

108TH CONGRESS
2D SESSION

S. 2723

To designate certain land in the State of Oregon as wilderness, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 22, 2004

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

A BILL

To designate certain land in the State of Oregon as wilderness, 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Lewis and Clark Mount Hood Wilderness Act of 2004”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.

TITLE I—DESIGNATION OF WILDERNESS AREAS

Sec. 101. Lewis and Clark Mount Hood Wilderness Areas.

- Sec. 102. General provisions.
- Sec. 103. Administration.
- Sec. 104. Buffer zones.
- Sec. 105. Fire safe community zones.
- Sec. 106. Gateway communities.
- Sec. 107. Fish and wildlife; hunting and fishing.
- Sec. 108. Fire, insects, and diseases.
- Sec. 109. Valid existing rights and withdrawal.

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

- Sec. 201. Designation of portions of Hood River.
- Sec. 202. Designation of portions of Zigzag River.
- Sec. 203. Designation of portions of Eagle Creek.
- Sec. 204. Designation of portions of Fifteenmile Creek.
- Sec. 205. Conforming amendments.

TITLE III—NATIONAL COMMISSION ON URBAN FORESTS

- Sec. 301. National Commission on Urban Forests.
- Sec. 302. Duties.
- Sec. 303. Powers.
- Sec. 304. Commission personnel matters.
- Sec. 305. Authorization of appropriations.
- Sec. 306. Termination of Commission.

TITLE IV—MOUNT HOOD NATIONAL FOREST SOUTHSIDE WINTER RECREATION AREA

- Sec. 401. Identification.
- Sec. 402. Designation.

TITLE V—MOUNTAIN BIKING PILOT PROJECT

- Sec. 501. Establishment.
- Sec. 502. Management goals.
- Sec. 503. Report to Congress.
- Sec. 504. Funding.
- Sec. 505. Termination of authority.

TITLE VI—TRANSPORTATION AND COMMUNICATION SYSTEMS

- Sec. 601. Burial of power lines.
- Sec. 602. Culvert replacement.
- Sec. 603. Clarification of the treatment of state highway 35 under this Act.
- Sec. 604. Multipor overpass.

TITLE VII—LAND EXCHANGE

- Sec. 701. Clackamas County land exchange.

TITLE VIII—MOUNT HOOD NATIONAL FOREST THINNING

- Sec. 801. Establishment.
- Sec. 802. Precommercial thinning.
- Sec. 803. Westside Matrix forest plantations thinning for forest health.
- Sec. 804. Eastside thinning for forest health.

Sec. 805. Funding.
 Sec. 806. Termination of authority.

TITLE IX—MISCELLANEOUS

Sec. 901. Watershed management and restoration.
 Sec. 902. Bridges over wild and scenic rivers.
 Sec. 903. Middlefork irrigation district.
 Sec. 904. Protection of tribal rights.
 Sec. 905. Revenue retention.

TITLE X—AUTHORIZATION OF APPROPRIATIONS

Sec. 1001. Authorization of appropriations.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) long before the arrival of Lewis and Clark,
 4 Native Americans in the Oregon country lived amid
 5 the wild splendor of the Cascade Mountains and the
 6 Columbia River, where the waters teemed with fish,
 7 game roamed the forests, and fruits and berries
 8 were abundant;

9 (2) the Native Americans arrived in this bounti-
 10 ful land from Asia by way of the Bering Sea and in-
 11 habited the land in and around Mount Hood and the
 12 Columbia Gorge;

13 (3) the tribes along the Columbia River were
 14 part of the Chinook family;

15 (4) the people of the tribes—

16 (A) used canoes made from cedar logs;

17 (B) were expert fisherman;

1 (C) told fire legends about the mid-Colum-
2 bia volcanic peaks that featured warrior heroes,
3 fair ladies, and numerous gods; and

4 (D) knew Mount Hood as Wy'East, the
5 warrior whose passionate love caused the region
6 to be transformed as he hurled powerful vol-
7 canic fire in his quest for the love of the gentle
8 maiden Loo-wit, known today as Mount St.
9 Helens;

10 (5) traveling down the Columbia River in 1805,
11 the Lewis and Clark Corps of Discovery expedition
12 were awed by the unspoiled scenic splendors of the
13 Cascade Mountains and the Columbia River Gorge
14 cutting through the mountain rampart;

15 (6) on October 18, 1805, Clark recorded in his
16 Journal: "I ascended a high cliff, about 200 feet
17 above the water, from the top of which is a level
18 plain, extending up the river and off for a great ex-
19 tent. From this place I discovered a mountain of im-
20 mense height, covered with snow.";

21 (7) following Lewis and Clark, settlers came to
22 the Oregon territory on the Oregon Trail, trans-
23 forming more accessible portions of the wild land-
24 scape into farms, orchards, and small communities
25 utilizing the old-growth forests;

1 (8) in 1845, Oregon Trail pioneers Samuel K.
2 Barlow, Joel Palmer, and their parties opened the
3 Barlow Trail across Barlow Pass high on the south
4 slopes of Mount Hood, with Palmer writing on Octo-
5 ber 11, 2845: “I had never seen a sight so nobly
6 grand”;

7 (9) even as the settlers transformed the wilder-
8 ness, this frontier land helped shape in the settlers
9 the characteristics of self-reliance, fortitude, hard
10 work, independence, and love of the land which the
11 people of Oregon and the entire United States cher-
12 ish to this day and wish to inculcate in their chil-
13 dren;

14 (10) the unprotected wilderness that remains in
15 the Mount Hood and Columbia River Gorge region
16 provides easily accessible outdoor recreation for the
17 descendants of the early settlers and more recent ar-
18 rivals;

19 (11) preserving wilderness assures the integrity
20 of the background and scenic views that enrich more
21 developed forms of recreational use, including down-
22 hill skiing and roadside enjoyment of sweeping wil-
23 derness scenery;

24 (12) designation as wilderness provides the
25 strongest congressional protection of scientific, cul-

1 tural, educational, environmental, scenic, and rec-
2 reational values that contribute long-term quality of
3 life and economic benefits to the people of Oregon,
4 visitors to Oregon, and local communities in and
5 around the Mount Hood National Forest, including
6 the wilderness-dependent wildlife, high water quality,
7 and resident and anadromous fish which thrive in
8 undisturbed ecosystems;

9 (13) the Mount Hood National Forest has be-
10 come 1 of 14 urban forests, which is a National For-
11 est that—

12 (A) is located within 50 miles of 1,000,000
13 or more people; and

14 (B) has a pressing need to—

15 (i) accommodate a large and growing
16 demand for visitation; and

17 (ii) address issues relating to—

18 (I) traffic congestion;

19 (II) a heightened urban/wildland
20 interface with many surrounding mu-
21 nicipalities;

22 (III) the presence of urban social
23 problems in the forest;

24 (IV) a pattern of high usage; and

1 (V) heavy day-use with a heavy
2 demand for recreation;

3 (14) the Mount Hood National Forest is the
4 8th most visited National Forest in the United
5 States;

6 (15) wilderness management is interrelated
7 with and will interface with the established activities
8 and management of adjacent land, particularly when
9 the land is high density recreation land;

10 (16) urban forests, such as the Mount Hood
11 National Forest, are also on the cutting edge of
12 recreation trends and therefore are often the proving
13 grounds for emerging technological developments in
14 outdoor recreation, including mountain biking;

15 (17) Mount Hood National Forest is predomi-
16 nantly used by the public for non-mechanized activi-
17 ties, such as hiking, camping, and fishing, which, ac-
18 cording to the Mount Hood National Forest Man-
19 agement Plan, are projected to increase dramatically
20 over time;

21 (18) the Land and Resource Management Plan
22 for Mount Hood National Forest provides that “the
23 present capability to supply recreational opportuni-
24 ties such as hiking on trails in primitive and semi-

1 primitive non-motorized areas is predicted to fall
2 short of satisfying demand”;

3 (19) according to the plan described in para-
4 graph (18), the Mount Hood National Forest—

5 (A) provides resources for nearly 2 times
6 the current demand for developed recreation
7 such as skiing, power boating, and sightseeing
8 by car; but

9 (B) meets less than $\frac{2}{3}$ of the demand for
10 backcountry recreation;

11 (20) the Management Plan for Mount Hood
12 National Forest projects that by 2040, the Mount
13 Hood National Forest will only meet 16 percent of
14 the demand for wilderness recreation, while meeting
15 over 100 percent of the demand for mechanized
16 recreation;

17 (21) the management of the Mount Hood Na-
18 tional Forest should address practical, site specific
19 situations in a manner that supports wilderness and
20 the general environmental, economic, and community
21 related welfare of the mountain;

22 (22) because the Mount Hood National Forest
23 provides drinking water for over 16 communities and
24 over 40 percent of Oregon residents, management of
25 the Mount Hood National Forest needs to take into

1 consideration plans developed by local watershed
2 councils in managing the forest; and

3 (23) management activities on the Mount Hood
4 National Forest should focus on the restoration of
5 previously logged, even-aged plantations, and stands
6 requiring management to return the plantations and
7 stands to a natural healthy condition not currently
8 exhibited due to insects, disease, and fire, because—

9 (A) the Mount Hood National Forest has
10 a backlog of thousands of acres of National
11 Forest System land that can be restored
12 through an aggressive thinning program; and

13 (B) the thinning of Mount Hood National
14 Forest could create and maintain—

15 (i) jobs for Hood River County,
16 Clackamas County, and Wasco County,
17 Oregon; and

18 (ii) general revenue for the economy
19 of the State of Oregon.

20 **SEC. 3. DEFINITIONS.**

21 In this Act:

22 (1) INDIAN TRIBE.—The term “Indian tribe”
23 has the meaning given the term in section 4 of the
24 Indian Self-Determination and Education Assistance
25 Act (25 U.S.C. 450b).

1 (2) MOUNTAIN BIKE.—The term “mountain
2 bike” does not include a motorized vehicle.

3 (3) PLANTATION.—The term “plantation”
4 means a stand of trees initiated—

5 (A) through direct seeding; or

6 (B) by planting seedlings following any
7 harvest method, including salvage logging, that
8 removed more than 90 percent of the over story
9 of the original stand on contiguous areas larger
10 than 5 acres.

11 (4) SECRETARY.—The term “Secretary”
12 means—

13 (A) when used in reference to Forest Serv-
14 ice land, the Secretary of Agriculture; or

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

18 (5) STATE.—The term “State” means the State
19 of Oregon.

20 (6) URBAN FOREST.—The term “urban forest”
21 means a United States Forest Service National For-
22 est that—

23 (A) is located within 50 miles of popu-
24 lations greater than 1,000,000 people; and

1 (B) demonstrates unique management
2 challenges and opportunities.

3 **TITLE I—DESIGNATION OF**
4 **WILDERNESS AREAS**

5 **SEC. 101. LEWIS AND CLARK MOUNT HOOD WILDERNESS**
6 **AREAS.**

7 In accordance with the Wilderness Act (16 U.S.C.
8 1131 et seq.), the following areas in the State are des-
9 ignated as wilderness areas and as components of the Na-
10 tional Wilderness Preservation System:

11 (1) MOUNT HOOD WILDERNESS ADDITIONS.—

12 The Mount Hood Wilderness Additions are incor-
13 porated in, and deemed to be a part of, the Mount
14 Hood Wilderness as designated under section 3(a) of
15 the Wilderness Act (16 U.S.C. 1132(a)), and en-
16 larged by section 3(d) of the Endangered American
17 Wilderness Act of 1978 (16 U.S.C. 1132 note; 92
18 Stat. 43).

19 (2) MARK O. HATFIELD WILDERNESS ADDI-

20 TIONS.—The Mark O. Hatfield Wilderness Additions
21 are incorporated in, and deemed to be a part of, the
22 Mark O. Hatfield Wilderness as designated by sec-
23 tion 3(1) of the Oregon Wilderness Act of 1984 (16
24 U.S.C. 1132 note; 98 Stat. 273) and renamed by
25 section 328 of the Department of the Interior and

1 Related Agencies Appropriations Act, 1997 (16
2 U.S.C. 1132 note; 110 Stat. 3009–227).

3 (3) BADGER CREEK WILDERNESS ADDITIONS.—
4 The Badger Creek Wilderness Additions are incor-
5 porated in, and deemed to be a part of, the Badger
6 Creek Wilderness as designated by section 3(3) of
7 the Oregon Wilderness Act of 1984 (16 U.S.C.
8 1132; 98 Stat. 273).

9 (4) SALMON-HUCKLEBERRY WILDERNESS ADDI-
10 TIONS.—The Salmon-Huckleberry Wilderness Addi-
11 tions are incorporated in, and deemed to be a part
12 of, the Salmon-Huckleberry Wilderness as des-
13 igned by section 3(2) of the Oregon Wilderness
14 Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

15 **SEC. 102. GENERAL PROVISIONS.**

16 (a) NAMES OF WILDERNESS AREAS.—A wilderness
17 area designated under this title shall—

18 (1) consist of the quantity of land applicable to
19 the wilderness area under this title, as generally de-
20 picted on the applicable map; and

21 (2) be known by the name specified for the wil-
22 derness area under this title.

23 (b) MAP AND DESCRIPTION.—

24 (1) IN GENERAL.—As soon as practicable after
25 the date of enactment of this Act, the Secretary

1 shall file a map entitled “Lewis and Clark Wilder-
2 ness Additions of 2004” and dated July 2004, and
3 a legal description of each wilderness area des-
4 ignated by this title with—

5 (A) the Committee on Resources of the
6 House of Representatives; and

7 (B) the Committee on Energy and Natural
8 Resources of the Senate.

9 (2) FORCE OF LAW.—The map and legal de-
10 scriptions filed under paragraph (1) shall have the
11 same force and effect as if included in this Act, ex-
12 cept that the Secretary may correct errors in the
13 map and legal description.

14 (3) PUBLIC AVAILABILITY.—Each map and
15 legal description filed under paragraph (1) shall be
16 on file and available for public inspection in—

17 (A) the office of the Chief of the Forest
18 Service;

19 (B) the office of the Director of the Bu-
20 reau of Land Management; and

21 (C) the applicable local Forest Service and
22 Bureau of Land Management offices.

23 **SEC. 103. ADMINISTRATION.**

24 (a) IN GENERAL.—Subject to valid rights in exist-
25 ence on the date of enactment of this Act, each wilderness

1 area designated under this title shall be administered by
2 the Secretary in accordance with the Wilderness Act (16
3 U.S.C. 1131 et seq.).

4 (b) CONSISTENT INTERPRETATION TO THE PUB-
5 LIC.—Notwithstanding their separate jurisdictions, the
6 Secretary of Agriculture and the Secretary of the Interior
7 shall collaborate to ensure that the wilderness areas des-
8 ignated by this title, if appropriate, are interpreted for the
9 public as an overall complex tied together by—

10 (1) common location in the Mount Hood-Co-
11 lumbia River Gorge region;

12 (2) the abundant history of Native American
13 use;

14 (3) the epic journey of Lewis and Clark;

15 (4) the pioneer settlement and growth of the
16 State; and

17 (5) water sources for over 40 percent of the
18 residents of Oregon.

19 **SEC. 104. BUFFER ZONES.**

20 (a) IN GENERAL.—As provided in the Oregon Wilder-
21 ness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–
22 328), Congress does not intend for designation of wilder-
23 ness areas in the State under this title to lead to the cre-
24 ation of protective perimeters or buffer zones around each
25 wilderness area.

1 (b) ACTIVITIES OR USES UP TO BOUNDARIES.—The
2 fact that nonwilderness activities or uses can be seen or
3 heard from within a wilderness area shall not, of itself,
4 preclude the activities or uses up to the boundary of the
5 wilderness area.

6 **SEC. 105. FIRE SAFE COMMUNITY ZONES.**

7 Consistent with the Mount Hood National Forest
8 Management Plan, the Columbia Gorge National Scenic
9 Area, and the Healthy Forests Restoration Act of 2003
10 (16 U.S.C. 6501 et seq.), the Secretary shall construct a
11 strategic system of defensible fuel profile zones (including
12 shaded fuelbreaks, thinning, individual tree selection, and
13 other methods of vegetation management) between the
14 wilderness boundary and the community boundary around
15 Cascade Locks and Government Camp.

16 **SEC. 106. GATEWAY COMMUNITIES.**

17 The Secretary may provide grants to communities
18 that are gateways to Mount Hood Wilderness areas, the
19 villages surrounding Mount Hood, and the appropriate
20 county governments in the State, to be administered
21 through the Forest Service State and Private Forestry
22 program.

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

24 (a) FISH AND WILDLIFE.—As provided in section
25 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), and

1 in accordance with appropriate policies such as those set
2 forth in Appendix B of House Report 101–405, nothing
3 in this Act affects the jurisdiction or responsibilities of the
4 State with respect to fish and wildlife on the public land
5 in the State.

6 (b) HUNTING AND FISHING.—Nothing in this Act af-
7 fects hunting and fishing, under applicable Federal and
8 State laws and regulations, within the boundaries of any
9 wilderness area.

10 **SEC. 108. FIRE, INSECTS, AND DISEASES.**

11 As provided in section 4(d)(1) of the Wilderness Act
12 (16 U.S.C. 1133(d)(1)), within the wilderness areas des-
13 ignated by this Act, such measures may be taken as may
14 be necessary to control fire, insects, and diseases, subject
15 to such conditions as the Secretary of Agriculture (in col-
16 laboration with the Secretary of the Interior where appro-
17 priate) determines to be desirable.

18 **SEC. 109. VALID EXISTING RIGHTS AND WITHDRAWAL.**

19 (a) VALID EXISTING RIGHTS.—Nothing in this Act
20 affects any valid existing right.

21 (b) WITHDRAWAL.—Subject to valid rights existing
22 on the date of enactment of this Act, the Federal land
23 referred to in section 101 is withdrawn from all forms of—

24 (1) appropriation;

25 (2) disposal under public law;

1 (3) location, entry, and patent under mining
2 law; and

3 (4) disposition under all laws pertaining to min-
4 eral and geothermal leasing or mineral materials.

5 **TITLE II—DESIGNATION OF**
6 **STREAMS FOR WILD AND SCE-**
7 **NIC RIVER PROTECTION IN**
8 **THE MOUNT HOOD AREA**

9 **SEC. 201. DESIGNATION OF PORTIONS OF HOOD RIVER.**

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

13 “(167) HOOD RIVER, OREGON.—The following
14 segments in the Mount Hood National Forest in the
15 State of Oregon, to be administered by the Secretary
16 of Agriculture:

17 “(A) The 1.5 mile segment of the East
18 Fork Hood River from Umbrella Falls to high-
19 way 35, as a scenic river.

20 “(B) The 13.4 mile segment of the East
21 Fork Hood River from highway 35 to the
22 Mount Hood National Forest boundary, as a
23 recreational river.

24 “(C) The 4.7 mile segment of the Middle
25 Fork Hood River from the confluence of the

1 Clear and Coe branches to the Mount Hood Na-
2 tional Forest boundary, as a scenic river.”.

3 **SEC. 202. DESIGNATION OF PORTIONS OF ZIGZAG RIVER.**

4 Section 3(a) of the Wild and Scenic Rivers Act (16
5 U.S.C. 1274(a)) (as amended by section 201) is amended
6 by adding at the end the following:

7 “(168) ZIGZAG RIVER, OREGON.—The 9.0 mile
8 segment in the Mount Hood National Forest in the
9 State of Oregon from the Mount Hood Wilderness
10 boundary as in existence on January 1, 2004, down-
11 stream to the confluence with the Sandy River, to be
12 administered by the Secretary of Agriculture as a
13 recreational river.”.

14 **SEC. 203. DESIGNATION OF PORTIONS OF EAGLE CREEK.**

15 Section 3(a) of the Wild and Scenic Rivers Act (16
16 U.S.C. 1274(a)) (as amended by section 202) is amended
17 by adding at the end the following:

18 “(169) EAGLE CREEK, OREGON.—The following
19 segments in the Mount Hood National Forest in the
20 State of Oregon, to be administered by the Secretary
21 of Agriculture:

22 “(A) The 7.2 mile segment from its head-
23 waters downstream to the west section line of
24 T. 3 S., R. 6 E., section 20, Willamette Merid-
25 ian, as a wild river.

1 “(B) The 1.1 mile segment from the west
 2 section line of T. 3 S., R. 6 E., section 20, Wil-
 3 lamette Meridian downstream to the Mount
 4 Hood National Forest boundary, as a rec-
 5 reational river.”.

6 **SEC. 204. DESIGNATION OF PORTIONS OF FIFTEENMILE**
 7 **CREEK.**

8 Section 3(a) of the Wild and Scenic Rivers Act (16
 9 U.S.C. 1274(a)) (as amended by section 203) is amended
 10 by adding at the end the following:

11 “(170) FIFTEENMILE CREEK, OREGON.—The
 12 11.0 mile segment in the Mount Hood National For-
 13 est in the State of Oregon from its source on Look-
 14 out Mountain to the section line between sections 19
 15 and 20 of T. 2 S., R. 12 E., Willamette Meridian
 16 including the corridor of land up to ½ mile from the
 17 center of the creek bed on either side of the creek,
 18 to be administered by the Secretary of Agriculture
 19 as a wild river, except the 0.1 mile segment centered
 20 on Forest Service Road 2730 which shall be classi-
 21 fied as a scenic river.”.

22 **SEC. 205. CONFORMING AMENDMENTS.**

23 Section 3(a) of the Wild and Scenic Rivers Act (16
 24 U.S.C. 1274(a)) is amended—

1 (1) by redesignating paragraph (162) as para-
2 graph (163);

3 (2) by redesignating the second paragraph des-
4 igned (161) (relating to Wekiva River, Wekiwa
5 Springs Run, Rock Springs Run, and Black Water
6 Creek, Florida), as paragraph (162);

7 (3) by designating the undesignated paragraph
8 relating to Wildhorse and Kiger Creeks, Oregon as
9 paragraph (164);

10 (4) by redesignating the third paragraph des-
11 igned (161) (relating to Lower Delaware River
12 and associated tributaries, New Jersey and Pennsyl-
13 vania) as paragraph (165); and

14 (5) by designating the undesignated paragraph
15 relating to Rivers of Caribbean National Forest,
16 Puerto Rico, as paragraph (166).

17 **TITLE III—NATIONAL COMMIS-**
18 **SION ON URBAN FORESTS**

19 **SEC. 301. NATIONAL COMMISSION ON URBAN FORESTS.**

20 (a) ESTABLISHMENT.—Not later than 90 days after
21 the date of enactment of this Act, the Secretary shall es-
22 tablish in the Forest Service a commission to be known
23 as the “National Commission on Urban National Forests”
24 (referred to in this title as the “Commission”).

1 (b) MEMBERSHIP.—The Commission shall be com-
2 posed of 30 members, of whom—

3 (1) 14 shall be the forest supervisors of the 14
4 urban national forests identified by the Forest Serv-
5 ice; and

6 (2) 8 shall be appointed by the mayors of the
7 largest cities adjacent to the urban forests, 1 ap-
8 pointment for each of the States that house the
9 urban forests; and

10 (3) 8 shall consist of 1 representative from the
11 land grant university or school of forestry from each
12 of the States of—

13 (A) Colorado;

14 (B) Utah;

15 (C) New Hampshire;

16 (D) Arizona;

17 (E) California;

18 (F) Georgia;

19 (G) Washington; and

20 (H) Oregon.

21 (c) DATE OF APPOINTMENTS.—The appointment of
22 a member of the Commission shall be made not later than
23 120 days after the date of enactment of this Act.

24 (d) TERM; VACANCIES.—

1 (1) TERM.—A member shall be appointed for
2 the life of the Commission.

3 (2) VACANCIES.—A vacancy on the Commis-
4 sion—

5 (A) shall not affect the powers of the Com-
6 mission; and

7 (B) shall be filled in the same manner as
8 the original appointment was made.

9 (e) INITIAL MEETING.—Not later than 30 days after
10 the date on which all members of the Commission have
11 been appointed, the Commission shall hold the initial
12 meeting of the Commission.

13 (f) MEETINGS.—The Commission shall meet at the
14 call of the Chairperson.

15 (g) QUORUM.—A majority of the members of the
16 Commission shall constitute a quorum, but a lesser num-
17 ber of members may hold hearings.

18 (h) CHAIRPERSON AND VICE CHAIRPERSON.—The
19 Commission shall select a Chairperson and Vice Chair-
20 person from among the members of the Commission.

21 **SEC. 302. DUTIES.**

22 (a) IN GENERAL.—The duties of the Commission
23 shall be—

1 (1) to examine the unique role that urban na-
2 tional forests play in enriching the lives of the urban
3 populations served by the forests;

4 (2) to examine and create opportunities in
5 urban national forests that respond to urban values
6 and needs of the populations served by the forests;

7 (3) to promote understanding of the value of
8 urban national forests in achieving public support
9 for Forest Service and natural resource manage-
10 ment;

11 (4) to develop State and private forest research
12 programs to further enhance the ability to achieve
13 management goals of urban national forests;

14 (5) to build and use external constituencies—

15 (A) to create avenues to work with other
16 interested stakeholders to make a significant
17 difference in the future roles of urban national
18 forests; and

19 (B) to facilitate management of the urban
20 national forests to meet public and ecological
21 needs; and

22 (6) to reconcile through management rec-
23 ommendations the human pressures on urban na-
24 tional forests with the important ecological functions
25 served by the forests.

1 (b) REPORT.—Not later than 2 years after the date
2 of enactment of this Act, the Commission shall submit to
3 the Secretary and Congress a report that contains—

4 (1) a detailed statement of the findings and
5 conclusions of the Commission; and

6 (2) the recommendations of the Commission for
7 such legislation and administrative actions as the
8 Commission considers appropriate.

9 **SEC. 303. POWERS.**

10 (a) HEARINGS.—The Commission may hold such
11 hearings, meet and act at such times and places, take such
12 testimony, and receive such evidence as the Commission
13 considers advisable to carry out this Act.

14 (b) INFORMATION FROM FEDERAL AGENCIES.—

15 (1) IN GENERAL.—The Commission may secure
16 directly from a Federal agency such information as
17 the Commission considers necessary to carry out this
18 Act.

19 (2) PROVISION OF INFORMATION.—On request
20 of the Chairperson of the Commission, the head of
21 the agency shall provide the information to the Com-
22 mission.

23 (c) POSTAL SERVICES.—The Commission may use
24 the United States mails in the same manner and under

1 the same conditions as other agencies of the Federal Gov-
2 ernment.

3 (d) GIFTS.—The Commission may accept, use, and
4 dispose of gifts or donations of services or property.

5 **SEC. 304. COMMISSION PERSONNEL MATTERS.**

6 (a) COMPENSATION OF MEMBERS.—

7 (1) NON-FEDERAL EMPLOYEES.—A member of
8 the Commission who is not an officer or employee of
9 the Federal Government shall be compensated at a
10 rate equal to the daily equivalent of the annual rate
11 of basic pay prescribed for level IV of the Executive
12 Schedule under section 5315 of title 5, United
13 States Code, for each day (including travel time)
14 during which the member is engaged in the perform-
15 ance of the duties of the Commission.

16 (2) FEDERAL EMPLOYEES.—A member of the
17 Commission who is an officer or employee of the
18 Federal Government shall serve without compensa-
19 tion in addition to the compensation received for the
20 services of the member as an officer or employee of
21 the Federal Government.

22 (b) TRAVEL EXPENSES.—A member of the Commis-
23 sion shall be allowed travel expenses, including per diem
24 in lieu of subsistence, at rates authorized for an employee
25 of an agency under subchapter I of chapter 57 of title

1 5, United States Code, while away from the home or reg-
2 ular place of business of the member in the performance
3 of the duties of the Commission.

4 (c) STAFF.—

5 (1) IN GENERAL.—The Chairperson of the
6 Commission may, without regard to the civil service
7 laws (including regulations), appoint and terminate
8 an executive director and such other additional per-
9 sonnel as are necessary to enable the Commission to
10 perform the duties of the Commission.

11 (2) CONFIRMATION OF EXECUTIVE DIREC-
12 TOR.—The employment of an executive director shall
13 be subject to confirmation by the Commission.

14 (3) COMPENSATION.—

15 (A) IN GENERAL.—Except as provided in
16 subparagraph (B), the Chairperson of the Com-
17 mission may fix the compensation of the execu-
18 tive director and other personnel without regard
19 to the provisions of chapter 51 and subchapter
20 III of chapter 53 of title 5, United States Code,
21 relating to classification of positions and Gen-
22 eral Schedule pay rates.

23 (B) MAXIMUM RATE OF PAY.—The rate of
24 pay for the executive director and other per-
25 sonnel shall not exceed the rate payable for

1 level V of the Executive Schedule under section
2 5316 of title 5, United States Code.

3 (d) DETAIL OF FEDERAL GOVERNMENT EMPLOY-
4 EES.—

5 (1) IN GENERAL.—An employee of the Federal
6 Government may be detailed to the Commission
7 without reimbursement.

8 (2) CIVIL SERVICE STATUS.—The detail of the
9 employee shall be without interruption or loss of civil
10 service status or privilege.

11 (e) PROCUREMENT OF TEMPORARY AND INTERMIT-
12 TENT SERVICES.—The Chairperson of the Commission
13 may procure temporary and intermittent services in ac-
14 cordance with section 3109(b) of title 5, United States
15 Code, at rates for individuals that do not exceed the daily
16 equivalent of the annual rate of basic pay prescribed for
17 level V of the Executive Schedule under section 5316 of
18 that title.

19 **SEC. 305. AUTHORIZATION OF APPROPRIATIONS.**

20 There is authorized to be appropriated to carry out
21 this title \$1,000,000 for each fiscal year in which the
22 Commission is in existence, to remain available until ex-
23 pended.

1 **SEC. 306. TERMINATION OF COMMISSION.**

2 The Commission shall terminate 90 days after the
3 date on which the Commission submits the report of the
4 Commission under section 302(b).

5 **TITLE IV—MOUNT HOOD NA-**
6 **TIONAL FOREST SOUTHSIDE**
7 **WINTER RECREATION AREA**

8 **SEC. 401. IDENTIFICATION.**

9 (a) IN GENERAL.—The Secretary shall identify the
10 historic and high quality winter recreation area between
11 Timberline and Government Camp and around Trillium
12 Lake, Summit Meadows, and Multipor Mountain to be
13 used for—

14 (1) noncommercial muscle-powered winter
15 recreation opportunities; and

16 (2) commercial, developed winter recreation
17 that provides quality recreation within the capabili-
18 ties of the ecosystem, as determined by the Sec-
19 retary.

20 (b) INCLUSIONS.—The area identified under sub-
21 section (a) shall include—

22 (1) the prominent fall line on the southern face
23 of Multipor Mountain;

24 (2) the Glade and Alpine ski trails between
25 Timberline and Government Camp;

26 (3) the Cross Town Trail; and

1 (4) the entire network of cross country trails
 2 behind Government Camp that are being developed
 3 by the Forest Service and Clackamas County, Or-
 4 egon.

5 **SEC. 402. DESIGNATION.**

6 The area identified by the Secretary under subsection
 7 (a) shall be designated as the “Mount Hood National For-
 8 est Southside Winter Recreation Area”.

9 **TITLE V—MOUNTAIN BIKING**
 10 **PILOT PROJECT**

11 **SEC. 501. ESTABLISHMENT.**

12 The Secretary shall designate the Mount Hood Ped-
 13 aler’s Demonstration Experiment Area (referred to in this
 14 title as the “Hood-PDX area”) as indicated by the map
 15 dated July 2004, and entitled “Hood-PDX area” around
 16 Hell Roaring Creek, Shellrock Mountain, and Fifteenmile
 17 Creek.

18 **SEC. 502. MANAGEMENT GOALS.**

19 (a) IN GENERAL.—Except as provided in subsection
 20 (b), the Hood-PDX area shall be managed in accordance
 21 with title I.

22 (b) EXCEPTIONS.—

23 (1) MOUNTAIN BIKES.—Mountain bikes shall be
 24 allowed to operate within the Hood-PDX area on
 25 designated trails.

1 (2) CHAINSAWS.—In accordance with wilder-
2 ness management policy in effect on the date of en-
3 actment of this Act, the Secretary may use
4 chainsaws to maintain existing trails in the Hood-
5 PDX area.

6 (c) MONITORING.—The Secretary shall monitor the
7 effect of mountain biking on the Hood-PDX area ecology
8 and the surrounding communities and economies for at
9 least 3, but not more than 10, years after the date of en-
10 actment of this Act.

11 **SEC. 503. REPORT TO CONGRESS.**

12 (a) IN GENERAL.—Not later than the later of the
13 date that is 3 years after the date of enactment of this
14 Act or the date of the completion of the third full cycling
15 season after the date of enactment of this Act, the Sec-
16 retary shall submit to Congress a report that includes—

17 (1) the impacts of mountain bikes on the ecol-
18 ogy of the Hood-PDX area;

19 (2) the economic impacts of the area;

20 (3) usage of the area; and

21 (4) the interaction of bikes and other users in
22 the area.

23 (b) CONGRESSIONAL ACTION.—Not later than 10
24 years after the date on which the report is submitted to

1 Congress under subsection (a) Congress shall act on the
2 recommendations of the Report.

3 **SEC. 504. FUNDING.**

4 Funding to carry out this title shall be derived from
5 fees paid for other developed recreation in the Mount
6 Hood National Forest.

7 **SEC. 505. TERMINATION OF AUTHORITY.**

8 If Congress does not act on the recommendations of
9 the report in accordance with section 503(b), on the date
10 that is 10 years after the date of enactment of this Act—

11 (1) the authority of the Secretary to carry out
12 this title terminates; and

13 (2) the mountain biking area designated under
14 section 501 shall be designated as wilderness.

15 **TITLE VI—TRANSPORTATION**
16 **AND COMMUNICATION SYSTEMS**

17 **SEC. 601. BURIAL OF POWER LINES.**

18 Because of the incongruent presence of power lines
19 adjacent to or within wilderness areas, the Secretary may
20 provide to Cascade Locks and Hood River County
21 \$3,200,000 through the Forest Service State and Private
22 Forestry program to bury ground power lines adjacent to
23 or within Mount Hood Wilderness areas, including wilder-
24 ness areas designated by this Act.

1 **SEC. 602. CULVERT REPLACEMENT.**

2 (a) IN GENERAL.—The Secretary may provide
3 \$1,000,000 to Clackamas County to replace 4 culverts on
4 the wild and scenic river segments in Clackamas County,
5 Oregon, designated under title II.

6 (b) LIMITATION.—Culvert replacement carried out by
7 the Forest Service and Clackamas County to improve fish
8 passage and the ecology of the wilderness designated by
9 this Act shall not be considered water and resource devel-
10 opment.

11 **SEC. 603. CLARIFICATION OF THE TREATMENT OF STATE**
12 **HIGHWAY 35 UNDER THIS ACT.**

13 (a) EXCLUSION.—The portion of Oregon State High-
14 way 35 that is adjacent to wilderness areas in the Mount
15 Hood National Forest, including wilderness areas des-
16 ignated by this Act, shall be excluded from wilderness
17 under this Act.

18 (b) NO NET EFFECT.—The designation of wilderness
19 or wild and scenic rivers under this Act shall not limit
20 the operation, maintenance, and repair of Oregon State
21 Highway 35 or other highways in existence on the date
22 of enactment of this Act.

23 (c) FLOOD PLAIN.—Congress encourages the car-
24 rying out of projects that will reduce the impact of Oregon
25 State Highway 35 on the flood plain of the East Fork
26 Hood River.

1 **SEC. 604. MULTIPOR OVERPASS.**

2 The Secretary may provide funds from Forest Service
3 roads to improve access to wilderness over highway 26.

4 **TITLE VII—LAND EXCHANGE**

5 **SEC. 701. CLACKAMAS COUNTY LAND EXCHANGE.**

6 The Secretary shall—

7 (1) find suitable non-wilderness adjacent land,
8 as determined by the Secretary; and

9 (2) exchange that land for 300 acres of land
10 that is—

11 (A) owned by Clackamas County, Oregon,
12 as of the date of enactment of this Act;

13 (B) adjacent to the wilderness designated
14 by this Act; and

15 (C) depicted on the map dated July 2004,
16 and entitled “Clackamas County Land Ex-
17 change”.

18 **TITLE VIII—MOUNT HOOD**

19 **NATIONAL FOREST THINNING**

20 **SEC. 801. ESTABLISHMENT.**

21 (a) IN GENERAL.—The Secretary shall establish a
22 forest health thinning program in plantation second
23 growth stands in the Mount Hood National Forest to—

24 (1) produce timber for primary and secondary
25 wood products; and

1 (2) restore biological diversity and structural
2 complexity to young managed stands.

3 (b) PROHIBITION.—

4 (1) DEFINITION OF OLD GROWTH.—In this sub-
5 section, the term “old growth” means groves and
6 trees that are—

7 (A) at least 120 years old; or

8 (B) previously unmanaged.

9 (2) PROHIBITION.—In carrying out this title,
10 the Secretary shall not harvest old growth.

11 (c) LOCAL CONTRACTING PREFERENCE.—

12 (1) IN GENERAL.—In carrying out this title, the
13 Secretary shall consider the benefits to the local
14 economy when evaluating bids and designing pro-
15 curements that create economic opportunities for
16 local contractors.

17 (2) ORDER OF PREFERENCE.—The Secretary
18 may award contracts in the following order of pref-
19 erence:

20 (A) Hood River County, Clackamas Coun-
21 ty, Wasco County, or contractors or Indian
22 tribes in the State.

23 (B) State contractors or Indian tribes that
24 will create new jobs in rural communities.

1 (C) Other State contractors or Indian
2 tribes.

3 (D) Other State contractors or Indian
4 tribes that show an ability to create new jobs
5 with the contracts.

6 (d) REPORT TO CONGRESS.—Not later than 2 years
7 after the date of enactment of this Act, and every 2 years
8 thereafter, the Secretary shall submit to Congress a report
9 that describes—

10 (1) acres treated;

11 (2) ecological effects of the treatments;

12 (3) economic effects of the program on the local
13 and state economies; and

14 (4) effects of the program on local, State, and
15 regional employment.

16 **SEC. 802. PRECOMMERCIAL THINNING.**

17 (a) IN GENERAL.—Each year, the Secretary shall
18 complete 5000 acres of precommercial thinning in the
19 Mount Hood National Forest.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to carry out this section
22 \$1,500,000 for each fiscal year for contract costs, plan-
23 ning, sale preparation, contract administration, and over-
24 head.

1 **SEC. 803. WESTSIDE MATRIX FOREST PLANTATIONS**
2 **THINNING FOR FOREST HEALTH.**

3 (a) IN GENERAL.—Each year, the Secretary shall
4 thin approximately 1200 acres in Westside forest planta-
5 tions in the Northwest Forest Plan “Matrix” Allocation
6 in the Mount Hood National Forest.

7 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated to carry out this section
9 \$1,800,000 for each fiscal year for contract costs, plan-
10 ning, sale preparation, contract administration, and over-
11 head.

12 **SEC. 804. EASTSIDE THINNING FOR FOREST HEALTH.**

13 (a) IN GENERAL.—Each year, the Secretary shall
14 thin Eastside forests in the Mount Hood National Forest
15 using scientific principles.

16 (b) TYPE OF TREATMENT.—Treatments under this
17 section shall be conducted to move the stands within the
18 natural range of variability by—

19 (1) retaining all large and old trees;

20 (2) emphasizing removal of mostly smaller
21 trees; and

22 (3) ensuring recruitment of future forest cover
23 by retaining representative trees in all size classes
24 and all native tree species.

25 (c) REQUIREMENTS.—Consistent with subsection (b),
26 the Eastside thinning shall be designed—

1 (1) to reduce overall stand density;

2 (2) to remove encroaching shade tolerant spe-
3 cies; and

4 (3) to reduce fuels.

5 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated to carry out this section
7 \$1,200,000 for each fiscal year for contract costs, plan-
8 ning, sale preparation, contract administration, and over-
9 head.

10 **SEC. 805. FUNDING.**

11 In carrying out this title, the Secretary may supple-
12 ment appropriated funds with funds from other sources,
13 including—

14 (1) Knutson-Vandenberg funds;

15 (2) payments to counties;

16 (3) insect and disease suppression funds from
17 the Forest Service;

18 (4) State and private forest health funds;

19 (5) hazardous fuels reduction funds; and

20 (6) restoration funds.

21 **SEC. 806. TERMINATION OF AUTHORITY.**

22 The authority provided by this title shall terminate
23 on the date that is 10 years after the date of enactment
24 of this Act.

1 **TITLE IX—MISCELLANEOUS**

2 **SEC. 901. WATERSHED MANAGEMENT AND RESTORATION.**

3 (a) IN GENERAL.—In developing management plans
4 for the wilderness areas designated by section 101, the
5 Secretary shall consider any relevant action plans, as de-
6 veloped by relevant watershed councils.

7 (b) EFFECT.—Nothing in this section affects any ex-
8 isting rights or privileges of, or any contract affecting
9 Federal land held by, any private party without the con-
10 sent of the private party.

11 **SEC. 902. BRIDGES OVER WILD AND SCENIC RIVERS.**

12 The maintenance of bridges over wild and scenic riv-
13 ers designated by this Act and within the Mount Hood
14 National Forest shall not be considered water and re-
15 source development.

16 **SEC. 903. MIDDLEFORK IRRIGATION DISTRICT.**

17 Nothing in this Act affects the ability of the
18 Middlefork Irrigation District to operate in a similar man-
19 ner as the District operated on the day before the date
20 of enactment of this Act.

21 **SEC. 904. PROTECTION OF TRIBAL RIGHTS.**

22 Nothing in this Act—

23 (1) diminishes the existing rights of any Indian
24 tribe; or

1 (2) diminishes tribal rights regarding access to
2 Federal land for tribal activities, including spiritual,
3 cultural, and traditional food gathering activities.

4 **SEC. 905. REVENUE RETENTION.**

5 (a) IN GENERAL.—Except as provided in subsection
6 (b), in order for the Secretary to provide the appropriate
7 level of management in the Mount Hood National Forest,
8 the Secretary is authorized to retain fees from the leases
9 of the recreation residences and special use permits in the
10 Mount Hood National Forest.

11 (b) EXCLUSION.—For the purposes of this Act, the
12 Secretary may not retain fees collected under the Act of
13 April 24, 1950 (commonly known as the Granger-Thye
14 Act) (64 Stat. 82, chapter 97).

15 **TITLE X—AUTHORIZATION OF**
16 **APPROPRIATIONS**

17 **SEC. 1001. AUTHORIZATION OF APPROPRIATIONS.**

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

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