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FINDINGS AND PURPOSES

SEC. 2. (a) FINDINGS.—The Congress finds that—

(1) the Columbia River Gorge, located in the State of Oregon and the State of Washington, is a spectacular canyon of compelling and majestic beauty formed by the Columbia River cutting through the Cascade Range and dramatically illustrates natural geologic forces;

(2) the Columbia River Gorge is the historic gateway between the Pacific Ocean and the interior of the North American continent traveled by Native Americans, explorers, traders, and pioneers, and evidencing human habitation for over 11,000 years, and it remains an area of commercial and economic importance to the region, particularly with respect to navigation, trans-

1 portation, energy production, fisheries, agriculture, and
2 recreation;

3 (3) the Columbia River Gorge contains magnifi-
4 cent scenic, natural, and recreational values of national
5 significance, including the cascading all-season water-
6 falls and an extensive system of hiking trails;

7 (4) scenic viewpoints, highways, and trails are
8 critical recreation facilities heavily used by residents of
9 the Portland-Vancouver metropolitan area and by visi-
10 tors from around the Pacific Northwest, the Nation,
11 and the world;

12 (5) the botanical diversity of the Columbia River
13 Gorge ranging from the sagebrush and grasslands of
14 the east to the lush rain forests of the west, including
15 many threatened and endangered species, is unique,
16 due in part to the diverse climate of the area;

17 (6) human impact on the landscape of the Colum-
18 bia River Gorge including Federal hydroelectric power
19 development, interstate highway construction, port and
20 navigation facilities, farms, orchards, forest production,
21 cities, and towns, is intense, but, historically, much of
22 the diverse scenic quality of the Gorge has been pre-
23 served;

24 (7) the character of much of the landscape of the
25 Columbia River Gorge has been maintained and en-

1 hanced by existing rural communities which should be
2 protected and maintained;

3 (8) the existing scenic, historic, recreational, ar-
4 cheological, and scientific qualities of the Columbia
5 River Gorge are threatened by rapid population growth
6 in the nearby Portland, Oregon-Vancouver, Washing-
7 ton metropolitan area, by uncontrolled development,
8 and by the existence of more than fifty local, State,
9 and Federal jurisdictions and agencies with authority
10 within the Columbia River Gorge;

11 (9) the existing local, State, and Federal planning
12 and regulatory authorities lack sufficient resources to
13 provide for growth management, develop recreational
14 facilities to serve tourists and residents of the metro-
15 politan areas in close proximity to the Columbia River
16 Gorge, and protect the unique scenic resources of the
17 Columbia River Gorge; and

18 (10) in order to resolve differences, existing and
19 potential, between the various affected jurisdictions in
20 the State of Oregon and the State of Washington over
21 protection and enhancement of the existing character of
22 the Columbia River Gorge, and in order to protect the
23 scenic and other values of Federal lands and facilities
24 located within the Columbia River Gorge, the Federal
25 Government must form a partnership with State and

1 local governments in the Columbia River Gorge, and
2 focus final decisional authority in a single arbiter,
3 thereby protecting the gorge's nationally significant
4 scenic, natural, and cultural (including historical, ar-
5 cheological, scientific, recreational, and social) re-
6 sources.

7 (b) PURPOSES.—The purposes of this Act are—

8 (1) to protect, conserve, and enhance the scenic,
9 natural, cultural, and other resource values of existing
10 Federal property located in the Columbia River Gorge,
11 including lands administered by the United States
12 Forest Service, United States Bureau of Land Manage-
13 ment, the Army Corps of Engineers, and lands includ-
14 ed in the Interstate Highway System;

15 (2) to protect and enhance all scenic, cultural, and
16 natural resources of the Columbia River Gorge, includ-
17 ing sensitive habitats for threatened and endangered
18 species, while providing public use and enjoyment con-
19 sistent with protecting and preserving these resources;

20 (3) to protect and preserve the historical and ar-
21 cheological resources of the Columbia River Gorge
22 and, where appropriate, to make these resources more
23 available to the public for educational and scientific
24 purposes;

1 (4) to protect and perpetuate the existing economy
2 of the Columbia River Gorge, including agriculture,
3 fishing, existing hydroelectric facilities and timber utili-
4 zation, and the character of human habitation, in har-
5 mony with the existing visual landscape, and by pro-
6 moting economic development within the gorge which
7 enhances the existing scenic and natural character of
8 the Columbia River Gorge and which promotes public
9 awareness of the historical, cultural, and natural values
10 of the area and which supports and enhances the eco-
11 nomic livelihood of the gorge by encouraging growth to
12 occur in the existing incorporated communities, by rec-
13 ognizing compatible historic economic pursuits, such as
14 farming, grazing, forestry, and orcharding, outside the
15 communities as appropriate to preserve the existing
16 character of the gorge, and by enhancing the potential
17 of the gorge for increased tourism;

18 (5) to provide for and manage public use and en-
19 joyment of the Columbia River Gorge in a manner
20 consistent with natural resource protection and mainte-
21 nance of the existing rural landscape, including the es-
22 tablishment, acquisition, maintenance, and operation of
23 public recreation and natural areas and facilities to
24 meet the needs of a growing regional population;

1 (6) to utilize the land use planning and other
 2 powers of local and State governments and existing
 3 Federal agencies to further the purposes of this Act
 4 and provide Federal assistance in the development and
 5 implementation of a single management plan for the
 6 Columbia River Gorge; and

7 (7) to facilitate and effectuate a partnership
 8 among the Federal Government, the State of Oregon,
 9 the State of Washington, and local government entities
 10 located within the Columbia River Gorge in order to
 11 develop and enforce a single management plan for the
 12 area which will supplement local and State plans and
 13 which will protect and enhance the area's existing
 14 character while protecting critical lands and allowing
 15 development only when consistent with preservation of
 16 existing scenic, natural, and cultural values.

17 ESTABLISHMENT OF AREA

18 SEC. 3. (a) ESTABLISHMENT.—In order to carry out
 19 the purposes of this Act, the Columbia River Gorge Scenic
 20 Area (hereafter referred to in this Act as the "area") is estab-
 21 lished as a unit of the national forest system.

22 (b) MAP AND DESCRIPTION.—(1) The area shall consist
 23 of the area within the boundaries generally depicted on the
 24 map entitled "Boundary Map, Columbia River Gorge Scenic
 25 Area," numbered _____ and dated _____,

1 which shall be on file and available for public inspection in
2 the offices of the Forest Service, Department of Agriculture,
3 and in the offices of the regional commission established pur-
4 suant to section 4. As soon as practicable after the date of
5 enactment of this Act, the Secretary of Agriculture (herein-
6 after referred to in this Act as the "Secretary") shall publish
7 in the Federal Register a map and legal description of the
8 area. Such description shall have the same force and effect as
9 if included in this Act, except that correction of clerical and
10 typographical errors in such map and legal description may
11 be made. The boundary shall be subject to adjustment as pro-
12 vided in section 5(b)(7) hereof.

13 (2) The areas on such map depicted as "critical" shall
14 be treated as the portions of the area which are of critical
15 importance to the protection and preservation of the values of
16 the area for purposes of applying the provisions of this Act.

17 (3) The incorporated towns and cities of The Dalles,
18 Hood River, White Salmon, Bingen, Cascade Locks, Steven-
19 son, Washougal, Mosier, and North Bonneville, as their
20 boundaries (including any specific urban growth boundary
21 which has been expressly approved by the applicable State)
22 existed on July 1, 1981, shall not be included within the
23 boundaries of the area. If, after July 1, 1981, the boundaries
24 of any of said cities or towns are changed by such city or
25 town, then the area within such new boundary shall not

1 thereafter be within the boundary of the area, unless such
2 boundary change has been approved in the manner to be pro-
3 vided in the management plan as required in section 5(b)(7).

4 (c) BOUNDARIES OF MOUNT HOOD NATIONAL
5 FOREST.—The boundaries of the Mount Hood National
6 Forest are extended to include all of the lands in the State of
7 Oregon lying within the area as described in accordance with
8 section 3(b) which are not within the national forest bound-
9 aries on the date of enactment of this Act.

10 (d) BOUNDARIES OF GIFFORD PINCHOT NATIONAL
11 FOREST.—The boundaries of the Gifford Pinchot National
12 Forest are extended to include all of the lands in the State of
13 Washington lying within the area as described in accordance
14 with section 3(b) which are not within the national forest
15 boundaries on the date of enactment of this Act.

16 (e) FOREST SYSTEM REVENUES.—For purposes of any
17 provision of law under which funds are provided to a State or
18 local government on the basis of revenues derived from any
19 unit of the national forest system and notwithstanding sub-
20 section (a), the national forest system lands in the State of
21 Oregon which are within the area shall be treated as compo-
22 nents of the Mount Hood National Forest and the national
23 forest system lands in the State of Washington which are
24 within the area shall be treated as components of the Gifford
25 Pinchot National Forest.

ADMINISTRATION

1

2 SEC. 4. (a) BY THE SECRETARY.—(1) The area shall be
3 administered by the Secretary, acting through the United
4 States Forest Service, in accordance with this Act and in
5 accordance with the provisions of law generally applicable to
6 units of the national forest system. In the case of any conflict
7 between the provisions of this Act and such generally appli-
8 cable provisions of law, the provisions of this Act shall
9 govern.

10 (2) The Secretary, acting through the United States
11 Forest Service, shall establish procedures to give all interest-
12 ed Federal agencies, State and local governments, and the
13 public adequate notice and an opportunity to comment upon
14 and participate in the preparation and implementation of
15 plans and programs for the management of the area.

16 (b) BY THE REGIONAL COMMISSION.—(1) There is
17 hereby established in the Department of Agriculture the Co-
18 lumbia River Gorge Scenic Area Regional Commission (here-
19 inafter in this Act referred to as the “Regional Commis-
20 sion”). The members of the Regional Commission shall be
21 appointed within ninety days of the date of enactment of this
22 Act. The Commission shall consist of fourteen members, ap-
23 pointed as follows:

24 (A) One member who resides in each of the fol-
25 lowing counties: Multnomah County, Oregon; Hood

1 River County, Oregon; Wasco County, Oregon; Clark
2 County, Washington; Skamania County, Washington;
3 and Klickitat County, Washington, to be appointed by
4 the governing body of each of the respective counties.

5 (B) Two members who reside in the State of
6 Oregon to be appointed by the Governor of the State
7 of Oregon.

8 (C) Two members who reside in the State of
9 Washington to be appointed by the Governor of the
10 State of Washington.

11 (D) Three members who have a demonstrated in-
12 terest in the values to be protected by this Act to be
13 appointed by the Secretary of the Department of Agri-
14 culture.

15 (E) The chief of the Forest Service, Department
16 of Agriculture or his designee, shall serve as an ex offi-
17 cio nonvoting member.

18 If any county governing body referred to in subparagraph (A)
19 or either Governor referred to in subparagraph (B) or (C) fails
20 to appoint a member of the Commission under subparagraph
21 (A), (B), or (C) within ninety days after the date of the enact-
22 ment of this Act or within ninety days after the expiration of
23 a member's term from that county or State, the Secretary of
24 Agriculture may appoint a resident of that county or State to
25 serve as the member from such county or State.

1 (2) The Regional Commission shall be responsible for
2 the following:

3 (A) advising and assisting the Chief of the Forest
4 Service in the preparation and development of the
5 management plan and, subject to section 5(e), approv-
6 ing the management plan and any changes in it before
7 adoption by the Secretary;

8 (B) facilitating communication and coordination
9 among the Federal, State, and local governmental
10 agencies with jurisdiction within the area and facilitat-
11 ing communication with residents and landowners
12 within the area and advising the Secretary on the ap-
13 propriate Federal role in the management and adminis-
14 tration of the area;

15 (C) reviewing and monitoring the implementation
16 of the management plan by Federal, State, and local
17 governmental agencies having jurisdiction within the
18 area to assist the Secretary in ensuring consistency
19 and compliance with the plan and in order to recom-
20 mend to the Secretary potential revisions and methods
21 of enforcing the plan;

22 (D) reviewing all land acquisition proposals sub-
23 mitted by the Secretary in cases involving the potential
24 use of eminent domain as provided in section 12, and
25 submitting timely recommendations or comments to the

1 Secretary with respect to such acquisition before emi-
2 nent domain is exercised;

3 (E) reviewing all Federal development projects
4 and plans within the area for consistency with the
5 management plan and submitting recommendations on
6 all such projects to the head of the responsible Federal
7 agency;

8 (F) preparing an annual report for submission to
9 the Secretary of the Department of Agriculture, the
10 United States Congress, and the Governors of the
11 States of Oregon and Washington advising them of the
12 status of the management plan and its implementation;
13 and

14 (G) making such other recommendations to the
15 Secretary and Federal, State, and local units of gov-
16 ernment as the Regional Commission may deem neces-
17 sary to carry out the purposes of this Act.

18 (3) Members of the Regional Commission shall be ap-
19 pointed for terms of three years, except that the initial terms
20 for the members shall be as follows:

21 (A) The member who resides in Multnomah
22 County, Oregon, shall serve for a term of one year, the
23 member who resides in Hood River County, Oregon,
24 shall serve for a term of two years, and the member
25 who resides in Wasco County, Oregon, shall serve for

1 a term of three years. The member who resides in
2 Clark County, Washington, shall serve for a term of
3 one year, the member who resides in Skamania
4 County, Washington, shall serve for a term of two
5 years, and the member who resides in Klickitat
6 County, Washington, shall serve for a term of three
7 years.

8 (B) One of the members nominated by the Gover-
9 nor of Oregon shall serve for two years and the other
10 such member for three years. One of the members
11 nominated by the Governor of Washington shall serve
12 for two years and the other such member for three
13 years.

14 (C) One of the members nominated by the Secre-
15 tary shall serve for one year, one of such members
16 shall serve for two years, and the third such member
17 shall serve for three years.

18 A member may be reappointed only once unless such member
19 was originally appointed to fill a vacancy pursuant to subsec-
20 tion (b)(4) of this section, in which case a member may be
21 reappointed twice.

22 (4) Any vacancy in the Regional Commission shall be
23 filled in the same manner in which the original appointment
24 was made. Any member appointed to fill a vacancy shall
25 serve for the remainder of the term for which his predecessor

1 was appointed. Any member may serve after the expiration
2 of his term for a period not longer than thirty days.

3 (5) The presiding officer of the Regional Commission
4 shall be elected annually by the members of the Regional
5 Commission and shall serve for a term of one year. No
6 member may serve as presiding officer for consecutive terms,
7 and no member may serve as presiding officer if his predeces-
8 sor as presiding officer was appointed to the Regional Com-
9 mission by the same official or governing body.

10 (6) The Commission shall meet at least once each quar-
11 ter and, to the maximum extent practicable, all meetings of
12 the Regional Commission shall take place within the counties
13 having any jurisdiction in the area.

14 (7) Unless otherwise provided, the Regional Commission
15 shall act or advise by affirmative vote of a majority of its
16 members, but a lesser number may hold hearings.

17 (8) The Regional Commission may for the purpose of
18 carrying out its functions hold such hearings, sit and act at
19 such times and places, take such testimony, and receive such
20 evidence as the Regional Commission may deem advisable.
21 The Regional Commission may administer oaths or affirma-
22 tions to witnesses appearing before it.

23 (9)(A) Members of the Regional Commission who are
24 full time officers or employees of the United States, the State
25 of Oregon, the State of Washington, or any county referred

1 to in subsection (b)(1)(A) shall receive no additional pay on
2 account of their service on the Regional Commission.

3 (B) Except as provided in subparagraph (A), members of
4 the Regional Commission shall serve without pay. While
5 away from their homes or regular places of business in the
6 performance of service for the Regional Commission, mem-
7 bers of the Regional Commission shall be allowed travel ex-
8 penses, including per diem in lieu of subsistence, in the same
9 manner as persons employed intermittently in the Federal
10 Government service under section 5703 of title 5 of the
11 United States Code.

12 (10) The Secretary shall provide the Regional Commis-
13 sion with such staff and technical assistance as the Secretary,
14 after consultation with the Regional Commission, considers
15 appropriate to enable the Regional Commission to carry out
16 its duties.

17 (11) Upon request of the Secretary, any Federal agency
18 may provide information, personnel, property, and services
19 on a reimbursable basis, to the Regional Commission to assist
20 it in carrying out its duties under this Act.

21 (12) In carrying out the purposes of this Act, the Secre-
22 tary and the Regional Commission shall involve the public
23 and local, State, and Federal Government agencies to the
24 fullest extent possible in making decisions by consulting with
25 interested and concerned citizens and conducting public hear-

1 ings at places within counties having jurisdiction in the area
2 in order to provide such citizens with an opportunity to tes-
3 tify regarding the development, implementation, and enforce-
4 ment of the management plan.

5 (13) Actions taken and orders issued by the Regional
6 Commission shall be subject to the provisions of subchapter
7 II of chapter 5 and chapter 7 of title 5, United States Code
8 (5 U.S.C. 551 et seq.; 5 U.S.C. 701 et seq.).

9 MANAGEMENT PLAN FOR AREA

10 SEC. 5. (a) PREPARATION.—The Chief of the Forest
11 Service shall prepare a management plan for the area with
12 the consultation and advice of the Regional Commission in
13 order to accomplish the purposes of this Act. The manage-
14 ment plan shall be prepared by an interdisciplinary planning
15 team selected by the Chief of the Forest Service. In the prep-
16 aration of the management plan the Regional Commission
17 and the Forest Service shall hold public meetings to inform
18 residents within the area, State and local governments, Fed-
19 eral agencies, and other interested parties of the provisions of
20 this Act, the objectives of the management plan, the actions
21 to be undertaken in the preparation of the management plan,
22 the time when such actions are proposed to be taken, and to
23 provide interested persons and agencies with an opportunity
24 to express their views with respect to matters covered by the
25 management plan. The management plan shall be submitted

1 to the Regional Commission within two years from the effec-
2 tive date of this Act.

3 (b) CONTENT.—The management plan shall—

4 (1) be based upon an inventory of the area's re-
5 sources including archeological, social, economic,
6 forest, historical, natural, geological, recreational, and
7 scenic values;

8 (2) protect, maintain, and enhance the scenic, nat-
9 ural, and cultural values of the area and shall include
10 plans for resource protection, interpretation, and visitor
11 use, including development of public use areas and
12 facilities;

13 (3) designate appropriate uses of all lands within
14 the area in order to achieve the purposes of this Act;

15 (4) establish procedures for the review of changes
16 in State-approved urban growth boundaries within the
17 area for incorporated communities, and boundaries of
18 cities and towns within the area, for the purpose of de-
19 termining whether areas within such changed bound-
20 aries may be approved for exclusion from the bound-
21 aries of the area;

22 (5) review lands designated as critical on the map
23 filed pursuant to section 3(b)(2) and all other lands
24 within the area in order to identify, for purposes of the
25 management plan, lands which are critical to the pro-

1 tection, development, and interpretation of the resource
2 values of the area including: (A) those lands whose ex-
3 istence in a natural state is essential to protect the
4 scenic and natural value of the area; (B) those lands
5 whose essential character should remain unchanged in
6 order to retain the harmonious blend of manmade and
7 natural landscape features; (C) those lands whose pres-
8 ent, or presently planned, use is adverse to values
9 which this Act seeks to protect and enhance; and (D)
10 those lands necessary to provide recreational and inter-
11 pretive facilities and access to public lands for visitors
12 to the area;

13 (6) recommend transfers of jurisdiction for existing
14 publicly owned land if advisable to achieve the pur-
15 poses of this Act and determine appropriate manage-
16 ment agencies for such lands;

17 (7) provide a mechanism for examining and
18 making minor changes in the exterior boundaries of the
19 area and for revising and amending the management
20 plan as necessary to achieve the purposes of this Act:
21 *Provided, however,* That any changes in the exterior
22 boundaries of the area shall not result in an aggregate
23 increase in the acreage of the area, as initially estab-
24 lished, within any county that has jurisdiction in the
25 area;

1 (8) encourage private individuals and local govern-
2 ments to use or plan the use of land within the area in
3 ways which will be consistent with and facilitate the
4 achievement of the purposes of this Act;

5 (9) allow all existing land uses of specific tracts of
6 land in the area as of July 1, 1981, which are found to
7 be consistent with the purposes of this Act;

8 (10) develop procedures to coordinate existing
9 land use plans of local, State, and Federal entities with
10 the management plan to promote the goals and policies
11 of the management plan; and

12 (11) establish a program for State and local gov-
13 ernment implementation and enforcement of the man-
14 agement plan to insure the continued, uniform, and
15 consistent protection of the area in accordance with the
16 purposes of this Act.

17 (c) FEDERAL, STATE, AND LOCAL ADVICE.—The
18 Chief of the Forest Service shall periodically advise the Re-
19 gional Commission of progress on the Plan and shall seek the
20 advice of the Regional Commission. The Chief of the Forest
21 Service shall cooperate with the interdisciplinary planning
22 team, the Regional Commission, and residents of the area in
23 the preparation of the management plan. The Secretary may
24 utilize personnel from State and local governments in the
25 area with expertise in planning and preparing the manage-

1 ment plan by employing them pursuant to the Intergovern-
2 mental Personnel Act.

3 (d) STATE AND LOCAL PLANNING.—(1) During the
4 preparation of the management plan, and thereafter, the Sec-
5 retary shall consult with State and local government authori-
6 ties within the area and may provide financial and technical
7 assistance to such authorities to carry out any land use man-
8 agement activity within the area or any other activity within
9 the area which the Secretary, in consultation with the Re-
10 gional Commission, determines will further the purposes of
11 this Act.

12 (2)(A) In the development of the management plan, the
13 Secretary shall examine all State and local policies, manage-
14 ment plans, standards, and requirements applicable to the
15 area and shall, with the consultation and advice of the Re-
16 gional Commission, to the extent the Secretary deems practi-
17 cable and consistent with the purposes of this Act, incorpo-
18 rate such policies, management plans, standards, and require-
19 ments into the management plan.

20 (B) In consultation with the appropriate State and local
21 authorities, the Secretary shall identify conflicts or inconsis-
22 tencies between the policies, management plans, standards,
23 and requirements referred to in subparagraph (A) and the
24 proposed management plan in order to encourage consistent
25 planning efforts. Following adoption of the management plan

1 the Secretary, with the consultation and advice of the Re-
2 gional Commission, shall continue to identify any such con-
3 flicts or inconsistencies which arise due to amendments or
4 proposed amendments to the management plan or due to
5 changes or proposed changes in such State or local policies,
6 plans, standards, and requirements in order to avoid incon-
7 sistent planning efforts.

8 (e) APPROVAL.—(1) Upon completion of the manage-
9 ment plan by the interdisciplinary team, it shall be submitted
10 to the Regional Commission for approval. The Regional
11 Commission or its designated representatives shall hold
12 public hearings before it votes on the question of approving
13 the management plan, at least one of which shall be held in
14 each county with jurisdiction in the area.

15 (2) The Regional Commission shall consider and vote on
16 the question of approving the management plan within one
17 hundred and eighty days of its submission. If a majority of
18 the Regional Commission's members vote to approve the
19 management plan, the management plan shall be adopted by
20 the Secretary. If a majority of the Regional Commission's
21 members vote to disapprove of the management plan, the
22 management plan shall be submitted to the Secretary. The
23 Regional Commission shall specify all of its objections to the
24 management plan prepared by the interdisciplinary team.

1 (3) The Secretary shall consider the objections of the
2 Regional Commission to the management plan. The Secre-
3 tary may modify the management plan to respond to the ob-
4 jections of the Regional Commission, provided such modifica-
5 tions are consistent with the purposes of this Act.

6 (4) The Secretary shall submit the management plan to
7 the Regional Commission, with whatever modifications he
8 may have made, within ninety days of the Regional
9 Commission's vote to disapprove of the management plan.

10 (5) If the Regional Commission does not approve all or
11 any part of the management plan within ninety days of its
12 resubmission, the Secretary may, without approval by the
13 Regional Commission, adopt the management plan as resub-
14 mitted or after eliminating any of the parts of the manage-
15 ment plan disapproved by the Regional Commission.

16 (6) The management plan, and any modification thereof,
17 shall be published in a newspaper of general circulation in the
18 area promptly following its adoption.

19 (f) **REQUESTS FOR AMENDMENT OR VARIANCE.**—Peti-
20 tions for amendments to or variances from the management
21 plan may be submitted to the Secretary by local government
22 authorities or by any other person. In considering such peti-
23 tions, the Secretary, after notice and at least one public hear-
24 ing by the Secretary and the Regional Commission, shall, on
25 the basis of the testimony and any written recommendations

1 presented at such hearing and the Regional Commission's
2 recommendation, determine whether or not to modify the
3 management plan. The notice required by this section shall
4 be given at least twenty days prior to the public hearing by
5 publication at least once in a newspaper of general circulation
6 in the area. If a petition is filed, the Secretary shall, if re-
7 quested by the petitioner, complete his action on such peti-
8 tion within sixty days after the receipt by the Secretary of a
9 complete petition (determined according to standards pre-
10 scribed by the Secretary).

11 INTERIM PROTECTION AND MANAGEMENT

12 SEC. 6. (a) MORATORIUM ON NEW USES IN CRITICAL
13 LANDS.—Pending the adoption of interim guidelines pursu-
14 ant to subsection (b), no person may construct or modify any
15 new building or facility or reconstruct or substantially modify
16 any existing building or facility in any portion of the area
17 designated as critical on the map filed pursuant to section
18 3(b)(2).

19 (b) FOREST SERVICE GUIDELINES.—Not later than six
20 months after the date of the enactment of this Act, the Secre-
21 tary, with the advice of the Regional Commission and the
22 Chief of the Forest Service, shall adopt and publish interim
23 standards and guidelines governing all land use activities
24 within the area to protect the resources of the area; until the
25 management plan is adopted.

1 (c) PURPOSE OF INTERIM GUIDELINES.—The purpose
2 of such interim standards and guidelines shall be to protect
3 the area from—

4 (1) actions which significantly detract from the
5 current visual quality and diversity of the area;

6 (2) actions which significantly alter the balance of
7 natural and manmade landscape features visible from
8 Washington Highway 14, Interstate Highway 84,
9 Oregon Highway 30, or existing viewpoints managed
10 for public enjoyment;

11 (3) actions within any portion of the area desig-
12 nated as critical on the map filed pursuant to section
13 4(c); and

14 (4) any other actions which damage the resource
15 values this Act is designed to protect.

16 (d) SPECIFICITY AND REVISION OF GUIDELINES.—
17 Such interim standards and guidelines shall be as detailed
18 and specific as is required to accomplish their objectives and
19 purposes and may be revised or amended to accomplish such
20 objectives and purposes.

21 FEDERAL ACTIVITIES WITHIN THE AREA

22 SEC. 7. (a) JURISDICTION.—Lands and waters located
23 within the area which are under the administrative jurisdic-
24 tion of any department or agency of the United States shall

1 remain under such administrative jurisdiction unless jurisdic-
2 tion is transferred pursuant to section 5(b)(6).

3 (b) PROJECTS.—(1) No department, agency, or instru-
4 mentality of the United States may undertake or assist any
5 project or grant any license, permit, or other form of approval
6 for any project within the area unless the Secretary, in con-
7 sultation with the Regional Commission, determines that the
8 project is consistent with the purposes of this Act and with
9 the management plan or the interim guidelines, or that such
10 project is essential for the protection of public health or
11 safety or necessary for national security or defense.

12 (2) As used in paragraph (1), the term “assist” in-
13 cludes—

14 (A) the sale of any flood insurance under the Na-
15 tional Flood Insurance Act of 1968 (42 U.S.C. 4001
16 et seq.);

17 (B) any assistance provided by a department,
18 agency, or instrumentality of the United States to a
19 State or local government where such State or local
20 government uses such assistance for purposes of a proj-
21 ect described in paragraph (1); and

22 (C) any grant, loan, loan guarantee, or any other
23 form of direct or indirect technical or financial assist-
24 ance.

1 (c) EXEMPTIONS.—(1) Except as may otherwise be
2 provided in the interim guidelines or the management plan,
3 subsection (b) shall not apply to—

4 (A) any building or facility to be used for any mil-
5 itary purpose;

6 (B) any temporary structure to be used only for
7 emergency humanitarian assistance;

8 (C) any construction, reconstruction, or modifica-
9 tion of which commenced before the date of the enact-
10 ment of this Act; or

11 (D) any repair or reconstruction of a building or
12 facility the original construction of which commenced
13 before such date of enactment.

14 (2) Construction, reconstruction, or modification shall be
15 treated as commencing only when there is either—

16 (A) a continuous program of physical onsite con-
17 struction, reconstruction, or modification, or

18 (B) the owner of the building or facility has en-
19 tered into binding agreements or contractual obliga-
20 tions for such construction, reconstruction, or modifica-
21 tion which cannot be canceled or modified without sub-
22 stantial loss to the owner.

23 (d) PROCESS.—Not less than sixty days prior to under-
24 taking or assisting a project or granting any license, permit,
25 or other form of approval for any project within the area, the

1 department, agency, or instrumentality of the United States
2 proposing to take such action shall notify the Secretary and
3 the Commission of its proposal. The Secretary, in consulta-
4 tion with the Commission, shall, after notice and opportunity
5 for public comment, make a determination respecting the
6 consistency of any activity described in subsection (b) with
7 the purposes of this Act and with the management plan or
8 interim guidelines and standards. When the Secretary deter-
9 mines that any activity is consistent or inconsistent with the
10 purposes of this section or with the plan, it shall notify the
11 agency proposing to undertake, assist, license, or approve the
12 activity.

13

INTERGOVERNMENTAL COOPERATION

14 SEC. 8. (a) RETENTION OF STATE AND LOCAL JURIS-
15 DICTION.—Nothing in this Act shall diminish, enlarge, or
16 modify any right of the State of Oregon or the State of
17 Washington, or any political subdivision thereof, to exercise
18 civil and criminal jurisdiction within the area or of rights to
19 tax persons, corporations, franchises, or property, including
20 mineral or other interests, in or on lands or waters within the
21 area.

22 (b) HUNTING AND FISHING.—The Secretary shall
23 permit hunting and fishing on lands and waters under his
24 jurisdiction within the boundaries of the area in accordance
25 with applicable laws of the United States and the State of

1 Oregon and the State of Washington. Except in emergencies,
2 any regulations of the Secretary pursuant to this section shall
3 be put into effect only after consultation with the appropriate
4 State fish and wildlife department.

5 (c) RETENTION OF FEDERAL JURISDICTION.—Nothing
6 in this section shall be construed to limit or prohibit any Fed-
7 eral action ordered by a court of competent jurisdiction or
8 directed by a Federal agency for the protection of public
9 health or safety, or for national defense.

10 (d) STATE AND LOCAL CONCURRENT POWER TO LEG-
11 ISLATE.—Nothing in this Act shall be construed to prevent
12 the adoption or implementation by any State or local govern-
13 ment of any rule, regulation, or provision of law which is
14 consistent with, or more stringent than, any provision of this
15 Act or of the management plan adopted pursuant to this Act.

16 ENFORCEMENT

17 SEC. 9. (a) ENFORCEMENT OF INTERIM STAND-
18 ARDS.—Prior to the adoption of the management plan, the
19 Secretary shall monitor all land use activities within the area
20 to ensure that said activities do not violate the interim stand-
21 ards and guidelines. The Secretary shall participate in State
22 and local land use proceedings as necessary to advise said
23 government entities whether or not proposed activities are
24 consistent with the interim standards and guidelines. If the
25 Secretary determines that a proposed activity is inconsistent

1 with the interim standards and guidelines, he shall seek relief
2 pursuant to section 10.

3 (b) ENFORCEMENT OF MANAGEMENT PLAN BY LOCAL
4 GOVERNMENT.—(1) Following the adoption of the manage-
5 ment plan, each local government entity within the area
6 which has land use planning authority under State law and
7 which wishes to assume responsibility for enforcement of the
8 management plan within its boundaries shall submit to the
9 Secretary and the Regional Commission a land use plan
10 which demonstrates that such local government entity in-
11 tends to and is capable of carrying out the provisions of this
12 Act.

13 (2) Any local government seeking to assume responsibil-
14 ity under this section shall adopt a zoning ordinance which—

15 (A) protects and preserves critical lands and the
16 resource values of the area consistent with the man-
17 agement plan; and

18 (B) provides sanctions for violation of the terms of
19 such ordinance including civil and criminal actions,
20 withholding of permits, and issuance of cease-and-
21 desist orders.

22 (3) No local land use plan shall be approved unless the
23 plan demonstrates that the local government has a planning
24 staff with sufficient administrative and technical personnel
25 and sufficient funding to enable the local government to regu-

1 late land use activities in accordance with the purposes of
2 this Act and the management plan.

3 (4) The Secretary, with the advice of the Regional Com-
4 mission, shall review and approve or disapprove a local use
5 plan within six full calendar months after the plan is submit-
6 ted to him. The Secretary is authorized to make annual
7 grants to any local government entity for the purpose of as-
8 sisting such entity in developing, administering, and enforce-
9 ing land use plans under this Act.

10 (c) ENFORCEMENT OF MANAGEMENT PLAN BY SECRE-
11 TARY.—The management plan shall be enforced by the Sec-
12 retary utilizing the remedies provided in section 10 if—

- 13 (1) the local land use plan is disapproved;
14 (2) no local plan is submitted to the Secretary; or
15 (3) an approved local plan fails to be enforced in
16 accordance with this Act.

17 REMEDIES

18 SEC. 10. (a) PROHIBITION ON INCONSISTENT USES.—
19 The use or development of any lands within the area contrary
20 to this Act is unlawful and prohibited.

21 (b) VIOLATION OF ACT.—Any person who knowingly
22 and willfully violates any regulation or order which is lawful-
23 ly issued pursuant to this Act shall be fined no more than
24 \$10,000 or imprisoned no more than twelve months, or both.
25 Any person charged with a violation of such regulation may

1 be tried and sentenced by any United States magistrate des-
2 igned for that purpose by the court by which he was ap-
3 pointed, in the same manner and subject to the same condi-
4 tions and limitations as provided for in section 3401 of title
5 18 of the United States Code.

6 (c) CIVIL ACTION TO ENFORCE ACT.—At the request
7 of the Secretary, the Attorney General may institute a civil
8 action in any United States district court for an injunction or
9 other appropriate order to prevent any person from utilizing
10 lands within the area in violation of the management plan,
11 regulations, guidelines, or standards issued by the Secretary
12 under this Act.

13 (d) NOTIFICATION TO VIOLATOR AND HEARING.—If
14 the Secretary determines under section 9 that any person is
15 in violation of the management plan, regulations, guidelines,
16 or standards issued under this Act, he shall promptly notify
17 the person of the violation. Such person may then request a
18 hearing on the record before the Secretary to determine
19 whether a violation has occurred. Following such hearing the
20 Secretary shall set forth his findings and conclusions and any
21 proposed, intermediate, or final order.

22 JUDICIAL REVIEW

23 SEC. 11. (a) PETITION OF APPEAL.—Any person ad-
24 versely affected by any final action or order of the Secretary
25 under this Act may appeal such action or order by filing in

1 any of the courts specified in subsection (b), within sixty days
2 after the date of service of such order or within sixty days
3 after such action is taken, a written petition requesting that
4 the order of the Secretary be modified, terminated, or set
5 aside.

6 (b) APPELLATE JURISDICTION.—The United States
7 District Court for the District of Columbia, or any United
8 States district court located in the State of Oregon or the
9 State of Washington which has jurisdiction of actions occur-
10 ring in or affecting the area shall be appropriate courts for
11 appeal pursuant to subsection (a).

12 ACQUISITION

13 SEC. 12. (a) ACQUISITION AUTHORIZATION.—(1) The
14 Secretary is authorized to acquire by donation, purchase with
15 donated or appropriated funds, exchange, bequest, or other-
16 wise any lands, or lesser interests therein, including scenic
17 and conservation easements (“scenic easements”), which he
18 determines are needed to achieve the purposes of this Act.

19 (2) The Secretary may acquire without the consent of
20 the owner only lands, or interests therein, classified as criti-
21 cal lands under the management plan or designated as such
22 on the map filed pursuant to section 3(b)(2). No such lands or
23 interests which, on July 1, 1981, were primarily used for
24 single family residential purposes, farming, or grazing may be

1 acquired without the consent of the owner as long as the
2 existing character of that use is not substantially changed.

3 (3) The Secretary, in consultation with the Regional
4 Commission, shall publish, within one hundred and eighty
5 days of the enactment of this Act, guidelines which shall be
6 used by him to determine what constitutes a substantial
7 change in the land use or maintenance for nonfederally
8 owned lands within the area.

9 (4) Where the Secretary is authorized above in this sec-
10 tion to acquire land or interests therein, without the consent
11 of the owner, he shall—

12 (A) do so only in cases where, in his judgment, all
13 reasonable efforts to acquire such lands, or interests
14 therein, by negotiation have failed;

15 (B) acquire only such land, or interests therein,
16 as, in his judgment, is reasonably necessary to accom-
17 plish the purposes of this Act; and

18 (C) no more than 10 per centum of the total acre-
19 age of the area shall be acquired by condemnation.

20 (5) The Secretary shall notify the Regional Commission
21 of his intent to acquire land or interests therein, without the
22 consent of the owner, and within three months of such notifi-
23 cation, the Regional Commission shall submit its recommen-
24 dations and comments on the intended acquisition to the Sec-
25 retary for consideration.

1 (b) CONSIDERATION OF AREA LANDOWNER

2 OFFERS.—The Secretary shall give prompt and careful con-
3 sideration to any offer made by a person owning land within
4 the area to sell such land to the United States. The Secretary
5 shall specifically consider any hardship to such person which
6 might result from an undue delay in acquiring his property.

7 (c) LAND EXCHANGE.—(1) In exercising his authority
8 to acquire property by exchange, the Secretary may accept
9 title to any non-Federal property, or interests therein, located
10 within the area.

11 (2) Notwithstanding any other provision of law, the Sec-
12 retary may convey in exchange for land in the State of
13 Oregon any federally owned property within the State of
14 Oregon, and he may convey in exchange for land in the State
15 of Washington any federally owned property within the State
16 of Washington, which he classifies as suitable for exchange
17 and which is under his administrative jurisdiction. The values
18 of the properties exchanged pursuant to this paragraph shall
19 be approximately equal or, if they are not approximately
20 equal, they shall be equalized by the payment of cash to the
21 grantor or to the Secretary as the circumstances require. In
22 the exercise of his exchange authority, the Secretary may
23 utilize authorities and procedures available to him in connec-
24 tion with exchanges of national forest lands.

1 (d) ACQUISITION OF STATE LAND.—Any land or inter-
2 est in land owned by the State of Oregon or the State of
3 Washington or any of their political subdivisions may be ac-
4 quired only by donation or exchange.

5 (e) TRANSFER OF FEDERAL PROPERTY TO SECRE-
6 TARY.—Notwithstanding any other provision of law, any
7 Federal property located within the area may, with the con-
8 currence of the agency having jurisdiction over such proper-
9 ty, be transferred without consideration to the administrative
10 jurisdiction of the Secretary for use by him in carrying out
11 the purposes of this Act. Lands acquired by the Secretary or
12 transferred to his administrative jurisdiction within the area
13 shall become parts of the area.

14 (f) DISPOSITION OF ACQUIRED PROPERTY.—Any
15 property acquired under this section shall, in the discretion of
16 the Secretary be—

17 (1) transferred to the administrative jurisdiction of
18 the National Forest Service for inclusion in the nation-
19 al forest system and administration in accordance with
20 section 4(a); or

21 (2) sold for fair market value subject to such res-
22 ervations, terms, and conditions as will assure the use
23 of such property in a manner consistent with the plan.

1 The proceeds of any sale shall be credited to the appropri-
2 ation account from which funds were made available for the
3 purchase thereof.

4 INDIAN TREATIES

5 SEC. 13. Nothing in this Act shall be construed to alter,
6 amend, repeal, interpret, modify, or conflict with any treaty
7 or other right of an Indian tribe.

8 AUTHORIZATION OF APPROPRIATIONS

9 SEC. 14. (a) AUTHORIZATION.—There is authorized to
10 be appropriated such sums as may be necessary to carry out
11 this Act.

12 (b) LAND AND WATER FUND.—Sums appropriated from
13 the Land and Water Conservation Fund shall be available for
14 the acquisition of lands, waters, and interests therein within
15 the area.

16 ACQUISITION FUND

17 SEC. 15. (a) ESTABLISHMENT.—There is established
18 an acquisition fund for the acquisition of lands and interests
19 therein within the area. This fund shall be available without
20 fiscal year limitation for expenses necessary for acquiring
21 land and interests therein under section 12 hereof.

22 (b) INITIAL CAPITAL.—The initial capital of the fund
23 shall consist of appropriations made for that purpose. The
24 Secretary is authorized to make such subsequent transfers to

1 the fund as he deems appropriate in connection with the func-
2 tions to be carried on through the fund.

3 (c) APPROPRIATION.—There is hereby authorized to be
4 appropriated a sum not to exceed as initial
5 capital of the acquisition fund.

6 (d) DONATIONS.—The Secretary may accept contribu-
7 tions or donations of money, services, and property, real, per-
8 sonal, or mixed, for the management, protection, develop-
9 ment, acquisition, and conveying of the lands within the area.
10 Moneys received hereunder shall be credited to the acquisi-
11 tion fund and are hereby authorized to be appropriated and
12 made available until expended, as the Secretary may direct.

13 MITIGATION OF LOCAL REVENUE LOSSES

14 SEC. 16. (a) PAYMENTS TO LOCAL GOVERNMENTS.—
15 Whenever the Secretary determines that the acquisition by
16 the Secretary of any interest in real property within the area
17 has the potential effect of significantly increasing property
18 taxes on properties remaining in private ownership, the Sec-
19 retary may make payments to any local governmental entity
20 affected by such acquisitions to mitigate the loss of property
21 tax revenue resulting from the Federal acquisition to the
22 extent that such payments would be used to amortize bonded
23 indebtedness previously incurred by the political subdivision
24 involved or to pay for the cost of providing essential public
25 services.

1 (b) CONDITIONS.—If the Secretary determines that
2 payments should be made to political subdivisions under sub-
3 section (a), the amount and duration of such payments shall
4 be determined by the Secretary and paid to counties within
5 the jurisdiction of which the lands within the area are locat-
6 ed. The counties shall distribute the payments on a propor-
7 tional basis to those units of local government and affected
8 school districts which have incurred losses of real property
9 taxes due to the acquisition of land or interests therein for
10 addition to either such system. In those cases in which an-
11 other unit of local government other than the county acts as
12 the collecting and distributing agency for real property taxes,
13 the payments shall be made to such unit of local government,
14 which shall distribute such payments as provided in this sub-
15 section. The Secretary may prescribe regulations under
16 which payments may be made to units of local government in
17 any case in which the preceding provisions will not carry out
18 the purposes of this subsection.

19 COMPLIANCE WITH BUDGET ACT

20 SEC. 17. No authority under this Act to enter into con-
21 tracts or to make payments shall be effective except to the
22 extent and in such amounts as provided in advance in appro-
23 priation Acts. Any provision of this Act which, directly or
24 indirectly, authorizes the enactment of new budget authority

1 shall be effective only for fiscal years beginning after Septem-
ber 30, 1982.

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