We would like to work with the Committee and Sponsor to address several concerns with HR 3826. The Cooper Spur Land Exchange was initially authorized by the Omnibus Public Land Management Act of 2009. Clarifications are needed to move forward with the exchange.

The following issues concern the Forest Service:

- The bill would require the Forest Service to reserve a 24-foot wide trail easement. The width of the easement would restrict the ability of the Forest Service to appropriately address reconstruction and repair needs of the trail, the drainage and soil protection features that go beyond the normal 3-4 foot tread path, and the loss of buffer between the trail and any non-federally owned building or facility adjacent to the trail.

- The bill would eliminate the requirement that the Forest Service reserve a conservation easement on the Federal land to be conveyed. We understand there may be state-level protections under the bill; however, the Forest Service will have no legal right or obligation to monitor and enforce the status of any of the identified wetlands after
conveyance because the United States will have no property interest, such as a conservation easement, protecting the property. In addition, without a reserved federal interest like a conservation easement, Executive Order 1990 will become inapplicable to the lands once they leave federal ownership.

- The bill would require the joint selection of an appraiser by the Forest Service and Mount Hood Meadows within 60 days after enactment of this legislation. Selection of an appraiser is not attainable within a 60 day period. The process to hire a non-agency appraiser must follow federal contracting regulations. The contracting process typically takes 120 days for contract selection.

- The bill would require the land exchange be completed within 1 year after passage of the legislation. It typically takes the better part of a year to just obtain an approved appraisal. Realistically, it will take more than 18 months to complete the appraisal and all necessary analysis to complete the exchange.

We look forward to working with the Committee to resolve these issues. Thank you for the opportunity to testify.