

Calendar No. 382116TH CONGRESS
1ST SESSION**S. 1262**

To designate certain land administered by the Bureau of Land Management and the Forest Service in the State of Oregon as wilderness and national recreation areas, to withdraw certain land located in Curry County and Josephine County, Oregon, from all forms of entry, appropriation, or disposal under the public land laws, location, entry, and patent under the mining laws, and operation under the mineral leasing and geothermal leasing laws, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 1, 2019

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

DECEMBER 18, 2019

Reported by Ms. MURKOWSKI, with amendments

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To designate certain land administered by the Bureau of Land Management and the Forest Service in the State of Oregon as wilderness and national recreation areas, to withdraw certain land located in Curry County and Josephine County, Oregon, from all forms of entry, appropriation, or disposal under the public land laws, location, entry, and patent under the mining laws, and oper-

ation under the mineral leasing and geothermal leasing laws, 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.**

4 This Act may be cited as the “Oregon Recreation En-
5 hancement Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) SECRETARY.—The term “Secretary”
9 means—

10 (A) the Secretary of the Interior, with re-
11 spect to public land administered by the Sec-
12 retary of the Interior; or

13 (B) the Secretary of Agriculture, with re-
14 spect to National Forest System land.

15 (2) STATE.—The term “State” means the State
16 of Oregon.

17 **SEC. 3. ROGUE CANYON AND MOLALLA RECREATION**
18 **AREAS, OREGON.**

19 (a) DESIGNATION OF ROGUE CANYON AND MOLALLA
20 RECREATION AREAS.—For the purposes of protecting,
21 conserving, and enhancing the unique and nationally im-
22 portant recreational, ecological, scenic, cultural, water-
23 shed, and fish and wildlife values of the areas, the fol-
24 lowing areas in the State are designated as recreation

1 areas for management by the Secretary in accordance with
2 subsection (c):

3 (1) ROGUE CANYON RECREATION AREA.—The
4 approximately 98,150 acres of Bureau of Land Man-
5 agement land within the boundary generally depicted
6 as the “Rogue Canyon Recreation Area” on the map
7 entitled “Rogue Canyon Recreation Area Wild
8 Rogue Wilderness Additions” and ~~dated October 10,~~
9 ~~2018~~ *dated November 19, 2019*, which is designated
10 as the “Rogue Canyon Recreation Area”.

11 (2) MOLALLA RECREATION AREA.—The ap-
12 proximately 29,884 acres of Bureau of Land Man-
13 agement land within the boundary generally depicted
14 on the map entitled “Molalla Recreation Area” and
15 dated September 26, 2018, which is designated as
16 the “Molalla Recreation Area”.

17 (b) MAPS AND LEGAL DESCRIPTIONS.—

18 (1) IN GENERAL.—As soon as practicable after
19 the date of enactment of this Act, the Secretary
20 shall prepare a map and legal description of each
21 recreation area designated by subsection (a).

22 (2) EFFECT.—The maps and legal descriptions
23 prepared under paragraph (1) shall have the same
24 force and effect as if included in this Act, except

1 that the Secretary may correct any minor errors in
2 the maps and legal descriptions.

3 (3) PUBLIC AVAILABILITY.—The maps and
4 legal descriptions prepared under paragraph (1)
5 shall be available for public inspection in the appro-
6 priate offices of the Bureau of Land Management.

7 (c) ADMINISTRATION.—

8 (1) APPLICABLE LAW.—The Secretary shall ad-
9 minister each recreation area designated by sub-
10 section (a)—

11 (A) in a manner that conserves, protects,
12 and enhances the purposes for which the recre-
13 ation area is established; and

14 (B) in accordance with—

15 (i) this section;

16 (ii) the Federal Land Policy and Man-
17 agement Act of 1976 (43 U.S.C. 1701 et
18 seq.); and

19 (iii) other applicable laws.

20 (2) USES.—The Secretary shall only allow those
21 uses of a recreation area designated by subsection
22 (a) that are consistent with the purposes for which
23 the recreation area is established.

24 ~~(3) ROAD CONSTRUCTION.—~~

1 (A) IN GENERAL.—Except as the Sec-
2 retary determines necessary for public safety,
3 no new permanent or temporary roads shall be
4 constructed (other than the repair and mainte-
5 nance of existing roads) within a recreation
6 area designated by subsection (a).

7 (B) EFFECT.—Nothing in this paragraph
8 affects the administration by the Secretary of
9 the Molalla Forest Road in accordance with ap-
10 plicable resource management plans.

11 (4) VEGETATION MANAGEMENT.—Nothing in
12 this section prohibits the Secretary from conducting
13 vegetation management projects (including wildfire
14 resiliency and forest health projects) within a recre-
15 ation area designated by subsection (a) to the extent
16 consistent with the purposes of the recreation area.

17 (5) WILDFIRE MANAGEMENT.—Nothing in this
18 section alters the authority of the Secretary (in co-
19 operation with other Federal, State, and local agen-
20 cies, as appropriate) to conduct wildland fire oper-
21 ations within a recreation area designated by sub-
22 section (a), consistent with the purposes of this Act.

23 (6) WITHDRAWAL.—Subject to valid existing
24 rights, all Federal surface and subsurface land with-

1 in a recreation area designated by subsection (a) is
 2 withdrawn from all forms of—

3 ~~(A) entry, appropriation, or disposal under~~
 4 ~~the public land laws;~~

5 ~~(B) location, entry, and patent under the~~
 6 ~~mining laws; and~~

7 ~~(C) disposition under all laws pertaining to~~
 8 ~~mineral leasing, geothermal leasing, or mineral~~
 9 ~~materials.~~

10 (3) *WILDFIRE RISK ASSESSMENT.*—*Not later*
 11 *than 280 days after the date of enactment of this Act,*
 12 *the Secretary, in consultation with the Oregon Gov-*
 13 *ernor’s Council on Wildfire Response, shall conduct a*
 14 *wildfire risk assessment that covers—*

15 *(A) the recreation areas designated by sub-*
 16 *section (a);*

17 *(B) the Wild Rogue Wilderness; and*

18 *(C) any Federal land adjacent to an area*
 19 *described in subparagraph (A) or (B).*

20 (4) *WILDFIRE MITIGATION PLAN.*—

21 *(A) IN GENERAL.*—*Not later than 1 year*
 22 *after the date on which the wildfire risk assess-*
 23 *ment is conducted under paragraph (3), the Sec-*
 24 *retary shall develop a wildfire mitigation plan,*
 25 *based on the wildfire risk assessment, that iden-*

1 *tifies, evaluates, and prioritizes treatments and*
2 *other management activities that can be imple-*
3 *mented on the Federal land covered by the wild-*
4 *fire risk assessment (other than Federal land des-*
5 *ignated as a unit of the National Wilderness*
6 *Preservation System) to mitigate wildfire risk to*
7 *communities located near the applicable Federal*
8 *land.*

9 *(B) PLAN COMPONENTS.—The wildfire miti-*
10 *gation plan developed under subparagraph (A)*
11 *shall include—*

12 *(i) vegetation management projects*
13 *(including mechanical treatments to reduce*
14 *hazardous fuels and improve forest health*
15 *and resiliency);*

16 *(ii) evacuation routes for communities*
17 *located near the applicable Federal land,*
18 *which shall be developed in consultation*
19 *with State and local fire agencies; and*

20 *(iii) strategies for public dissemination*
21 *of emergency evacuation plans and routes.*

22 *(C) APPLICABLE LAW.—The wildfire miti-*
23 *gation plan under subparagraph (A) shall be de-*
24 *veloped in accordance with—*

25 *(i) this section; and*

1 (ii) any other applicable law.

2 (5) *ROAD CONSTRUCTION.*—

3 (A) *IN GENERAL.*—*Except as provided in*
4 *subparagraph (B) or as the Secretary determines*
5 *necessary for public safety, no new permanent or*
6 *temporary roads shall be constructed (other than*
7 *the repair and maintenance of existing roads)*
8 *within a recreation area designated by sub-*
9 *section (a).*

10 (B) *TEMPORARY ROADS.*—*Consistent with*
11 *the purposes of this Act, the Secretary may con-*
12 *struct temporary roads within a recreation area*
13 *designated by subsection (a) to implement the*
14 *wildfire mitigation plan developed under para-*
15 *graph (4), unless the temporary road would be*
16 *within an area designated as a unit of the Na-*
17 *tional Wilderness Preservation System.*

18 (C) *EFFECT.*—*Nothing in this paragraph*
19 *affects the administration by the Secretary of the*
20 *Molalla Forest Road in accordance with applica-*
21 *ble resource management plans.*

22 (6) *EFFECT ON WILDFIRE MANAGEMENT.*—*Noth-*
23 *ing in this section alters the authority of the Sec-*
24 *retary (in cooperation with other Federal, State, and*
25 *local agencies, as appropriate) to conduct wildland*

1 *fire operations within a recreation area designated by*
2 *subsection (a), consistent with the purposes of this*
3 *Act.*

4 (7) *WITHDRAWAL.—Subject to valid existing*
5 *rights, all Federal surface and subsurface land within*
6 *a recreation area designated by subsection (a) is*
7 *withdrawn from all forms of—*

8 (A) *entry, appropriation, or disposal under*
9 *the public land laws;*

10 (B) *location, entry, and patent under the*
11 *mining laws; and*

12 (C) *disposition under all laws pertaining to*
13 *mineral leasing, geothermal leasing, or mineral*
14 *materials.*

15 (8) *NO EFFECT ON WILDERNESS AREAS.—Any*
16 *wilderness area located within a recreation area des-*
17 *ignated by subsection (a) shall be administered in ac-*
18 *cordance with the Wilderness Act (16 U.S.C. 1131 et*
19 *seq.).*

20 (d) *ADJACENT MANAGEMENT.—Nothing in this sec-*
21 *tion creates any protective perimeter or buffer zone*
22 *around a recreation area designated by subsection (a).*

23 **SEC. 4. EXPANSION OF WILD ROGUE WILDERNESS AREA.**

24 (a) *DEFINITIONS.—In this section:*

1 (1) MAP.—The term “map” means the map en-
2 titled “Rogue Canyon Recreation Area Wild Rogue
3 Wilderness Additions” and ~~dated October 10, 2018~~
4 *dated November 19, 2019*.

5 (2) WILDERNESS ADDITIONS.—The term “Wil-
6 derness additions” means the land added to the Wild
7 Rogue Wilderness under subsection (b)(1).

8 (b) EXPANSION OF WILD ROGUE WILDERNESS
9 AREA.—

10 (1) EXPANSION.—The approximately 59,512
11 acres of Federal land in the State generally depicted
12 on the map as “Proposed Wilderness” shall be
13 added to and administered as part of the Wild
14 Rogue Wilderness in accordance with the Endan-
15 gered American Wilderness Act of 1978 (16 U.S.C.
16 1132 note; Public Law 95–237), except that—

17 (A) the Secretary of the Interior and the
18 Secretary of Agriculture shall administer the
19 Federal land under their respective jurisdiction;
20 and

21 (B) any reference in that Act to the Sec-
22 retary of Agriculture shall be considered to be
23 a reference to the Secretary of Agriculture or
24 the Secretary of the Interior, as applicable.

25 (2) MAP; LEGAL DESCRIPTION.—

1 (A) IN GENERAL.—As soon as practicable
2 after the date of enactment of this Act, the Sec-
3 retary shall prepare a map and legal description
4 of the wilderness area designated by paragraph
5 (1).

6 (B) FORCE OF LAW.—The map and legal
7 description filed under subparagraph (A) shall
8 have the same force and effect as if included in
9 this section, except that the Secretary may cor-
10 rect typographical errors in the map and legal
11 description.

12 (C) PUBLIC AVAILABILITY.—The map and
13 legal description filed under subparagraph (A)
14 shall be on file and available for public inspec-
15 tion in the appropriate offices of the Bureau of
16 Land Management and Forest Service.

17 (3) FIRE, INSECTS, AND DISEASE.—The Sec-
18 retary may take such measures within the Wilder-
19 ness additions as the Secretary determines to be
20 necessary for the control of fire, insects, and disease,
21 in accordance with section 4(d)(1) of the Wilderness
22 Act (~~16 U.S.C. 1131(d)(1)~~ *16 U.S.C. 1133(d)(1)*).

23 (4) WITHDRAWAL.—Subject to valid existing
24 rights, the Wilderness additions are withdrawn from
25 all forms of—

1 (A) entry, appropriation, or disposal under
2 the public land laws;

3 (B) location, entry, and patent under the
4 mining laws; and

5 (C) disposition under all laws pertaining to
6 mineral leasing, geothermal leasing, or mineral
7 materials.

8 (5) TRIBAL RIGHTS.—Nothing in this sub-
9 section alters, modifies, enlarges, diminishes, or ab-
10 rogates the treaty rights of any Indian Tribe.

11 **SEC. 5. WITHDRAWAL OF FEDERAL LAND, CURRY COUNTY**
12 **AND JOSEPHINE COUNTY, OREGON.**

13 (a) DEFINITIONS.—In this section:

14 (1) ELIGIBLE FEDERAL LAND.—The term “eli-
15 gible Federal land” means—

16 (A) any federally owned land or interest in
17 land depicted on the Maps as within the Hunter
18 Creek and Pistol River Headwaters Withdrawal
19 Proposal or the Rough and Ready and Baldface
20 Creeks Mineral Withdrawal Proposal; or

21 (B) any land or interest in land located
22 within such withdrawal proposals that is ac-
23 quired by the Federal Government after the
24 date of enactment of this Act.

25 (2) MAPS.—The term “Maps” means—

1 (A) the Bureau of Land Management map
2 entitled “Hunter Creek and Pistol River Head-
3 waters Withdrawal Proposal” and dated Janu-
4 ary 12, 2015; and

5 (B) the Bureau of Land Management map
6 entitled “Rough and Ready and Baldface
7 Creeks Mineral Withdrawal Proposal” and
8 dated January 12, 2015.

9 (b) WITHDRAWAL.—Subject to valid existing rights,
10 the eligible Federal land is withdrawn from all forms of—

11 (1) entry, appropriation, or disposal under the
12 public land laws;

13 (2) location, entry, and patent under the mining
14 laws; and

15 (3) operation under the mineral leasing and
16 geothermal leasing laws.

17 (c) AVAILABILITY OF MAPS.—Not later than 30 days
18 after the date of enactment of this Act, the Maps shall
19 be made available to the public at each appropriate office
20 of the Bureau of Land Management.

21 (d) EXISTING USES NOT AFFECTED.—Except with
22 respect to the withdrawal under subsection (b), nothing
23 in this section restricts recreational uses, hunting, fishing,
24 forest management activities, or other authorized uses al-

- 1 lowed on the date of enactment of this Act on the eligible
- 2 Federal land in accordance with applicable law.

Calendar No. 382

116TH CONGRESS
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A BILL

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DECEMBER 18, 2019

Reported with amendments