area; and
- (2) when needed, the replacement of the foot bridge crossings to ensure public access and safety.

(b) Minimum Tool Policies.-The Secretary shall carry out foot bridge replacement and maintenance work under subsection (a) subject to the minimum requirement for the administration of the area.

TITLE II-DESIGNATION OF STREAMS FOR WILD AND SCENIC RIVER PROTECTION IN THE MOUNT HOOD AREA

SEC. 201. PURPOSE.

The purpose of this title is to designate approximately 81 miles of waterways in the Mount Hood National Forest as additions to the National Wild and Scenic Rivers 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-

- (1) by redesignating paragraph (167) (relating to the Musconetcong River, New Jersey) as paragraph (169);
- (2) by designating the undesignated paragraph relating to the White Salmon River, Washington, as paragraph (167);
- (3) by designating the undesignated paragraph relating to the Black Butte River, California, as paragraph (168); and
- (4) by adding at the end the following:

"(170) South fork clackamas river.-The 4.2-mile segment of the South Fork Clackamas River from its confluence with the East Fork of the South Fork Clackamas to its confluence with the Clackamas River, to be administered by the Secretary as a wild river.

"(171) Eagle creek.-The 8.3-mile segment of Eagle Creek from its headwaters to the Mount Hood National Forest boundary, to be administered by the Secretary of Agriculture as a wild river.

"(172) Middle fork hood river.-The 3.7-mile segment of the Middle Fork Hood River from the confluence of Clear and Coe Branches to the north section line of section 11, township 1 south, range 9 east, to be administered by the Secretary of Agriculture as a scenic river.

"(173) South fork roaring river.-The 4.6-mile segment of the South Fork Roaring River from its headwaters to its confluence with Roaring River, to be administered by the Secretary of Agriculture as a wild river.

"(174) Zig zag river.-The 2.9-mile segment of the Zig Zag River from its headwaters to the Mount Hood **Wilderness** boundary, to be administered by the Secretary of Agriculture as a wild river.

"(175) Fifteenmile creek.-

"(A) In general.-The 11.1-mile segment of Fifteenmile Creek from its source at Senecal Spring to the eastern edge of the northwest quarter of section 20, township 2 south, range 12 east, to be administered by the Secretary of Agriculture in the following classes:

"(i) the 2.6-mile segment from its source at Senecal Spring to the Badger Creek **Wilderness** boundary, as a wild river;

"(ii) the 0.4-mile segment from the Badger Creek **Wilderness** boundary to the point 0.4 miles downstream, as a scenic river;

"(iii) the 7.9-mile segment from the point 0.4 miles downstream of the Badger Creek **Wilderness** boundary to the western edge of section 20, township 2 south, range 12 east as a wild river; and

"(iv) the 0.2-mile segment from the western edge of section 20, township 2 south, range 12 east, to the eastern edge of the northwest quarter of the northwest quarter of section 20, township 2 south, range 12 east as a scenic river.

"(B) Inclusions.-Notwithstanding section 3(b) of this Act, the lateral boundaries of both the wild river area and the scenic river area along Fifteenmile Creek shall include an average of not more than 640 acres per mile measured from the ordinary high water mark on both sides of the river.

"(176) East fork hood river.-The 13.5-mile segment of the East Fork Hood River from Oregon State Highway 35 to the Mount Hood National Forest boundary, to be administered by the Secretary of Agriculture as a recreational river.

"(177) Collawash river.-The 17.8-mile segment of the Collawash River from the headwaters of the East Fork Collawash to the confluence of the mainstream of the Collawash River with the Clackamas River, to be administered in the following classes:

"(A) the 11.0-mile segment from the headwaters of the East Fork Collawash River to Buckeye Creek, as a scenic river; and

"(B) the 6.8-mile segment from Buckeye Creek to the Clackamas River, as a recreational river.

"(178) Fish creek.-The 13.5-mile segment of Fish Creek from its headwaters to the confluence with the Clackamas River, to be administered by the Secretary of Agriculture as a recreational river.".

SEC. 203. IMPACT ON WATER RIGHTS AND FLOW REQUIREMENTS.

(a) Relation to Existing Requirements.-Congress does not intend for the designation of any portion of the Hood River under section 3(a) of the Wild and Scenic Rivers Act ([16 U.S.C. 1274\(a\)](#)), as amended by this Act, to have any impact on any water right or flow requirement relating to-

- (1) the Middle Fork Irrigation District;
- (2) the East Fork Irrigation District; or
- (3) the Mt. Hood Meadows Ski Resort.

(b) Exclusion of Operational Areas.-Congress does not intend for the designation of any portion of the Hood River under section 3(a) of the Wild and Scenic Rivers Act ([16 U.S.C. 1274\(a\)](#)), as amended by this Act, to include any portion of the operational area of-

- (1) the Middle Fork Irrigation District;
- (2) the East Fork Irrigation District; or
- (3) the Mt. Hood Meadows Ski Resort.

SEC. 204. CULVERT REPLACEMENT.

Culvert replacement carried out by the Forest Service or the Bureau of Land Management to improve fish passage and the ecology of the **wilderness** designated by this Act shall not be considered water and resource development. [*2094]

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SEC. 205. PROTECTION FOR HOOD RIVER, OREGON.

Section 13(a)(4) of the "Columbia River Gorge National Scenic Area Act" ([16 U.S.C. 544k\(a\)\(4\)](#)) is amended by striking "for a period not to exceed twenty years from the date of enactment of this Act,".

TITLE III-MOUNT HOOD NATIONAL RECREATION AREA

SEC. 301. DESIGNATION.

- (a) Designation.-In order to best provide for the protection, preservation, and enhancement of its recreational, ecological, scenic, watershed, and fish and wildlife values, there is hereby established the Mount Hood National Recreation Area within the Mount Hood National Forest.
- (b) Boundary.-The Mount Hood National Recreation Area shall consist of land located within the boundary depicted on the map entitled "Mount Hood National Recreation Area" and dated February 2007.
- (c) Availability of Map.-The map shall be on file and available for public inspection in the appropriate offices of the Forest Service and Bureau of Land Management.
- (d) Administration.-The Secretary shall administer the Mount Hood National Recreation Area in accordance with the laws, rules and regulations applicable to the national forests and the purposes and values identified in subsection (a). The Secretary shall only allow such uses as are consistent with the purposes and values identified in subsection (a).
- (e) Timber.-The cutting, sale, or removal of timber within the Mount Hood National Recreation Area may be permitted-
- (1) to the extent necessary to improve the health of the forest in a manner that-
 - (A) maximizes the retention of large trees as appropriate to the forest type, to the extent that those trees promote stands that are fire-resilient and healthy;
 - (B) improves the habitats of threatened, endangered, proposed, or sensitive species; or
 - (C) maintains or restores the composition and structure of the ecosystem by reducing the risk of uncharacteristic wildfire effects;
 - (2) to accomplish an approved management activity in furtherance of the purposes established by this subsection, if the cutting, sale, or removal of timber is incidental to the management activity; or
 - (3) for de minimus personal or administrative use within the Mount Hood National Recreation Area, where such use will not impair the purposes established by this subsection.
- (f) Road Construction.-No new or temporary roads are to be constructed or reconstructed except where it is required-
- (1) to protect the health and safety of individuals in cases of an imminent threat of flood, fire, or any other catastrophic event that, without intervention, would cause the loss of life or property;
 - (2) to conduct environmental cleanup required by the Federal Government;
 - (3) to allow for reserved or outstanding rights provided for by a statute or treaty;
 - (4) to prevent irreparable resource damage by an existing road;
 - (5) to rectify a hazardous road condition; or
 - (6) in conjunction with-

- (A) the continuation, extension, or renewal of a mineral lease on land that is under lease; or
- (B) a new mineral lease that is issued immediately after the expiration of an existing mineral lease.

TITLE IV-TRANSPORTATION AND COMMUNICATION SYSTEMS

SEC. 401. DEFINITION OF MOUNT HOOD REGION.

In this title, the term "Mount Hood region" means-

- (1) Mount Hood and the other land located adjacent to the mountain;
- (2) any segment of the Oregon State Highway 26 corridor that is located in or near Mount Hood National Forest;
- (3) any segment of the Oregon State Highway 35 corridor that is located in or near Mount Hood National Forest;
- (4) each other road of the Forest Service, State, or county that is located in and near Mount Hood National Forest; and
- (5) any gateway community located adjacent to any highway or road described in paragraph (2), (3), or (4).

SEC. 402. TRANSPORTATION PLAN.

(a) In General.-The Secretary shall participate with the State, local governments, and other Federal agencies in the development of an integrated, multimodal transportation plan for the Mount Hood region to achieve comprehensive solutions to transportation challenges in the Mount Hood region-

- (1) to promote appropriate economic development;
- (2) to preserve the landscape of the Mount Hood region; and
- (3) to enhance public safety.

(b) Planning Process.-The transportation plan under subsection (a) shall-

- (1) conform with Federal and Oregon transportation planning requirements; and
 - (2) be developed through 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 under subsection (a) shall address issues relating to-
- (1) the transportation of individuals to and from areas outside the Mount Hood region on major corridors traversing that region; and
 - (2) the transportation of individuals to and from locations that are located within the Mount Hood region.
- (d) Contents of Plan.-At a minimum, the transportation plan under subsection (a) shall consider-

- (1) transportation alternatives between and among recreation areas and gateway communities that are located within the Mount Hood region;
- (2) establishing park-and-ride facilities that shall be located at gateway communities;
- (3) establishing intermodal transportation centers to link public transportation, parking, and recreation destinations;
- (4) creating a new interchange on Oregon State Highway 26 that shall be located adjacent to or within Government Camp;
- (5) designating, maintaining, and improving alternative routes using Forest Service or State roads for-
 - (A) providing emergency routes; or
 - (B) improving access to, and travel within, the Mount Hood region;
- (6) reconstructing the segment of Oregon State Highway 35 that is located between Mineral Creek and Baseline Road to address ongoing debris flow locations; and
- (7) creating mechanisms for funding the implementation of the transportation plan under subsection (a), including-
 - (A) funds provided by the Federal Government;
 - (B) public-private partnerships;
 - (C) incremental tax financing; and
 - (D) other financing tools that link transportation infrastructure improvements with development.

(e) Completion of Plan.-Not later than 2 years after the date on which funds are first made available to carry out this section, the Secretary shall complete the transportation plan under subsection (a).

(f) Authorization of Appropriations.-There is authorized to be appropriated to carry out this section \$2,000,000.

SEC. 403. STUDY RELATING TO GONDOLA CONNECTION AND INTERMODAL TRANSPORTATION CENTER.

- (a) Feasibility Study.-The Oregon Department of Transportation, along with the participation of the Secretary, shall carry out a study of the feasibility of establishing-
 - (1) a gondola connection that-
 - (A) connects Timberline Lodge to Government Camp; and
 - (B) is located in close proximity to the site of the historic gondola corridor; and
 - (2) an intermodal transportation center to be located in close proximity to Government Camp.
- (b) Consideration of Multiple Sites.-In carrying out the feasibility study under subsection (a), the Secretary may consider 1 or more sites.

(c) Reliance on Past Studies.-To the extent that prior studies have been completed that can assist in the assessment of the Gondola connection, those may be utilized.

SEC. 404. BURIAL OF POWER LINES.

Because of the incongruent presence of power lines adjacent to **wilderness** areas, the Secretary may provide to Cascade Locks and Hood River County funds through the Forest Service State and Private Forestry program to bury ground power lines adjacent to the Mount Hood **wilderness** areas, including **wilderness** areas designated by this Act.

SEC. 405. CLARIFICATION OF TREATMENT OF STATE HIGHWAYS.

(a) Exclusion.-Any part of Oregon State Highway 35 or other any other State highway in existence on the date of enactment of this Act (including all existing rights-of-way and 150 feet on each side of the centerline, whichever is greater, that is adjacent to **wilderness** areas in the Mount Hood National Forest, including **wilderness** areas designated by this Act) shall be excluded from **wilderness** under this Act.

(b) No Net Effect.-The designation of **wilderness** or wild and scenic rivers under this Act or an amendment made by this Act shall not limit or restrict the ability of the State, and in consultation with the Forest Service-

(1) to operate, maintain, repair, reconstruct, protect, realign, expand capacity, or make any other improvement to Oregon State Highway 35 or any other State highway in existence on the date of enactment of this Act;

(2) to use any site that is not within a highway right-of-way to operate, maintain, repair, reconstruct, protect, realign, expand capacity, or make any other improvement to those highways; or

(3) to take any action outside of a highway right-of-way that is necessary to operate, maintain, repair, reconstruct, protect, realign, expand capacity, or make any other improvement to those highways.

(c) Flood Plain.-Congress encourages the carrying out of projects that will reduce the impact of Oregon State Highway 35 on the flood plain of the East Fork Hood River.

TITLE V-LAND EXCHANGE

Subtitle A-Cooper Spur-Government Camp Land Exchange

SEC. 501. PURPOSES.

The purposes of this subtitle are-

(1) 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

(2) to authorize the exchange of the Federal land and non-Federal land. [*2095]

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SEC. 502. DEFINITIONS.

In this subtitle:

- (1) County.-The term "County" means Hood River County, Oregon.
- (2) Exchange map.-The term "exchange map" means the map entitled "Cooper Spur-Government Camp Land Exchange" and dated September 2006.
- (3) Federal land.-The term "Federal land" means-
 - (A) the parcel of approximately 80 acres of National Forest System land in Mount Hood National Forest in Government Camp, Clackamas County, Oregon, as depicted on the exchange map; and
 - (B) the parcel of approximately 40 acres of National Forest System land in Mount Hood National Forest in Government Camp, Clackamas County, Oregon, as depicted on the exchange map.
- (4) Mt. hood meadows.-The term "Mt. Hood Meadows" means the Mt. Hood Meadows Oreg., Limited Partnership.
- (5) Non-federal land.-The term "non-Federal land" means-
 - (A) the parcel of approximately 770 acres of private land at Cooper Spur, as depicted on the exchange map;
 - (B) any buildings, furniture, fixtures, and equipment at the Inn at Cooper Spur and the Cooper Spur Ski Area covered by an appraisal described in section 503(d).
- (6) Secretary.-The term "Secretary" means the Secretary of Agriculture.
- (7) Trail map.-The term "trail map" means the map entitled "Government Camp Trail Map" and dated September 2006.

SEC. 503. COOPER SPUR-GOVERNMENt CAMP LAND EXCHANGE.

- (a) Conveyance of Federal Land.-Subject to the provisions of this section, if Mt. Hood Meadows offers to convey to the United States all right, title, and interest of Mt. Hood Meadows in and to the non-Federal land, the Secretary shall convey to Mt. Hood Meadows all right, title, and interest of the United States in and to the Federal land (other than any easements reserved under subsection (g)).
- (b) Conditions on Acceptance.-Title to the non-Federal land to be acquired by the Secretary under this section must be acceptable to the Secretary, and the conveyances shall be subject to valid existing rights of record and such terms and conditions the Secretary may prescribe. The non-Federal land shall conform with the title approval standards applicable to Federal land acquisitions.
- (c) Applicable Law.-Except as otherwise provided in this section, the Secretary shall carry out the land exchange under this section in accordance with section 206 of the Federal Land Policy and Management Act of 1976 ([43 U.S.C. 1716](#)).
- (d) Appraisals.-
 - (1) In general.-As soon as practicable after the date of enactment of this Act, the Secretary shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land.
 - (2) Requirements.-An appraisal under paragraph (1) shall-
 - (A) be conducted in accordance with nationally recognized appraisal standards, including-

(i) the Uniform Appraisal Standards for Federal Land Acquisitions developed by the Interagency Land Acquisition Conference; and

(ii) the Uniform Standards of Professional Appraisal Practice;

(B) incorporate the dates of the appraisals of the Federal land and non-Federal land performed in 2005 by Appraiser Steven A. Hall, MAI, CCIM; and

(C) be approved by the Secretary, the County, and Mt. Hood Meadows.

(e) Surveys.-

(1) In general.-The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(2) Costs.-The responsibility for the costs of any surveys conducted under paragraph (1), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the County.

(f) Deadline for Completion of Land Exchange.-It is the intent of Congress that, not later than 16 months after the date of enactment of this Act, the Secretary shall-

(1) complete all legal and regulatory processes required for the exchange of the Federal land and the non-Federal land; and

(2) close on the Federal land and the non-Federal land.

(g) Reservation of Easements.-As a condition of the conveyance of the Federal land, the Secretary shall reserve-

(1) a conservation easement to the Federal land to protect existing wetland on the conveyed parcels, as identified by the Oregon Department of State Lands, that allows equivalent wetland mitigation measures to compensate for minor wetland encroachments necessary for the orderly development of the Federal land; and

(2) a trail easement to the Federal land that allows-

(A) the nonmotorized functional use by the public of identified existing trails located on the Federal land, as depicted on the trail map;

(B) roads, utilities, and infrastructure facilities to cross the trails; and

(C) improvement or relocation of the trails to accommodate development of the Federal land.

SEC. 504. CONCESSIONAIRES AT THE INN AT COOPER SPUR AND THE COOPER SPUR SKI AREA.

(a) Prospectus.-Not later than 60 days after the date on which the land exchange is completed under section 503, the Secretary shall publish in the Federal Register a proposed prospectus to solicit 1 or more new concessionaires for the Inn at Cooper Spur and the Cooper Spur Ski Area, as reconfigured in accordance with the exchange map.

(b) Competitive Process.-Prospective concessionaires shall submit bids to compete for the right to operate the Inn at Cooper Spur, the Cooper Spur Ski Area, or both the Inn and the Ski Area.

(c) Considerations.-In selecting a concessionaire, the Secretary shall consider-

(1) which bid is highest in terms of monetary value; and

(2) other attributes of the bids submitted.

(d) Consultation.-The Secretary shall consult with Mt. Hood Meadows, Meadows North, LLC, North Face Inn, LLC, the Hood River Valley Residents Committee, the Cooper Spur Wild and Free Coalition, and the Hood River County Commission-

(1) in selecting a new concessionaire for the Inn at Cooper Spur and the Cooper Spur Ski Area; and

(2) in preparing 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.

(e) Treatment of Proceeds. -Any amounts received under a concession contract under this section shall-

(1) be deposited in the fund established under Public Law 90-171 (commonly known as the "Sisk Act") ([16 U.S.C. 484a](#)); and

(2) remain available to the Secretary until expended, without further appropriation, for use in the Mount Hood National Forest, with priority given to using amounts in the Hood River Ranger District for restoration projects on the North side of Mount Hood.

(f) Alternative Conveyance and Special Use Permit.-

(1) In general.-If the Secretary has not selected a concessionaire for the Inn at Cooper Spur and the Cooper Spur Ski Area by the date that is 1 year after the date on which the prospectus is published under subsection (a), the Secretary may-

(A) convey to the County, without consideration, the improvements described in section 502(5)(B); or

(B) continue to allow Mt. Hood Meadows to operate as the concessionaire while the Secretary continues to seek an alternate concessionaire.

(2) Special use permit.-If the Secretary conveys improvements to the County under paragraph (1)(A), the Secretary shall issue to the County a special use permit that would allow reasonable access to, and management of, the improvements under terms similar to the Cooper Spur Ski Area Special Use Permit.

Subtitle B-Port of Cascade Locks Land Exchange

SEC. 511. DEFINITIONS.

In this subtitle:

(1) Exchange map.-The term "exchange map" means the map entitled "Port of Cascade Locks-Pacific Crest National Scenic Trail Land Exchange" and dated June 2006.

(2) Federal land.-The term "Federal land" means the parcel of land consisting of approximately 10 acres of National Forest System land in the Columbia River Gorge National Scenic Area, as depicted on the exchange map.

(3) Non-federal land.-The term "non-Federal land" means the parcel of land consisting of

approximately 40 acres, as depicted on the exchange map.

(4) Port.-The term "Port" means the Port of Cascade Locks, Cascade Locks, Oregon.

(5) Secretary.-The term "Secretary" means the Secretary of Agriculture.

SEC. 512. LAND EXCHANGE, PORT OF CASCADE LOCKS-PACIFIC CREST NATIONAL SCENIC TRAIL.

(a) Conveyance Required.-Subject to the provisions of this section, if the Port offers to convey to the United States all right, title, and interest of the Port in and to the non-Federal land, the Secretary shall convey to the Port all right, title, and interest of the United States in and to the Federal land.

(b) Compliance With Existing Law.-Except as otherwise provided in this section, the Secretary shall carry out the land exchange under this section in the manner provided in section 206 of the Federal Land Policy Management Act of 1976 ([43 U.S.C. 1716](#)).

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

(d) Surveys.-

(1) In general.-The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(2) Costs.-The responsibility for the costs of any surveys conducted under paragraph (1), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the Port.

(e) Deadline for Completion of Land Exchange.-It is the intent of Congress that, not later than 16 months after the date of enactment of this Act, the Secretary shall-

(1) complete all legal and regulatory processes required for the exchange of the Federal land and the non-Federal land; and [*2096]

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(2) close on the Federal land and the non-Federal land.

Subtitle C-Hunchback Mountain Land Exchange and Boundary Adjustment

SEC. 521. DEFINITIONS.

In this subtitle:

(1) Boundary extension map.-The term "boundary extension map" means the map entitled "Mount Hood National Forest Hunchback Exchange Boundary Adjustment" and dated January 2007.

(2) County.-The term "County" means Clackamas County, Oregon.

(3) Exchange map.-The term "exchange map" means the map entitled "Hunchback Mountain Land Exchange-Clackamas County" and dated June 2006.

(4) Federal land.-The term "Federal land" means the parcel of land consisting of approximately 160 acres of National Forest System land in the Mount Hood National Forest, as depicted on the exchange map.

(5) Non-federal land.-The term "non-Federal land" means the parcel of land consisting of approximately 160 acres, as depicted on the exchange map.

(6) Secretary.-The term "Secretary" means the Secretary of Agriculture.

SEC. 522. HUNCHBACK MOUNTAIN LAND EXCHANGE, CLACKAMAS COUNTY.

(a) Conveyance Required.-Subject to the provisions of this section, if the County offers to convey to the United States all right, title, and interest of the County in and to the non-Federal land, the Secretary shall convey to the County all right, title, and interest of the United States in and to the Federal land.

(b) Compliance With Existing Law.-Except as otherwise provided in this section, the Secretary shall carry out the land exchange under this section in the manner provided in section 206 of the Federal Land Policy Management Act of 1976 ([43 U.S.C. 1716](#)).

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

(d) Surveys.-

(1) In general.-The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(2) Costs.-The responsibility for the costs of any surveys conducted under paragraph (1), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the County.

(e) Deadline for Completion of Land Exchange.-It is the intent of Congress that, not later than 16 months after the date of enactment of this Act, the Secretary shall-

(1) complete all legal and regulatory processes required for the exchange of the Federal land and the non-Federal land; and

(2) close on the Federal land and the non-Federal land.

SEC. 523. BOUNDARY ADJUSTMENT.

(a) In General.-The boundary of the Mount Hood National Forest is adjusted as depicted on the map entitled "Boundary extension map", dated January 2007.

(b) Availability of Boundary Extension Map.-The boundary extension map shall be on file and available for public inspection in the office of the Chief of the Forest Service.

(c) Correction Authority.-The Secretary may make minor corrections to the boundary extension map.

(d) Additions to the National Forest System.-The Secretary shall administer any land that is conveyed to the United States and is located in the Mount Hood National Forest in accordance with-

(1) the Act of March 1, 1911 (commonly known as the "Weeks Law") ([16 U.S.C. 480 et seq.](#)); and

(2) any laws (including regulations) applicable to the National Forest System.

(e) Authority of Secretary to Adjust Boundaries.-Nothing in this Act shall limit the authority or responsibility of the Secretary to adjust the boundaries of the Mount Hood National Forest under section 11 of the Act of March 1, 1911 ([16 U.S.C. 521](#)).

(f) Land and Water Conservation Fund.-For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 ([16 U.S.C. 460l-9](#)), the boundaries of the Mount Hood National Forest modified by this Act shall be considered to be the boundaries of the Mount Hood National Forest in existence as of January 1, 1965.

TITLE VI-MOUNT HOOD NATIONAL FOREST AND WATERSHED STEWARDSHIP

SEC. 601. FINDINGS AND PURPOSE.

The purpose of this title is to direct the Forest Service to prepare an assessment 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. It is the intent of Congress that site-specific forest health projects undertaken pursuant to this assessment shall be completed in accordance with existing law.

SEC. 602. FOREST STEWARDSHIP ASSESSMENT.

(a) Preparation of Assessment.-The Secretary of Agriculture shall prepare an assessment to identify the forest health needs in those areas of the 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. The Secretary may utilize existing information to complete the assessment. The assessment shall also identify specific projects to address these issues.

(b) Improved Mapping.-The assessment will include peer reviewed mapping of condition class 2 and condition class 3 areas and other areas identified in subsection (a) in Mount Hood National Forest.

(c) Completion.-The Secretary of Agriculture shall complete the assessment not later than 1 year after the date of enactment of this Act.

(d) Duration of Study.-The assessment shall cover a 10-year period.

(e) Implementation.-Not later than 1 year after completion of the assessment, the Secretary shall commence implementation of projects to address the needs identified in the assessment. These projects shall be implemented using authorities available to the Secretary to manage the Mount Hood National Forest to achieve the purpose specified in subsection (a).

(f) Delay.-During development of the assessment under this section, a forest management project that is unaffiliated with the assessment and has completed review as required under the

National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)) in accordance with existing law, need not be delayed in the event the Secretary fails to meet the deadline specified in subsection (c).

(g) Relation to Existing Law and Plans.-Nothing in this section grants the Secretary any authority to manage the Mount Hood National Forest contrary to existing law. The assessment conducted by the Secretary under this section shall not supersede, be considered a supplement or amendment to, or in any way affect the legal or regulatory authority of the Mount Hood National Forest Land and Resource Management Plan or the collection of documents entitled "Final Supplemental Environmental Impact Statement and Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl" and "Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest-Related Species Within the Range of the Northern Spotted Owl".

(h) Public Participation.-The Secretary shall provide an opportunity for interested persons to be involved in development of the assessment conducted by the Secretary under this section.

SEC. 603. 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, or pulp for paper; or
- (3) other commercial purposes.

(b) Definition.-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. 604. WATERSHED MANAGEMENT MEMORANDA OF UNDERSTANDING.

(a) Completion of Memoranda of Understanding.-To the extent that memoranda 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 memoranda 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 1 joint public meeting before completing a final draft of the memorandum of understanding.

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

SEC. 605. TERMINATION OF AUTHORITY.

The authority provided by this title shall terminate on the date that is 10 years after the date of enactment of this Act. [*2097]

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TITLE VII-CRYSTAL SPRINGS WATERSHED SPECIAL RESOURCES MANAGEMENT UNIT

SEC. 701. FINDINGS AND 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. 702. ESTABLISHMENT OF CRYSTAL SPRINGS WATERSHED SPECIAL RESOURCES MANAGEMENT UNIT.

(a) Establishment.-Effective as provided by section 705, the Secretary of Agriculture shall establish a special resources management unit in the State 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 "Crystal Springs Watershed Special Resources Management Unit" and dated June 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 705, 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 technical errors in the map and legal descriptions. The map of the Crystal

Springs Zone of Contribution is incorporated in this Act to delineate the boundaries of the Management Unit, and the delineation of these boundaries is not intended to affect the specific uses that may occur on private land within the boundaries of the Management Unit.

(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. 703. 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) when appropriate, provides to the general public advance notice of the activity, an opportunity to comment on the activity, and appeal rights regarding the activity.

(2) Recreation.-The Secretary may-

(A) continue to maintain recreational opportunities and trails, in existence in the Management Unit as of the effective date specified in section 705, within their existing and historic footprints or at an alternative location; and

(B) develop new footpaths or cross-county skiing trails in the Management Unit.

(3) Lease of certain improvements.-The Secretary may lease improvements and facilities, in existence in the Management Unit as of the effective date specified in section 705, within their existing and designated footprints to 1 or more concessionaires.

(4) Road maintenance.-Subject to subsection (d), the Secretary may maintain National Forest System roads, in existence in the Management Unit as of the effective date specified in section 705 or as directed by the management plan required by subsection (d). Maintenance may include the installation of culverts and drainage improvements and other similar activities.

(5) Fuel reduction in proximity to improvements and primary public roads.-To protect the water quality, water quantity, scenic, cultural, historic, natural, and wildlife values of the Management Unit, the Secretary may permit fuel reduction on National Forest System land in the Management Unit-

(A) extending up to 400 feet from structures on National Forest System land or structures on adjacent private land; and

(B) extending up to 400 feet from the Cooper Spur Road, the Cloud Cap Road, and the Cooper Spur ski area loop road.

(6) Other fuel reduction and forest health activities.-The Secretary may conduct fuel reduction and forest health management activities in the Management Unit, with priority given to activities that restore previously harvested stands, 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 fire-resilient forest structures containing late successional forest structure characterized by large trees and multi-storied canopies (where ecologically appropriate) and the protection of the water quality, water quantity, scenic, cultural, historic, natural, and wildlife values of the Management Unit.

(c) Specifically Prohibited Activities.-The following activities may not occur on National Forest System land in the Management Unit, whether separately or, except as provided in paragraph (2), as part of an activity authorized by subsection (b):

(1) New road construction or renovation of existing non-System roads.

(2) Projects undertaken for the purpose of harvesting commercial timber. The harvest of merchantable products that are by-products of activities conducted pursuant to subsection (b)(6) and carried out pursuant to a stewardship contract are not prohibited by this subsection.

(3) Commercial 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.-

(1) Plan required.-Within 9 months after the effective date specified in section 605, 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.

(2) Consultation and public participation.-The Secretary shall prepare the management plan in consultation with the Crystal Springs Water District, the Cooper Spur Wild and Free Coalition, and Hood River County and provide for public participation as described in subsection (b)(1)(C).

(e) Forest Road Closures.-As part of the management plan required by subsection (d), the Secretary of Agriculture may provide for the closure or gating to the general public of any Forest Service road within the Management Unit, except for the road commonly known as Cloud Cap Road.

(f) Private Land.-Nothing in this section affects the use of, or access to, any private property within the Crystal Springs Zone of Contribution by the owners of the private property and their guests. The Secretary is encouraged to work with interested private landowners who have voluntarily agreed to cooperate with the Secretary to further the purposes of this title.

(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. 704. 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 V and included within the Management Unit, to any person.

SEC. 705. EFFECTIVE DATE.

The Secretary of Agriculture shall establish the Management Unit as soon as practicable after the final closing of the Cooper Spur-Government Camp land exchange authorized by subtitle A of title V, but in no case later than 30 days after the date of the final closing of such land exchange. The Management Unit may not be established before final closing of the land exchange.

TITLE VIII-LOCAL AND TRIBAL RELATIONSHIPS

SEC. 801. FINDINGS AND 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 and local governments in management of issues dealing with natural and developed environments in the vicinity of the national forest. [*2098]

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SEC. 802. 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, in cooperation with the Mount Hood National Forest, 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) Definition.-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. 803. FOREST SERVICE COORDINATION WITH STATE AND LOCAL GOVERNMENTS.

Congress encourages the Secretary of Agriculture to cooperate with the State, 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. 804. 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. 805. IMPROVED NATURAL DISASTER PREPAREDNESS.

- (a) Imposition of Standards.-New development occurring on land conveyed by the Secretary of Agriculture under title V 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-
 - (1) 1 of-
 - (A) the nationally recognized model building codes; and
 - (B) nationally recognized wildland-urban interface codes and standards; or
 - (2) 1 of the other applicable nationally recognized codes and standards relating to-
 - (A) fire protection infrastructure in the wildland urban interface;
 - (B) land development in wildland areas; or
 - (C) wild fire hazard mitigation.
- (b) Inclusion of Standards in Land Conveyances.-In the case of each of the land conveyances described in title V, 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 and development standards adopted or referenced by the State or political subdivisions of the State. This section shall not be construed to limit the power of the State 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 codes, ordinances, and standards relating to new development occurring on land conveyed by the Secretary of Agriculture under title V.

TITLE IX-RECREATION

SEC. 901. FINDINGS AND 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. 902. 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. 460l-d](#)), 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 received after the date which is 6 months after the date of enactment of this Act 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.-Subject to subsection (d), amounts in the special account established under subsection (a) shall remain available, without further appropriation and until expended, for expenditure as provided in section 903. 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 903.

(d) Termination of Special Account.-The special account required by subsection (a) shall terminate at the end of the 10-year period beginning on the date of enactment of this Act. Any amounts remaining in the special account at the end of such period shall be transferred to the general fund of the Treasury.

SEC. 903. 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 902(c) for the following purposes related to Mount Hood National Forest:

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

(A) the improvement and maintenance of trails, including trails used for hiking, biking, snowmobiling, horseback riding, cross-country skiing, and off-highway vehicles;

(B) water system improvements; and

(C) personal sanitation facilities improvements.

(2) Interpretive programs, visitor information, visitor services, visitor needs assessments, mapping, signage, Leave-No-Trace materials, and **wilderness** rangers.

- (3) Habitat restoration directly related to recreation.
- (4) Cooperative environmental restoration projects with non-Federal partnership groups and associations, including groups and associations that work with youth.
- (5) Law enforcement and rescue and recovery efforts related to public use and recreation, such as law enforcement at recreation events, search and rescue operations, illegal recreation activities investigations, and enforcement.
- (6) Improving administration of special use authorizations.
- (7) Preparation of documents required under the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)) in connection with the improvement or development of recreational opportunities.
- (8) Other projects or partnerships recommended by the Mount Hood National Forest Recreation Working Group established by section 905.

(b) Allocation Requirements.-Of the total funds received by the Secretary of Agriculture from the special account under section 902(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. 904. 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 902(c) for the preceding fiscal year;
- (2) how the funds were allocated and expended; and
- (3) the results from such expenditures.

SEC. 905. MOUNT HOOD NATIONAL FOREST RECREATIONAL WORKING GROUP.

(a) Establishment and Purpose.-The Secretary of Agriculture shall establish the Mount Hood National Forest Recreational Working Group 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 [*2099]

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account established under section 902 should be requested and expended.

- (b) Duties.-The Working Group shall-
- (1) review projects proposed by the Secretary for Mount Hood National Forest under section 903(a);

- (2) propose projects under section 903(a) to the Secretary;
- (3) recommend the amount of funds from the special account established under section 902 to be used to fund projects under section 903; 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 under section 903(a).

(c) Appointment.-

- (1) Appointment and term.-The Regional Forester, acting on behalf of the Secretary of Agriculture, shall appoint the members of the Working Group for a term of 3 years beginning on the date of appointment. A member may be reappointed to subsequent 3-year terms.
- (2) Initial appointment.-The Regional Forester shall make initial appointments to the Working Group not later than 180 days after the date of enactment of this Act.
- (3) Vacancies.-The Regional Forester shall make appointments to fill vacancies on the Working Group as soon as practicable after the vacancy has occurred.
- (4) Compensation.-Members of the Working Group shall not receive any compensation for their service on the Working Group.

- (5) Nominations.-The State, county, and Tribal governments for each county directly adjacent to or containing any portion of Mount Hood National Forest may submit a nomination to the Regional Forester for each activity or interest group category described in subsection (d).
- (6) Broad and balanced representation.-In appointing the members of the Working Group, the Regional Forester shall provide for a balanced and broad representation from the recreation community.

- (d) Composition of Working Group.-The Working Group shall be composed of 15 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 holder of a recreation residence permit.
 - (12) Local government interests, such as a county commissioner or city mayor in an elected position representing a county or city directly adjacent or containing any portion of Mount Hood National Forest.
 - (13) A resident of Government Camp.
 - (14) The State.
 - (15) Operators of campground facilities open to the general public.
- (e) Chairperson.-The chairperson of the Working Group shall be selected by a majority of the Working Group.
- (f) Other Working Group Authorities and Requirements.-
- (1) Staff assistance.-The Secretary of Agriculture shall provide staff assistance to the Working Group from Federal employees under the jurisdiction of the Secretary.
 - (2) Meetings.-All meetings of the Working Group shall be announced at least 1 week in advance in a local newspaper of record and shall be open to the public.
 - (3) Records.-The Working Group shall maintain records of the meetings of the Working Group and make the records available for public inspection.
- (g) Limitation on Administrative Assistance.-Not more than 5 percent of the funds allocated under section 903(b) to Mount Hood National Forest for a fiscal year may be used to provide administrative assistance to the Working Group during that fiscal year.
- (h) Federal Advisory Committee Act.-The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Working Group.
- (i) Termination of Working Group.-The Working Group shall terminate at the end of the 10-year period beginning on the date of enactment of this Act.
- SEC. 906. CONSIDERATION OF CONVERSION OF FOREST ROADS TO RECREATIONAL USES.
- (a) Evaluation of Currently Closed Roads.-
- (1) Consideration for recreational use.-The Secretary of Agriculture may make a determination regarding whether the Forest Service roads in Mount Hood National Forest that were selected before the date of enactment of this Act 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 to single-track trails for mountain bikes and trails for snowmobiling, off-road vehicle use, horseback riding, hiking, cross-country skiing, and other recreational uses.
 - (2) Consideration of environmental and economic impacts.-In evaluating the feasibility and suitability of converting Forest Service roads under this subsection 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.
 - (3) 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 Working Group.

(b) 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 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.

SEC. 907. 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 Working Group.

(c) Funding.-The Secretary of Agriculture may use funds in the special account established under section 902 to carry out this section.

TITLE X-AUTHORIZATION OF APPROPRIATIONS

SEC. 1001. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.