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## **Suit Over Stalled Land Trade to Move Forward Federal District Court Rejects Forest Service's Attempt to Dismiss Suit That Seeks To Enforce the Requirements of the 2009 Mt. Hood Wilderness Bill**

**HOOD RIVER, OREGON** – Plaintiffs Hood River Valley Residents Committee, Hood River County, Clackamas County and Mt. Hood Meadows defeated an attempt by the US Forest Service to dismiss a case challenging the agency's failure to complete the Cooper Spur/Government Camp land exchange mandated by the Omnibus Public Lands Act of 2009. On Wednesday, Judge Anna Brown of the Federal District Court for the District of Oregon ruled from the bench and ordered the case to proceed. Judge Brown also issued an order requiring the filing of monthly reports on the progress of the land trade while the case is pending.

In the 2009 Act, Congress stated that the Forest Service shall complete the land exchange in 16 months, but nearly seven years have passed and the trade is threatened by the Forest Service's failure to even appraise the properties and begin the necessary environmental analysis required by Congress.

The 2009 Act was intended to put an end to two decades of litigation and disputes over the future of the north side of Mt. Hood where Mt. Hood Meadows had proposed to locate a large designation resort and expand the Cooper Spur Ski area. The Act calls for 770 acres at Cooper Spur, owned by Mt. Hood Meadows, to be traded for 120 acres at Government Camp owned by the Forest Service. The Cooper Spur property includes the Crystal Springs watershed and the Tilly Jane Roadless area. The protection of over 4,000 acres of roadless forest and drinking watershed is contingent upon the completion of the land trade. When the land trade is completed, the land at Cooper Spur would become part of the Wilderness area of the Mt. Hood National Forest and special watershed protection zone while the Government Camp properties are already planned by local zoning code for residential development.

Mike McCarthy, an orchardist who lives in the upper valley and member of the Hood River County Residents Committee stated: "We are pleased that our case is moving forward under the careful supervision of Judge Brown. While we are prepared to settle this case and get down to the business of completing the land trade, we also will not sit idly by and let the Forest Service run this into the ground."

Matthew Drake, Chief Executive Office of Mt. Hood Meadows stated: "We stand ready to continue to work with the Forest Service to order the necessary appraisals and complete the land trade. Now that the Court's ability to oversee this case is settled, we urge the Forest Service to come to the table and agree on a reasonable settlement to get this done expeditiously and in compliance with existing law."

"So much is riding on this land trade, including important protections for new Wilderness and the Crystal Springs watershed. We are very pleased that the court has required monthly check-ins to ensure this historic solution is achieved." Attorney Ralph Bloemers of Crag Law Center who represents the Hood River Valley Residents Committee in the case.

Oregon's congressional delegation has expressed great dismay with the Forest Service's lack of progress. In June, Sen. Ron Wyden, Sen. Jeff Merkley and Rep. Earl Blumenauer sent Forest Service Chief Tidwell a joint letter expressing their disappointment with the Forest Service's progress on the trade "We are extremely

concerned that its resolution is very delinquent, and this lack of completion is clearly contrary to our legislative intent, the language of the 2009 Act and the interests of the public and our environment. Any further delay is absolutely unacceptable.”

Hood River County and Clackamas County are co-Plaintiffs in the suit with Hood River Valley Residents Committee and Mt. Hood Meadows. The suit alleges that the Forest Service failed to comply with the direction mandated by Congress and that many years of delay and inaction violates the law passed in 2009. The Plaintiffs seek an injunction and order from the court directing the Forest Service to complete the land trade in a timely fashion. The complaint also requests that Court maintain continuing jurisdiction to oversee the Forest Service until the trade is complete.

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**Hood River Valley Residents’ Committee (HRVRC)** is Oregon’s oldest local land-use advocacy organization. For nearly 40 years, their mission has been to protect farms, forests, special wild places and the livability of Hood River’s urban communities.

**Crag Law Center** is a non-profit organization that provides legal aid for the environment and serves non-profit conservation groups, Native American tribes, recreation clubs and local communities with access to justice and legal solutions to achieve positive change.

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