

104TH CONGRESS
2D SESSION

S. 1662

AN ACT

To establish areas of wilderness and recreation in the State of Oregon, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Oregon Resource Con-
5 servation Act of 1996”.

1 **TITLE I—OPAL CREEK WILDER-**
2 **NESS AND SCENIC RECRE-**
3 **ATION AREA**

4 **SEC. 101. SHORT TITLE.**

5 This title may be cited as the “Opal Creek Wilderness
6 and Opal Creek Scenic Recreation Area Act of 1996”.

7 **SEC. 102. DEFINITIONS.**

8 In this title:

9 (1) **BULL OF THE WOODS WILDERNESS.**—The
10 term “Bull of the Woods Wilderness” means the
11 land designated as wilderness by section 3(4) of the
12 Oregon Wilderness Act of 1984 (Public Law 98–
13 328; 16 U.S.C. 1132 note).

14 (2) **OPAL CREEK WILDERNESS.**—The term
15 “Opal Creek Wilderness” means certain land in the
16 Willamette National Forest in the State of Oregon
17 comprising approximately 12,800 acres, as generally
18 depicted on the map entitled “Proposed Opal Creek
19 Wilderness and Scenic Recreation Area”, dated July
20 1996.

21 (3) **SCENIC RECREATION AREA.**—The term
22 “Scenic Recreation Area” means the Opal Creek
23 Scenic Recreation Area, comprising approximately
24 13,000 acres, as generally depicted on the map enti-
25 tled “Proposed Opal Creek Wilderness and Scenic

1 Recreation Area”, dated July 1996 and established
 2 under section 104(a)(3) of this title.

3 (4) SECRETARY.—The term “Secretary” means
 4 the Secretary of Agriculture.

5 **SEC. 103. PURPOSES.**

6 The purposes of this title are—

7 (1) to establish a wilderness and scenic recre-
 8 ation area to protect and provide for the enhance-
 9 ment of the natural, scenic, recreational, historic
 10 and cultural resources of the area in the vicinity of
 11 Opal Creek;

12 (2) to protect and support the economy of the
 13 communities in the Santiam Canyon; and

14 (3) to provide increased protection for an im-
 15 portant drinking water source for communities
 16 served by the North Santiam River.

17 **SEC. 104. ESTABLISHMENT OF OPAL CREEK WILDERNESS**
 18 **AND SCENIC RECREATION AREA.**

19 (a) ESTABLISHMENT.—On a determination by the
 20 Secretary under subsection (b)—

21 (1) the Opal Creek Wilderness, as depicted on
 22 the map described in section 102(2), is hereby des-
 23 ignated as wilderness, subject to the provisions of
 24 the Wilderness Act of 1964, shall become a compo-

1 nent of the National Wilderness System, and shall
2 be know as the Opal Creek Wilderness;

3 (2) the part of the Bull of the Woods Wilder-
4 ness that is located in the Willamette National For-
5 est shall be incorporated into the Opal Creek Wilder-
6 ness; and

7 (3) the Secretary shall establish the Opal Creek
8 Scenic Recreation Area in the Willamette National
9 Forest in the State of Oregon, comprising approxi-
10 mately 13,000 acres, as generally depicted on the
11 map described in section 102(3).

12 (b) CONDITIONS.—The designations in subsection (a)
13 shall not take effect unless the Secretary makes a deter-
14 mination, not later than 2 years after the date of enact-
15 ment of this title, that the following conditions have been
16 met—

17 (1) the following have been donated to the
18 United States in an acceptable condition and with-
19 out encumbrances—

20 (A) all right, title, and interest in the fol-
21 lowing patented parcels of land—

22 (i) Santiam Number 1, mineral survey
23 number 992, as described in patent num-
24 ber 39-92-0002, dated December 11,
25 1991;

1 (ii) Ruth Quartz Mine Number 2,
2 mineral survey number 994, as described
3 in patent number 39-91-0012, dated Feb-
4 ruary 12, 1991;

5 (iii) Morning Star Lode, mineral sur-
6 vey number 993, as described in patent
7 number 36-91-0011, dated February 12,
8 1991;

9 (B) all right, title, and interest held by any
10 entity other than the Times Mirror Land and
11 Timber Company, its successors and assigns, in
12 and to lands located in section 18, township 8
13 south, range 5 east, Marion County, Oregon,
14 Eureka numbers 6, 7, 8, and 13 mining claims;
15 and

16 (C) an easement across the Hewitt, Star-
17 vation, and Poor Boy Mill Sites, mineral survey
18 number 990, as described in patent number 36-
19 91-0017, dated May 9, 1991. In the sole dis-
20 cretion of the Secretary, such easement may be
21 limited to administrative use if an alternative
22 access route, adequate and appropriate for pub-
23 lic use, is provided.

24 (2) a binding agreement has been executed by
25 the Secretary and the owners of record as of March

1 29, 1996, of the following interests, specifying the
2 terms and conditions for the disposition of such in-
3 terests to the United States Government—

4 (A) the lode mining claims known as Prin-
5 cess Lode, Black Prince Lode, and King Num-
6 ber 4 Lode, embracing portions of sections 29
7 and 32, township 8 south, range 5 east, Wil-
8 lamette-Meridian, Marion County, Oregon, the
9 claims being more particularly described in the
10 field notes and depicted on the plat of mineral
11 survey number 887, Oregon; and

12 (B) Ruth Quartz Mine Number 1, mineral
13 survey number 994, as described in patent
14 number 39-91-0012, dated February 12, 1991.

15 (c) ADDITIONS TO THE WILDERNESS AND SCENIC
16 RECREATION AREAS.—

17 (1) Lands or interests in lands conveyed to the
18 United States under this section shall be included in
19 and become part of, as appropriate, Opal Creek Wil-
20 derness or the Opal Creek Scenic Recreation Area.

21 (2) On acquiring all or substantially all of the
22 land located in section 36, township 8 south, range
23 4 east, of the Williamette Meridian, Marion County,
24 Oregon, commonly known as the Rosboro section by
25 exchange, purchase from a willing seller, or by dona-

1 tion, the Secretary shall expand the boundary of the
2 Scenic Recreation Area to include such land.

3 (3) On acquiring all or substantially all of the
4 land located in section 18, township 8 south, range
5 5 east, Marion County, Oregon, commonly known as
6 the Times Mirror property, by exchange, purchase
7 from a willing seller, or by donation, such land shall
8 be included in and become a part of the Opal Creek
9 Wilderness.

10 **SEC. 105. ADMINISTRATION OF THE SCENIC RECREATION**
11 **AREA.**

12 (a) IN GENERAL.—The Secretary shall administer
13 the Scenic Recreation Area in accordance with this title
14 and the laws (including regulations) applicable to the Na-
15 tional Forest System.

16 (b) OPAL CREEK MANAGEMENT PLAN.—

17 (1) IN GENERAL.—Not later than 2 years after
18 the date of establishment of the Scenic Recreation
19 Area, the Secretary, in consultation with the advi-
20 sory committee established under section 106(a),
21 shall prepare a comprehensive Opal Creek Manage-
22 ment Plan (Management Plan) for the Scenic Recre-
23 ation Area.

24 (2) INCORPORATION IN LAND AND RESOURCE
25 MANAGEMENT PLAN.—Upon its completion, the Opal

1 Creek Management Plan shall become part of the
2 land and resource management plan for the
3 Willamette National Forest and supersede any con-
4 flicting provision in such land and resource manage-
5 ment plan. Nothing in this paragraph shall be con-
6 strued to supersede the requirements of the Endan-
7 gered Species Act or the National Forest Manage-
8 ment Act or regulations promulgated under those
9 Acts, or any other law.

10 (3) REQUIREMENTS.—The Opal Creek Manage-
11 ment Plan shall provide for a broad range of land
12 uses, including—

13 (A) recreation;

14 (B) harvesting of nontraditional forest
15 products, such as gathering mushrooms and
16 material to make baskets; and

17 (C) educational and research opportunities.

18 (4) PLAN AMENDMENTS.—The Secretary may
19 amend the Opal Creek Management Plan as the Sec-
20 retary may determine to be necessary, consistent
21 with the procedures and purposes of this title.

22 (c) RECREATION.—

23 (1) RECOGNITION.—Congress recognizes recre-
24 ation as an appropriate use of the Scenic Recreation
25 Area.

1 (2) MINIMUM LEVELS.—The management plan
2 shall permit recreation activities at not less than the
3 levels in existence on the date of enactment of this
4 title.

5 (3) HIGHER LEVELS.—The management plan
6 may provide for levels of recreation use higher than
7 the levels in existence on the date of enactment of
8 this title if such uses are consistent with the protec-
9 tion of the resource values of Scenic Recreation
10 Area.

11 (4) PUBLIC TRAIL ACCESS.—The management
12 plan may include public trail access through section
13 28, township 8 south, range 5 east, Willamette Me-
14 ridian, to Battle Axe Creek, Opal Pool and other
15 areas in the Opal Creek Wilderness and the Opal
16 Creek Scenic Recreation Area.

17 (d) TRANSPORTATION PLANNING.—

18 (1) IN GENERAL.—Except as provided in this
19 subparagraph, motorized vehicles shall not be per-
20 mitted in the Scenic Recreation Area. To maintain
21 reasonable motorized and other access to recreation
22 sites and facilities in existence on the date of enact-
23 ment of this title, the Secretary shall prepare a
24 transportation plan for the Scenic Recreation Area
25 that—

1 (A) evaluates the road network within the
2 Scenic Recreation Area to determine which
3 roads should be retained and which roads
4 should be closed;

5 (B) provides guidelines for transportation
6 and access consistent with this title;

7 (C) considers the access needs of persons
8 with disabilities in preparing the transportation
9 plan for the Scenic Recreation Area;

10 (D) allows forest road 2209 beyond the
11 gate to the Scenic Recreation Area, as depicted
12 on the map described in 102(2), to be used by
13 motorized vehicles only for administrative pur-
14 poses and for access by private inholders, sub-
15 ject to such terms and conditions as the Sec-
16 retary may determine to be necessary; and

17 (E) restricts construction on or improve-
18 ments to forest road 2209 beyond the gate to
19 the Scenic Recreation Area to maintaining the
20 character of the road as it existed upon the
21 date of enactment of this title, which shall not
22 include paving or widening. In order to comply
23 with subsection 107(b) of this title, the Sec-
24 retary may make improvements to forest road
25 2209 and its bridge structures consistent with

1 the character of the road as it existed on the
2 date of enactment of this title.

3 (e) HUNTING AND FISHING.—

4 (1) IN GENERAL.—Subject to applicable Fed-
5 eral and State law, the Secretary shall permit hunt-
6 ing and fishing in the Scenic Recreation Area.

7 (2) LIMITATION.—The Secretary may designate
8 zones in which, and establish periods when, no hunt-
9 ing or fishing shall be permitted for reasons of pub-
10 lic safety, administration, or public use and enjoy-
11 ment of the Scenic Recreation Area.

12 (3) CONSULTATION.—Except during an emer-
13 gency, as determined by the Secretary, the Secretary
14 shall consult with the Oregon State Department of
15 Fish and Wildlife before issuing any regulation
16 under this subsection.

17 (f) TIMBER CUTTING.—

18 (1) IN GENERAL.—Subject to paragraph (2),
19 the Secretary shall prohibit the cutting and/or sell-
20 ing of trees in the Scenic Recreation Area.

21 (2) PERMITTED CUTTING.—

22 (A) IN GENERAL.—Subject to subpara-
23 graph (B), the Secretary may allow the cutting
24 of trees in the Scenic Recreation Area only—

1 (i) for public safety, such as to control
2 the continued spread of a forest fire in the
3 Scenic Recreation Area or on land adjacent
4 to the Scenic Recreation Area;

5 (ii) for activities related to adminis-
6 tration of the Scenic Recreation Area, con-
7 sistent with the Opal Creek Management
8 Plan; or

9 (iii) for removal of hazard trees along
10 trails and roadways.

11 (B) SALVAGE SALES.—The Secretary may
12 not allow a salvage sale in the Scenic Re-
13 creation Area.

14 (g) WITHDRAWAL.—Subject to valid existing rights,
15 all lands in the Scenic Recreation Area are withdrawn
16 from—

17 (1) any form of entry, appropriation, or dis-
18 posal under the public land laws;

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

21 (3) disposition under the mineral and geo-
22 thermal leasing laws.

23 (h) BORNITE PROJECT.—

24 (1) Nothing in this title shall be construed to
25 interfere with or approve any exploration, mining, or

1 mining-related activity in the Bornite Project Area,
2 depicted on the map described in subsection 102(3),
3 conducted in accordance with applicable laws.

4 (2) Nothing in this title shall be construed to
5 interfere with the ability of the Secretary to approve
6 and issue, or deny, special use permits in connection
7 with exploration, mining, and mining-related activi-
8 ties in the Bornite Project Area.

9 (3) Motorized vehicles, roads, structures, and
10 utilities (including but not limited to power lines and
11 water lines) may be allowed inside the Scenic Recre-
12 ation Area to serve the activities conducted on land
13 within the Bornite Project.

14 (4) After the date of enactment of this title, no
15 patent shall be issued for any mining claim under
16 the general mining laws located within the Bornite
17 Project Area.

18 (i) WATER IMPOUNDMENTS.—Notwithstanding the
19 Federal Power Act (16 U.S.C. 791a et seq.), the Federal
20 Energy Regulatory Commission may not license the con-
21 struction of any dam, water conduit, reservoir, power-
22 house, transmission line, or other project work in the Sce-
23 nic Recreation Area, except as may be necessary to comply
24 with the provisions of subsection 105(h) with regard to
25 the Bornite Project.

1 (j) CULTURAL AND HISTORIC RESOURCE INVEN-
2 TORY.—

3 (1) IN GENERAL.—Not later than 1 year after
4 the date of establishment of the Scenic Recreation
5 Area, the Secretary shall review and revise the in-
6 ventory of the cultural and historic resources on the
7 public land in the Scenic Recreation Area developed
8 pursuant to the Oregon Wilderness Act of 1984
9 (Public Law 98–328; U.S.C. 1132).

10 (2) INTERPRETATION.—Interpretive activities
11 shall be developed under the management plan in
12 consultation with State and local historic preserva-
13 tion organizations and shall include a balanced and
14 factual interpretation of the cultural, ecological, and
15 industrial history of forestry and mining in the Sce-
16 nic Recreation Area.

17 (k) PARTICIPATION.—So that the knowledge, exper-
18 tise, and views of all agencies and groups may contribute
19 affirmatively to the most sensitive present and future use
20 of the Scenic Recreation Area and its various subareas
21 for the benefit of the public:

22 (1) ADVISORY COUNCIL.—The Secretary shall
23 consult on a periodic and regular basis with the ad-
24 visory council established under section 106 with re-

1 spect to matters relating to management of the Sce-
2 nic Recreation Area.

3 (2) PUBLIC PARTICIPATION.—The Secretary
4 shall seek the views of private groups, individuals,
5 and the public concerning the Scenic Recreation
6 Area.

7 (3) OTHER AGENCIES.—The Secretary shall
8 seek the views and assistance of, and cooperate with,
9 any other Federal, State, or local agency with any
10 responsibility for the zoning, planning, or natural re-
11 sources of the Scenic Recreation Area.

12 (4) NONPROFIT AGENCIES AND ORGANIZA-
13 TIONS.—The Secretary shall seek the views of any
14 nonprofit agency or organization that may contrib-
15 ute information or expertise about the resources and
16 the management of the Scenic Recreation Area.

17 **SEC. 106. ADVISORY COUNCIL.**

18 (a) ESTABLISHMENT.—Not later than 90 days after
19 the establishment of the Scenic Recreation Area, the Sec-
20 retary shall establish an advisory council for the Scenic
21 Recreation Area.

22 (b) MEMBERSHIP.—The advisory council shall consist
23 of not more than 13 members, of whom—

1 (1) 1 member shall represent Marion County,
2 Oregon, and shall be designated by the governing
3 body of the county;

4 (2) 1 member shall represent Clackamas Coun-
5 ty, Oregon, and shall be designated by the governing
6 body of the county;

7 (3) 1 member shall represent the State of Or-
8 egon and shall be designated by the governor of Or-
9 egon;

10 (4) 1 member shall represent the City of Salem,
11 and shall be designated by the mayor of Salem, Or-
12 egon;

13 (5) 1 member from a city within a 25 mile ra-
14 dius of the Opal Creek Scenic Recreation Area, to
15 be designated by the governor of the State of Or-
16 egon from a list of candidates provided by the may-
17 ors of the cities located within a 25 mile radius of
18 the Opal Creek Scenic Recreation Area; and

19 (6) not more than 8 members shall be ap-
20 pointed by the Secretary from among persons who,
21 individually or through association with a national or
22 local organization, have an interest in the adminis-
23 tration of the Scenic Recreation Area, including, but
24 not limited to, representatives of the timber indus-
25 try, environmental organizations, the mining indus-

1 try, inholders in the Opal Creek Wilderness and Sce-
2 nic Recreation Area, economic development interests
3 and Indian Tribes.

4 (c) STAGGERED TERMS.—Members of the advisory
5 council shall serve for staggered terms of three years.

6 (d) CHAIRMAN.—The Secretary shall designate one
7 member of the advisory council as chairman.

8 (e) VACANCIES.—The Secretary shall fill a vacancy
9 on the advisory council in the same manner as the original
10 appointment.

11 (f) COMPENSATION.—Members of the advisory coun-
12 cil shall receive no compensation for service on the advi-
13 sory council.

14 **SEC. 107. GENERAL PROVISIONS.**

15 (a) LAND ACQUISITION.—

16 (1) IN GENERAL.—Subject to the other provi-
17 sions of this title the Secretary may acquire any
18 lands or interests in land in the Scenic Recreation
19 Area or the Opal Creek Wilderness that the Sec-
20 retary determines are needed to carry out this title.

21 (2) PUBLIC LAND.—Any lands or interests in
22 land owned by a State or a political subdivision of
23 a State may be acquired only by donation or ex-
24 change.

1 (3) CONDEMNATION.—Within the boundaries of
2 the Opal Creek Wilderness or the Scenic Recreation
3 Area, the Secretary may not acquire any privately
4 owned land or interest in land without the consent
5 of the owner unless the Secretary finds that—

6 (A) the nature of land use has changed
7 significantly, or the landowner has dem-
8 onstrated intent to change the land use signifi-
9 cantly, from the use that existed on the date of
10 the enactment of this title; and

11 (B) acquisition by the Secretary of the
12 land or interest in land is essential to ensure
13 use of the land or interest in land in accordance
14 with the purposes of this title or the manage-
15 ment plan prepared under section 105(b).

16 (4) Nothing in this title shall be construed to
17 enhance or diminish the condemnation authority
18 available to the Secretary outside the boundaries of
19 the Opal Creek Wilderness or the Scenic Recreation
20 Area.

21 (b) ENVIRONMENTAL RESPONSE ACTIONS AND COST
22 RECOVERY.—

23 (1) RESPONSE ACTIONS.—Nothing in this title
24 shall limit the authority of the Secretary or a re-
25 sponsible party to conduct an environmental re-

1 sponse action in the Scenic Recreation Area in con-
2 nection with the release, threatened release, or clean-
3 up of a hazardous substance, pollutant, or contami-
4 nant, including a response action conducted under
5 the Comprehensive Environmental Response, Com-
6 pensation, and Liability Act of 1980 (42 U.S.C.
7 9601 et seq.).

8 (2) LIABILITY.—Nothing in this title shall limit
9 the authority of the Secretary or a responsible party
10 to recover costs related to the release, threatened re-
11 lease, or cleanup of any hazardous substance or pol-
12 lutant or contaminant in the Scenic Recreation
13 Area.

14 (c) MAPS AND DESCRIPTION.—

15 (1) IN GENERAL.—As soon as practicable after
16 the date of enactment of this title, the Secretary
17 shall file a map and a boundary description for the
18 Opal Creek Wilderness and for the Scenic Reere-
19 ation Area with the Committee on Resources of the
20 House of Representatives and the Committee on En-
21 ergy and Natural Resources of the Senate.

22 (2) FORCE AND EFFECT.—The boundary de-
23 scription and map shall have the same force and ef-
24 fect as if the description and map were included in
25 this title, except that the Secretary may correct cler-

1 ical and typographical errors in the boundary de-
2 scription and map.

3 (3) AVAILABILITY.—The map and boundary de-
4 scription shall be on file and available for public in-
5 spection in the Office of the Chief of the Forest
6 Service, Department of Agriculture.

7 (d) Nothing in this title shall interfere with any activ-
8 ity for which a special use permit has been issued, has
9 not been revoked, and has not expired, before the date
10 of enactment of this title, subject to the terms of the per-
11 mit.

12 **SEC. 108. ROSBORO LAND EXCHANGE.**

13 (a) AUTHORIZATION.—Notwithstanding any other
14 law, if the Rosboro Lumber Company (referred to in this
15 section as “Rosboro”) offers and conveys marketable title
16 to the United States to the land described in subsection
17 (b), the Secretary of Agriculture shall convey all right,
18 title and interest held by the United States to sufficient
19 lands described in subsection (c) to Rosboro, in the order
20 in which they appear in subsection (c), as necessary to
21 satisfy the equal value requirements of subsection (d).

22 (b) LAND TO BE OFFERED BY ROSBORO.—The land
23 referred to in subsection (a) as the land to be offered by
24 Rosboro shall comprise Section 36, Township 8 South,
25 Range 4 East, Willamette Meridian.

1 (c) LAND TO BE CONVEYED BY THE UNITED
2 STATES.—The land referred to in subsection (a) as the
3 land to be conveyed by the United States shall comprise
4 sufficient land from the following prioritized list to be of
5 equal value under subparagraph (d):

6 (1) Section 5, Township 17 South, Range 4
7 East, Lot 7 (37.63 acres).

8 (2) Section 2, Township 17 South, Range 4
9 East, Lot 3 (29.28 acres).

10 (3) Section 13, Township 17 South, Range 4
11 East, S¹/₂SE¹/₄ (80 acres).

12 (4) Section 2, Township 17 South, Range 4
13 East, SW¹/₄SW¹/₄ (40 acres).

14 (5) Section 2, Township 17 South, Range 4
15 East, NW¹/₄SE¹/₄ (40 acres).

16 (6) Section 8, Township 17 South, Range 4
17 East, SE¹/₄SW¹/₄ (40 acres).

18 (7) Section 11, Township 17 South, Range 4
19 East, W¹/₂NW¹/₄ (80 acres).

20 (d) EQUAL VALUE.—The land and interests in land
21 exchanged under this section shall be of equal market
22 value as determined by nationally recognized appraisal
23 standards, including, to the extent appropriate, the Uni-
24 form Standards for Federal Land Acquisition, the Uni-
25 form Standards of Professional Appraisal Practice, or

1 shall be equalized by way of payment of cash pursuant
2 to the provisions of section 206(d) of the Federal Land
3 Policy and Management Act of 1976 (43 U.S.C. 1716(d)),
4 and other applicable law. The appraisal shall consider ac-
5 cess costs for the parcels involved.

6 (e) TIMETABLE.—

7 (1) The exchange directed by this section shall
8 be consummated not later than 120 days after the
9 date Rosboro offers and conveys the property de-
10 scribed in subsection (b) to the United States.

11 (2) The authority provided by this section shall
12 lapse if Rosboro fails to offer the land described in
13 subsection (b) within two years after the date of en-
14 actment of this title.

15 (3) Rosboro shall have the right to challenge in
16 United States District Court for the District of Or-
17 egon a determination of marketability under sub-
18 section (a) and a determination of value for the
19 lands described in subsections (b) and (c) by the
20 Secretary of Agriculture. The Court shall have the
21 authority to order the Secretary to complete the
22 transaction contemplated in this section.

23 (f) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated such sums as are nec-
25 essary to carry out this section.

1 **SEC. 109. DESIGNATION OF ELKHORN CREEK AS A WILD**
2 **AND SCENIC RIVER.**

3 Section 3(a) of the Wild and Scenic Rivers Act (16
4 U.S.C. 1274(a)) is amended by adding at the end the fol-
5 lowing:

6 “() (A) ELKHORN CREEK.—The 6.4 mile seg-
7 ment traversing federally administered lands from
8 that point along the Willamette National Forest
9 boundary on the common section line between Sec-
10 tions 12 and 13, Township 9 South, Range 4 East,
11 Willamette Meridian, to that point where the seg-
12 ment leaves Federal ownership along the Bureau of
13 Land Management boundary in Section 1, Township
14 9 South, Range 3 East, Willamette Meridian, in the
15 following classes—

16 “(i) a 5.8-mile wild river area, extending
17 from that point along the Willamette National
18 Forest boundary on the common section line be-
19 tween Sections 12 and 13, Township 9 South,
20 Range 4 East, Willamette Meridian, to its con-
21 fluence with Buck Creek in Section 1, Township
22 9 South, Range 3 East, Willamette Meridian, to
23 be administered as agreed on by the Secretaries
24 of Agriculture and the Interior, or as directed
25 by the President; and

1 “(ii) a 0.6-mile scenic river area, extending
2 from the confluence with Buck Creek in Section
3 1, Township 9 South, Range 3 East, Willamette
4 Meridian, to that point where the segment
5 leaves Federal ownership along the Bureau of
6 Land Management boundary in Section 1,
7 Township 9 South, Range 3 East, Willamette
8 Meridian, to be administered by the Secretary
9 of the Interior, or as directed by the President.

10 “(B) Notwithstanding section 3(b) of this Act,
11 the lateral boundaries of both the wild river area
12 and the scenic river area along Elkhorn Creek shall
13 include an average of not more than 640 acres per
14 mile measured from the ordinary high water mark
15 on both sides of the river.”.

16 **SEC. 110. ECONOMIC DEVELOPMENT.**

17 (a) **ECONOMIC DEVELOPMENT PLAN.**—As a condi-
18 tion for receiving funding under subsection (b) of this sec-
19 tion, the State of Oregon, in consultation with Marion and
20 Clackamas Counties and the Secretary of Agriculture,
21 shall develop a plan for economic development projects for
22 which grants under this section may be used in a manner
23 consistent with this title and to benefit local communities
24 in the vicinity of the Opal Creek area. Such plan shall

1 be based on an economic opportunity study and other ap-
2 propriate information.

3 (b) FUNDS PROVIDED TO THE STATES FOR
4 GRANTS.—Upon completion of the Opal Creek Manage-
5 ment Plan, and receipt of the plan referred to in sub-
6 section (a) of this section, the Secretary shall provide, sub-
7 ject to appropriations, \$15,000,000 to the State of Or-
8 egon. Such funds shall be used to make grants or loans
9 for economic development projects that further the pur-
10 poses of this title and benefit the local communities in the
11 vicinity of Opal Creek.

12 (c) REPORT.—The State of Oregon shall—

13 (1) prepare and provide the Secretary and Con-
14 gress with an annual report on the use of the funds
15 made available under this section;

16 (2) make available to the Secretary and to Con-
17 gress, upon request, all accounts, financial records,
18 and other information related to grants and loans
19 made available pursuant to this section; and

20 (3) as loans are repaid, make additional grants
21 and loans with the money made available for obliga-
22 tion by such repayments.

1 **TITLE II—UPPER KLAMATH**
2 **BASIN**

3 **SEC. 201. UPPER KLAMATH BASIN ECOLOGICAL RESTORA-**
4 **TION PROJECTS.**

5 (a) DEFINITIONS.—In this section:

6 (1) ECOSYSTEM RESTORATION OFFICE.—The
7 term “Ecosystem Restoration Office” means the
8 Klamath Basin Ecosystem Restoration Office oper-
9 ated cooperatively by the United States Fish and
10 Wildlife Service, Bureau of Reclamation, Bureau of
11 Land Management, and Forest Service.

12 (2) WORKING GROUP.—The term “Working
13 Group” means the Upper Klamath Basin Working
14 Group, established before the date of enactment of
15 this title, consisting of members nominated by their
16 represented groups, including—

17 (A) 3 tribal members;

18 (B) 1 representative of the city of Klamath
19 Falls Oregon;

20 (C) 1 representative of Klamath County,
21 Oregon;

22 (D) 1 representative of institutions of
23 higher education in the Upper Klamath Basin;

24 (E) 4 representatives of the environmental
25 community, including at least one such rep-

1 representative from the State of California with in-
2 terests in the Klamath Basin National Wildlife
3 Refuge Complex;

4 (F) 4 representatives of local businesses
5 and industries, including at least one represent-
6 ative of the wood products industry and one
7 representative of the ocean commercial fishing
8 industry and/or the recreational fishing industry
9 based in either Oregon or California;

10 (G) 4 representatives of the ranching and
11 farming community, including representatives
12 of Federal lease-land farmers and ranchers and
13 of private land farmers and ranchers in the
14 Upper Klamath Basin;

15 (H) 2 representatives from State of Or-
16 egon agencies with authority and responsibility
17 in the Klamath River Basin, including one from
18 the Oregon Department of Fish and Wildlife
19 and one from the Oregon Water Resources De-
20 partment;

21 (I) 4 representatives from the local com-
22 munity;

23 (J) 1 representative each from the follow-
24 ing Federal resource management agencies in
25 the Upper Klamath Basin: Fish and Wildlife

1 Service, Bureau of Reclamation, Bureau of
2 Land Management, Bureau of Indian Affairs,
3 Forest Service, Natural Resources Conservation
4 Service, National Marine Fisheries Service and
5 Ecosystem Restoration Office; and

6 (K) 1 representative of the Klamath Coun-
7 ty Soil and Water Conservation District.

8 (3) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

10 (4) TASK FORCE.—The term “Task Force”
11 means the Klamath River Basin Fisheries Task
12 Force as established by the Klamath River Basin
13 Fishery Resource Restoration Act (P.L. 99–552, 16
14 U.S.C. 460ss–3, et seq.).

15 (5) COMPACT COMMISSION.—The term “Com-
16 pact Commission” means the Klamath River Basin
17 Compact Commission created pursuant to the Klam-
18 ath River Compact Act of 1954.

19 (6) CONSENSUS.—The term “consensus” means
20 a unanimous agreement by the Working Group
21 members present and consisting of at least a
22 quorum at a regularly scheduled business meeting.

23 (7) QUORUM.—The term “quorum” means one
24 more than half of those qualified Working Group
25 members appointed and eligible to serve.

1 (8) TRINITY TASK FORCE.—The term “Trinity
2 Task Force” means the Trinity River Restoration
3 Task Force created by Public Law 98–541, as
4 amended by Public Law 104–143.

5 (b) IN GENERAL.—

6 (1) The Working Group through the Ecosystem
7 Restoration Office, with technical assistance from
8 the Secretary, will propose ecological restoration
9 projects, economic development and stability
10 projects, and projects designed to reduce the impacts
11 of drought conditions to be undertaken in the Upper
12 Klamath Basin based on a consensus of the Working
13 Group membership.

14 (2) The Secretary shall pay, to the greatest ex-
15 tent feasible, up to 50 percent of the cost of per-
16 forming any project approved by the Secretary or his
17 designee, up to a total amount of \$1,000,000 during
18 each of fiscal years 1997 through 2001.

19 (3) Funds made available under this title
20 through the Department of the Interior or the De-
21 partment of Agriculture shall be distributed through
22 the Ecosystem Restoration Office.

23 (4) The Ecosystem Restoration Office may uti-
24 lize not more than 15 percent of all Federal funds

1 administered under this section for administrative
2 costs relating to the implementation of this title.

3 (5) All funding recommendations developed by
4 the Working Group shall be based on a consensus of
5 Working Group members.

6 (c) COORDINATION.—

7 (1) The Secretary shall formulate a cooperative
8 agreement among the Working Group, the Task
9 Force, the Trinity Task Force and the Compact
10 Commission for the purposes of ensuring that
11 projects proposed and funded through the Working
12 Group are consistent with other basin-wide fish and
13 wildlife restoration and conservation plans, including
14 but not limited to plans developed by the Task Force
15 and the Compact Commission.

16 (2) To the greatest extent practicable, the
17 Working Group shall provide notice to, and accept
18 input from, two members each of the Task Force,
19 the Trinity Task Force, and the Compact Commis-
20 sion, so appointed by those entities, for the express
21 purpose of facilitating better communication and co-
22 ordination regarding additional basin-wide fish and
23 wildlife and ecosystem restoration and planning ef-
24 forts. The roles and relationships of the entities in-

1 volved shall be clarified in the cooperative agree-
2 ment.

3 (d) PUBLIC MEETINGS.—The Working Group shall
4 conduct all meetings subject to applicable open meeting
5 and public participation laws. The chartering require-
6 ments of 5 U.S.C. App 2 §§ 1–15 are hereby deemed to
7 have been met by this section.

8 (e) TERMS AND VACANCIES.—Working Group mem-
9 bers shall serve for three-year terms, beginning on the
10 date of enactment of this title. Vacancies which occur for
11 any reason after the date of enactment of this title shall
12 be filled by direct appointment of the governor of the State
13 of Oregon, in consultation with the Secretary of the Inte-
14 rior and the Secretary of Agriculture, in accordance with
15 nominations from the appropriate groups, interests, and
16 government agencies outlined in subsection (a)(2).

17 (f) RIGHTS, DUTIES, AND AUTHORITIES UNAF-
18 FECTED.—The Working Group will supplement, rather
19 than replace, existing efforts to manage the natural re-
20 sources of the Deschutes Basin. Nothing in this title af-
21 fects any legal right, duty or authority of any person or
22 agency, including any member of the working group.

23 (g) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to carry out this title
25 \$1,000,000 for each of fiscal years 1997 through 2002.

1 **TITLE III—DESCHUTES BASIN.**

2 **SEC. 301. DESCHUTES BASIN ECOSYSTEM RESTORATION**
3 **PROJECTS.**

4 (a) DEFINITIONS.—In this section—

5 (1) WORKING GROUP.—The term “Working
6 Group” means the Deschutes River Basin Working
7 Group established before the date of enactment of
8 this title, consisting of members nominated by their
9 represented groups, including:

10 (A) 5 representatives of private interests
11 including one each from hydroelectric produc-
12 tion, livestock grazing, timber, land develop-
13 ment, and recreation/tourism;

14 (B) 4 representatives of private interests
15 including two each from irrigated agriculture
16 and the environmental community;

17 (C) 2 representatives from the Confed-
18 erated Tribes of the Warm Springs Reservation
19 of Oregon;

20 (D) 2 representatives from Federal agen-
21 cies with authority and responsibility in the
22 Deschutes River Basin, including one from the
23 Department of the Interior and one from the
24 Agriculture Department;

1 (E) 2 representatives from the State of Or-
2 regon agencies with authority and responsibility
3 in the Deschutes River Basin, including one
4 from the Oregon Department of Fish and Wild-
5 life and one from the Oregon Water Resources
6 Department; and

7 (F) 4 representatives from county or city
8 governments within the Deschutes River Basin
9 county and/or city governments.

10 (2) SECRETARY.—The term “Secretary” means
11 the Secretary of the Interior.

12 (3) FEDERAL AGENCIES.—The term “Federal
13 agencies” means agencies and departments of the
14 United States, including, but not limited to, the Bu-
15 reau of Reclamation, Bureau of Indian Affairs, Bu-
16 reau of Land Management, Fish and Wildlife Serv-
17 ice, Forest Service, Natural Resources Conservation
18 Service, Farm Services Agency, the National Marine
19 Fisheries Service, and the Bonneville Power Admin-
20 istration.

21 (4) CONSENSUS.—The term “consensus” means
22 a unanimous agreement by the Working Group
23 members present and constituting at least a quorum
24 at a regularly scheduled business meeting.

1 (5) QUORUM.—The term “quorum” means one
2 more than half of those qualified Working Group
3 members appointed and eligible to serve.

4 (b) IN GENERAL.—

5 (1) The Working Group will propose ecological
6 restoration projects on both Federal and non-Fed-
7 eral lands and waters to be undertaken in the
8 Deschutes River Basin based on a consensus of the
9 Working Group, provided that such projects, when
10 involving Federal land or funds, shall be proposed to
11 the Bureau of Reclamation in the Department of the
12 Interior and any other Federal agency with affected
13 land or funds.

14 (2) The Working Group will accept donations,
15 grants or other funds and place such funds received
16 into a trust fund, to be expended on ecological res-
17 toration projects which, when involving Federal land
18 or funds, are approved by the affected Federal agen-
19 cy.

20 (3) The Bureau of Reclamation shall pay from
21 funds authorized under subsection (g) of this title up
22 to 50 percent of the cost of performing any project
23 proposed by the Working Group and approved by
24 the Secretary, up to a total amount of \$1,000,000
25 during each of the fiscal years 1997 through 2001.

1 (4) Non-Federal contributions to project costs
2 for purposes of computing the Federal matching
3 share under paragraph (3) of this subsection may
4 include in-kind contributions.

5 (5) Funds authorized in subsection (g) of this
6 title shall be maintained in and distributed by the
7 Bureau of Reclamation in the Department of the In-
8 terior. The Bureau of Reclamation shall not expend
9 more than 5 percent of amounts appropriated pursu-
10 ant to subsection (h) for Federal administration of
11 such appropriations pursuant to this title.

12 (6) The Bureau of Reclamation is authorized to
13 provide by grant to the Working Group not more
14 than 5 percent of funds appropriated pursuant to
15 subsection (g) of this title for not more than 50 per-
16 cent of administrative costs relating to the imple-
17 mentation of this title.

18 (7) The Federal agencies with authority and re-
19 sponsibility in the Deschutes River Basin shall pro-
20 vide technical assistance to the Working Group and
21 shall designate representatives to serve as members
22 of the Working Group.

23 (8) All funding recommendations developed by
24 the Working Group shall be based on a consensus of
25 the Working Group members.

1 (c) PUBLIC NOTICE AND PARTICIPATION.—The
2 Working Group shall conduct all meetings subject to appli-
3 cable open meeting and public participation laws. The
4 chartering requirements of 5 U.S.C. App 2 §§ 1–15 are
5 hereby deemed to have been met by this section.

6 (d) PRIORITIES.—The Working Group shall give pri-
7 ority to voluntary market-based economic incentives for
8 ecosystem restoration including, but not limited to, water
9 leases and purchases; land leases and purchases; tradable
10 discharge permits; and acquisition of timber, grazing, and
11 land development rights to implement plans, programs,
12 measures, and projects.

13 (e) TERMS AND VACANCIES.—Members of the Work-
14 ing Group representing governmental agencies or entities
15 shall be named by the represented government agency.
16 Members of the Working Group representing private inter-
17 ests shall be named in accordance with the articles of in-
18 corporation and bylaws of the Working Group. Represent-
19 atives from Federal agencies will serve for terms of 3
20 years. Vacancies which occur for any reason after the date
21 of enactment of this title shall be filled in accordance with
22 this title.

23 (f) ADDITIONAL PROJECTS.—Where existing author-
24 ity and appropriations permit, Federal agencies may con-

1 tribute to the implementation of projects recommended by
2 the Working Group and approved by the Secretary.

3 (g) RIGHTS, DUTIES AND AUTHORITIES UNAF-
4 FECTED.—The Working Group will supplement, rather
5 than replace, existing efforts to manage the natural re-
6 sources of the Deschutes Basin. Nothing in this title af-
7 fects any legal right, duty or authority of any person or
8 agency, including any member of the Working Group.

9 (h) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to carry out this title
11 \$1,000,000 for each of fiscal years 1997 through 2001.

12 **TITLE IV—MOUNT HOOD** 13 **CORRIDOR**

14 **SEC. 401. LAND EXCHANGE.**

15 (a) AUTHORIZATION.—Notwithstanding any other
16 law, if Longview Fibre Company (referred to in this sec-
17 tion as “Longview”) offers and conveys title that is accept-
18 able to the United States to some or all of the land de-
19 scribed in subsection (b), the Secretary of the Interior (re-
20 ferred to in this section as the “Secretary”) shall convey
21 to Longview title to some or all of the land described in
22 subsection (c), as necessary to satisfy the requirements of
23 subsection (d).

24 (b) LAND TO BE OFFERED BY LONGVIEW.—The
25 land referred to in subsection (a) as the land to be offered

1 by Longview are those lands depicted on the map entitled
2 “Mt. Hood Corridor Land Exchange Map”, dated July 18,
3 1996.

4 (c) LAND TO BE CONVEYED BY THE SECRETARY.—
5 The land referred to in subsection (a) as the land to be
6 conveyed by the Secretary are those lands depicted on the
7 map entitled “Mt. Hood Corridor Land Exchange Map”,
8 dated July 18, 1996.

9 (d) EQUAL VALUE.—The land and interests in land
10 exchanged under this section shall be of equal market
11 value as determined by nationally recognized appraisal
12 standards, including, to the extent appropriate, the Uni-
13 form Standards for Federal Land Acquisition, the Uni-
14 form Standards of Professional Appraisal Practice, or
15 shall be equalized by way of payment of cash pursuant
16 to the provisions of section 206(d) of the Federal Land
17 Policy and Management Act of 1976 (43 U.S.C. 1716(d)),
18 and other applicable law.

19 (e) REDESIGNATION OF LAND TO MAINTAIN REVE-
20 NUE FLOW.—So as to maintain the current flow of reve-
21 nue from land subject to the Act entitled “An Act relating
22 to the revested Oregon and California Railroad and recon-
23 veyed Coos Bay Wagon Road grant land situated in the
24 State of Oregon”, approved August 28, 1937 (43 U.S.C.
25 1181a et seq.), the Secretary may redesignate public do-

1 main land located in and west of Range 9 East, Willam-
2 ette Meridian, Oregon, as land subject to that Act.

3 (f) TIMETABLE.—The exchange directed by this sec-
4 tion shall be consummated not later than 1 year after the
5 date of enactment of this title.

6 (g) WITHDRAWAL OF LANDS.—All lands managed by
7 the Department of the Interior, Bureau of Land Manage-
8 ment, located in Townships 2 and 3 South, Ranges 6 and
9 7 East, Willamette Meridian, which can be seen from the
10 right-of-way of U.S. Highway 26 (in this section, such
11 lands are referred to as the “Mt. Hood Corridor Lands”),
12 shall be managed primarily for the protection or enhance-
13 ment of scenic qualities. Management prescriptions for
14 other resource values associated with these lands shall be
15 planned and conducted for purposes other than timber
16 harvest, so as not to impair the scenic qualities of the
17 area.

18 (h) TIMBER CUTTING.—Timber cutting may be con-
19 ducted on Mt. Hood Corridor Lands following a resource-
20 damaging catastrophic event. Such cutting may only be
21 conducted to achieve the following resource management
22 objectives, in compliance with the current land use plans—

23 (1) to maintain safe conditions for the visiting
24 public;

1 (2) to control the continued spread of forest
2 fire;

3 (3) for activities related to administration of
4 the Mt. Hood Corridor Lands; or

5 (4) for removal of hazard trees along trails and
6 roadways.

7 (i) ROAD CLOSURE.—The forest road gate located on
8 Forest Service Road 2503, located in T. 2 S., R. 6 E.,
9 sec. 14, shall remain closed and locked to protect resources
10 and prevent illegal dumping and vandalism. Access to this
11 road shall be limited to—

12 (1) Federal and State officers and employees
13 acting in an official capacity;

14 (2) employees and contractors conducting au-
15 thorized activities associated with the telecommuni-
16 cation-sites located in T. 2 S., R. 6 E., sec. 14; and

17 (3) the general public for recreational purposes,
18 except that all motorized vehicles will be prohibited.

19 (j) NEPA EXEMPTION.—The National Environ-
20 mental Policy Act of 1969 (P.L. 91–190) shall not apply
21 to this section for one year after the date of enactment
22 of this title.

23 (k) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated such sums as are nec-
25 essary to carry out this section.

1 **TITLE V—COQUILLE TRIBAL**
 2 **FOREST**

3 **SEC. 501. CREATION OF THE COQUILLE FOREST.**

4 (a) The Coquille Restoration Act (P.L. 101–42) is
 5 amended by inserting at the end of section 5 the following:

6 “(d) CREATION OF THE COQUILLE FOREST.—

7 “(1) DEFINITIONS.—In this subsection—

8 “(A) the term ‘Coquille Forest’ means cer-
 9 tain lands in Coos County, Oregon, comprising
 10 approximately 5,400 acres, as generally de-
 11 picted on the map entitled ‘Coquille Forest Pro-
 12 posal’, dated July 8, 1996.

13 “(B) the term ‘Secretary’ means the Sec-
 14 retary of the Interior.

15 “(C) the term ‘the Tribe’ means the
 16 Coquille Tribe of Coos County, Oregon.

17 “(2) MAP.—The map described in subpara-
 18 graph (d)(1)(A), and such additional legal descrip-
 19 tions which are applicable, shall be placed on file at
 20 the local District Office of the Bureau of Land Man-
 21 agement, the Agency Office of the Bureau of Indian
 22 Affairs, and with the Senate Committee on Energy
 23 and Natural Resources and the House Committee on
 24 Resources.

1 “(3) INTERIM PERIOD.—From the date of en-
2 actment of this subsection until two years after the
3 date of enactment of this subsection, the Bureau of
4 Land Management shall—

5 “(A) retain Federal jurisdiction for the
6 management of lands designated under this
7 subsection as the Coquille Forest and continue
8 to distribute revenues from such lands in a
9 manner consistent with existing law; and

10 “(B) prior to advertising, offering or
11 awarding any timber sale contract on lands des-
12 ignated under his subsection as the Coquille
13 Forest, obtain the approval of the Assistant
14 Secretary for Indian Affairs, acting on behalf of
15 and in consultation with the Tribe.

16 “(4) TRANSITION PLANNING AND DESIGNA-
17 TION.—

18 “(A) During the two year interim period
19 provided for in paragraph (3), the Assistant
20 Secretary for Indian Affairs, acting on behalf of
21 and in consultation with the Tribe, is author-
22 ized to initiate development of a forest manage-
23 ment plan for the Coquille Forest. The Sec-
24 retary, acting through the director of the Bu-
25 reau of Land Management, shall cooperate and

1 assist in the development of such plan and in
2 the transition of forestry management oper-
3 ations for the Coquille Forest to the Assistant
4 Secretary for Indian Affairs.

5 “(B) Two years after the date of enact-
6 ment of this subsection, the Secretary shall take
7 the lands identified under subparagraph
8 (d)(1)(A) into trust, and shall hold such lands
9 in trust, in perpetuity, for the Coquille Tribe.
10 Such lands shall be thereafter designated as the
11 Coquille Forest.

12 “(C) So as to maintain the current flow of
13 revenue from land subject to the Act entitled
14 ‘An Act relating to the revested Oregon and
15 California Railroad and reconveyed Coos Bay
16 Wagon Road grant land situated in the State of
17 Oregon’ (the O & C Act), approved August 28,
18 1937 (43 U.S.C. 1181a et seq.), the Secretary
19 may redesignate, from public domain lands
20 within the Tribe’s service area, as defined in
21 this Act, certain lands to be subject to the O &
22 C Act. Lands redesignated under this subpara-
23 graph shall not exceed lands sufficient to con-
24 stitute equivalent timber value as compared to
25 lands constituting the Coquille Forest.

1 “(5) MANAGEMENT.—The Secretary of the In-
2 terior, acting through the Assistant Secretary for In-
3 dian Affairs shall manage the Coquille Forest under
4 applicable State and Federal forestry and environ-
5 mental protection laws, and subject to critical habi-
6 tat designations under the Endangered Species Act,
7 and subject to the standards and guidelines of Fed-
8 eral forest plans on adjacent or nearby Federal
9 lands, now and in the future. The Secretary shall
10 otherwise manage the Coquille Forest in accordance
11 with the laws pertaining to the management of In-
12 dian Trust lands and shall distribute revenues in ac-
13 cordance with Public Law 101–630 (25 U.S.C.
14 3107).

15 “(A) Unprocessed logs harvested from the
16 Coquille Forest shall be subject to the same
17 Federal statutory restrictions on export to for-
18 eign nations that apply to unprocessed logs har-
19 vested from Federal lands.

20 “(B) Notwithstanding any other provision
21 of law, all sales of timber from land subject to
22 this subsection shall be advertised, offered and
23 awarded according to competitive bidding prac-
24 tices, with sales being awarded to the highest
25 responsible bidder.

1 “(6) INDIAN SELF-DETERMINATION ACT AGREE-
2 MENT.—No sooner than two years after the date of
3 enactment of this subsection, the Secretary may,
4 upon a satisfactory showing of management com-
5 petence and pursuant to the Indian Self-Determina-
6 tion Act (25 U.S.C. 450 et seq.), enter into a bind-
7 ing Indian self-determination agreement (agreement)
8 with the Coquille Indian Tribe. Such agreement may
9 provide for the Tribe to carry out all or a portion
10 of the forest management for the Coquille Forest.

11 “(A) Prior to entering such an agreement,
12 and as a condition of maintaining such an
13 agreement, the Secretary must find that the
14 Coquille Tribe has entered into a binding
15 memorandum of agreement (MOA) with the
16 State of Oregon, as required under paragraph
17 7.

18 “(B) The authority of the Secretary to re-
19 scind the Indian self-determination agreement
20 shall not be encumbered.

21 “(i) The Secretary shall rescind the
22 agreement upon a demonstration that the
23 Tribe and the State of Oregon are no
24 longer engaged in a memorandum of
25 agreement as required under paragraph 7.

1 “(ii) The Secretary may rescind the
2 agreement on a showing that the Tribe has
3 managed the Coquille Forest in a manner
4 inconsistent with this subsection, or the
5 Tribe is no longer managing, or capable of
6 managing, the Coquille Forest in a manner
7 consistent with this subsection.

8 “(7) MEMORANDUM OF AGREEMENT.—The
9 Coquille Tribe shall enter into a memorandum of
10 agreement (MOA) with the State of Oregon relating
11 to the establishment and management of the
12 Coquille Forest. The MOA shall include, but not be
13 limited to, the terms and conditions for managing
14 the Coquille Forest in a manner consistent with
15 paragraph (5) of this subsection, preserving public
16 access, advancing jointly-held resource management
17 goals, achieving Tribal restoration objectives and es-
18 tablishing a coordinated management framework.
19 Further, provisions set forth in the MOA shall be
20 consistent with Federal trust responsibility require-
21 ments applicable to Indian trust lands and para-
22 graph (5) of this subsection.

23 “(8) PUBLIC ACCESS.—The Coquille Forest
24 shall remain open to public access for purposes of
25 hunting, fishing, recreation and transportation, ex-

1 cept when closure is required by State or Federal
2 law, or when the Coquille Indian Tribe and the State
3 of Oregon agree in writing that restrictions on ac-
4 cess are necessary or appropriate to prevent harm to
5 natural resources, cultural resources or environ-
6 mental quality: *Provided*, That the State of Oregon’s
7 agreement shall not be required when immediate ac-
8 tion is necessary to protect archaeological resources.

9 “(9) JURISDICTION.—

10 “(A) The United States District Court for
11 the District of Oregon shall have jurisdiction
12 over actions against the Secretary arising out of
13 claims that this subsection has been violated.
14 Any affected citizen may bring suit against the
15 Secretary for violations of this subsection, ex-
16 cept that suit may not be brought against the
17 Secretary for claims that the MOA has been
18 violated. The Court has the authority to hold
19 unlawful and set aside actions pursuant to this
20 subsection that are arbitrary and capricious, an
21 abuse of discretion, or otherwise an abuse of
22 law.

23 “(B) The United States District Court for
24 the District of Oregon shall have jurisdiction
25 over actions between the State of Oregon and

1 the Tribe arising out of claims of breach of the
2 MOA.

3 “(C) Unless otherwise provided for by law,
4 remedies available under this subsection shall
5 be limited to equitable relief and shall not in-
6 clude damages.

7 “(10) STATE REGULATORY AND CIVIL JURIS-
8 DICTION.—In addition to the jurisdiction described
9 in paragraph 7 of this subsection, the State of Or-
10 egon may exercise exclusive regulatory civil jurisdic-
11 tion, including but not limited to adoption and en-
12 forcement of administrative rules and orders, over
13 the following subjects—

14 “(A) management, allocation and adminis-
15 tration of fish and wildlife resources, including
16 but not limited to establishment and enforce-
17 ment of hunting and fishing seasons, bag limits,
18 limits on equipment and methods, issuance of
19 permits and licenses, and approval or dis-
20 approval of hatcheries, game farms, and other
21 breeding facilities: *Provided*, That nothing here-
22 in shall be construed to permit the State of Or-
23 egon to manage fish or wildlife habitat on
24 Coquille Forest lands;

1 “(B) allocation and administration of
2 water rights, appropriation of water and use of
3 water;

4 “(C) regulation of boating activities, in-
5 cluding equipment and registration require-
6 ments, and protection of the public’s right to
7 use the waterways for purposes of boating or
8 other navigation;

9 “(D) fills and removals from waters of the
10 State, as defined in Oregon law;

11 “(E) protection and management of the
12 State’s proprietary interests in the beds and
13 banks of navigable waterways;

14 “(F) regulation of mining, mine reclama-
15 tion activities, and exploration and drilling for
16 oil and gas deposits;

17 “(G) regulation of water quality, air qual-
18 ity (including smoke management), solid and
19 hazardous waste, and remediation of releases of
20 hazardous substances;

21 “(H) regulation of the use of herbicides
22 and pesticides; and

23 “(I) enforcement of public health and safe-
24 ty standards, including standards for the pro-
25 tection of workers, well construction and codes

1 governing the construction of bridges, buildings,
2 and other structures.

3 “(11) SAVINGS CLAUSE, STATE AUTHORITY.—

4 “(A) Nothing in this subsection shall be
5 construed to grant Tribal authority over private
6 or State-owned lands.

7 “(B) To the extent that the State of Or-
8 egon is regulating the foregoing areas pursuant
9 to a delegated Federal authority or a Federal
10 program, nothing in this subsection shall be
11 construed to enlarge or diminish the State’s au-
12 thority under such law.

13 “(C) Where both the State of Oregon and
14 the United States are regulating, nothing here-
15 in shall be construed to alter their respective
16 authorities.

17 “(D) To the extent that Federal law au-
18 thorizes the Coquille Indian Tribe to assume
19 regulatory authority over an area, nothing here-
20 in shall be construed to enlarge or diminish the
21 Tribe’s authority to do so under such law.

22 “(E) Unless and except to the extent that
23 the Tribe has assumed jurisdiction over the
24 Coquille Forest pursuant to Federal law, or
25 otherwise with the consent of the State, the

1 State of Oregon shall have jurisdiction and au-
2 thority to enforce its laws addressing the sub-
3 jects listed in subparagraph 10 of this sub-
4 section on the Coquille Forest against the
5 Coquille Indian Tribe, its members and all
6 other persons and entities, in the same manner
7 and with the same remedies and protections
8 and appeal rights as otherwise provided by gen-
9 eral Oregon law. Where the State of Oregon
10 and Coquille Indian Tribe agree regarding the
11 exercise of tribal civil regulatory jurisdiction
12 over activities on the Coquille Forest lands, the
13 Tribe may exercise such jurisdiction as is
14 agreed upon.

15 “(12) In the event of a conflict between Federal
16 and State law under this subsection, Federal law
17 shall control.”.

18 **TITLE VI—BULL RUN**
19 **WATERSHED PROTECTION**

20 **SEC. 601. SECTION 2(a) OF PUBLIC LAW 95-200 AMENDED.**

21 The first sentence of section 2(a) of Public Law 95-
22 200 is amended after “referred to in this subsection (a)”
23 by striking “2(b)” and inserting in lieu thereof “2(e)”.

1 **SEC. 602. SECTION 2(b) OF PUBLIC LAW 95-200 AMENDED.**

2 The first sentence of section 2(b) of Public Law 95-
3 200 is amended after “the policy set forth in subsection
4 (a)” by inserting “and (b)”.

5 **SEC. 603. SECTION 2(b) REDESIGNATION.**

6 Section 2(b) of Public Law 95-200 is redesignated
7 as “2(c)”.

8 **SEC. 604. TIMBER CUTTING.**

9 (a) Public Law 95-200 is amended by adding a new
10 subsection 2(b) immediately after subsection 2(a), as fol-
11 lows:

12 “(b) **TIMBER CUTTING.**—

13 “(1) **IN GENERAL.**—Subject to paragraph (2),
14 the Secretary of Agriculture shall prohibit the cut-
15 ting of trees in that part of the unit consisting of
16 the hydrographic boundary of the Bull Run River
17 Drainage, including certain lands within the unit
18 and located below the headworks of the city of Port-
19 land, Oregon’s water storage and delivery project,
20 and as depicted in a map dated July 22, 1996 and
21 entitled ‘Bull Run River Drainage’.

22 “(2) **PERMITTED CUTTING.**—

23 “(A) **IN GENERAL.**—Subject to subpara-
24 graph (B), the Secretary of Agriculture shall
25 prohibit the cutting of trees in the area de-
26 scribed in paragraph (1).

1 “(B) PERMITTED CUTTING.—Subject to
2 subparagraph (C), the Secretary may only allow
3 the cutting of trees in the area described in
4 paragraph (1)—

5 “(i) for the protection or enhancement
6 of water quality in the area described in
7 paragraph (1); or

8 “(ii) for the protection, enhancement,
9 or maintenance of water quantity available
10 from the area described in paragraph (1);
11 or

12 “(iii) for the construction, expansion,
13 protection or maintenance of municipal
14 water supply facilities; or

15 “(iv) for the construction, expansion,
16 protection or maintenance of facilities for
17 the transmission of energy through and
18 over the unit or previously authorized hy-
19 droelectric facilities or hydroelectric
20 projects associated with municipal water
21 supply facilities.

22 “(C) SALVAGE SALES.—The Secretary of
23 Agriculture may not authorize a salvage sale in
24 the area described in paragraph (1).”.

1 (b) Redesignate subsequent subsection of Public Law
2 95–200 accordingly.

3 **SEC. 605. REPORT TO CONGRESS.**

4 (a) The Secretary of Agriculture shall, in consultation
5 with the city of Portland and other affected parties, under-
6 take a study of that part of the Little Sandy Watershed
7 that is within the unit (hereinafter referred to as the
8 “study area”), as depicted on the map described in section
9 604 of this title.

10 (b) The study referred to in subsection (a) shall de-
11 termine—

12 (1) the impact of management activities within
13 the study area on the quality of drinking water pro-
14 vided to the Portland metropolitan area;

15 (2) the identity and location of certain ecologi-
16 cal features within the study area, including late
17 successional forest characteristics, aquatic and ter-
18 restrial wildlife habitat, significant hydrological val-
19 ues, or other outstanding natural features; and

20 (3) the location and extent of any significant
21 cultural or other values within the study area.

22 (c) The study referred to in subsection (a) shall in-
23 clude both legislative and regulatory recommendations to
24 Congress on the future management of the study area.
25 In formulating such recommendations, the Secretary shall

1 consult with the city of Portland and other affected par-
2 ties.

3 (d) To the greatest extent possible, the Secretary
4 shall use existing data and processes to carry out this
5 study and report.

6 (e) The study referred to in subsection (a) shall be
7 submitted to the Senate Committees on Energy and Natu-
8 ral Resources and Agriculture and the House Committees
9 on Resources and Agriculture not later than one year from
10 the date of enactment of this section.

11 (f) The Secretary is prohibited from advertising, of-
12 fering or awarding any timber sale within the study area
13 for a period of two years after the date of enactment of
14 this section.

15 (g) Nothing in this section shall in any way affect
16 any State or Federal law governing appropriation, use of
17 or Federal right to water on or flowing through National
18 Forest System lands. Nothing in this section is intended
19 to influence the relative strength of competing claims to
20 the waters of the Little Sandy River. Nothing in this sec-
21 tion shall be construed to expand or diminish Federal,
22 State, or local jurisdiction, responsibility, interests, or
23 rights in water resources development or control, including
24 rights in and current uses of water resources in the unit.

1 **SEC. 606. LANDS WITHIN BULL RUN MANAGEMENT UNIT.**

2 Lands within the Bull Run Management Unit, as de-
3 fined in Public Law 95–200, but not contained within the
4 Bull Run River Drainage, as defined by this title and as
5 depicted on the map dated July 1996 described in section
6 604 of this title, shall continue to be managed in accord-
7 ance with Public Law 95–200.

8 **TITLE VII—OREGON ISLANDS**
9 **WILDERNESS, ADDITIONS**

10 **SEC. 701. OREGON ISLANDS WILDERNESS, ADDITIONS.**

11 (a) In furtherance of the purposes of the Wilderness
12 Act of 1964, certain lands within the boundaries of the
13 Oregon Islands National Wildlife Refuge, Oregon, com-
14 prising approximately ninety-five acres and as generally
15 depicted on a map entitled “Oregon Island Wilderness Ad-
16 ditions—Proposed” dated August 1996, are hereby des-
17 ignated as wilderness. The map shall be on file and avail-
18 able for public inspection in the offices of the Fish and
19 Wildlife Service, Department of the Interior.

20 (b) All other federally-owned named, unnamed, sur-
21 veyed and unsurveyed rocks, reefs, islets and islands lying
22 within three geographic miles off the coast of Oregon and
23 above mean high tide, not currently designated as wilder-
24 ness and also within the Oregon Islands National Wildlife
25 Refuge boundaries under the administration of the United
26 States Fish and Wildlife Service, Department of the Inte-

1 rior, as designated by Executive Order 7035, Proclama-
2 tion 2416, Public Land Orders 4395, 4475 and 6287, and
3 Public Laws 91–504 and 95–450, are hereby designated
4 as wilderness.

5 (c) All federally-owned named, unnamed, surveyed
6 and unsurveyed rocks, reefs, islets and islands lying within
7 three geographic miles off the coast of Oregon and above
8 mean high tide, and presently under the jurisdiction of
9 the Bureau of Land Management, are hereby designated
10 as wilderness, shall become part of the Oregon Islands Na-
11 tional Wildlife Refuge and the Oregon Islands Wilderness
12 and shall be under the jurisdiction of the United States
13 Fish and Wildlife Service, Department of the Interior.

14 (d) As soon as practicable after this title takes effect,
15 a map of the wilderness area and a description of its
16 boundaries shall be filed with the Senate Committee on
17 Energy and Natural Resources and the House Committee
18 on Resources, and such map shall have the same force
19 and effect as if included in this title: *Provided however,*
20 That correcting clerical and typographical errors in the
21 map and land descriptions may be made.

22 (e) Public Land Order 6287 of June 16, 1982, which
23 withdrew certain rocks, reefs, islets and islands lying with-
24 in three geographic miles off the coast of Oregon and
25 above mean high tide, including the ninety-five acres de-

1 scribed in subsection (a), as an addition to the Oregon
 2 Islands National Wildlife Refuge is hereby made perma-
 3 nent.

4 **TITLE VIII—UMPQUA RIVER**
 5 **LAND EXCHANGE STUDY**

6 **SEC. 801. UMPQUA RIVER LAND EXCHANGE STUDY: POLICY**
 7 **AND DIRECTION.**

8 (a) IN GENERAL.—The Secretaries of the Interior
 9 and Agriculture (Secretaries) are hereby authorized and
 10 directed to consult, coordinate and cooperate with the
 11 Umpqua Land Exchange Project (ULEP), affected units
 12 and agencies of State and local government, and, as ap-
 13 propriate, the World Forestry Center and National Fish
 14 and Wildlife Foundation, to assist ULEP’s ongoing efforts
 15 in studying and analyzing land exchange opportunities in
 16 the Umpqua River basin and to provide scientific, tech-
 17 nical, research, mapping and other assistance and infor-
 18 mation to such entities. Such consultation, coordination
 19 and cooperation shall at a minimum include, but not be
 20 limited to—

21 (1) working with ULEP to develop or assemble
 22 comprehensive scientific and other information (in-
 23 cluding comprehensive and integrated mapping) con-
 24 cerning the Umpqua River basin’s resources of for-
 25 est, plants, wildlife, fisheries (anadromous and

1 other), recreational opportunities, wetlands, riparian
2 habitat and other physical or natural resources;

3 (2) working with ULEP to identify general or
4 specific areas within the basin where land exchanges
5 could promote consolidation of timberland ownership
6 for long-term, sustained timber production; protec-
7 tion and improvement of habitat for plants, fish and
8 wildlife (including any federally listed threatened or
9 endangered species); protection of drinking water
10 supplies; recovery of threatened and endangered spe-
11 cies; protection and improvement of wetlands, ripar-
12 ian lands and other environmentally sensitive areas;
13 consolidation of land ownership for improved public
14 access and a broad array of recreational uses; and
15 consolidation of land ownership to achieve manage-
16 ment efficiency and reduced costs of administration;
17 and

18 (3) developing a joint report for submission to
19 the Congress which discusses land exchange oppor-
20 tunities in the basin and outlines either a specific
21 land exchange proposal or proposals which may
22 merit consideration by the Secretaries or the Con-
23 gress, or ideas and recommendations for new au-
24 thorizations, direction, or changes in existing law or
25 policy to expedite and facilitate the consummation of

1 beneficial land exchanges in the basin via adminis-
2 trative means.

3 (b) MATTERS FOR SPECIFIC STUDY.—In analyzing
4 land exchange opportunities with ULEP, the Secretaries
5 shall give priority to assisting ULEP’s ongoing efforts
6 in—

7 (1) studying, identifying and mapping areas
8 where the consolidation of land ownership via land
9 exchanges could promote the goals of long term spe-
10 cies protection, including the goals of the Endan-
11 gered Species Act of 1973 more effectively than cur-
12 rent land ownership patterns and whether any
13 changes in law or policy applicable to such lands
14 after consummation of an exchange would be advis-
15 able or necessary to achieve such goals;

16 (2) studying, identifying and mapping areas
17 where land exchanges might be utilized to better sat-
18 isfy the goals of sustainable timber harvest, includ-
19 ing studying whether changes in existing law or pol-
20 icy applicable to such lands after consummation of
21 an exchange would be advisable or necessary to
22 achieve such goals;

23 (3) identifying issues and studying options and
24 alternatives, including possible changes in existing
25 law or policy, to insure that combined post-exchange

1 revenues to units of local government from State
2 and local property, severance and other taxes or lev-
3 ies and shared Federal land receipts will approxi-
4 mate pre-exchange revenues;

5 (4) identifying issues and studying whether pos-
6 sible changes in law, special appraisal instruction, or
7 changes in certain Federal appraisal procedures
8 might be advisable or necessary to facilitate the ap-
9 praisal of potential exchange lands which may have
10 special characteristics or restrictions affecting land
11 values;

12 (5) identifying issues and studying options and
13 alternatives, including changes in existing laws or
14 policy, for achieving land exchanges without reduc-
15 ing the net supply of timber available to small busi-
16 nesses;

17 (6) identifying, mapping, and recommending
18 potential changes in land use plans, land classifica-
19 tions, or other actions which might be advisable or
20 necessary to expedite, facilitate or consummate land
21 exchanges in certain areas; and

22 (7) analyzing potential sources for new or en-
23 hanced Federal, State or other funding to promote
24 improved resource protection, species recovery, and
25 management in the basin.

1 **SEC. 802. REPORT TO CONGRESS.**

2 No later than February 1, 1998, ULEP and the Sec-
3 retaries shall submit a joint report to the Committee on
4 Resources of the United States House of Representatives
5 and to the Committee on Energy and Natural Resources
6 of the United States Senate concerning their studies, find-
7 ings, recommendations, mapping and other activities con-
8 ducted pursuant to this title.

9 **SEC. 803. AUTHORIZATION OF APPROPRIATIONS.**

10 In furtherance of the purposes of this title, there is
11 hereby authorized to be appropriated the sum of
12 \$2,000,000, to remain available until expended.

Passed the Senate August 2, 1996.

Attest:

Secretary.

104TH CONGRESS
2^D SESSION

S. 1662

AN ACT

To establish areas of wilderness and recreation in the State of Oregon, and for other purposes.

S 1662 ES—2

S 1662 ES—3

S 1662 ES—4

S 1662 ES—5