



Ms. Kristy Boscheinen
Mt. Hood National Forest
16400 Champion Way
Sandy, OR 97055

Re: Scoping Comments – Protection of the North Side of Mt. Hood at Cooper Spur through the Implementation of Omnibus Public Lands Act of March 30, 2009

Dear Ms. Boscheinen,

I submit this letter on behalf the Mazamas, Oregon Chapter of the Sierra Club, Oregon Wild, BARK, Oregon Nordic Club, Hood River Valley Residents Committee, Portland Audubon Society, Oregon Canoe and Kayak Club, Friends of Mt. Hood, Northwest Environmental Defense Center, Lower Columbia Canoe Club, American Alpine Club, Oregon Section and Friends of Tilly Jane. These organizations are all members of the Cooper Spur Wild & Free Coalition. Each and every organization has worked tirelessly to protect the historic backcountry on the North side of Mt. Hood from further commercial development. Each organization supported the passage of the Omnibus Public Lands Act of March 30, 2009 (the “Act”) and with it the congressional mandate in the Act that the Forest Service complete the trade of land, the Cooper Spur Ski Area operation, the Inn at Cooper Spur and the associated buildings and infrastructure (collectively, the “North side property”) for approximately 120 acres of land in Government Camp (collectively, the “South side property”).

I submit these comments on their behalf to ensure that the Forest Service fully scopes the issues and completes the congressional mandate.

1. Purpose and Intent of the Act

In 2009 President Obama signed the Omnibus Public Lands Act into law. The Act protects many of the nation’s long treasured landscapes, establishing over 2 million acres of Wilderness across nine states and protecting over 1,000 miles of rivers throughout the United States. In Oregon the Act created over 200,000 acres of new Wilderness and protects nearly 90 new miles of river as Wild and Scenic. And around the Mt. Hood

National Forest the Act mandated the creation of almost 127,000 acres of new Wilderness and 80 miles of Wild and Scenic Rivers. Upon completion, the Cooper Spur-Government Camp Land Exchange will establish 1,710 acres of these newly designated Wilderness lands, and protect another 2,000 acres as the Crystal Springs Watershed Special Resources Management Unit (the “Management Unit”) See <http://wyden.senate.gov/newsroom/press/release/?id=E3492274-7250-4DD5-AFF7-C0AB9830A426>.

The primary goal of the act is to permanently protect Mt. Hood’s north side as Wilderness and as a watershed protection zone while providing land of equal value for Mt. Hood Meadows. Together the Tilly Jane Wilderness Area and the Crystal Springs Management Unit will permanently protect around 4,000 acres of historic backcountry on the north side of Mt. Hood. Because of these protections, the effect of the land trade extends beyond the mere exchange of parcels. By removing the threat of development from the north side, the trade provides a mechanism through which the Act establishes broader Wilderness and watershed protections for the north side of Mt. Hood.

As described in the Act, the purpose of the Crystal Springs Management Unit is to protect both, the quality of water and the quality of visitors’ recreation experience within the Crystal Springs watershed. The Management Unit “ensure[s] the protection of the quality and quantity of the Crystal Springs watershed as a clean drinking water source,” and “allow[s] visitors to enjoy the special scenic, natural, cultural, and wildlife values of the Crystal Springs watershed.” [Sec. 1205(2)(A)&(B)]

To accomplish these goals—the protection of the area’s water quality and scenic amenities—the Act permits fuel reduction and forest management practices within the Management Unit. Specifically, the Act authorizes the Forest Service to maintain and restore fire resilient and ecologically appropriate forest structures. The Act also permits road closures. [Sec. 1205(4)(B) & (6)(B)]

2. Equal Value

The Act directs the Forest Service to exchange 120 acres of public land in Government Camp for the following north side properties, structures, and concessions: 770 acres of private land; the existing 50-acre Cooper Spur Ski Area operation along with its associated lease and Special Use Permit; and the Inn at Cooper Spur and its associated buildings.

The Cooper Spur Wild and Free Coalition understands that land surveys conducted after the Act passed found that the two parcels identified for transfer in Government Camp total just over 120 acres, including approximately 13 acres of wetlands. The Act indicated that if the parcels were of equal value, the USFS should transfer the Inn and SCCA to public ownership. We also understand that the Forest Service may attempt to identify additional acreage in Government Camp adjacent to the land in order to ensure that the equal value criteria is met. We suggest the USFS consider whether additional land is needed to assist with equalizing the value of the trade. The

Coalition requests that the Forest Service include any potential additional parcels in its Environmental Impact Statement. Specifically, if the Forest Service is considering transferring any additional land, adjacent to and connecting the two parcels, the Coalition would like to see its impact analyzed in the EIS.

As you well know, the land exchange must trade land of equal value. Because of the discrepancy between the acreage described in the legislation and the actual size of the parcels, more Forest Service land may be needed to equalize the trade. If the Forest Service discovers through the appraisal process that the value of the Forest Service parcels in Government Camp do not equal the value of the parcels on the north side, the Coalition believes that the Forest Service should be both flexible and prudent in its scoping and analyze the impacts of any options that may be used to make up the difference.

The public and the Forest Service cannot afford to go through the EIS process without considering ways to make the trade for equal value in a way that is workable for all the parties concerned.

3. Scope Option of New Concessionaires for Cooper Spur Ski Area and Inn at Cooper Spur.

The Act directs the Forest Service to complete a land trade which would transfer the Inn at Cooper Spur (the “Inn”), the Cooper Spur Ski Area (the “CSSA”) and associated buildings, equipment, etc. into public ownership. Of course, this all depends on similar appraisal values.

The organizations involving the Cooper Spur Wild & Free Coalition request that the Forest Service include a variety of options in its scoping process:

1. Meadows trade all of its land and holdings on the North side of Mt. Hood for the identified acreage in Government Camp as those properties are of equal value, including the potential for Mt. Hood Meadows to donate the difference to equalize the value. New concessionaires are found for the Inn and/or the CSSA.

2. To equalize the value, Mt. Hood Meadows retains ownership to the Inn and either leases or owns title to a certain amount of commercially zoned land between 2.84 and 10 acres immediately around the existing operations, the access road, the existing water right and associated improvements to equalize the value but not including any land in the Crystal Springs watershed zone of contribution.

3. To equalize the value Mt. Hood Meadows retains a lease to the portion of the CSSA in its current configuration of 50 acres along with the buildings, fixtures and equipment, plus 1 to 15 acres of additional land to the east for needed safety improvements for the access road and possible reconfiguration of one of the tubing operations.

In all of these options, all 1350 acres to the west and uphill of the current 1,400-acre current permit area plus additional land in the roadless area are permanently converted to Wilderness and permanently protected. In all of these options, all of the land in the Crystal Springs watershed is permanently protected.

To equalize the trade, the Cooper Spur Wild & Free Coalition will consider Mt. Hood Meadows continued operation of either the reconfigured Inn at Cooper Spur, the reconfigured Cooper Spur Ski Permit Area, or both. The CSWF does not believe any option that allows an expansion beyond the current footprint of the CSSA (to the west or south of the 50 acres of the current operations) is consistent with the Act. The CSWF does not believe that any option that allows Mt. Hood Meadows to retain the right to operate more than a minimum footprint of the extant commercial operations (preferably through a lease for the land on which the Inn and associated facilities sits) is consistent with the Act.

The Forest Service should consider the value of each concession individually in the event that the value of one or the other is sufficient to equalize the trade. The CSWF is asking the Forest Service to consider an option that allows Mt. Hood Meadows to continue the ownership of the buildings and the physical infrastructure of the Inn and/or the CSSA as well as the right to continue to operate both concessions if these options are needed to equalize the trade. Any of the proposals to equalize the trade listed in this letter or others generated by the Forest Service require the approval of the Hood River Valley Residents Committee and require further input from the conservation groups.

In the event that neither the Inn nor the CSSA (or both) are necessary for the purposes of equalizing the exchange, either because of a donation by Mt Hood Meadows or because the land on the south side is worth more than all of the land and holdings on the North side, the Cooper Spur Wild & Free Coalition submits that the Forest Service should scope and analyze the lease of the concessions in their new configurations as follows:

1. A lease to operate the Inn, associated outbuildings, roads and water rights without any fee title to the underlying land.
2. A lease to operate the CSSA with or without sale or ownership of the underlying buildings in their current configuration with minimal expansion for safety of the access road and reconfiguration of one of the tubing areas.

The concession process should be covered by the EIS that is prepared and triggered as soon as the trade is completed. Per the Act, the Forest Service must consider the best value to the public, which could include the operation of the CSSA and/or the Inn by a non-profit organization.

4. Designation of Tilly Jane Trail on National Historic Register

The Tilly Jane Ski Trail is a historic trail that was built by the Civilian Conservation Corps in the 1930s. Much of the groundwork has been done to place this

trail on the national register of historic places. Consistent with the Act, the Forest Service should scope the addition of the Tilly Jane Ski Trail to the National Register of Historic Places. The trail serves as an important route to access the Cloud Cap Tilly Jane Historic Recreation Area, Cooper Spur, Eliot Glacier and parts of Mt. Hood beyond. The trail remains virtually unchanged since it was brushed out and widened in 1939. The sweeping, open vistas across Mt. Hood and nearby ridges and peaks are virtually the same as they were when past visitors experienced them. The Tilly Jane Ski Trail is itself historic, and the trail is now, as it was in the past, a fundamental component of visitors' backcountry experience and their relationship with the Tilly Jane Cloud Cap Historic District.

The Tilly Jane A-frame has been managed by the Friends of Tilly Jane, and specifically by Richard Kednay. The operating tradition of the A-frame should continue and we respectfully recommend and suggest that the Forest Service work with the Oregon Nordic Club so that tradition may continue.

5. Demand & Supply for Backcountry Recreation.

The Forest Service's current forest plan makes clear that the public desires high quality dispersed recreation in the Mt. Hood National Forest. The current and future demand for high quality recreation in the forest exceeds the available supply. For this reason, the north side of Mt. Hood is an important part of visitors' wilderness and dispersed recreation experience. The Tilly Jane backcountry and Cooper Spur itself represents an important portion of the supply of dispersed recreation on the north side of Mt. Hood.

The Cooper Spur Wild & Free coalition encourages the Forest Service to explore the disparity between dispersed recreation supply and demand in the Mt. Hood National Forest when evaluating the benefits to the public of the Cooper Spur-Government Camp land exchange. Completing the trade would permanently protect around 4,000 acres of backcountry and Wilderness for public use. The land exchange would make a substantial contribution to the recreation supply on Mt Hood in the Cooper Spur area already used for that purpose.

Much of the infrastructure on the north side within the Tilly Jane-Cloud Cap Historic District is in need of regular maintenance and repair. The Forest Service has closed the Cook Cabin because the structure is unsafe. The Tilly Jane A-Frame and the Tilly Jane Guard Station are both in need of regular upkeep. As part of the scoping process the Forest Service should consider the quality of visitors' recreation experience in the Tilly Jane-Cloud Cap Historic District and proposed Wilderness Area. CSWF believes that regular upkeep and maintenance of these historic structures—the Tilly Jane A-Frame, Guard Station, and Cook Cabin—would improve visitors' backcountry and dispersed recreation experience on the north side.

6. Watershed Management in the Crystal Springs Management Unit

In the scoping, the Forest Service should consider the benefits of closing Forest Service roads within the Crystal Springs Watershed Management Unit to public motorized access. For the health of the Crystal Springs watershed, CSWF recommends that the Forest Service consider gating and closing Forest Service roads within the Management Unit, making exceptions for roads that are necessary to access private property.

In a 2005 report prepared by the Pacific Diversity Institute, Peter Morrison and Hans Smith analyzed fire planning on the north side of Mt. Hood. Their analysis of an area called the Cooper Planning Area covers a significant portion of the Crystal Springs Watershed Management Unit. CSWF would like the Forest Service to consider their analysis as part of the scoping process. In the report, the authors recommend the following:

- A. Fuel reduction efforts within the Cooper Planning Area should be concentrated around residences and roads that are in active use near the perimeter of the community.
- B. Current fuel conditions around homes are hazardous. The Forest Service should work with private homeowners to establish a 30-meter home ignition zone around their homes. Treatments should be concentrated within this zone. Forest treatments outside zone of ignition will do little to decrease the vulnerability of homes and structures.
- C. The fuel loading in uncut portions of the forest within the Cooper Planning Area are within the normal range of natural variation for the existing forest types. Coarse woody debris found in these older forests is natural and should not be considered hazardous. In these forests, fuel treatments might exacerbate wildfire risk.
- D. Fuel loading in areas that have been partially cut or clearcut is abnormal and appropriate management should focus on the areas that have been altered by active management in the past.

6. Transportation Issues.

The organizations involved in the Cooper Spur Wild and Free Coalition understands that there are transportation issues at stake in Government Camp. The coalition submits that these issues are beyond the scope of the land exchange analysis. Currently, there are a number of concepts being discussed but no firm or foreseeable plans for transportation in Government Camp that need to be addressed in this process. We understand that Mt. Hood Meadows will be responsible for transportation across the land that Mt. Hood Meadows will own in Government Camp and that the public will not have general access across the land except as allowed by the existing trail network all of which should be preserved.

As for the North side, the consummation of the land exchange means that extensive infrastructure will not be needed on the North side.

Thank you for your kind attention to these issues and for your work to accomplish the intent and purposes of the Act. The organizations involved in the Cooper Spur Wild & Free Coalition look forward to working with the Forest Service in partnership to see that the purposes of the Act are fully implemented.

Sincerely,

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Oregon Chapter of the Sierra Club
Oregon Wild
BARK
Oregon Nordic Club
Hood River Valley Residents Committee
Portland Audubon Society
Oregon Canoe and Kayak Club
Friends of Mt. Hood
Northwest Environmental Defense Center
Lower Columbia Canoe Club
Friends of Tilly Jane
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Keith deWit
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Attachments:

1. Cooper Spur Wild and Free Public Meeting Fact Sheet
2. Supply and Demand of Wilderness Recreation on Mt. Hood
3. History of the Cloud Cap – Tilly Jane and Cooper Spur Backcountry
4. Tilly Jane Ski Trail Historic Significance
5. Tilly Jane Ski Trail Nomination Description
6. Morrison, P.H. and H.M. Smith IV. 2005. Fire Planning Issues in the Cooper Area Mt. Hood National Forest and Adjacent Lands. Pacific Biodiversity Institute, Winthrop, WA.
7. An Economic Assessment of the Cooper Spur Settlement Agreement

Exhibit A - Relevant Excerpts from HR 146

SEC. 1202. DESIGNATION OF WILDERNESS AREAS.

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(c) Potential Wilderness Area: Additions to Wilderness Areas-

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(2) ADDITION TO THE MOUNT HOOD WILDERNESS- On completion of the land exchange under section 1206(a)(2), certain Federal land managed by the Forest Service, comprising approximately 1,710 acres, as generally depicted on the map entitled `Mount Hood Wilderness--Tilly Jane', dated July 20, 2007, shall be incorporated in, and considered to be a part of, the Mount Hood Wilderness, as designated under section 3(a) of the Wilderness Act (16 U.S.C. 1132(a)) and enlarged by section 3(d) of the Endangered American Wilderness Act of 1978 (16 U.S.C. 1132 note; 92 Stat. 43) and subsection (a)(5).

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SEC. 1205. PROTECTIONS FOR CRYSTAL SPRINGS, UPPER BIG BOTTOM, AND CULTUS CREEK.

(a) Crystal Springs Watershed Special Resources Management Unit-

(1) ESTABLISHMENT-

(A) IN GENERAL- On completion of the land exchange under section 1206(a)(2), there shall be established a special resources management unit in the State consisting of certain Federal land managed by the Forest Service, as generally depicted on the map entitled `Crystal Springs Watershed Special Resources Management Unit', dated June 2006 (referred to in this subsection as the `map'), to be known as the `Crystal Springs Watershed Special Resources Management Unit' (referred to in this subsection as the `Management Unit').

(B) EXCLUSION OF CERTAIN LAND- The Management Unit does not include any National Forest System land otherwise covered by subparagraph (A) that is designated as wilderness by section 1202.

(C) WITHDRAWAL-

(i) IN GENERAL- Subject to valid rights in existence on the date of enactment of this Act, the Federal land

designated as the Management Unit is withdrawn from all forms of--

(I) entry, appropriation, or disposal under the public land laws;

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

(III) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(ii) EXCEPTION- Clause (i)(I) does not apply to the parcel of land generally depicted as 'HES 151' on the map.

(2) PURPOSES- The purposes of the Management Unit are--

(A) to ensure the protection of the quality and quantity of the Crystal Springs watershed as a clean drinking water source for the residents of Hood River County, Oregon; and

(B) to allow visitors to enjoy the special scenic, natural, cultural, and wildlife values of the Crystal Springs watershed.

(3) MAP AND LEGAL DESCRIPTION-

(A) SUBMISSION OF LEGAL DESCRIPTION- As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Management Unit with--

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) FORCE OF LAW- The map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and legal description.

(C) PUBLIC AVAILABILITY- The map and legal description filed under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(4) ADMINISTRATION-

(A) IN GENERAL- The Secretary shall--

(i) administer the Management Unit--

(I) in accordance with the laws (including regulations) and rules applicable to units of the National Forest System; and

(II) consistent with the purposes described in paragraph (2); and

(ii) only allow uses of the Management Unit that are consistent with the purposes described in paragraph (2).

(B) FUEL REDUCTION IN PROXIMITY TO IMPROVEMENTS

AND PRIMARY PUBLIC ROADS- To protect the water quality, water quantity, and scenic, cultural, natural, and wildlife values of the Management Unit, the Secretary may conduct fuel reduction and forest health management treatments to maintain and restore fire-resilient forest structures containing late successional forest structure characterized by large trees and multistoried canopies, as ecologically appropriate, on National Forest System land in the Management Unit--

- (i) in any area located not more than 400 feet from structures located on--
 - (I) National Forest System land; or
 - (II) private land adjacent to National Forest System land;
- (ii) in any area located not more than 400 feet from the Cooper Spur Road, the Cloud Cap Road, or the Cooper Spur Ski Area Loop Road; and
- (iii) on any other National Forest System land in the Management Unit, with priority given to activities that restore previously harvested stands, including the removal of logging slash, smaller diameter material, and ladder fuels.

(5) PROHIBITED ACTIVITIES- Subject to valid existing rights, the following activities shall be prohibited on National Forest System land in the Management Unit:

- (A) New road construction or renovation of existing non-System roads, except as necessary to protect public health and safety.
- (B) Projects undertaken for the purpose of harvesting commercial timber (other than activities relating to the harvest of merchantable products that are byproducts of activities conducted to further the purposes described in paragraph (2)).
- (C) Commercial livestock grazing.
- (D) The placement of new fuel storage tanks.
- (E) Except to the extent necessary to further the purposes described in paragraph (2), the application of any toxic chemicals (other than fire retardants), including pesticides, rodenticides, or herbicides.

(6) FOREST ROAD CLOSURES-

- (A) IN GENERAL- Except as provided in subparagraph (B), the Secretary may provide for the closure or gating to the general public of any Forest Service road within the Management Unit.
- (B) EXCEPTION- Nothing in this subsection requires the Secretary to close the road commonly known as 'Cloud Cap Road', which shall be administered in accordance with otherwise applicable law.

(7) PRIVATE LAND-

(A) EFFECT- Nothing in this subsection affects the use of, or access to, any private property within the area identified on the map as the `Crystal Springs Zone of Contribution' by--

- (i) the owners of the private property; and
- (ii) guests to the private property.

(B) COOPERATION- The Secretary is encouraged to work with private landowners who have agreed to cooperate with the Secretary to further the purposes of this subsection.

(8) ACQUISITION OF LAND-

(A) IN GENERAL- The Secretary may acquire from willing landowners any land located within the area identified on the map as the `Crystal Springs Zone of Contribution'.

(B) INCLUSION IN MANAGEMENT UNIT- On the date of acquisition, any land acquired under subparagraph (A) shall be incorporated in, and be managed as part of, the Management Unit.

SEC. 1206. LAND EXCHANGES.

(a) Cooper Spur-Government Camp Land Exchange-

(1) DEFINITIONS- In this subsection:

(A) COUNTY- The term `County' means Hood River County, Oregon.

(B) EXCHANGE MAP- The term `exchange map' means the map entitled `Cooper Spur/Government Camp Land Exchange', dated June 2006.

(C) FEDERAL LAND- The term `Federal land' means the approximately 120 acres of National Forest System land in the Mount Hood National Forest in Government Camp, Clackamas County, Oregon, identified as `USFS Land to be Conveyed' on the exchange map.

(D) MT. HOOD MEADOWS- The term `Mt. Hood Meadows' means the Mt. Hood Meadows Oregon, Limited Partnership.

(E) NON-FEDERAL LAND- The term `non-Federal land' means--

- (i) the parcel of approximately 770 acres of private land at Cooper Spur identified as `Land to be acquired by USFS' on the exchange map; and
- (ii) any buildings, furniture, fixtures, and equipment at the Inn at Cooper Spur and the Cooper Spur Ski Area covered by an appraisal described in paragraph (2)(D).

(2) COOPER SPUR-GOVERNMENT CAMP LAND EXCHANGE-

(A) CONVEYANCE OF LAND- Subject to the provisions of this subsection, if Mt. Hood Meadows offers to convey to the United States all right, title, and interest of Mt. Hood Meadows in and to

the non-Federal land, the Secretary shall convey to Mt. Hood Meadows all right, title, and interest of the United States in and to the Federal land (other than any easements reserved under subparagraph (G)), subject to valid existing rights.

(B) COMPLIANCE WITH EXISTING LAW- Except as otherwise provided in this subsection, the Secretary shall carry out the land exchange under this subsection in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(C) CONDITIONS ON ACCEPTANCE-

(i) TITLE- As a condition of the land exchange under this subsection, title to the non-Federal land to be acquired by the Secretary under this subsection shall be acceptable to the Secretary.

(ii) TERMS AND CONDITIONS- The conveyance of the Federal land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(D) APPRAISALS-

(i) IN GENERAL- As soon as practicable after the date of enactment of this Act, the Secretary and Mt. Hood Meadows shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land.

(ii) REQUIREMENTS- An appraisal under clause (i) shall be conducted in accordance with nationally recognized appraisal standards, including--

(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(II) the Uniform Standards of Professional Appraisal Practice.

(E) SURVEYS-

(i) IN GENERAL- The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(ii) COSTS- The responsibility for the costs of any surveys conducted under clause (i), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and Mt. Hood Meadows.

(F) DEADLINE FOR COMPLETION OF LAND EXCHANGE- It is the intent of Congress that the land exchange under this subsection shall be completed not later than 16 months after the date of enactment of this Act.

(G) RESERVATION OF EASEMENTS- As a condition of the conveyance of the Federal land, the Secretary shall reserve--

(i) a conservation easement to the Federal land to protect

existing wetland, as identified by the Oregon Department of State Lands, that allows equivalent wetland mitigation measures to compensate for minor wetland encroachments necessary for the orderly development of the Federal land; and

- (ii) a trail easement to the Federal land that allows--
 - (I) nonmotorized use by the public of existing trails;
 - (II) roads, utilities, and infrastructure facilities to cross the trails; and
 - (III) improvement or relocation of the trails to accommodate development of the Federal land.