

Calendar No. 65

115TH CONGRESS
1ST SESSION

S. 225

[Report No. 115–52]

To amend the Omnibus Public Land Management Act of 2009 to modify provisions relating to certain land exchanges in the Mt. Hood Wilderness in the State of Oregon.

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2017

Mr. WYDEN (for himself and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

MAY 9, 2017

Reported by Ms. MURKOWSKI, without amendment

A BILL

To amend the Omnibus Public Land Management Act of 2009 to modify provisions relating to certain land exchanges in the Mt. Hood Wilderness in the State of Oregon.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Mount Hood Cooper
3 Spur Land Exchange Clarification Act”.

4 **SEC. 2. COOPER SPUR LAND EXCHANGE CLARIFICATION**
5 **AMENDMENTS.**

6 Section 1206(a) of the Omnibus Public Land Man-
7 agement Act of 2009 (Public Law 111–11; 123 Stat.
8 1018) is amended—

9 (1) in paragraph (1)—

10 (A) in subparagraph (C), by striking “120
11 acres” and inserting “107 acres”; and

12 (B) in subparagraph (E)(ii), by inserting
13 “improvements,” after “buildings,”; and

14 (2) in paragraph (2)—

15 (A) in subparagraph (D)—

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

25 (ii) in clause (ii), in the matter pre-
26 ceding subclause (I), by striking “An ap-

praisal under clause (i) shall” and inserting “Except as provided under clause (iii), an appraisal under clause (i) shall assign a separate value to each tax lot to allow for the equalization of values and”; and

(iii) by adding at the end the following:

“(iii) FINAL APPRAISED VALUE.—

“(I) IN GENERAL.—Subject to subclause (II), after the final appraised value of the Federal land and the non-Federal land are determined and approved by the Secretary, the Secretary shall not be required to re-appraise or update the final appraised value for a period of up to 3 years, beginning on the date of the approval by the Secretary of the final appraised value.

“(II) EXCEPTION.—Subclause (I) shall not apply if the condition of either the Federal land or the non-Federal land referred to in subclause (I) is significantly and substantially al-

1 tered by fire, windstorm, or other
2 events.

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

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

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

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

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

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

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

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

13 “(I) to cross the trails with
14 roads, utilities, and infrastructure fa-
15 cilities; and

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

19 “(H) EQUALIZATION OF VALUES.—

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

1 limitation, consistent with the require-
2 ments of this Act and subject to the ap-
3 proval of the Secretary and Mt. Hood
4 Meadows.

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

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