

104TH CONGRESS  
2D SESSION

# S. 1662

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 11, 1996

Referred to the Committee on Resources, and in addition to the Committees on Agriculture, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## AN ACT

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

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

3 **SECTION 1. SHORT TITLE.**

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

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

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

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

7 **SEC. 102. DEFINITIONS.**

8 In this title:

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

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

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

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

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

5 **SEC. 103. PURPOSES.**

6 The purposes of this title are—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (b) OPAL CREEK MANAGEMENT PLAN.—

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

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

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

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

13 (A) recreation;

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

17 (C) educational and research opportunities.

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

22 (c) RECREATION.—

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



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

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

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

17 (d) TRANSPORTATION PLANNING.—

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

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

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

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

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

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

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

3       (e) HUNTING AND FISHING.—

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

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

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

17       (f) TIMBER CUTTING.—

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

21           (2) PERMITTED CUTTING.—

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

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

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

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

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

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

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

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

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

23 (h) BORNITE PROJECT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

15 (a) LAND ACQUISITION.—

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

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

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

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

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

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

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

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

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

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

14        (c) MAPS AND DESCRIPTION.—

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

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

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

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

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

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

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

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

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

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

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

10 (3) Section 13, Township 17 South, Range 4  
11 East, S $\frac{1}{2}$ SE $\frac{1}{4}$  (80 acres).

12 (4) Section 2, Township 17 South, Range 4  
13 East, SW $\frac{1}{4}$ SW $\frac{1}{4}$  (40 acres).

14 (5) Section 2, Township 17 South, Range 4  
15 East, NW $\frac{1}{4}$ SE $\frac{1}{4}$  (40 acres).

16 (6) Section 8, Township 17 South, Range 4  
17 East, SE $\frac{1}{4}$ SW $\frac{1}{4}$  (40 acres).

18 (7) Section 11, Township 17 South, Range 4  
19 East, W $\frac{1}{2}$ NW $\frac{1}{4}$  (80 acres).

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

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

6 (e) TIMETABLE.—

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

5           (a) DEFINITIONS.—In this section:

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

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

17                           (A) 3 tribal members;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5           (b) IN GENERAL.—

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

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

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

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

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

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

6 (c) COORDINATION.—

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

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

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

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

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

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

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

1     **TITLE III—DESCHUTES BASIN.**

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

4             (a) DEFINITIONS.—In this section—

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

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

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

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

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



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

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

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

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

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

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

4           (b) IN GENERAL.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9               “(9) JURISDICTION.—

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 “(b) **TIMBER CUTTING.**—

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

22 “(2) **PERMITTED CUTTING.**—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Passed the Senate August 2, 1996.

Attest:

KELLY D. JOHNSTON,

*Secretary.*