

CROOKED RIVER RANCH FIRE PROTECTION ACT

—————
AUGUST 29, 2017.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed
—————

Mr. BISHOP of Utah, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 2075]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2075) to adjust the eastern boundary of the Deschutes Canyon-Steelhead Falls Wilderness Study Area in the State of Oregon to facilitate fire prevention and response activities in order to protect adjacent private property, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Crooked River Ranch Fire Protection Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Crooked River Ranch is an unincorporated community with a population of 5,000 residents.

(2) The current lands located adjacent to Crooked River Ranch are managed by the Bureau of Land Management and are classified as a Wilderness Study Area.

(3) There is currently only one entrance/exit to the Crooked River Ranch.

(4) Jefferson County and Crooked River Ranch have determined that the Wilderness Study Area lands are in the highest risk category for exposure to devastating wildfire due to overstocked juniper stands under the federally mandated and locally promulgated Jefferson County Community Wildfire Protection Plan (CWPP).

(5) The current Wilderness Study Area classification prevents mechanical fire prevention activities within the overstocked juniper stands.

(6) Advancing this proposed legislation will greatly enhance the life and safety of people and property by reducing the extreme fire threat to these lands.

SEC. 3. BOUNDARY ADJUSTMENT, DESCHUTES CANYON-STEELHEAD FALLS AND DESCHUTES CANYON WILDERNESS STUDY AREAS, OREGON.

(a) **BOUNDARY ADJUSTMENT REQUIRED.**—The Secretary of the Interior shall adjust the eastern boundary of the Deschutes Canyon-Steelhead Falls Wilderness Study Area and the Deschutes Canyon Wilderness Study Area in the State of Oregon to exclude approximately 832 acres, as depicted on the map entitled “Deschutes Canyon-Steelhead Falls Wilderness Study Area” and dated April 6, 2017, in order to facilitate fire prevention and response activities on the excluded public lands and adjacent private property.

(b) **EFFECT OF EXCLUSION.**—Effective on the date of the enactment of this Act, the public lands to be excluded from the Deschutes Canyon-Steelhead Falls Wilderness Study Area and the Deschutes Canyon Wilderness Study Area pursuant to subsection (a) are no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)).

Amend the title so as to read:

A bill to adjust the eastern boundary of the Deschutes Canyon-Steelhead Falls and Deschutes Canyon Wilderness Study Areas in the State of Oregon to facilitate fire prevention and response activities to protect private property, and for other purposes.

PURPOSE OF THE BILL

The purpose of H.R. 2075, as ordered reported, is to adjust the eastern boundary of the Deschutes Canyon-Steelhead Falls and Deschutes Canyon Wilderness Areas in the State of Oregon to facilitate fire prevention and response activities to protect private property.

BACKGROUND AND NEED FOR LEGISLATION

Crooked River Ranch is an unincorporated community in central Oregon with a population of about 5,500 residents. The Bureau of Land Management (BLM) administers land west of the community and directly adjacent to hundreds of homes as the Whychus-Deschutes Wilderness Study Area (WD WSA). WD WSA is one of 517 wilderness study areas managed by BLM, which collectively cover approximately 12.6 million acres across the nation.¹

Jefferson County, Oregon, and Crooked River Ranch determined that the WD WSA lands are in the highest risk category for exposure to devastating wildfire due to overstocked juniper stands under the Jefferson County Community Wildfire Protection Plan. To make matters worse, the community is located on a peninsula at the convergence of the Crooked River and Deschutes River canyons and has only one entrance and exit, drastically increasing the risk to public safety from fire.

Despite the high fire risk, BLM is not performing mechanical fire prevention activities within the overstocked juniper stands in the WD WSA. In addition, firefighting tactics are greatly hampered on the WD WSA, leaving local firefighters with no maneuvering room to protect life and property in the event of catastrophic wildfire. H.R. 2075 excludes roughly 830 acres of the WD WSA and adjusts its boundary back to the canyon rim, providing a buffer between the WD WSA and the community. While the land will remain federally owned, reducing the size of the WD WSA allows the local

¹ *Wilderness Study Area Information Page*. Bureau of Land Management.

community to work with BLM to implement practical management to prevent fires and ensures local firefighters can protect the community in the event of a fire.

COMMITTEE ACTION

H.R. 2075 was introduced on April 6, 2017, by Congressman Greg Walden (R-OR). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On July 25, 2017, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Congressman Tom McClintock (R-CA) offered an amendment designated #1; it was agreed to by voice vote. Congressman Raúl M. Grijalva (D-AZ) offered an amendment designated 043; it was not agreed to by a roll call vote of 14 ayes and 19 noes, as follows:

Committee on Natural Resources
U.S. House of Representatives
115th Congress

Date: 07-26-17

Recorded Vote #: 2

Meeting on / Amendment on: FC Mark Up on 21 bills: **Grijalva_043** Amendment to H.R. 2075 (Rep. Greg Walden),
"Crooked River Ranch Fire Protection Act"

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
Mr. Bishop, UT, Chairman		X		Mr. Cook, CA		X	
<i>Mr. Grijalva, AZ, Ranking Member</i>	X			<i>Mr. Soto, FL</i>	X		
Mr. Young, AK, Chairman Emeritus				Mr. Westerman, AR		X	
<i>Mrs. Napolitano, CA</i>				<i>Mr. McEachin, VA</i>	X		
Mr. Gohmert, TX, Vice Chairman				Mr. Graves, LA			
<i>Ms. Bordallo, Guam</i>				<i>Mr. Brown, MD</i>	X		
Mr. Lamborn, CO		X		Mr. Hice, GA		X	
<i>Mr. Costa, CA</i>	X			<i>Mr. Clay, MO</i>			
Mr. Wittman, VA		X		Mrs. Radewagen, AS		X	
<i>Mr. Sablan, CNMI</i>	X			<i>Mr. Gomez, CA</i>	X		
Mr. McClintock, CA		X		Mr. LaHood, IL		X	
<i>Ms. Tsongas, MA</i>	X			Mr. Webster, FL		X	
Mr. Pearce, NM		X		Mr. Bergman, MI		X	
<i>Mr. Huffman, CA</i>	X			Ms. Cheney, WY		X	
Mr. Thompson, PA		X		Mr. Johnson, LA			
<i>Mr. Lowenthal, CA</i>	X			Ms. González-Colón, PR			
Mr. Gosar, AZ		X		Mr. Gianforte, MT		X	
<i>Mr. Beyer, VA</i>	X						
Mr. Labrador, ID							
<i>Mrs. Torres, CA</i>	X						
Mr. Tipton, CO		X					
<i>Mr. Gallego, AZ</i>							
Mr. LaMalfa, CA		X					
<i>Ms. Hanabusa, III</i>	X						
Mr. Denham, CA		X					
<i>Ms. Barragán, CA</i>	X			TOTAL:	14	19	

No additional amendments were offered, and on July 26, 2017, the bill, as amended, was ordered favorably reported to the House of Representatives by a bipartisan roll call vote of 20 ayes and 13 noes, as follows:

Committee on Natural Resources

U.S. House of Representatives

115th Congress

Date: 07-26-17

Recorded Vote #: 3

Meeting on / Amendment on: FC Mark Up on 21 bills: **On Favorably Reporting** H.R. 2075 (Rep. Greg Walden),
 "Crooked River Ranch Fire Protection Act"

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
Mr. Bishop, UT, Chairman	X			Mr. Cook, CA	X		
<i>Mr. Grijalva, AZ, Ranking Member</i>		X		<i>Mr. Soto, FL</i>		X	
Mr. Young, AK, Chairman Emeritus				Mr. Westerman, AR	X		
<i>Mrs. Napolitano, CA</i>				<i>Mr. McEachin, VA</i>		X	
Mr. Gohmert, TX, Vice Chairman				Mr. Graves, LA			
<i>Ms. Bordallo, Guam</i>				<i>Mr. Brown, MD</i>		X	
Mr. Lamborn, CO	X			Mr. Hice, GA	X		
<i>Mr. Costa, CA</i>	X			<i>Mr. Clay, MO</i>			
Mr. Wittman, VA	X			Mrs. Radewagen, AS	X		
<i>Mr. Sablan, CNMI</i>		X		<i>Mr. Gomez, CA</i>		X	
Mr. McClintock, CA	X			Mr. LaHood, IL	X		
<i>Ms. Tsongas, MA</i>		X		Mr. Webster, FL	X		
Mr. Pearce, NM	X			Mr. Bergman, MI	X		
<i>Mr. Huffman, CA</i>		X		Ms. Cheney, WY	X		
Mr. Thompson, PA	X			Mr. Johnson, LA			
<i>Mr. Lowenthal, CA</i>		X		Ms. González-Colón, PR			
Mr. Gosar, AZ	X			Mr. Gianforte, MT	X		
<i>Mr. Beyer, VA</i>		X					
Mr. Labrador, ID							
<i>Mrs. Torres, CA</i>		X					
Mr. Tipton, CO	X						
<i>Mr. Gallego, AZ</i>							
Mr. LaMalfa, CA	X						
<i>Ms. Hanabusa, HI</i>		X					
Mr. Denham, CA	X						
<i>Ms. Barragán, CA</i>		X		TOTAL:	20	13	

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. Cost of Legislation and the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 18, 2017.

Hon. ROB BISHOP,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2075, the Crooked River Ranch Fire Protection Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jeff LaFave.

Sincerely,

KEITH HALL, *Director.*

Enclosure.

H.R. 2075—Crooked River Ranch Fire Protection Act

H.R. 2075 would modify the boundaries of two wilderness study areas in Oregon to exclude 830 acres of federal land from those areas. Because the bill would not significantly affect how the Bureau of Land Management would administer the excluded lands, CBO estimates that implementing the bill would have no significant effect on the federal budget.

Enacting H.R. 2075 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting the legislation would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 2075 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, Assistant Director for Budget Analysis.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to adjust the eastern boundary of the Deschutes Canyon-Steelhead Falls and Deschutes Canyon Wilderness Areas in the State of Oregon to facilitate fire prevention and response activities to protect private property.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

DISSENTING VIEWS

We are opposed to H.R. 2075, the Crooked River Ranch Fire Protection Act, introduced by Representative Walden of Oregon. The bill, which has not received a hearing in the 115th Congress, releases 832 acres of public land from two Wilderness Study Areas (WSA) adjacent to Crooked River Ranch, a private housing development in Central Oregon.

According to proponents of the bill, adjusting the boundary of the WSA will allow mechanized thinning of dense juniper stands in a fire prone area. A local collaborative group first proposed the concept of adjusting the WSA boundary to improve access for wildfire mitigation projects. This working group was formed in 2015 and includes representatives from the Crooked River Ranch Fire Department, Oregon Natural Desert Association, Friends and Neighbors of the Deschutes Canyon Area, the Bureau of Land Management and the U.S. Forest Service.

In addition to the WSA boundary adjustment, the collaborative proposed designation of a Special Management Area to facilitate firefighting efforts and permanent wilderness designation for the remaining acreage in the WSA. H.R. 2075 simply removes the acreage from the wilderness study area and ignores the other measures put forward by the collaborative.

Furthermore, Section 3(b) prohibits future consideration of the land released from the WSA as potential wilderness. This restriction is unnecessary and does nothing to further the stated purpose of reducing wildfire risk.

At markup, Natural Resources Committee Ranking Member Grijalva offered an amendment to strike this section from the bill. Striking this section from the bill would have been enough to garner bipartisan support. Unfortunately, the amendment was rejected by the majority. For these reasons, we oppose H.R. 2075.

RAÚL M. GRIJALVA,
*Ranking Member, House
Natural Resources Com-
mittee.*

NANETTE DIAZ BARRAGÁN.
DARREN SOTO.
GRACE NAPOLITANO.
A. DONALD McEACHIN.
COLLEEN HANABUSA.

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