

deemed read a third time, and passed, and the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The bill (H.R. 3680) was deemed read the third time and passed.

Mr. INHOFE. Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

OREGON RESOURCE CONSERVATION ACT OF 1996 OPAL CREEK WILDERNESS AND OPAL CREEK SCENIC RECREATION AREA ACT OF 1996

Mr. HATFIELD. Mr. President, I ask unanimous consent to bring up S. 1662, which has been cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1662) to establish areas of wilderness and recreation in the State of Oregon, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oregon Resource Conservation Act of 1996".

TITLE I—OPAL CREEK WILDERNESS AND SCENIC RECREATION AREA

SEC. 101. SHORT TITLE.

This title may be cited as the "Opal Creek Wilderness and Opal Creek Scenic Recreation Area Act of 1996".

SEC. 102. DEFINITIONS.

In this title:

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

(2) **OPAL CREEK WILDERNESS.**—The term "Opal Creek Wilderness" means certain land in the Willamette National Forest in the State of Oregon comprising approximately 12,800 acres, as generally depicted on the map entitled "Proposed Opal Creek Wilderness and Scenic Recreation Area", dated June 1996.

(3) **SCENIC RECREATION AREA.**—The term "Scenic Recreation Area" means the Opal Creek Scenic Recreation Area, comprising approximately 13,000 acres, established under section 103(a)(3).

(4) **SECRETARY.**—The term "Secretary" means the Secretary of Agriculture.

(5) **COUNTIES.**—The term "counties" means Marion and Clackamas Counties in the State of Oregon.

SEC. 103. ESTABLISHMENT OF OPAL CREEK WILDERNESS AND SCENIC RECREATION AREA.

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

(1) the Opal Creek Wilderness, as depicted on the map described in section 102(2), is hereby designated as wilderness, subject to the Wilderness Act of 1964, shall become a component of the National Wilderness System, and shall be known as the Opal Creek Wilderness;

(2) the part of the Bull of the Woods Wilderness that is located in the Willamette National Forest shall be incorporated into the Opal Creek Wilderness; and

(3) the Secretary shall establish the Opal Creek Scenic Recreation Area in the Willamette National Forest in the State of Oregon, comprising approximately 13,000 acres, as generally depicted on the map entitled "Proposed Opal Creek Wilderness and Scenic Recreation Area", dated June 1996.

(b) **CONDITIONS.**—Subsection (a) shall not take effect unless the Secretary makes a determination, not later than 2 years after the date of enactment of this Act, that:

(1) the following have been donated to the United States in an acceptable condition and without encumbrances:

(A) All right, title, and interest in the following patented parcels of land:

(i) Santiam number 1, mineral survey number 992, as described in patent number 39-92-0002, dated December 11, 1991.

(ii) Ruth Quartz Mine number 2, mineral survey number 994, as described in patent number 39-91-0012, dated February 12, 1991.

(iii) Morning Star Lode, mineral survey number 993, as described in patent number 36-91-0011, dated February 12, 1991.

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

(C) A public easement across the Hewitt, Starvation, and Poor Boy Mill Sites, mineral survey number 990, as described in patent number 36-91-0017, dated May 9, 1991.

(2) a binding agreement has been executed by the Secretary and the owners of record as of March 29, 1996, of the following parcels, specifying the terms and conditions for the disposition of these parcels to the United States Government:

(A) The lode mining claims known as Princess Lode, Black Prince Lode, and King Number 4 Lode, embracing portions of sections 29 and 32, township 8 south, range 5 east, Willamette Meridian, Marion County, Oregon, the claims being more particularly described in the field notes and depicted on the plat of mineral survey number 887, Oregon.

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

(c) **EXPANSION OF SCENIC RECREATION AREA BOUNDARIES.**—On acquiring all or substantially all of the land located in section 36, township 8 south, range 4 east, of the Willamette Meridian, Marion County, Oregon, by exchange, purchase on a willing seller basis, or donation, the Secretary shall expand the boundary of the Scenic Recreation Area to include the land.

SEC. 104. ADMINISTRATION OF THE SCENIC RECREATION AREA.

(a) **IN GENERAL.**—The Secretary shall administer the Scenic Recreation Area in accordance with the laws (including regulations) applicable to the National Forest System.

(b) **OPAL CREEK MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of establishment of the Scenic Recreation Area, the Secretary, in consultation with the advisory committee established under section 105(a), shall prepare a comprehensive Opal Creek Management Plan for the Scenic Recreation Area.

(2) **INCORPORATION IN LAND AND RESOURCE MANAGEMENT PLAN.**—On completion of the Opal Creek Management Plan, the Opal Creek Man-

agement Plan shall become part of the land and resource management plan for the Willamette National Forest and supersede any conflicting provision in the land and resource management plan.

(3) **REQUIREMENTS.**—The Opal Creek Management Plan shall provide a broad range of land uses, including—

(A) recreation;

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

(C) educational and research opportunities.

(4) **PLAN AMENDMENTS.**—The Secretary may amend the Opal Creek Management Plan as the Secretary may determine to be necessary, consistent with the procedures and purposes of this title.

(c) **CULTURAL AND HISTORIC RESOURCE INVENTORY.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of establishment of the Scenic Recreation Area, the Secretary shall review and revise the inventory of the cultural and historic resources on the public land in the Scenic Recreation Area that were developed pursuant to the Oregon Wilderness Act of 1984 (Public Law 98-328; 98 Stat. 272).

(2) **INTERPRETATION.**—Interpretive activities shall be developed under the management plan in consultation with State and local historic preservation organizations and shall include a balanced and factually-based interpretation of the cultural, ecological, and industrial history of forestry and mining in the Scenic Recreation Area.

(d) **TRANSPORTATION PLANNING.**—

(1) **IN GENERAL.**—To maintain access to recreation sites and facilities in existence on the date of enactment of this Act, the Secretary shall prepare a transportation plan for the Scenic Recreation Area that evaluates the road network within the Scenic Recreation Area to determine which roads should be retained and which roads closed.

(2) **ACCESS BY PERSONS WITH DISABILITIES.**—The Secretary shall consider the access needs of persons with disabilities in preparing the transportation plan for the Scenic Recreation Area.

(3) **MOTOR VEHICLES.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B) and in the transportation plan under paragraph (1), motorized vehicles shall not be permitted in the Scenic Recreation Area.

(B) **EXCEPTION.**—Forest road 2209 beyond the gate to the Scenic Recreation Area, as depicted on the map described in section 103(a)(3), may be used by motorized vehicles only for administrative purposes and for access to a private inholding, subject to such terms and conditions as the Secretary may determine to be necessary.

(4) **ROAD IMPROVEMENT.**—Any construction or improvement of forest road 2209 beyond the gate to the Scenic Recreation Area shall be only for the purpose of maintaining the character of the road at the time of enactment and may not include paving or widening.

(e) **HUNTING AND FISHING.**—

(1) **IN GENERAL.**—Subject to other Federal and State law, the Secretary shall permit hunting and fishing in the Scenic Recreation Area.

(2) **LIMITATION.**—The Secretary may designate zones in which, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, or public use and enjoyment.

(3) **CONSULTATION.**—Except during an emergency, as determined by the Secretary, the Secretary shall consult with the Oregon State Department of Fish and Wildlife before issuing any regulation under this section.

(f) **TIMBER CUTTING.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary shall prohibit the cutting and/or selling of trees in the Scenic Recreation Area.

(2) **PERMITTED CUTTING.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Secretary may allow the cutting of trees in the Scenic Recreation Area only—

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

(ii) for activities related to administration of the Scenic Recreation Area, consistent with the Opal Creek Management Plan; or

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

(B) **SALVAGE SALES.**—The Secretary may not allow a salvage sale in the Scenic Recreation Area.

(g) **WITHDRAWAL.**

(1) Subject to valid existing rights, all lands in the Scenic Recreation Area are withdrawn from—

(A) any form of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under the mineral and geothermal leasing laws.

(h) **BORNITE PROJECT.**

(1) Nothing in this title shall be construed to interfere with or approve any exploration, mining, or mining-related activity in the Bornite Project Area conducted in accordance with applicable laws. The Bornite Project Area is depicted on the map described in section 103(a)(3).

(2) Nothing in this title shall be construed to interfere with the ability of the Secretary to approve and issue special use permits in connection with exploration, mining, and mining-related activities in the Bornite Project Area.

(3) Motorized vehicles, roads, structures, and utilities (including but not limited to power lines and water lines) shall be allowed inside the Scenic Recreation Area to serve the activities conducted on land within the Bornite Project.

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

(i) **WATER IMPOUNDMENTS.**—Notwithstanding the Federal Power Act (16 U.S.C. 791a et seq.), the Federal Energy Regulatory Commission may not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project work in the Scenic Recreation Area, except as may be necessary to comply with (h).

(j) **RECREATION.**—

(1) **RECOGNITION.**—Congress recognizes recreation as an appropriate use of the Scenic Recreation Area.

(2) **MINIMUM LEVELS.**—The management plan shall accommodate recreation at not less than the levels in existence on the date of enactment of this Act.

(3) **HIGHER LEVELS.**—The management plan may provide for levels of recreation use higher than the levels in existence on the date of enactment of this Act if the levels are consistent with the protection of resource values.

(k) **PARTICIPATION.**—In order that the knowledge, expertise, and views of all agencies and groups may contribute affirmatively to the most sensitive present and future use of the Scenic Recreation Area and its various subareas for the benefit of the public:

(1) **ADVISORY COUNCIL.**—The Secretary shall consult on a periodic and regular basis with the advisory council established under section 105 with respect to matters relating to management of the Scenic Recreation Area.

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

(3) **OTHER AGENCIES.**—The Secretary shall seek the views and assistance of, and cooperate with, any other Federal, State, or local agency with any responsibility for the zoning, planning, or natural resources of the Scenic Recreation Area.

(4) **NONPROFIT AGENCIES AND ORGANIZATIONS.**—The Secretary shall seek the views of any nonprofit agency or organization that may

contribute information or expertise about the resources and the management of the Scenic Recreation Area.

SEC. 105. ADVISORY COUNCIL.

(a) **ESTABLISHMENT.**—On the establishment of the Scenic Recreation Area, the Secretary shall establish an advisory council for the Scenic Recreation Area.

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

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

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

(3) 1 member shall represent the State of Oregon and shall be designated by the Governor of Oregon; and

(4) 1 member each from the City of Salem and a city within a 25 mile radius of the Opal Creek Scenic Recreation Area.

(5) not more than 8 members shall be appointed by the Secretary from among persons who, individually or through association with a national or local organization, have an interest in the administration of the Scenic Recreation Area, including, but not limited to, representatives of the timber industry, environmental organizations, the mining industry, inholders in the wilderness and scenic recreation area, and economic development interests and Indian Tribes.

(c) **STAGGERED TERMS.**—Members of the advisory council shall serve for staggered terms of 3 years.

(d) **CHAIRMAN.**—The Secretary shall designate 1 member of the advisory council as chairman.

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

(f) **COMPENSATION.**—A member of the advisory council shall not receive any compensation for the member's service to the advisory council.

SEC. 106. GENERAL PROVISIONS.

(a) **LAND ACQUISITION.**—

(1) **IN GENERAL.**—Subject to the other provisions of this subsection, the Secretary may acquire any lands or interests in land in the Scenic Recreation Area or the Opal Creek Wilderness that the Secretary determines are needed to carry out this title.

(2) **PUBLIC LAND.**—Any lands or interests in land owned by a State or a political subdivision of a State may be acquired only by donation or exchange.

(3) **CONDEMNATION.**—Subject to paragraph (4), the Secretary may not acquire any privately owned land or interest in land without the consent of the owner unless the Secretary finds that—

(A) the nature of land use has changed significantly, or the landowner has demonstrated intent to change the land use significantly, from the use that existed on the date of the enactment of this Act; and

(B) acquisition by the Secretary of the land or interest in land is essential to ensure use of the land or interest in land in accordance with the management plan prepared under section 104(b).

(b) **ENVIRONMENTAL RESPONSE ACTIONS AND COST RECOVERY.**—

(1) **RESPONSE ACTIONS.**—Nothing in this title shall limit the authority of the Secretary or a responsible party to conduct an environmental response action in the Scenic Recreation Area in connection with the release, threatened release, or cleanup of a hazardous substance, pollutant, or contaminant, including a response action conducted under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(2) **LIABILITY.**—Nothing in this title shall limit the authority of the Secretary or a responsible party to recover costs related to the release, threatened release, or cleanup of any hazardous substance or pollutant or contaminant in the Scenic Recreation Area.

(c) **MAPS AND DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a boundary description for the Opal Creek Wilderness and for the Scenic Recreation Area with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) **FORCE AND EFFECT.**—The boundary description and map shall have the same force and effect as if the description and map were included in this title, except that the Secretary may correct clerical and typographical errors in the boundary description and map.

(3) **AVAILABILITY.**—The map and boundary description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

(d) Nothing in this title shall interfere with any activity for which a special use permit has been issued and not revoked before the date of enactment of this title, subject to the terms of the permit.

SEC. 107. ROSBORO LAND EXCHANGE.

(a) **AUTHORIZATION.**—Notwithstanding any other law, if the Rosboro Lumber Company (referred to in this section as "Rosboro") offers and conveys title to the United States acceptable to the Secretary of Agriculture to the land described in subsection (b), all right, title and interest held by the United States to sufficient lands described in subsection (c) of equivalent equal value are conveyed by operation of law to Rosboro.

(b) **LAND TO BE OFFERED BY ROSBORO.**—The land referred to in subsection (a) as the land to be offered by Rosboro is the land described as follows: Section 36, township 8 south, range 4 east, Willamette Meridian.

(c) **LAND TO BE CONVEYED BY THE UNITED STATES.**—The land referred to in subsection (a) as the land to be conveyed by the United States is the land described as follows:

(1) Section 2, township 17 south, range 4 east, lot 3 (29.28 acres).

(2) Section 2, township 17 south, range 4 east, NW¹/₄, SE¹/₄ (40 acres).

(3) Section 13, township 17 south, range 4 east, S¹/₂, SE¹/₄ (80 acres).

(4) Section 2, township 17 south, range 4 east, SW¹/₄, SW¹/₄ (40 acres).

(5) Section 8, township 17 south, range 4 east, SE¹/₄, SW¹/₄ (40 acres).

(6) Section 5, township 17 south, range 4 east, lot 7 (37.63 acres).

(7) Section 11, township 17 south, range 4 east, W¹/₂, NW¹/₄ (80 acres).

(d) The values of lands to be exchanged pursuant to this subsection shall be equal as determined by the Secretary of Agriculture, or if they are not equal, shall be equalized by additional lands or by the payment of money to Rosboro or to the Secretary subject to the 25 per centum cash equalization limitation of section 206 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1716).

(e) **TIMETABLE.**—The authority provided by this section shall lapse if Rosboro fails to offer the land described in subsection (b) within two years after the date of enactment of this Act. If Rosboro does offer the land described in subsection (b) within such two-year period, the Secretary shall within 180 days convey the land described in subsection (c) to Rosboro.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 108. DESIGNATION OF ELKHORN CREEK AS A WILD AND SCENIC RIVER.

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

“() (A) **ELKHORN CREEK.**—Elkhorn Creek from its source to its confluence on Federal land to be administered by agencies of the Departments of the Interior and Agriculture as agreed

on by the Secretary of the Interior and the Secretary of Agriculture or as directed by the President. Notwithstanding subsection 3(b), the lateral boundaries of the Elkhorn River 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.

"(B) The 6.4-mile segment traversing federally administered lands from that point along the Willamette National Forest boundary on the common section line between sections 12 and 13, township 9 south, range 4 east, Willamette Meridian, to that point where it leaves Federal ownership along the Bureau of Land Management boundary in section 1, township 9 south, range 3 east, Willamette Meridian, in the following classes:

"(i) a 5.8-mile wild river area, extended from that point along the Willamette National Forest boundary on the common section line between sections 12 and 13, township 9 south, range 4 east, Willamette Meridian, to be administered as agreed on by the Secretaries of Agriculture and the Interior, or as directed by the President; and

"(ii) a 0.6-mile scenic river area, extending from the confluence with Buck Creek in section 1, township 9 south, range 3 east, Willamette Meridian, to that point where it leaves Federal ownership along the Bureau of Land Management boundary in section 1, township 9 south, range 3 east, Willamette Meridian, to be administered by the Secretary of the Interior, or as directed by the President.

"(C) Notwithstanding section 3(b) of this Act, the lateral boundaries of both the wild river area and the scenic river area along Elkhorn 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."

SEC. 109. ECONOMIC DEVELOPMENT.

(a) **ECONOMIC DEVELOPMENT PLAN.**—As a condition for receiving funding under subsection (b) of this section, the State of Oregon, in consultation with the counties and the Secretary of Agriculture, shall develop a plan for economic development projects for which grants under this section may be used in a manner consistent with this Act and to benefit local communities in the vicinity of the Opal Creek Area. Such plan shall be based on a formal economic opportunity study and other appropriate information.

(b) **FUNDS PROVIDED TO THE STATES FOR GRANTS.**—Upon certification of the management plan, and receipt of a plan referred to in subsection (a) of this section, the Secretary shall provide \$15,000,000, subject to appropriations, to the State of Oregon which shall be used to make grants and loans for economic development projects that further the purposes of this Act and benefit the local communities in the vicinity of the Opal Creek Area.

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

(1) prepare and provide the Secretary and Congress with an annual report to the Secretary and Congress on the use of the funds made available under this section;

(2) make available to the Secretary and to Congress, upon request, all accounts, financial records, and other information related to grants and loans made available pursuant to this section; and

(3) as loans are repaid, make additional grants and loans with the money made available for obligation by such repayments.

TITLE II—UPPER KLAMATH BASIN

SEC. 201. UPPER KLAMATH BASIN ECOLOGICAL RESTORATION PROJECTS.

(a) **DEFINITIONS.**—In this section:

(1) **ECOSYSTEM RESTORATION OFFICE.**—The term "Ecosystem Restoration Office" means the Klamath Basin Ecosystem Restoration Office operated cooperatively by the United States Fish and Wildlife Service, Bureau of Reclamation, Bureau of Land Management, and Forest Service.

(2) **WORKING GROUP.**—The term "Working Group" means the Upper Klamath Basin Work-

ing Group, established before the date of enactment of this Act, consisting of members nominated by their represented groups, including:

(A) 3 tribal members;

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

(C) 1 representative of Klamath County, Oregon;

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

(E) 4 representatives of the environmental community, including at least one such representative from the State of California with interests in the Upper Klamath Basin Wildlife Refuges;

(F) 4 representatives of local businesses and industries, including at least one representative of the ocean commercial fishing industry and/or recreational fishing industry based in either Oregon or California;

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

(H) 2 representatives from State of Oregon agencies with authority and responsibility in the Klamath River Basin, including one from the Oregon Department of Fish and Wildlife and one from the Oregon Water Resources Department;

(I) 4 representatives from the local community; and

(J) 1 representative each from the following Federal resource management agencies in the Upper Klamath Basin: Fish and Wildlife Service, Bureau of Reclamation, Bureau of Land Management, Bureau of Indian Affairs, Forest Service, Natural Resources Conservation Service, and Ecosystem Restoration Office.

(3) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(4) **TASK FORCE.**—The term "Task Force" means the Klamath River Basin Fisheries Task Force as established by the Klamath River Basin Fishery Resource Restoration Act (Public Law 99-552, 16 U.S.C. 460ss-3, et seq.).

(5) **COMPACT COMMISSION.**—The term "Compact Commission" means the Klamath River Basin Compact Commission created pursuant to the Klamath River Compact Act of 1954.

(6) **CONSENSUS.**—The term "consensus" means a unanimous agreement by the Working Group members present at a regularly scheduled business meeting.

(b) **IN GENERAL.**—

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

(2) The Secretary shall pay, to the greatest extent feasible, up to 50 percent of the cost of performing any project approved by the Secretary or his designee, up to a total amount of \$1,000,000 during each of fiscal years 1997 through 2001.

(3) Funds made available under this title through the Department of the Interior or the Department of Agriculture shall be distributed through the Ecosystem Restoration Office.

(4) The Ecosystem Restoration Office may utilize not more than 15 percent of all Federal funds administered under this section for administrative costs relating to the implementation of this title.

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

(c) **COORDINATION.**—

(1) The Secretary shall formulate a cooperative agreement between the Working Group, the Task Force, and the Compact Commission for the purposes of ensuring that projects proposed and funded through the Working Group are

consistent with other basin-wide fish and wildlife restoration and conservation plans, including but not limited to plans developed by the Task Force and the Compact Commission.

(2) To the greatest extent practicable, the Working Group shall provide notice to, and accept input from, two members each of the Task Force and the Compact Commission, so appointed by those entities, for the express purpose of facilitating better communication and coordination regarding additional basin-wide fish and wildlife and ecosystem restoration and planning efforts.

(d) **PUBLIC MEETINGS.**—The Working Group shall conduct all meetings consistent with Federal open meeting and public participation laws. The chartering requirements of 5 U.S.C. App 2 §§1-15 are hereby deemed to have been met by this section;

(e) **TERMS AND VACANCIES.**—Working Group members shall serve for three year terms, beginning on the date of enactment of this Act. Vacancies which occur for any reason after the date of enactment of this Act shall be filled by direct appointment of the Governor of the State of Oregon, in consultation with the Secretary of the Interior and the Secretary of Agriculture, in accordance with nominations from the appropriate groups, interests, and government agencies outlined in section (a)(2).

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years 1997 through 2002.

TITLE III—DESCHUTES BASIN

SEC. 301. DESCHUTES BASIN ECOSYSTEM RESTORATION PROJECTS.

(a) **DEFINITIONS.**—In this section:

(1) **WORKING GROUP.**—The term "Working Group" means the Deschutes River Basin Working Group established before the date of enactment of this Act, consisting of members nominated by their represented groups, including:

(A) 5 representatives of private interests including one each from hydroelectric production, livestock grazing, timber, land development, and recreation/tourism;

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

(C) 2 representatives from the Confederated Tribes of the Warm Springs Reservation of Oregon;

(D) 2 representatives from Federal Agencies with authority and responsibility in the Deschutes River Basin, including one from the Interior Department and one from the Agriculture Department;

(E) 2 representatives from the State of Oregon agencies with authority and responsibility in the Deschutes River Basin, including one from the Oregon Department of Fish and Wildlife and one from the Oregon Water Resources Department; and

(F) 4 representatives from Deschutes River Basin county and/or city governments, which may include representatives from Deschutes, Crook, Jefferson, and Wasco/Sherman counties.

(2) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(3) **FEDERAL AGENCIES.**—The term "Federal Agencies" means agencies and departments of the United States, including, but not limited to, the Bureau of Reclamation, Bureau of Indian Affairs, Bureau of Land Management, Fish and Wildlife Service, Forest Service, Natural Resources Conservation Service, Farm Services Agency, the National Marine Fisheries Service, and the Bonneville Power Administration.

(4) **CONSENSUS.**—The term "consensus" means a unanimous agreement by the Working Group members present at a regularly scheduled business meeting.

(b) **IN GENERAL.**—

(1) The Working Group will propose ecological restoration projects on both Federal and non-Federal lands and waters to be undertaken in

the Deschutes River Basin based on a consensus of the Working Group, provided that such projects, when involving Federal land or funds, shall be proposed to the Bureau of Reclamation in the Department of the Interior and any other Federal agency with affected land or funds.

(2) The Working Group will accept donations, grants or other funds and place the amount of such funds received into a trust fund, to be expended on the performance of ecological restoration projects which, when involving federal land or funds, are approved by the affected Federal Agency.

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

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

(5) Funds authorized in subsection (g) of this section shall be maintained in and distributed by the Bureau of Reclamation in the Department of the Interior. The Bureau of Reclamation shall not expend more than 5 percent of amounts appropriated pursuant to subsection (g) for Federal administration of such appropriations pursuant to this Act.

(6) The Bureau of Reclamation is authorized to provide by grant to the Working Group not more than 5 percent of funds appropriated pursuant to subsection (g) of this section for not more than 50 percent of administrative costs relating to the implementation of this title; and

(7) The Federal Agencies with authority and responsibility in the Deschutes River Basin shall provide technical assistance to the Working Group and shall designate representatives to serve as members of the Working Group.

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

(c) PUBLIC NOTICE AND PARTICIPATION.—The Working Group shall give reasonable public notice of all meetings of the Working Group and allow public attendance at the meetings. The activities of the Working Group and the Federal Agencies pursuant to the provisions of this Act are exempt from the provisions of 5 U.S.C. App 2 §§1-15.

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

(e) TERMS AND VACANCIES.—Members of the Working Group representing governmental agencies or entities shall be named by the represented government. Members of the Working Group representing private interests shall be named in accordance with the Articles of Incorporation and Bylaws of the Working Group. Representatives from Federal Agencies will serve for terms of 3 years. Vacancies which occur for any reason after the date of enactment shall be filled in accordance with this section.

(f) ADDITIONAL PROJECTS.—Where existing authority and appropriations permit, Federal Agencies may contribute to the implementation of projects recommended by the Working Group and approved by the Secretary.

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

TITLE IV—MOUNT HOOD CORRIDOR

SEC. 401. LAND EXCHANGE.

(a) AUTHORIZATION.—Notwithstanding any other law, if Longview Fibre Company (referred

to in this section as "Longview") offers and conveys title that is acceptable to the United States to some or all of the land described in subsection (b), the Secretary of the Interior (referred to in this section as the "Secretary") shall convey to Longview title to some or all of the land described in subsection (c), as necessary to satisfy the requirements of subsection (d).

(b) LAND TO BE OFFERED BY LONGVIEW.—The land referred to in subsection (a) as the land to be offered by Longview is the land described as follows:

(1) T. 2 S., R. 6 E., sec. 13—E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, containing 160 record acres, more or less;

(2) T. 2 S., R. 6 E., sec. 14—All, containing 640 record acres, more or less;

(3) T. 2 S., R. 6 E., sec. 16—N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, containing 600 record acres, more or less;

(4) T. 2 S., R. 6 E., sec. 26—NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$; and a strip of land to be used for right-of-way purposes in sec. 23), containing 320 record acres, more or less;

(5) T. 2 S., R. 6 E., sec. 27—S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, containing 140 record acres, more or less;

(6) T. 2 S., R. 6 E., sec. 28—N $\frac{1}{2}$, Except a tract of land 100 feet square bordering and lying west of Wild Cat Creek and bordering on the north line of sec. 28, described as follows: Beginning at a point on the west bank of Wild Cat Creek and the north boundary of sec. 28, running thence W. 100 feet, thence S. 100 feet parallel with the west bank of Wild Cat Creek, thence E. to the west bank of Wild Cat Creek, thence N. along said bank of Wild Cat Creek to the point of beginning, also excepting that portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ lying east of Wildcat Creek, containing 319.77 record acres, more or less;

(7) T. 2 S., R. 7 E., sec. 19—E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Except a tract of land described in deed recorded on August 6, 1991, as Recorder's Fee No. 91-39007, and except the portion lying within public roads, containing 117.50 record acres, more or less;

(8) T. 2 S., R. 7 E., sec. 20—S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, containing 20 record acres, more or less;

(9) T. 2 S., R. 7 E., sec. 27—W $\frac{1}{2}$ SW $\frac{1}{4}$, containing 80 record acres, more or less;

(10) T. 2 S., R. 7 E., sec. 28—S $\frac{1}{2}$, containing 320 record acres, more or less;

(11) T. 2 S., R. 7 E., sec. 29—SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$, containing 380 record acres, more or less;

(12) T. 2 S., R. 7 E., sec. 30—E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Except the portion lying within Timberline Rim Division 4, and except the portion lying within the county road, containing 115 record acres, more or less;

(13) T. 2 S., R. 7 E., sec. 33—N $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, containing 110 record acres, more or less;

(14) T. 3 S., R. 5 E., sec. 13—NE $\frac{1}{4}$ SE $\frac{1}{4}$, containing 40 record acres, more or less;

(15) T. 3 S., R. 5 E., sec. 26—The portion of the E $\frac{1}{2}$ NE $\frac{1}{4}$ lying southerly of Eagle Creek and northeasterly of South Fork Eagle Creek, containing 14 record acres, more or less;

(16) T. 3 S., R. 5 E., sec. 25—The portion of the N $\frac{1}{2}$ SW $\frac{1}{4}$ lying northeasterly of South Fork Eagle Creek, containing 36 record acres, more or less; and

(17) T. 6 S., R. 2 E., sec. 4—SW $\frac{1}{4}$, containing 160.00 record acres, more or less.

(c) LAND TO BE CONVEYED BY THE SECRETARY.—The land referred to in subsection (a) as the land to be conveyed by the Secretary is the land described as follows:

(1) T. 1 S., R. 5 E., sec. 9—SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, containing 80 record acres, more or less;

(2) T. 2 S., R. 5 E., sec. 33—NE $\frac{1}{4}$ NE $\frac{1}{4}$, containing 40 record acres, more or less.

(3) T. 2 $\frac{1}{2}$ S., R. 6 E., sec. 31—Lots 1-4, incl. containing 50.65 record acres, more or less;

(4) T. 2 $\frac{1}{2}$ S., R. 6 E., sec. 32—Lots 1-4, incl. containing 60.25 record acres, more or less;

(5) T. 3 S., R. 5 E., sec. 1—NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, containing 200 record acres, more or less;

(6) T. 3 S., R. 5 E., sec. 9—S $\frac{1}{2}$ SE $\frac{1}{4}$, containing 80 record acres, more or less;

(7) T. 3 S., R. 5 E., sec. 17—N $\frac{1}{2}$ NE $\frac{1}{4}$, containing 80 record acres, more or less;

(8) T. 3 S., R. 5 E., sec. 23—W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, containing 120 record acres, more or less;

(9) T. 3 S., R. 5 E., sec. 25—The portion of the S $\frac{1}{2}$ S $\frac{1}{2}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ lying southwesterly of South Fork Eagle Creek, containing 125 record acres, more or less;

(10) T. 3 S., R. 5 E., sec. 31—Unnumbered lot (SW $\frac{1}{4}$ SW $\frac{1}{4}$), containing 40.33 record acres, more or less;

(11) T. 7 S., R. 1 E., sec. 23—SE $\frac{1}{4}$ SE $\frac{1}{4}$, containing 40 record acres, more or less;

(12) T. 10 S., R. 2 E., sec. 34—SW $\frac{1}{4}$ SW $\frac{1}{4}$, containing 40 record acres, more or less;

(13) T. 10 S., R. 4 E., sec. 9—NW $\frac{1}{4}$ NW $\frac{1}{4}$, containing 40 record acres, more or less;

(14) T. 4 N., R. 3 W., sec. 35—W $\frac{1}{2}$ SW $\frac{1}{4}$, containing 80 record acres, more or less;

(15) T. 3 N., R. 3 W., sec. 7—E $\frac{1}{2}$ NE $\frac{1}{4}$, containing 80 record acres, more or less;

(16) T. 3 N., R. 3 W., sec. 9—SE $\frac{1}{4}$ NW $\frac{1}{4}$, containing 40 record acres, more or less;

(17) T. 3 N., R. 3 W., sec. 17—S $\frac{1}{2}$ NE $\frac{1}{4}$, containing 80 record acres, more or less;

(18) T. 3 N., R. 2 W., sec. 3—SW $\frac{1}{4}$ NW $\frac{1}{4}$, containing 40 record acres, more or less;

(19) T. 2 N., R. 2 W., sec. 3—SE $\frac{1}{4}$ SE $\frac{1}{4}$, containing 40 record acres, more or less; and

(20) T. 1 S., R. 4 W., sec. 15—SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, containing 120 record acres, more or less.

(d) EQUAL VALUE.—The land and interests in land exchanged under this section—

(1) shall be of equal market value; or

(2) shall be equalized using nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Standards for Federal Land Acquisition, the Uniform Standards of Professional Appraisal Practice, the provisions of section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)), and other applicable law.

(e) REDESIGNATION OF LAND TO MAINTAIN REVENUE FLOW.—So as to maintain the current flow of revenue from land subject to the Act entitled "An Act relating to the reversioned Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant land situated in the State of Oregon", approved August 28, 1937 (43 U.S.C. 1181a et seq.), the Secretary may redesignate public domain land located in and west of range 9 east, Willamette Meridian, Oregon, as land subject to that Act.

(f) TIMETABLE.—The exchange directed by this section shall be consummated not later than 1 year after the date of enactment of this Act.

(g) WITHDRAWAL OF LANDS.—All lands managed by the Department of the Interior, Bureau of Land Management, located in townships 2 and 3 south, ranges 6 and 7 east, Willamette Meridian, which can be seen from the right of way of Oregon State Highway 26 (referred to in this section as the "Mt. Hood Corridor"), shall be managed primarily for the protection of important scenic values. Management prescriptions for other resource values associated with these lands shall be planned and conducted for purposes other than timber harvest, so as not to impair scenic quality.

(h) TIMBER HARVEST.—Timber harvest may be conducted in the Mt. Hood Corridor after the occurrence of a resource-damaging catastrophic event. Such harvest, and any additional timber harvest, may only be conducted to achieve the following resource management objectives, in compliance with the current land use plans—

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

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

(3) for activities related to administration of the Mt. Hood corridor; or

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

(i) **ROAD CLOSURE.**—The forest road gate located on Forest Service Road 2503, located in T. 2 S., R. 6 E., sec. 14, shall remain gated and locked to protect resources and prevent illegal dumping and vandalism in the Mt. Hood Corridor. Access to this road shall be limited to—

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

(2) employees and contractors conducting authorized activities associated with the telecommunication sites located in T. 2 S., R. 6 E., sec. 14; and

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

(j) **NEPA EXEMPTION.**—Notwithstanding any other provision of law, the National Environmental Policy Act of 1969 (Public Law 91-190) shall not apply to this section.

(k) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE V—COQUILLE TRIBAL FOREST

SEC. 501. CREATION OF THE COQUILLE FOREST.

(a) The Coquille Restoration Act (Public Law 101-42) is amended by inserting at the end of section 5 the following:

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

“(1) Within 90 days of the enactment of this title, the Secretary of Interior is authorized to and shall, in accordance with this title and in consultation with the Coquille Tribe of Coos County, Oregon, designate approximately five thousand acres of forest lands in Coos County, Oregon, to which the United States holds title, located in the historic territory of the Coquille Indian people, as the Coquille Forest.

“(2) A map showing the Federal portions of these sections designated as the Coquille Forest, and such additional legal descriptions which are applicable, shall within 180 days of the date of enactment of this title, be prepared by the Secretary in consultation with the Tribe and placed on file at the local District Office of the Bureau of Land Management, the Agency Office of the Bureau of Indian Affairs, and with the Senate Committee on Energy and Natural Resources and the House Committee on Resources.

“(3) Two years from the date of enactment of this subsection, the Secretary shall transfer lands designated under subsection (d)(1), to the Bureau of Indian Affairs, to be held in trust, in perpetuity, for the Coquille Tribe. As Indian trust forest lands, the Secretary of Interior, acting through the Assistant Secretary for Indian Affairs shall manage these lands under applicable forestry laws and in a manner consistent with the standards and guidelines of Federal forest plans on adjacent lands. The Secretary and the Tribe may authorize management of the Coquille Forest consistent with the Coquille Forest management strategy developed by the Independent Scientific Advisory Team and set forth in the report entitled, “A Forest Management Strategy for the Proposed Coquille Forest” dated August 31, 1995 and including the December 20, 1995 Addendum.

“(4) From the date of enactment of this title until two years after the date of enactment of this title, the Bureau of Land Management shall:

“(A) retain Federal jurisdiction for the management of lands designated under this title as the Coquille Forest; and

“(B) prior to advertising, offering or awarding any timber sale contract on lands designated under this title as the Coquille Forest, obtain the approval the Bureau of Indian Affairs, which shall act on behalf of and in consultation with the Coquille Tribe.

“(5) After completion of the transfer to the Bureau of Indian Affairs, required in this subsection, the Secretary may, pursuant to the Indian Self-Determination Act (25 U.S.C. 450 et seq.), enter into an Indian self-determination

agreement with the Coquille Indian Tribe. Such agreement shall provide for the Tribe to carry out all or a portion of the forest management program for the Coquille Forest. Prior to entering such an agreement, and as a condition of maintaining such an agreement, the Secretary must find that the Coquille Tribe has entered into a Memorandum of Agreement (MOA) with the State of Oregon, as required under subsection (8) this title.

“(6) The Land designated under this title shall be subject to valid existing rights, including all valid liens, rights-of-way, licenses, leases, permits, and easements existing on date of the enactment of this title. These lands will remain open to public access for purposes of hunting, fishing, recreation and transportation, except when closure is required by state or Federal law.

“(7) Unprocessed logs harvested from the Coquille Forest shall be subject to the same Federal statutory restrictions on export to foreign Nations that apply to unprocessed logs harvested from federal lands.

“(8) All sales of timber from land subject to this title shall be advertised, offered and awarded in accordance with the public bidding and contracting laws and procedures applicable to the Bureau of Land Management.

“(9) The Coquille Tribe shall enter into a Memorandum of Agreement (MOA) with the State of Oregon relating to the establishment and management of the Coquille Forest. The MOA shall include, but not be limited to, the terms and conditions for preserving public access, continuing public rights, advancing jointly-held resource management goals, achieving Tribal restoration objectives and establishing a coordinated management framework. Further, provisions set forth in the MOA shall be consistent with Federal trust responsibility requirements applicable to Indian trust lands. The United States District Court for the District of Oregon shall have jurisdiction over actions arising out of claims of breach of the MOA.

“(10) So as to maintain the current flow of revenue from land subject to the Act entitled “An Act relating to the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant land situated in the State of Oregon”, approved August 28, 1937 (43 U.S.C. 1181a et seq.), the Secretary shall redesignate public domain land located in the Coquille Tribe’s service area, as defined in the Coquille Tribal Restoration Act of 1989 (Public Law 101-42), as land subject to that Act. In no event shall payments due to Coos County, Oregon, under that Act be diminished as a result of the land designations required pursuant to this title.

“(11) Within two years of the date of enactment of this subsection, the Secretary shall complete a formal scientific peer review of the management strategy developed by the Independent Scientific Advisory Team and set forth in the report entitled, “A Forest Management Strategy for the Proposed Coquille Forest” dated August 31, 1995 and including the December 20, 1995 Addendum.”

TITLE VI—BULL RUN WATERSHED PROTECTION

SEC. 601. Section 2(a) of Public Law 95-200 is amended on line 7 by striking “2(b)” and inserting in lieu thereof “2(c)”.

SEC. 602. Public Law 95-200 is amended by adding a new subsection 2(b) immediately after subsection 2(a), as follows:

“(b) **TIMBER CUTTING.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary of Agriculture shall prohibit the cutting of trees in that part of the unit consisting of the hydrographic boundary of the Bull Run River Drainage and as depicted in a map dated June 1996 and entitled “Bull Run River Drainage”.

“(2) **PERMITTED CUTTING.**—

“(A) **IN GENERAL.**—Subject to subparagraph (B), the Secretary of Agriculture shall prohibit

the cutting of trees in the area described in subparagraph (1).

“(B) **PERMITTED CUTTING.**—Subject to subparagraph (B), the Secretary may allow the cutting of trees in the area described in subparagraph (1)—

“(i) for the protection or enhancement of water quality in the area described in subparagraph (1); or

“(ii) for the protection, enhancement, or maintenance of water quantity available from the area described in subparagraph (1); or

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

“(iv) for the construction, expansion, protection or maintenance of facilities for the transmission of energy through and over the unit or previously authorized hydroelectric facilities or hydroelectric projects associated with municipal water supply facilities.

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

SEC. 603. Section 2(b) of Public Law 95-200 is amended by inserting in the first line after (a) “and (b)”.

SEC. 604. Section 2(b) of Public Law 95-200 is redesignated as “2(c)”.

SEC. 605. Redesignate the following subsections accordingly.

TITLE VII—OREGON ISLANDS WILDERNESS, ADDITIONS

SEC. 701. OREGON ISLANDS WILDERNESS, ADDITIONS.

(a) In furtherance of the purposes of the Wilderness Act of 1964, certain lands within the boundaries of the Oregon Islands National Wildlife Refuge, Oregon, comprising approximately ninety-five acres and as generally depicted on a map entitled “Oregon Island Wilderness Additions—Proposed” dated June, 1996, are hereby designated as wilderness. The map shall be on file and available for public inspection in the offices of the Fish and Wildlife Service, Department of the Interior.

(b) All other federally-owned named, unnamed, surveyed and unsurveyed rocks, reefs, islets and islands lying within three geographic miles off the coast of Oregon and above mean high tide, not currently designated as wilderness and also within the Oregon Islands National Wildlife Refuge boundaries under the administration of the United States Fish and Wildlife Service, Department of the Interior, as designated by Executive Order 7035, Proclamation 2416, Public Land Orders 4395, 4475 and 6287, and Public Laws 91-504 and 95-450, are hereby designated as wilderness.

(c) As soon as practicable after this title takes effect, a map of the wilderness area and a description of its boundaries shall be filed with the Senate Committee on Energy and Natural Resources and the House Committee on Resources, and such map shall have the same force and effect as if included in this title; provided, however, that correcting clerical and typographical errors in the map and land descriptions may be made.

(d) Public Land Order 6287 of June 16, 1982, which withdrew certain rocks, reefs, islets and islands lying within three geographical miles off the coast of Oregon and above mean high tide, including the ninety-five acres described in (a), as an addition to the Oregon Islands National Wildlife Refuge is hereby made permanent.

TITLE VIII—UMPQUA RIVER LAND EXCHANGE STUDY

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

(a) **IN GENERAL.**—The Secretaries of the Interior and Agriculture are hereby authorized and directed to consult, coordinate and cooperate with the Umpqua Land Exchange Project (ULEP), affected units and agencies of state and local government, and, as appropriate, the World Forestry Center and National Fish and

Wildlife Foundation, to assist ULEP's ongoing efforts in studying and analyzing land exchange opportunities in the Umpqua River basin and to provide scientific, technical, research, mapping and other assistance and information to such entities. Such consultation, coordination and cooperation shall at a minimum include, but not be limited to:

(1) Working with ULEP to develop or assemble comprehensive scientific and other information (including comprehensive and integrated mapping) concerning the Umpqua River basin's resources of forest, plants, wildlife, fisheries (anadromous and other), recreational opportunities, wetlands, riparian habitat and other physical or natural resources.

(2) Working with ULEP to identify general or specific areas within the basin where land exchanges could promote consolidation of timberland ownership for long-term, sustained timber production; protection and improvement of habitat for plants, fish and wildlife (including any federally listed threatened or endangered species); recovery of threatened and endangered species; protection and improvement of wetlands, riparian lands and other environmentally sensitive areas; consolidation of land ownership for improved public access and a broad array of recreational uses; and consolidation of land ownership to achieve management efficiency and reduced costs of administration.

(3) Developing a joint report for submission to the Congress which discusses land exchange opportunities in the basin and outlines either a specific land exchange proposal or proposals which may merit consideration by the Secretaries or the Congress, or ideas and recommendations for new authorizations, direction, or changes in existing law or policy to expedite and facilitate the consummation of beneficial land exchanges in the basin via administrative means.

SEC. 802. REPORT TO CONGRESS.

(a) No later than February 1, 1998, ULEP and the Secretaries of the Interior and Agriculture shall submit a joint report to the Committee on Resources of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate concerning their studies, findings, ideas, recommendations, mapping and other activities conducted pursuant to this Act.

(b) At a minimum, the report shall include:

(1) A complete analysis and discussion of issues, options and alternatives considered with respect to the specific study items set forth in Section 3(b) (1-7) of this Act and a discussion of the perceived advantages, disadvantages, and obstacles to implementation of such options and alternatives.

(2) Recommendations and mapping for specific land exchanges, or the identifications and mapping of general areas where exchanges should be considered.

(3) Recommendations, if any, for any changes in law or policy that would authorize, expedite, or facilitate specific land exchanges or facilitate general land exchange procedures.

(4) Recommendations, if any, for special provisions of law or policy that might be applied to specific areas of private or Federal lands after consolidations of lands are completed through land exchanges.

(5) Recommendations, if any, for new or enhanced sources of Federal, state or other funding to promote improved resource protection, recovery and management in the basin.

SEC. 803. AUTHORIZATION OF APPROPRIATIONS.

In furtherance of the purposes of this title, there is hereby authorized to be appropriated the sum of \$2 million.

AMENDMENT NO. 5150

Mr. HATFIELD. Mr. President, I understand that there is a substitute amendment at the desk offered by myself and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] proposes an amendment numbered 5150.

Mr. HATFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HATFIELD. Mr. President, as my colleagues know, at the end of this year, I will leave the Senate and return to the inviting shores of Oregon. Oregon is the State of my birth and the State that I have labored to represent for over four decades. It has never been a mystery to me why so many have been drawn to my State. The rich pioneer spirit of Oregon's citizenry is matched only by the blessings of the State's bountiful natural treasures.

I am pleased to speak today about legislation that will ensure that several of Oregon's most significant natural treasures will be protected for future generations. This legislation, the Oregon Resources Conservation Act, of which I am the proud sponsor, includes eight titles addressing a host of natural resource issues. Many of the issues within these titles have been the subject of great debate and lingered unresolved for years.

The heart of this proposal is title one, which creates a 25,800-acre Opal Creek Wilderness and National Scenic Recreation Area. Opal Creek is one of the last remaining intact, low-elevation old growth forest areas in Western Oregon. The Opal Creek title of the Oregon Resources Conservation Act would create a 25,800-acre Opal Creek Wilderness and National Scenic-Recreation Area. Of the 25,800 acres, 12,800 acres would be designated as new wilderness to be managed under the Wilderness Act of 1964, and 13,000 acres would be managed as a national scenic-recreation area.

A great public debate has surrounded the Opal Creek issue for decades. It is my firm hope that this is a debate we are about to resolve. Opal Creek is a very special place, and I have always believed the area merits permanent protection.

I sought to include protection for the area in my 1984 Oregon wilderness bill, and again in my 1988 wild and scenic rivers bill. Both times I was forced to remove the provision at the request of Oregon's Governor. Representative Mike Kopetski made a bold effort to legislate protection in 1994, but time ran out in the 103d Congress before final action could be taken in the Senate.

Today, the entire 35,000 acre watershed that includes the Opal Creek sub-basin is protected from commercial timber harvest under President Clinton's forest plan. Timber companies have indicated to me that they doubt

commercial timber harvests will ever occur again in the drainage. Similarly, environmentalists have indicated to me that they believe there is no danger of harvests in the drainage in the foreseeable future.

Surely this is an area fertile for agreement. It is time to show the public some small sign of reconciliation in this continuing feud over our natural resources. It was my hope that the Opal Creek Working Group, which met over a period of 6 months with the assistance of a professional mediator, would provide the agreement Oregonians of all persuasions desire so much. While the working group failed to reach a comprehensive agreement, areas of common interest and shared values were uncovered, and the group's deliberations assisted me greatly in developing this legislation.

This issue has lingered unresolved for far too long, and with this legislation, we have an opportunity to settle it, once and for all.

The Opal Creek title of my legislation addresses each and every one of the sub-watersheds in the Little North Fork Santiam River drainage, either through a wilderness or a National Scenic Recreation Area designation. By doing this, I have attempted to protect the outstanding resource values in each of these sub-drainages, while at the same time addressing the area comprehensively as an intact ecosystem.

Significant portions of the Cedar Creek sub-watershed have been included, part in the Opal Creek Wilderness and part in the Scenic Recreation Area. This protection includes approximately three-quarters of the old growth in the sub-watershed. The five sections that comprise the center of the area include private interests. The presence of these private interests has made this area one of the most difficult to resolve. Through the cooperation of the Rosboro Lumber Co. and the Forest Service, we have provided the framework for a very directed land exchange. This exchange will allow this full section, approximately 640 acres, to be included in the Scenic Recreation Area. In exchange, Rosboro will receive sufficient parcels to accomplish an equal value exchange. The prioritized list of parcels provided in the S. 1662 represent parcels which border, many on three sides, land already owned by Rosboro.

One important part of this protection is the designation of Elkhorn Creek as Oregon's newest wild and scenic river. This designation will protect nearly the full length of the Elkhorn as it moves from land managed by the Forest Service to land managed by the Bureau of Land Management. The BLM manages approximately three sections through which the Elkhorn flows. It is my intent that the full amount of these three sections be included in the wild and scenic designation. The language in the bill has been written to accomplish that result. The BLM portions are designated as "scenic", while

the Forest Service portions are designated as "wild". This distinction is provided for to allow the BLM to put in a trail head and viewpoint for recreationalists to view this very special area.

In addition to addressing the protection of the entire watershed, the Opal Creek title of this bill maintains recreation at existing levels and allows for growth in uses where appropriate. The bill also calls for historical, cultural, and ecological interpretation in the newly created area to be conducted in a balanced and factually accurate manner. Motorized recreation will be prohibited except on the existing road system and nonmotorized use will be permitted throughout the area, except, of course, in the wilderness. The existing road system will be analyzed and evaluated through a management planning process, which will decide which roads to close and which to leave open. No new water impoundments will be allowed in this area. No new mining claims will be allowed to be filed under the 1872 Mining Law, and no existing claims will be allowed to be patented. In addition, the bill calls for the creation of an advisory council composed of members of the local community, industry, environmental groups, locally elected officials, the Forest Service and an appointee by the Governor. Finally, the bill will not allow commercial timber harvesting of any kind in the Opal Creek area except to prevent the spread of a forest fire or to protect public health and safety. It is important to note that the lands covered by my legislation are not included now in the timber base and are not currently open to commercial harvest.

The final element of the Opal Creek package, Mr. President, was an important part of the working group's discussions. I am referring to an economic development package for the Santiam Canyon, which includes the communities immediately adjacent to the Opal Creek area. This package is based, primarily, on a set of infrastructure improvements developed by these communities in conjunction with the State Economic Development Office, which are designed to improve the water quality and delivery systems of the communities in the area. It is also my intention that the funding allowed here would be available for cleanup and transportation costs related to the Amalgamated Mill site in the Opal Creek area on Battle Ax Creek.

I have made the first down payment on this economic commitment package by including a \$300,000 appropriation in the fiscal year 1996 Omnibus Appropriations Act to help begin the cleanup of the contaminated Amalgamated Mill site. There is a continuing discussion of the best way to accomplish the cleanup of this site at the earliest possible date and in a manner that does not endanger public health or safety. This legislation is neutral on the method of cleanup, but should be read as a directive to all parties involved to

move forward with deliberate speed to clean up this anomaly in an area of such profound beauty.

Throughout the coming fiscal year 1997 appropriations cycle, I will work closely with Oregon's Governor, John Kitzhaber, and my colleague on the House Appropriations Committee from Oregon, JIM BUNN, to further refine this package and provide additional funding, as needed, for the Amalgamated Mill cleanup and for the critical community infrastructure projects designed to allow these former timber communities to diversify their economic bases and improve their water systems.

In short, the Opal Creek title of this bill attempts to address every issue raised both in the 1994 hearings on Opal Creek and in the working group process conducted out in Oregon. This is an issue I have worked on for almost 20 years. I am extremely pleased that, with this legislation and accompanying infrastructure development package, we will finally be able to address the protection of Opal Creek and the adjacent portions of the Little North Fork Santiam Watershed, as well as improvements to the water quality and delivery systems of nearby, timber-dependent communities.

Mr. President, the second and third titles of the Oregon Resources Conservation Act provide for the establishment of 5-year pilot projects for two, consensus-based natural resource planning bodies now working in Oregon's Klamath and Deschutes Basins. Both of these bodies are already in place and have been working to provide the Federal agencies with recommendations about how best to prioritize spending for ecological restoration, economic health and reducing drought impacts.

I called for the creation of the Upper Klamath Basin Working Group in 1995. This group is citizen-led and includes environmentalists, irrigators, local business leaders, locally elected officials, educators, the Klamath Tribes, and Federal land management agencies in an advisory capacity. This group was charged with developing both short- and long-term recommendations for restoring ecological health in the Klamath Basin. They were successful in developing short-term funding recommendations ranging from riparian and wetland restoration, to fish passage and the coordination of geological information systems in the basin. I followed through on these recommendations and was able to obtain either funding or direction to the pertinent agencies in the fiscal year 1996 appropriations process. I am again attempting to provide funding for the consensus based projects of the Klamath Working Group in the fiscal year 1997 appropriations process.

The group has also developed a long-term recommendation which includes a formal registration of the group as a State-sanctioned foundation and congressional legislation enabling them to help land management agencies set pri-

orities for how money is spent in the basin on various ecological restoration and economic stabilization projects.

Senate bill 1662 addresses the group's long-term recommendation by creating a 5-year pilot project to allow the Upper Klamath Basin Working Group/Foundation, in conjunction with the Federal land management agencies in the basin, to develop funding priorities for ecological restoration in the basin. It will authorize \$1 million per year to be spent consistent with these priorities. This money will be administered by the agencies and matched by an equal amount of non-Federal dollars.

Under title III of the bill, the Deschutes Basin in central Oregon would also be allowed to develop a similar regime using, as its base, a group formed by the Warm Springs Tribes, the Environmental Defense Fund, local irrigators, and locally elected officials. This group has been meeting and collaborating on projects in the basin for several years.

Recently, both of these working groups have been able to make significant progress in building coalitions and consensus on natural resource management challenges that, not too long ago, many felt were insurmountable. By giving them more authority to temporarily assist Federal agencies with setting policy priorities using a finite amount of money, I hope we can begin to enter a new era of more local control and greater public input regarding resource management decisions. I also hope these groups, and others that may follow, will continue to use the consensus-based management approach to return resource management decisions to a collaborative, inclusive process rather than the divisive, litigious morass in which we find ourselves today.

The fourth title provides for a land exchange in Oregon's beautiful Mt. Hood corridor. The purpose of this title is to protect the viewshed along the Highway 26 corridor on the way to Mt. Hood, the highest mountain peak in my State. The exchange between the Bureau of Land Management and the Longview Fibre timber company would withdraw lands within the viewshed of the Mt. Hood corridor from the timber base. Both parties are willing participants in this process.

Longview Fibre owns approximately 3,500 acres of timber land in the scenic Mt. Hood corridor, which are interspersed with BLM lands in a checkerboard fashion. Longview would like to harvest these lands within the next 5 years, but is sensitive about the public perception regarding these clearcuts along such a heavily traveled route. I agree with Longview Fibre and feel harvesting these trees along Highway 26 would be a disaster both for the ecological and visual characteristics of the resource. Longview, to their credit, has been extremely interested in working with local planning and environmental groups to identify BLM parcels elsewhere in western Oregon that could be traded for the Longview Fibre lands in the corridor.

This proposal is a unique opportunity to forge ahead with a plan that has been built at the local level over the past 5 years and which has virtually unanimous support, including the local county government, local businesses, the timber industry, and local environmental groups.

Included in this title is a very limited exemption from the National Environmental Policy Act. I want to be clear that this exemption is in no way to be used as a precedent for future waivers of NEPA. This is a unique circumstance, and to counterbalance this exemption, I have included funding in the fiscal year 1997 appropriations process to undertake environmental analysis for this exchange.

The fifth title of S. 1662 would establish the Coquille Forest near the town of Coos Bay, OR. During my Senate career, it has been my pleasure, and I believe my obligation, to take an active role in the restoration of Federal recognition to a number of Indian tribes in the State of Oregon. One of those tribes, the Coquille Tribe from near Coos Bay, OR, was restored in 1989. In the Coquille Restoration Act, Public Law 101-42, which I was proud to sponsor in the Senate, a requirement was included that the Secretary of the Interior and the tribe develop and submit a plan for the tribe's pursuit of economic self-sufficiency.

The Coquille Tribe took that mandate to heart and developed and submitted an extraordinarily comprehensive plan. Wisely, I think, the plan encompassed self-sufficiency initiatives across a diverse range of projects. The centerpiece of the plan was a proposal to establish a significant forest land for the tribe within its aboriginal territory. The overall goal of the plan and the forest are to move the standard of living for the members of the Coquille Tribe closer to that of the people of Oregon overall and to provide for the cultural restoration of the Coquille people.

The Coquille Tribe's forest proposal is not, nor is this legislation, some new and novel precedent. Land bases have already been established for a number of federally recognized Oregon tribes, including the Grand Rondes, Siletz, Warm Springs, and Umatillas. These tribal land bases range from 3,600 acres to 640,000 acres. This title would establish a 5,400-acre land base for the Coquille Tribe. Hardly a precedent in either size or action.

Moreover, the Coquille proposal is quite innovative and unique. The proposal originally developed by the Coquille Tribe was a cutting-edge, scientifically based plan to manage the land. The plan would have used environmentally sensitive methods of land management to benefit not only the tribe but the surrounding communities as well. This land management approach was as innovative as any I have seen during my public career, and it prompted me to lend my support to the tribe's effort.

This provision is intended to provide a measure of restitution to the Coquille Tribe. This land was forcibly taken from its inhabitants, an act that I think anyone today would decry as unjust. In the past, atrocities have been heaped upon Oregon's native American tribes, including the Army's efforts to round up the southwestern Oregon tribes like cattle and march them hundreds of miles to government-created Indian reservations at Siletz and Klamath Falls.

To the tribes affected by these U.S. Government policies, the act of uprooting them from their homelands and herding them to far-away reservations destroyed their culture and killed many of their people. These acts were the equivalent of the ethnic cleansing we have seen in recent years against the Muslim people in Bosnia. The restoration of 5,400 acres could never atone for the hardships imposed upon the Coquille people. It can, however, begin to help restore some semblance of culture and a tie to the land that our Federal Government attempted to destroy over 150 years ago.

I have gathered as much public input on the Coquille Tribe forest proposal as on any single legislative effort throughout my entire Senate career. I held two Senate hearings on the matter, one in Salem, OR, and one in Washington, DC. I also have received many letters and phone calls carefully analyzed related public polls, and reviewed newspaper editorials. All of these factors have contributed to the 5,400-acre proposal I have developed.

The forming of this title as it appears today in the substitute has been very challenging. The myriad interests of the Interior Department, the people of Coos County, the logging and environmental communities, the State of Oregon, and certainly the Coquille Tribe have brought together starkly divergent viewpoints.

This title reflects many of the elements from the tribe's earlier proposal, but it is also very different. To accommodate the diversity of interests, and to do so within the parameters of the current discourse regarding the Federal lands, I have fashioned a unique and scaled-down hybrid. I must say that in so doing, the Coquille Tribe has made some very substantial concessions.

First, title five creates a Coquille Forest of only approximately 5,400 acres in size. While the parcels are shown on a BLM map, referenced in the legislation, for clarity I am adding the legal descriptions in the RECORD. The Coquille Forest consists of the Federal portions of the following descriptions:

Willamette Meridian West, Oregon

T28S R10W S. 30,33

T28S R11W S. 14,25,26

T29S R10W S. 5

T30S R11W S. 5,7,15,24,25,29,33

T29S R11W S. 23 SE $\frac{1}{4}$ SE $\frac{1}{4}$

S. 26 E $\frac{1}{2}$ NE $\frac{1}{4}$

S. 26 SW $\frac{1}{4}$ NE $\frac{1}{4}$

S. 26 N $\frac{1}{2}$ SE $\frac{1}{4}$

T29S R12W S. 26 S $\frac{1}{2}$ SW $\frac{1}{4}$

S. 35 NE $\frac{1}{4}$ NW $\frac{1}{4}$

S. 35 NW $\frac{1}{4}$ NE $\frac{1}{4}$

Second, a 2-year transition period is required prior to the Forest transferring into trust for the tribe. To preserve Federal timber revenues to the O&C Counties, the Interior Secretary is authorized to designate an appropriate amount of nearby Federal public domain land into O&C status.

Third, after the forest is transferred to the Assistant Secretary for Indian Affairs, its management must be consistent with the standards and guidelines of adjacent and nearby Federal forest plans. While this consistency requirement is to extend into the future, it should be noted that I do not anticipate that this requirement will foreclose the tribe from realizing at least some significant cultural or economic benefits from its forest.

Fourth, the Assistant Secretary for Indian Affairs is to manage the Coquille Forest pursuant to all applicable State and Federal forestry and environmental laws, specifically including critical habitat designations under the Endangered Species Act. Federal log export restrictions will apply to logs from the Coquille Forest, and competitive bidding is specifically required on all sales.

Fifth, this statute assures continued public access and State regulation of hunting and fishing. Conversely, it is expected that tribal access is assured to all its parcels.

Sixth, Federal law and policies fostering Indian self-determination are recognized by providing opportunity for the tribe to assume some or all of the management of the Coquille Forest. As a requirement for the tribe assuming such management functions, a memorandum of agreement is required with the State of Oregon that details the State's jurisdiction and regulatory functions, and which incorporates the requirements for management consistency with surrounding plans. To assure enforceability of the MOA, both the tribe and the State are authorized to take each other to Federal court.

Finally, the title provides that any affected citizen may sue the Secretary of the Interior for violations of the title. This is not intended to expand laws or case law related to standing to sue. The court is specifically authorized to order the Secretary to withdraw any management authority delegated to the tribe for the management of the forest.

I want to emphasize again the unique arrangement of this provision. It is intended to establish a Coquille Forest for the Coquille Tribe that will mesh into the broader forest management of Coos County. Within that context, the Coquille Forest is to provide a basis for restoring the tribe's culture as well as providing economic benefits.

I hope this proposal, with its relatively modest acreage and the required adherence to the most environmentally friendly forest management plan ever implemented in the Pacific

Northwest—President Clinton's forest plan—is successful and can become a model for how our Nation deals with other claims by native American tribes.

The sixth title of S. 1662 addresses a longstanding issue in my State. The Portland area has been blessed with one of the cleanest sources of drinking water in the Nation. The Bull Run Watershed, east of Portland in the Cascade Mountains, has been providing safe and pure drinking water to Portlanders for over a century. I have always supported protection for this vital resource, including my working to enact the 1977 Bull Run Protection Act, Public Law 95-200.

Title six amends Public Law 95-200 by additional restrictions on management within the hydrographic boundary of the Bull Run Watershed. This is depicted on a map referred to in the legislation. The additional protections do not include the controversial buffer areas or the adjacent Little Sandy Watershed. These additional areas have long been the source of controversy which has effectively blocked providing the additional protections within area that have a direct impact on Portland's drinking water.

I am pleased that, in working with my colleague from Oregon, Mr. WYDEN, we have reached an important agreement on this matter, which is included in S. 1662. The vital part of the agreement involves a study of the impact of management activities within the Little Sandy on Portland's drinking water. This is the heart of the issue with respect to the Little Sandy. With that critical agreement, the additional protections for the main drainage may go forward.

I want to pay a special tribute to my colleague for working so constructively with me on this important matter to Oregonians. Senator WYDEN has made an impressive commitment to this issue and I commend him for his leadership. Let me also commend Representative ELIZABETH FURSE for her commitment to this issue. She has partnered with Senator WYDEN to resolve elevate this important issue in the public dialog.

Finally, I wish to commend the newest member of the Oregon delegation, Representative EARL BLUMENAUER, for the valuable role he played in resolving this issue. The Bull Run Reservoir is located in Congressman BLUMENAUER's legislative district, and through his prompt intervention in this matter at a critical stage, he performed a valuable service to his constituents.

The seventh title of this bill would add approximately 120 acres to the existing Oregon Islands Wilderness. This area is comprised of islands, reefs and rocks within 3 miles of the Oregon coast.

In 1991, the Fish and Wildlife Service completed a wilderness suitability study on 1,200 of these formations, which extend 307 miles, from Tillamook Head to just north of the

California border. The Fish and Wildlife Service has recommended a wilderness designation for the study area.

These islands, rocks, and reefs are small and extremely rugged in appearance. The soil cover is shallow. Light vegetation consists primarily of low-growing grasses and herbaceous plants. These areas are valuable as nesting, roosting and foraging habitat for bald eagles, peregrine falcons, California brown pelicans, Canadian geese, and a number of other seabirds and shorebirds. They are also extensively used by marine mammals, such as Steller sea lions, California sea lions, Pacific harbor seals, and threatened northern elephant seal.

Protection of this area would help preserve a reflection of America's rich island heritage. They are also closely associated with the culture of coastal native Americans and early European settlers.

The final title of this legislation provides direction for a land exchange study within the Uppqua Basin in southern Oregon. The goal of the Uppqua land exchange project is to determine if there is a land ownership pattern within the Uppqua River Basin, different from the current one, that would more effectively protect fish and wildlife habitat and allowing more sustainable resource production. The project has hired a team of Oregon scientists to study the resources of this basin to determine if opportunities exist for public and private land exchanges are possible to achieve this goal.

On Federal lands, the opportunity exists for increasing wildlife and fisheries habitat protection as well as sustainable supply of timber as a result of exchanging lands. On private lands, the project could assist land owners better meet their land management goals by providing lands better suited for timber productions that are not as ecologically sensitive as those traded into Federal ownership.

To test this theory, this title directs the land management agencies to take a careful look at the land ownership patterns in this area and at the current makeup of laws and policies. I believe this study will uncover great potential for improvements in our land ownership patterns.

Mr. President, this is comprehensive legislation. I am extremely pleased with this bill. It protects some of Oregon's most important natural resource areas, Opal Creek, Bull Run, the Oregon Islands and the Mt. Hood corridor. It also promotes consensus-based, watershed planning at the local level in the Klamath and Deschutes Basins. Finally, it makes investments in the future through important studies.

I have worked many years to protect Oregon's magnificent natural resources. I am pleased that in this, my last year in the Senate, I will be able to continue this legacy of protecting Oregon's natural beauty for the enjoyment and use of future generations.

At this point I ask unanimous consent to have printed in the RECORD a letter addressed to myself from Under Secretary James Lyons of the Department of Agriculture in which they indicate the administration support for the two titles, the Opal Creek title and the one on the Bull Run.

I would also ask unanimous consent to have printed in the RECORD a letter from Mayor Vera Katz of the city of Portland and Commissioner Mike Lindberg also endorsing title VI which relates to Portland's main and only water supply, which is called the Bull Run.

And I ask unanimous consent to have printed in the RECORD a section-by-section analysis.

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

DEPARTMENT OF AGRICULTURE,

Washington, DC, August 2, 1996.

Hon. MARK O. HATFIELD,
Washington, DC 20510.

DEAR SENATOR HATFIELD: I am writing in support of the two provisions in S. 1662, as amended, which affect Opal Creek and Bull Run in the Willamette National Forest in Oregon.

The Administration testified in support of the Opal Creek Wilderness and Opal Creek Scenic Recreation Area Act of 1996. S. 1662 adds approximately 12,800 acres of mixed old growth forest and anadromous fish habitat to the Wilderness Preservation System granting it permanent protection for primitive use and resource conservation. In addition, the legislation provides Wild and Scenic River protection for Elkhorn Creek as recommended in our hearing testimony. You have worked hard to prepare legislation which balances the concerns of all parties and I appreciate your diligent efforts.

The Department of Agriculture supports the compromise position taken in Title VI of the bill regarding the Bull Run and Little Sandy Watersheds. Conservation in these two watersheds is important to the success of the President's Forest Plan for the owl region and for the City of Portland. The report to Congress authorized in the legislation will help provide information to decide whether any further action is necessary regarding these lands. I especially support the public process which will be used to prepare the study.

Again, I want to congratulate you on your hard work on these provisions. The Department of Agriculture supports enactment of these two titles.

Sincerely,

JAMES R. LYONS,
Under Secretary.

JULY 24, 1996.

Hon. MARK O. HATFIELD,
*711 Hart Senate Office Building,
Washington, DC.*

DEAR SENATOR HATFIELD: On behalf of the citizens of Portland and the drinking water consumers of the Portland metropolitan region, thank you for your outstanding efforts in the development of Title VI, Bull Run Watershed Protection, in S. 1662, "The Oregon Resource Conservation Act of 1996".

We were pleased by the unanimous passage of S. 1662 on June 19 by the Senate Energy and Natural Resources Committee. We have been very grateful to work with you and your staff since then on enhancements to the provisions of Title VI which will be added during forthcoming consideration by the full Senate.

It has been a great honor to work with you on the issue of additional statutory protection for Bull Run water quality since the adoption by the City Council Resolution covering this subject in October 1993.

The provisions of Title VI covering a ban on timber cutting in the hydrographic boundary of the Bull Run drainage, including certain lands within the unit and located below the headworks of the City's water storage and delivery project, except in activities expressly reserved for the City, and the ban on salvage sales, will greatly improve the City's ability to ensure water quality protection in the years to come. The study on the portion of the Little Sandy Watershed within the unit, to be undertaken by the Secretary of Agriculture in consultation with the City, will help to provide useful guidance for the future regarding logging in the Little Sandy and water quality impacts.

We plan to work very closely with you and your staff as S. 1662 continues through the subsequent phases of the legislative process to help in any way we can to ensure that it can be enacted in the few remaining weeks of this Congress.

Thank you again for your leadership on this important initiative.

Warm regards,

VERA KATZ,
Mayor.
MIKE LINDBERG,
Commissioner.

SECTION-BY-SECTION ANALYSIS

S. 1662—OREGON RESOURCES CONSERVATION ACT OF 1996

TITLE I—Opal Creek Wilderness and Scenic Recreation Area

12,800 acre Opal Creek Wilderness Area.

13,000 acre Opal Creek National Scenic Recreation Area.

Designates Elkhorn Creek Wild and Scenic River.

Sets up management planning process for Scenic Area.

Sets up 13 member Advisory Council consisting of locally elected officials, environmentalists, timber industry, mining industry, inholders.

Establishes guidelines for disposition of existing inholdings.

Authorizes \$15 million Economic Development Plan.

TITLE III—Upper Klamath Basin Pilot Project

Creates a five-year pilot project to allow consensus-based citizen working group to provide ecological restoration recommendations to federal agencies.

Authorizes \$1,000,000 per year for consensus-based projects.

Projects must be matched 1-to-1 with non-federal sources.

Fish and Wildlife Service is lead agency.

TITLE III—Deschutes Basin Pilot Project

Creates a five-year pilot project similar to the Klamath Working Group.

Also authorizes \$1,000,000 per year for ecosystem restoration projects, 1-to-1 match with non-federal funds.

Bureau of Reclamation is lead agency.

TITLE IV—Mt. Hood Corridor Land Exchange

Authorizes 3,500 acre land exchange in the Mt. Hood Corridor between the Bureau of Land Management and the Longview Fibre timber company.

Both parties are willing participants in this process, which seeks to protect the watershed along the Highway 26 corridor from Portland to Mt. Hood, Oregon.

Land acquired by BLM in corridor is removed from timber base, consistent with current BLM management of adjacent lands.

Exchange is to be completed within one year.

Title V—Coquille Tribal Forest

Creates 5,400 acre Coquille Forest from BLM lands in SW Oregon.

Management of land will remain with BLM for two years, with no change in existing management structure or funding distribution. Transition plan is authorized.

After two years, title and management will be transferred to Bureau of Indian Affairs. The lands will be held in trust for Coquille Tribe (restored in 1989).

After transfer to BIA, land will be managed consistent with President's Forest Plan and applicable forestry and environmental protection laws.

All timber sales will be subject to competitive and open bidding procedures.

Title VI—Bull Run Watershed Protection

Amends P.L. 95-200, the Bull Run Protection Act, by establishing additional timber harvest restrictions for Bull Run watershed, Portland's primary municipal drinking water source.

Requires a study of the adjacent Little Sandy Watershed to determine the impact of management on Portland's drinking water. Requires report to Congress on findings and recommendations for future management in the area.

Title VII—Oregon Islands Wilderness Additions

Adds approximately 120 acres of islands, reefs and rocks within three miles of Oregon Coast to existing Oregon Islands Wilderness System.

Title VIII—Umpqua River Land Exchange Study

Authorizes and directs Secretaries of Interior and Agriculture to consult, coordinate and cooperate with the Umpqua Land Exchange Project.

Project's mission is to develop scientific basis for and evaluation of land exchanges which involve federal acquisition of sensitive private parcels in exchange for private acquisition of less sensitive, timber producing parcels.

Joint Report to Congress submitted no later than Feb. 1, 1998 making recommendations.

Mr. HATFIELD. Mr. President, there are some very important people who have helped bring this day, now, to fruition. I want to mention the former Congressman from Oregon, Mike Kopetski, who made a valiant effort in 1994 to pass an Opal Creek protection bill. The bill was passed in the House. However, time ran out, in the Senate. It was not enacted. But, certainly, for years he and I had the privilege of trekking this whole area together. That is a wonderful memory I have. I want to pay tribute to his efforts as part of the overall accomplishment of this bill.

I want to also make particular mention of the staff, of David Robertson and Doug Pahl of my staff, who, for years, have been involved in this and have done a great job; to Ms. Alexandra Buell of Senator WYDEN's staff, who has been very meshed into the whole common effort and has an excellent background in resource management; the Energy Committee staff, Gary Ellsworth, Mark Rey and Tom Williams worked together as one staff, so to speak, even though they represent both sides of the aisle. I am very grateful, always, to each of those staff members for their real nitty-gritty and their real creative ability.

The PRESIDING OFFICER. The Senator from Oregon, Mr. WYDEN.

Mr. WYDEN. Mr. President, I want to say first, I very much share Senator HATFIELD's view with respect to the yeoman work that has been done by many parties, in terms of bringing this legislation together. I am especially pleased he has mentioned Ms. Buell and Mr. Pahl. It reflects the bipartisan effort that has gone into moving this legislation forward. I very much want to associate myself with Senator HATFIELD's words of praise for the many staff who have worked on this legislation.

I also want to begin by telling Senator HATFIELD, on behalf of the people of our State, how much we appreciate the extraordinary efforts he has made in the conservation field specifically. As Oregonians know, when you think about the history of our State, it will not just be conservation that Senator HATFIELD has touched. It will be the Oregon Health Sciences Center, where we have built a remarkable medical infrastructure that is going to serve our State into the 21st century. People are going to talk about the exceptional work that was done in the transportation field, where, again, we have led the Nation in terms of looking forward, in terms of making gutsy decisions.

We are going to talk about the agriculture, the maritime efforts, particularly in the field of research which, again, gives us a chance to get out in front of these huge waves of change that so mark these and so many of the issues that are before the Senate.

I just want to tell Senator HATFIELD, I think it is particularly appropriate now, as we move to the last days of this session, that this legislation, which is something of a crowning jewel, moves forward in the Senate. It is a tribute to all of the exceptional work that he has done, now, for 3 decades for the people of our State. I want you to know how much I appreciate all this effort. As you know, I am looking into the possibility of being able to phone you express, when you are at the coast in a much-deserved retirement, to have you help on other matters. I am just so pleased that this legislation is moving forward today, and to be associated with you.

Mr. President, very briefly let me comment on some of the provisions, the excellent provisions in this legislation. It is going to protect Opal Creek, both the drinking water source for the city of Salem and one of the crown jewels of our old growth forests. It is a remnant of what used to be common in the Oregon Cascade Range, but it is now the largest intact low elevation old growth forest that is left, after years of management in the region.

Opal Creek is simply beloved. People hike and swim, and many go simply to experience the grandeur and solace that tall trees and waterfalls have to offer. Visitation is now at about 15,000 people annually, and increases each year.

The President's Forest plan recognized the special nature of Opal Creek and designated it as a late-successional reserve and tier 1 watershed. Although that designation puts some limits to management in the watershed, it does not ensure permanent protection. Only an act of Congress can do that and Senator HATFIELD is responding to the great interest among the people of our State in making sure that there will be permanent protection for Opal Creek. We have been trying to protect this treasure for more than 25 years. Last year, Senator HATFIELD convened a working group of Oregonians interested in Opal Creek that included environmentalists, the timber industry, State and local officials, and the Forest Service. This legislation is a product of those efforts. One prominent Oregon environmental group called the provision precedent setting, and the most protective they have seen in any Federal legislation.

Mr. President, this legislation, Senator HATFIELD has noted, contains other extremely important provisions for our State. I am especially pleased Senator HATFIELD has included in his bill, additional protection for the Bull Run Watershed. This is so important to water users in our State. Hundreds of thousands of Oregonians depend on that watershed for pure, clean drinking water. And the history of Federal protection for the Bull Run Watershed goes back more than 100 years, to President Harrison's proclamation reserving the drainage basin of the Bull Run and Little Sandy Rivers as protected sources of water for the City of Portland.

The Bull Run Watershed now serves more than 20 water districts and over 735,000 people in our metropolitan area.

It is projected by the year 2050, it will be the prime source of drinking water for over 1 million Oregonians.

When I served in the House of Representatives, I joined with Congresswoman ELIZABETH FURSE in introducing H.R. 4063 in the 103d Congress. This earlier piece of legislation increased substantially protections for the Bull Run and the Little Sandy watersheds. Although S. 1662 does scale down the scope of lands covered by new protections, I am pleased that this legislation increases protections for the portion of the Bull Run watershed that serves as the municipal drinking water source for the city of Portland, while maintaining the existing protections for the remainder of the watershed. The city of Portland strongly supports these added protections for the Bull Run watershed.

This legislation includes several other important provisions. It would fund two citizen working groups that have been active in addressing a wide array of ecological restoration, economic development and stability and drought impact reduction projects in the Klamath and Deschutes River basins in our State.

I am excited about both of these groups because I firmly believe that

the key to solving many of our environmental problems—the key to solving environmental problems—has to come from strong local input. Oregonians have been successful using this model of strong local involvement in reforming health care, in reforming welfare, and I am pleased to see that as a result of Senator HATFIELD's legislation, the same effort to encourage local involvement is being used in the environmental area.

I believe that no bill is ever perfect, and we all have things that we might want in an ideal situation. The proposal to create the Coquille Tribal Forest has caused concern, has caused anxiety among a number of our citizens. I commend Senator HATFIELD for his hard work in addressing many of these concerns, while at the same time remaining true to his commitment to the Coquille tribe. I believe that the provision in this legislation is improved by reducing greatly the size of the transfer. I also believe it has been improved by requiring the land to be managed under applicable State and Federal forestry and environmental protection laws.

The bill also would require that these lands be subject to critical habitat designations under the Endangered Species Act and the standards and guidelines of the Federal forest plans adjacent or nearby forest lands apply now and in the future.

Additionally, changes to the bill ensure that the land will remain open to public access for hunting, fishing and recreation, and that the prohibition on the export of unprocessed logs from Federal lands are a matter of great importance to our citizens and will continue.

With that said, I still remain concerned about the size of the land to be transferred from the Bureau of Land Management to the Bureau of Indian Affairs to be held in trust for the Coquille tribe.

Further, I am concerned about adding another layer of complexity to an already confusing array of forest and environmental management requirements and a potential lack of clarity with regard to Tribal, State and Federal roles in environmental requirements. I am also very concerned about a lack of clear direction with regard to citizen appeals. I am very pleased to have a chance to work with Senator HATFIELD on these matters. Senator HATFIELD has worked very, very hard to try to develop consensus with respect to this issue which is extremely controversial, and I intend to work closely with him on this matter in the days ahead.

Mr. President, despite my reservation about the Coquille Tribal Forest, I believe that, on balance, this is a good bill for Oregon. I also want to say that recognition for our former colleague, Mike Kopetski, is especially appropriate. I recall several years ago when my good friend, Mike Kopetski, first made his pledge to protect Opal Creek.

Because Mike showed exceptional vision and leadership, the bill made great progress. I join Senator HATFIELD in saying that because of the work done by former Congressman Kopetski, it has been possible to move this bill towards a reality.

Though this bill is not perfect, through Senator HATFIELD's efforts and wise judgment, there is a bill now before the Senate that will benefit countless Oregonians for generations to come. It remains one of the most important conservation efforts for the State of Oregon put forward in many, many years. I look forward to working closely with our senior Senator to ensure that this bill is signed into law.

Mr. President, I yield the floor.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the substitute amendment be considered and agreed to, the committee amendment be agreed to, as amended, the bill be deemed read a third time, and passed as amended. I withhold.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5150) was agreed to.

The committee amendment was agreed to.

The bill (S. 1662), as amended was deemed read the third time and passed.

Mr. HATFIELD. Mr. President, on the bill that we have just passed, which is the Oregon Resources Conservation Act of 1996, I would ask unanimous consent to list Senator WYDEN, my colleague, as a cosponsor of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, we would like to go ahead and get these unanimous-consent agreements done so that the distinguished Democratic leader could go to a very important meeting.

Senator DASCHLE, if I could just say once again—I have told you privately—I want to say publicly, I appreciate the cooperation we have had over the last 3 weeks. We could not get it all done at the end, but I think we made a lot of good progress. And I appreciate your help wherever you could give it. I think we did pretty good overall.

Mr. DASCHLE. Mr. President, if the majority leader would allow me to respond, I want to commend him. He has taken on his responsibilities under very difficult circumstances. I cannot imagine a more challenging way with which to begin your new role than to take on the responsibilities midcourse. I must say, Mr. President, he has done it in a way that he can be proud. It has been a joy to work with him.

I think we have gotten more done than most people would have expected. I think, in fact, we surprised a few people. And we will continue to do our best to represent our caucuses but also to work to try to represent our country. I look forward to working with him for many months and years to come.

Mr. LOTT. Thank you very much.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. We do have a number of unanimous-consent agreements that we have worked out. We would like to go through these. And some of them are still being worked on as we speak. But we can go ahead and get started.

UNANIMOUS-CONSENT REQUEST— H.R. 3953

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to consideration of H.R. 3953, the House-passed terrorism bill just received from the House.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, reserving the right to object, I ask unanimous consent the majority leader modify his consent to provide for passage of the bill as amended by a substitute amendment, providing for roving wiretaps, and requiring taggants for black powder, that the bill be read the third time and passed, and the motion to reconsider be laid upon the table.

Mr. LOTT. Mr. President, I would not be able, at this time, to agree to that addition to the unanimous-consent request.

A lot of good work was done in this area this week. I think they came very, very close to getting an overall agreement, and I thought yesterday afternoon, actually, it was going to be achieved. They did not quite make it. This is something we will have to work on.

I do personally think additional authority should be granted on wiretap. I think a lot of the aviation security matters that are included in this bill are very, very important. I am sorry we could not get it worked out. I think more than anything else, time has run out on us.

However, I have to object to that.

Mr. DASCHLE. Reserving the right to object, I share the view expressed by the majority leader. I was very hopeful at the beginning of this week that we could have concluded our work to provide yet another opportunity to pass a good piece of legislation dealing with a very important matter by the end of this week. That was not possible.

I am disappointed, but we will have to dedicate our effort to ensure that does happen when we get back. I hope we could do it sooner rather than later.

I object to this bill.

The PRESIDING OFFICER. The objection is heard.

MEASURE READ FOR THE FIRST TIME—H.R. 3953

Mr. LOTT. Mr. President, in light of the objection, I ask that H.R. 3953 be read for the first time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3953) to combat terrorism.

Mr. LOTT. Mr. President, I now ask for its second reading, and I believe the Democratic leader would object, so I object on his behalf.

The PRESIDING OFFICER. The objection is heard. The bill will be read on the next legislative day.

NOMINATIONS TO REMAIN IN STATUS QUO UNTIL SEPTEMBER 2, 1996

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that all nominations received by the Senate during the 104th Congress, 2d session, remain in status quo notwithstanding the August 2 adjournment until September 2, 1996, and rule XXXI, paragraph 6 of the standing rules of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent the Senate immediately proceed to executive session to consider the following nominations: Calendar 384, Charles Hunnicutt, Assistant Secretary of Transportation; Calendar 509, Charles Burton, U.S. Enrichment Corporation; Calendar 510, Christopher Coburn, U.S. Enrichment Corporation; Calendar 710, Thomas Hill Moore, Consumer Product Safety Commission; Calendar 716, Edward McGaffigan, Jr., Nuclear Regulatory Commission; Calendar 717, Nils Diaz, Nuclear Regulatory Commission; I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc, that any statements relating to the nominations appear at the appropriate place in the RECORD, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF TRANSPORTATION

Charles A. Hunnicutt, of Georgia, to be an Assistant Secretary of Transportation.

UNITED STATES ENRICHMENT CORPORATION

Charles William Burton, of Texas, to be a Member of the Board of Directors of the United States Enrichment Corporation for a term expiring February 24, 2001.

Christopher M. Coburn, of Ohio, to be a Member of the Board of Directors of the United States Enrichment Corporation for a term expiring February 24, 2000.

CONSUMER PRODUCT SAFETY COMMISSION

Thomas Hill Morre, of Florida, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 26, 1996.

NUCLEAR REGULATORY COMMISSION

Edward McGaffigan, Jr., of Virginia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2000.

Nils J. Diaz, of Florida, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2001.

NOMINATION OF CHRISTOPHER COBURN

Mr. McCONNELL. Mr. President, I rise in opposition to the nomination of Christopher Coburn to the Board of the U.S. Enrichment Corporation. I believe the nomination of Mr. Coburn to this board would put the Paducah Gaseous Diffusion Plant at a disadvantage in the siting of the Atomic Vapor Laser Isotope Separation [AVLIS] technology.

As a member of the USEC Board, Mr. Coburn will have the responsibility of implementing the privatization of the USEC and charting its future course, including the implementation of the AVLIS technology.

The commercialization of this technology would mean billions of dollars of investment as well as ensuring the continued viability of the U.S. enrichment industry. If I may put the issue in stark, but accurate terms, the USEC's decision about siting AVLIS is more fundamentally a decision about which one of these plants will be able to remain competitive and viable into the next century.

Earlier this year, President Clinton appointed Mr. Coburn to the board because he believed Mr. Coburn was uniquely qualified following his service as the executive director of the Thomas Edison Program and as the science and technology advisor to the Governor of Ohio. It has come to my attention that while serving as the executive director of the Thomas Edison Project, Mr. Coburn developed a proposal to locate the AVLIS technology in Portsmouth, OH.

Mr. President, the placement of Mr. Coburn on the USEC's board at this time would cause serious doubts about the objectivity and fairness of the USEC as it begins to assess which facility should obtain the AVLIS technology. The stakes concerning this decision are so monumental that we cannot allow any inference of bias to infect the process by which that decision is made.

In an effort to protect the interests of the workers employed at the Paducah plant and the economy of western Kentucky I asked the President to withdraw the nomination of the Mr. Corburn. Since the President has ignored my concerns I have tried to block the confirmation of Mr. Coburn.

Unfortunately, I realize the votes are not in my favor. Nonetheless, I will