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SENATE

{ REPORT
{ 115-417

CROOKED RIVER RANCH FIRE PROTECTION ACT

DECEMBER 5, 2018.—Ordered to be printed

Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 2075]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (H.R. 2075) 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, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and an amendment to the title and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. 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. BOUNDARY ADJUSTMENT, DESCHUTES CANYON-STEELHEAD FALLS WILDERNESS STUDY AREA BOUNDARY ADJUSTMENT, OREGON.

(a) **BOUNDARY ADJUSTMENT.**—The boundary of the Deschutes Canyon-Steelhead Falls Wilderness Study Area is modified to exclude approximately 688 acres of public land, as depicted on the map entitled “Deschutes Canyon-Steelhead Falls Wilderness Study Area (WSA) Proposed Boundary Adjustment” and dated September 26, 2018.

(b) **EFFECT OF EXCLUSION.**—

(1) **IN GENERAL.**—The public land excluded from the Deschutes Canyon-Steelhead Falls Wilderness Study Area under subsection (a)—

(A) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(B) shall be managed in accordance with—

(i) this section;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iii) any applicable resource management plan.

(2) MANAGEMENT.—The Secretary of the Interior shall manage the land excluded from the Deschutes Canyon-Steelhead Falls Wilderness Study Area under subsection (a) to improve fire resiliency and forest health, including the conduct of wildfire prevention and response activities, as appropriate.

(3) OFF-ROAD RECREATIONAL MOTORIZED USE.—The Secretary of the Interior shall not permit off-road recreational motorized use on the public land excluded from the Deschutes Canyon-Steelhead Falls Wilderness Study Area under subsection (a).

* * * * *

2. Amend the title so as to read: “An Act to adjust the eastern boundary of the Deschutes Canyon-Steelhead Falls Wilderness Study Area in the State of Oregon, and for other purposes.”.

PURPOSE

The purpose of H.R. 2075 is to adjust the eastern boundary of the Deschutes Canyon-Steelhead Falls and Deschutes Canyon Wilderness Study Areas (WSA) in the State of Oregon.

BACKGROUND AND NEED

The Steelhead Falls-Deschutes Canyon WSA is comprised of two subunits, which are separated by about 40 acres of U.S. Forest Service (Forest Service) and private lands—about 10,230 acres of Forest Service-managed lands (primarily the Crooked River National Grassland) and 3,240 acres of Bureau of Land Management (BLM) land. The Steelhead Falls area was part of the 1978 wilderness inventory, while the Deschutes Canyon area was added to the WSA in 1982.

The total planning area also includes 40 acres of Oregon State lands and 4,891 acres of private lands and is about 10 miles long, with the Crooked River Ranch community abutting nearly its entire eastern boundary. The remainder of the WSA is bordered by Oregon’s Cove Palisades State Park and Lake Bill Chinook to the north and private rural and agricultural lands to the south and west.

The Crooked River Ranch is a roughly 16.4 square mile subdivision located in Jefferson County, Oregon. With a population of over 5,000, it contains more than 2,600 homes and has some light industrial, recreation, and commercial development. Juniper, sagebrush, cheat grass, and bunch grass are the predominate vegetation and the area is at high to extreme risk of wildfire. The community’s location between the Crooked River and the Deschutes River canyons only provides one route in and out of the area, increasing the risk to residents and visitors in the event of a wildfire.

Approximately 250 private parcels within Crooked River Ranch directly border a narrow swath of the WSA leading up to a canyon wall. This flat land between the private lots and canyon wall is overstocked with juniper trees, which are extremely flammable and often lead to high-intensity fires and fire behavior that is extremely unpredictable for firefighter ground crews.

The Crooked River Fire and Rescue and the Crooked River Ranch Homeowners Association have proposed to remove approximately 688 acres from the WSA in order to facilitate mechanized juniper removal, along with other management options that may be more difficult, but are not precluded, to carry out in an area des-

ignated as a WSA. Lands excluded from the WSA would remain in Federal ownership and continue to be administered and subject to Federal regulations, with off-road motorized recreation remaining prohibited.

LEGISLATIVE HISTORY

H.R. 2075 was introduced by Representative Walden in the House of Representatives on April 6, 2017. The Natural Resources Committee reported the bill, as amended, on August 29, 2017. On July 11, 2018, the House of Representatives passed H.R. 2075 by voice vote, as amended, with an amendment to the title.

The Subcommittee on Public Lands, Forests, and Mining held a hearing on H.R. 2075 on August 22, 2018.

In the 114th Congress, Representative Walden introduced a similar measure, H.R. 5132, in the House of Representatives on April 29, 2016. The Natural Resources Committee's Subcommittee on Federal Lands held a hearing on the bill on H.R. 5132 on May 12, 2016.

The Senate Committee on Energy and Natural Resources met in an open business session on October 2, 2018, and ordered H.R. 2075 favorably reported, as amended.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on October 2, 2018, by a majority voice vote of a quorum present, recommends that the Senate pass H.R. 2075, if amended as described herein.

COMMITTEE AMENDMENTS

During its consideration of H.R. 2075, the Committee adopted an amendment in the nature of a substitute. The substitute amendment strikes the findings, excludes 688 acres of public land from the Deschutes Canyon-Steelhead Falls WSA (rather than 832 acres that the House-passed bill would exclude from the Deschutes Canyon-Steelhead Falls WSA and the Deschutes Canyon WSA), requires the Secretary of the Interior (Secretary) to manage the excluded lands to improve fire resiliency and forest health, and prohibits off-road recreational motorized use on the excluded land. The Committee also adopted an amendment to the title.

SECTION-BY-SECTION ANALYSIS

Sec. 1. Short title

Section 1 sets forth a short title.

Sec. 2. Boundary adjustment, Deschutes Canyon-Steelhead Falls Wilderness Study Area Boundary Adjustment, Oregon

Subsection (a) adjusts the WSA's boundary to exclude approximately 688 acres of public lands as depicted on the September 24, 2018 map.

Subsection (b)(1) specifies that the excluded public land is no longer subject to section 603(c) of the 1976 Federal Land Policy and Management Act (FLPMA, 43 U.S.C. 1782(c)) but shall be managed in accordance with this section, FLPMA, and any applicable resource management plan.

Subsection (b)(2) directs the Secretary to manage the excluded lands to improve fire resiliency and forest health.

Subsection (b)(3) prohibits off-road recreational motorized use on the excluded land.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the costs of this measure has been provided by the Congressional Budget Office:

H.R. 2075 would modify the boundary of the Deschutes Canyon-Steelhead Falls Wilderness Study Area in Oregon to exclude 688 acres of federal land. Because the act would not significantly affect how the Bureau of Land Management would administer the excluded land, CBO estimates that implementing H.R. 2075 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 H.R. 2075 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 2075 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

On August 18, 2017, CBO transmitted a cost estimate for H.R. 2075, the Crooked River Ranch Fire Protection Act, as ordered reported by the House Committee on Natural Resources on July 26, 2017. The two versions of the legislation are similar, and CBO's estimates of their budgetary effects are the same.

The CBO staff contact for this estimate is Janani Shankaran. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 2075. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 2075, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 2075, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Department of the Interior at the August 22, 2018, hearing on H.R. 2075 follows:

STATEMENT OF CHRISTOPHER MCALEAR, ASSISTANT DIRECTOR, NATIONAL CONSERVATION LANDS & COMMUNITY PARTNERSHIPS, BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR

Thank you for the opportunity to testify on H.R. 2075, the Crooked River Ranch Fire Protection Act. The bill modifies the eastern boundary of the Deschutes Canyon-Steelhead Falls Wilderness Study Area (WSA) in Jefferson County, Oregon, and releases approximately 832 acres from WSA management.

The Department of the Interior recognizes the significant work of various stakeholders to attempt to reach a consensus on the future management of public lands in this area, particularly with respect to balancing the protection of unique resources within the WSA with actions to address wildland fire risk for nearby communities. We appreciate the work of the sponsor to address concerns raised in our previous testimony.

The Department supports H.R. 2075, which we believe is consistent with the Secretary's priority of being a good neighbor and better serving local communities. We also strongly support the sponsor's goal of reducing hazardous fuels and preventing wildfires that may impact the communities adjacent to this WSA. The Department determined that a portion of the WSA may fall under the administrative jurisdiction of the U.S. Department of Agriculture. As such, we would like to work with the sponsor on an amendment to the bill that we believe will aid implementation. The Department looks forward to continuing to work with the sponsor and local stakeholders to resolve land management issues within and surrounding the WSA.

Background

The Deschutes Canyon-Steelhead Falls WSA was part of the original intensive wilderness inventory conducted in 1978 by the Bureau of Land Management (BLM) in Oregon. This WSA is a long narrow area located along the upper Deschutes River, within and adjacent to the Forest Service-administered Crooked River National Grasslands, and consists of approximately 10,230 acres of forest lands managed by the Forest Service and approximately 3,240 acres of public land managed by the BLM. The area is surrounded by the Crooked River Ranch (a private subdivision) to the east, Lake Billy Chinook to the north, low-density rural populations to the south, and farmlands to the west. The portions of the Deschutes River within this WSA have been protected under the Wild and Scenic Rivers Act since 1988.

H.R. 2075, the Crooked River Ranch Fire Protection Act

H.R. 2075 requires the Secretary of the Interior to reduce the size of the Deschutes Canyon-Steelhead Falls WSA by approximately 832 acres to “facilitate fire prevention and response activities to protect adjacent private property, and for other purposes.” By releasing these 832 acres from WSA status, this area would be managed by the BLM for the full range of non-wilderness multiple uses under the Federal Land Policy and Management Act of 1976 (FLPMA). The Department has recently determined that the some of the BLM-managed lands that would be impacted by H.R. 2075 may fall under the administrative jurisdiction of the Forest Service. In order to ensure that the legislation fully achieves its objective, the BLM would like to work with the sponsor on a technical change that would address this discrepancy.

The Department shares the sponsor’s goal of reducing fire threats that may impact the life and safety of people and private property near the WSA. We also recognize the significant work of stakeholders to reach a consensus on the future management of public lands in this area, particularly with respect to balancing the protection of natural resources within the WSA with actions to address wildland fire risk. The Department notes that under FLPMA, the Wilderness Act, and agency policy, mechanical vegetation treatments, including pre-fire treatments, are allowed in WSAs as long as they meet the non-impairment standard or its emergency or restoration exceptions.

As a matter of policy, the Department strongly supports Congressional action to resolve issues of wilderness designation and release of WSAs on public lands across the West, and we welcome opportunities to further those efforts. Only Congress can determine whether to designate WSAs as wilderness or to release them for other multiple uses. As such, the Department also supports Congress settling the status of the remainder of the Deschutes Canyon-Steelhead Falls WSA, which would provide certainty to public land users this area. In addition, the Department would like to work with the sponsor to include standard WSA release language in the bill. This would enable the BLM to manage the lands to be released consistent with local land use plans. It is the local planning process through which the BLM makes important decisions on management of these lands, including, among other things, conventional and renewable energy production, grazing, mining, off-highway vehicle use, hunting, and the consideration of natural values.

Conclusion

The Department of the Interior appreciates the work of the sponsor, the Subcommittee, and stakeholders on public land management issues in and around the Deschutes Canyon-Steelhead Falls WSA. The Department supports H.R. 2075, which we believe is consistent with the Secretary’s priority of being a good neighbor and better serv-

ing local communities. We look forward to continuing to work with the sponsor and the Subcommittee to address some technical issues as this bill moves through the legislative process.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill as ordered reported.

