FRANK AND JEANNE MOORE WILD STEELHEAD SPECIAL MANAGEMENT AREA DESIGNATION ACT

MAY 16, 2017.—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 S. 513]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 513) to designate the Frank and Jeanne Moore Wild Steelhead Special Management Area in the State of Oregon, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 513 is to designate the Frank and Jeanne Moore Wild Steelhead Special Management Area in the State of Oregon.

BACKGROUND AND NEED

S. 513 designates approximately 99,653 acres of U.S. Forest Service (USFS) land in the headwaters of the North Umpqua River in Oregon as the Frank and Jeanne Moore Wild Steelhead Special Management Area. The purpose of the designation is to protect the prime steelhead habitat important for recreational fishing and clean drinking water and to honor Frank Moore, a military hero and conservationist.

Frank Moore served in the military during World War II and stormed the beaches of Normandy along with 150,000 troops during the D-Day Allied invasion. He was awarded the Chevalier of the French Legion of Honor for his bravery. Following the war, he returned home to Oregon, started a family, pursued his passion of
fishing on the winding rivers of Oregon, and owned and operated the Steamboat Inn along the North Umpqua River.

From 1971 to 1974, Mr. Moore served on the State of Oregon Fish and Wildlife Commission. Throughout his life, Mr. Moore has shared his passion for fishing, the river, and the outdoors with visitors from around the world. He was recognized for his conservation work by receiving the National Wildlife Federation Conservationist of the Year award and the Wild Steelhead Coalition Conservation Award, and was inducted into the Fresh Water Fishing Hall of Fame.

LEGISLATIVE HISTORY


In the 114th Congress, S. 1448, similar legislation, was introduced by Senators Wyden and Merkley on May 21, 2015. The Subcommittee on Public Lands, Forests, and Mining held a hearing on the bill on October 8, 2015. The Committee on Energy and Natural Resources met in open business session on July 13, 2016, and ordered S. 1448 favorably reported as amended (S. Rept. 114–347).

The text of S.1448 was also incorporated into S. 132, the Oregon and California Land Grant Act of 2015, introduced on January 8, 2015. The Subcommittee on Public Lands, Forests, and Mining held a hearing on S. 132 on July 16, 2015.

In the 113th Congress, similar legislation was included in S. 1784, introduced by Senator Wyden on December 9, 2013. The Committee on Energy and Natural Resources held a hearing on S. 1784 on February 6, 2014. The Committee ordered S. 1784 favorably reported with an amendment in the nature of a substitute on November 13, 2014 (S. Rept. 113–307).

The Committee on Energy and Natural Resources met in open business session on March 30, 2017, and ordered S. 513 favorably reported.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on March 30, 2017, by a majority voice vote of a quorum present, recommends that the Senate pass S. 513.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title
Section 1 provides a short title.

Section 2. Findings
Section 2 contains the findings.

Section 3. Definitions
Section 3 contains definitions.

Section 4. Frank and Jeanne Moore Wild Steelhead Special Management Area, Oregon
Section 4(a) designates approximately 99,653 acres of USFS land in Oregon as the “Frank and Jeanne Moore Wild Steelhead Special Management Area” (Area).
Subsection (b) directs the Secretary to prepare a map and legal description for the Area and make them available to the public in the appropriate offices of the Forest Service.

Subsection (c) requires the Area to be administered in accordance with all laws applicable to the National Forest System and in a manner that conserves and enhances certain uses and values described in the section.

Subsection (d) indicates that the Secretary’s administration of the Area does not affect the jurisdiction of the state with respect to fish and wildlife in Oregon.

Subsection (e) provides that there are no buffer zones around the Area and that the Section does not modify the applicable travel management plan for the Area.

Subsection (f) clarifies that the designation does not prohibit the Secretary, in cooperation with other Federal, State and local agencies, from conducting wildfire management operations in the area consistent with the purposes of the Act.

Subsection (g) clarifies that the designation does not prohibit the Secretary from carrying out vegetation management if it is consistent with the purposes described in subsection (c).

Subsection (h) clarifies that the designation does not diminish the treaty rights of Indian tribes.

Subsection (i) withdraws the Area river segments from all forms of entry, appropriation, or disposal under public land laws, location, entry, and patent under mining laws and disposition under all laws relating to mineral and geothermal leasing or mineral materials.

COST AND BUDGETARY CONSIDERATIONS

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

S. 513 would designate 100,000 acres of land administered by the Forest Service in Oregon as a special management area and would prohibit mineral development on those lands. The Forest Service currently manages the affected lands for conservation purposes; therefore, designating those lands as a special management area would not affect administrative costs.

In addition, based on information from the Forest Service, CBO does not expect that any minerals would be developed on the affected lands that would generate income for the federal government over the next 10 years. Thus, designating those lands would not affect offsetting receipts, which are treated as reductions in direct spending. Because enacting the bill would not affect direct spending or revenues, 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.

S. 513 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 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 S. 513. The bill 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 S. 513, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 513, 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

Because S. 513 is similar to legislation considered by the Committee in the 114th Congress, the Committee did not request Executive Agency views. The testimony provided by the U.S. Forest Service before the Subcommittee on Public Lands, Forests, and Mining hearing on October 8, 2015, follows:

STATEMENT OF GLENN CASAMASSA, ASSOCIATE DEPUTY CHIEF, NATIONAL FOREST SYSTEM, U.S. FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) regarding S. 1295, S. 1448, S. 1941, and S. 1942.

S. 1448, THE “FRANK MOORE WILD STEELHEAD SANCTUARY DESIGNATION ACT”

The Department supports S. 1448, which establishes the “Frank Moore Wild Steelhead Sanctuary”. The area proposed for designation (Steamboat Creek) represents the major spawning tributary for wild steelhead in the North Umpqua River, and serves as an important sanctuary for conservation and long term persistence of this highly valued fisheries resource. Scientific studies and data indicate this area provides an important thermal refuge for wild steelhead production in the basin. Its designation and associated watershed restoration activities will aid in promoting a resilient landscape for wild steelhead conservation into the future in the face of changing climate.

Frank Moore is a legendary fly angler, wild fish conservationist, and World War II veteran who stormed the beaches of Normandy, France in 1944 for the D-Day allied invasion. He survived and together with his wife of 70+ years, Jeanne, built and were the long-time proprietors of the world-renowned Steamboat Inn along the North Umpqua River. In 2010, Frank Moore was inducted into the
Fresh Water Fishing Hall of Fame, and is also featured in
the recent, critically acclaimed documentary “Mending the
Line.”

This designation is a tribute to Frank Moore and his
service to our country in more ways than one. In a TED
Talk last year (TEDxPortland, May 15, 2014), one of the
viewers commented: “Absolutely amazing . . . I am 19 and
my generation needs role models like this man.”

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 exist-
ing law are made by the bill as ordered reported.