OREGON RECREATION ENHANCEMENT ACT

MARCH 2, 2022.—Ordered to be printed

Mr. MANCHIN, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 1589]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1589), 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, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 1589 is 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, and 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.

BACKGROUND AND NEED

The Wild Rogue Wilderness Area was designated by Congress in 1978 (Public Law 95–237) and is located primarily on 28,100 acres of Forest Service land and includes approximately 8,600 acres of lands administered by the Bureau of Land Management (BLM). S.
S. 1589 would expand the existing Wild Rogue Wilderness Area by 59,512 acres of BLM and Forest Service land, most of which is re-vested Oregon and California Railroad Land.

S. 1589 designates two new recreation areas. The first, the Molalla Recreation Area, would consist of 29,884 acres of BLM land located on the banks of the Molalla River in rural Clackamas County, Oregon, adjacent to the existing Table Rock Wilderness Area. The second, the Rogue Canyon Recreation Area, would consist of 98,150 acres of BLM land on the banks of the Rogue River in southwestern Oregon.

Lastly, S. 1589 would permanently withdraw from mineral development more than 100,000 acres of National Forest System lands on the Rogue River-Siskiyou National Forest and BLM public lands in the Medford and Coos Bay Districts of the BLM. The lands are in Curry and Josephine Counties in southwestern Oregon. This area covered by the withdrawal includes the headwaters of several designated wild and scenic rivers near the Kalmiopsis Wilderness Area. In 2017, the BLM issued a 20-year mineral withdrawal for this area.

LEGISLATIVE HISTORY

Senators Wyden and Merkley introduced S. 1589 on May 12, 2021. The Subcommittee on Public Lands, Forests, and Mining held a hearing on this bill on October 19, 2021.

Senators Wyden and Merkley introduced similar legislation in the 116th Congress, S. 1262. The Subcommittee on Public Lands, Forests, and Mining held a hearing on the bill on May 14, 2019, and the Committee ordered the bill reported favorably with an amendment, on December 12, 2021. S. 1262 was reported with amendments and without a written report on December 18, 2019.

Senators Wyden and Merkley introduced similar legislation in the 115th Congress, S. 1548, the Oregon Wildland Act. The Subcommittee on Public Lands, Forests, and Mining held a hearing to consider the bill on July 26, 2017. The Committee ordered the bill reported favorably with an amendment in the nature of a substitute on October 2, 2018. The Committee reported the bill with an amendment in the nature of a substitute on December 6, 2018, and filed a written report, S. Rept. 115–439, on December 19, 2018.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on November 18, 2021, by a majority vote of a quorum present, recommends that the Senate pass S. 1589.

The roll call vote on reporting the measure was 12 yeas, 8 nays as follows:

<table>
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<tr>
<th>YEAS</th>
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<tbody>
<tr>
<td>Mr. Manchin</td>
<td>Mr. Barrasso</td>
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<tr>
<td>Mr. Wyden</td>
<td>Mr. Risch *</td>
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<td>Ms. Cantwell</td>
<td>Mr. Lee</td>
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<tr>
<td>Mr. Sanders</td>
<td>Mr. Hoeven *</td>
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<td>Mr. Heinrich</td>
<td>Mr. Lankford</td>
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<td>Ms. Hirono</td>
<td>Mr. Cassidy</td>
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<td>Mr. King</td>
<td>Mrs. Hyde-Smith *</td>
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<td>Ms. Cortez Masto</td>
<td>Mr. Marshall</td>
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Mr. Kelly
Mr. Hickenlooper
Mr. Daines
Ms. Murkowski *

*Indicates vote by proxy.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title
Section 1 provides the short title, the “Oregon Recreation Enhancement Act.”

Section 2. Definitions
Section 2 provides key definitions for the bill.

Section 3. Rogue Canyon and Molalla Recreation Areas, Oregon
Subsection (a) designates 98,150 acres of Bureau of Land Management (BLM) land as the Rogue Canyon Recreation Area and 29,884 acres of BLM land as the Molalla Recreation Area.

Subsection (b) requires the Secretary to prepare a map and legal description of each recreation area designated by subsection (a), and to make the maps and legal descriptions publicly available in an appropriate office of the BLM.

Subsection (c) sets forth the administration requirements for the recreation areas. The Secretary of the Interior shall manage the recreation areas in a manner that conserves, protects, and enhances the purposes for which they were established, allowing only those uses that are consistent with the purposes for which they were established.

The subsection requires the Secretary, in consultation with the Oregon Governor’s Council on Wildfire Response, to conduct a wildfire risk assessment of the recreation areas and wilderness areas designated by this Act, including adjacent Federal lands. Following completion of the wildfire risk assessment, the Secretary is required to develop a wildfire mitigation plan.

The subsection prohibits the construction of new or temporary roads, except as needed for public safety. Savings provisions makes clear that nothing in this section impacts the management of the Molalla Forest Road by the Secretary, or prohibits the Secretary from conducting vegetation and wildfire management projects within the designated recreation areas.

The subsection withdraws the recreation areas from entry, appropriation, and disposal under public land laws; location, entry, and patent under mining laws; and mineral and geothermal leasing laws, and includes language clarifying that nothing in this section creates a protective perimeter or buffer zone around the recreation areas.

Section 4. Expansion of Wild Rogue Wilderness Area
Section 4 expands the Wild Rogue Wilderness Area by adding 59,512 acres of National Forest and BLM lands, and requires the new wilderness to be managed in accordance with the Endangered American Wilderness Act (16 U.S.C. 1132 note).

The section authorizes the Secretaries to take measures within the wilderness additions to control fire, insects, and disease in ac-
cordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1131(d)(1)), and withdraws the wilderness additions from entry appropriation and disposal under public land laws; location, entry, and patent under mining laws; and disposition under mineral and geothermal leasing laws.

Finally the section includes a savings clause that nothing in this section modifies or alters treaty rights of Indian tribes.

Section 5. Withdrawal of Federal Land, Curry County and Josephine County, Oregon

Section 5 withdraws approximately 100,000 acres of Federal land in Josephine County, Oregon, from entry, appropriation, and disposal under public land laws; location, entry, and patent under mining laws; and mineral and geothermal leasing laws.

The section makes clear that except for the withdrawal provision, recreational uses, hunting, fishing, forest management activities or other authorized uses allowed on the eligible land on the date of enactment of the Act are not restricted by this section.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office has not estimated the costs of S. 1589 as passed by the Senate. The Committee has requested, but has not yet received, the Congressional Budget Office’s estimate of the cost of S. 1589 as ordered reported. When the Congressional Budget Office completes its cost estimate, it will be posted on the Internet at www.cbo.gov.

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. 1589. 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. 1589, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 1589, 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 October 19, 2021, hearing on S. 1589 follows:

STATEMENT OF STEVE FELDGUS, PH.D., DEPUTY ASSISTANT SECRETARY, LANDS AND MINERALS MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR

Thank you for the opportunity to testify on S. 1589, the Oregon Recreation Enhancement Act. S. 1589 would estab-
lish two new recreation areas encompassing nearly 130,000 acres of public lands managed by the Bureau of Land Management (BLM) and expand the Wild Rogue Wilderness by adding approximately 60,000 acres of BLM-managed lands in western Oregon. The bill would also withdraw approximately 101,000 acres of Federal lands managed by the U.S. Forest Service (USFS) and the BLM in southwestern Oregon from the operation of the public land, mining, and mineral and geothermal leasing laws.

President Biden’s Executive Order 14008, Tackling the Climate Crisis at Home and Abroad, recognizes the opportunities offered by America’s public lands and outlines a historic and ambitious challenge to conserve at least 30 percent of our lands and waters by 2030. Conservation can and should improve access for outdoor recreation, help protect the quality of our air and drinking water, increase resilience to the impacts of climate change, protect wildlife habitat, and support our economy, among other benefits. Our nation’s awe-inspiring landscapes are an economic engine, attracting visitors from around the globe to America’s public lands. According to the Bureau of Economic Analysis, outdoor recreation contributes an estimated $460 billion to the nation’s economy, with mayors and local leaders recognizing parks and open spaces as indispensable infrastructure for livable and prosperous communities. The Department welcomes the sponsor’s efforts to support outdoor recreation and wilderness designations to improve conservation and appreciation of our nation’s public lands, and we support S. 1589.

**MANAGEMENT OF BLM LANDS IN WESTERN OREGON**

More than 75 percent of Oregon’s population resides in its western region, which also boasts some of the most productive forest lands in the world. The forests of western Oregon are critical to sustainable fish and wildlife habitat, recreation, timber, clean water, and many other values that Americans hold dear.

The Oregon and California Revested Lands Sustained Yield Management Act of 1937 (O&C Lands Act) placed 2.4 million checkerboard acres of Oregon and California Railroad and Coos Bay Wagon Road grant lands (the O&C lands) under the jurisdiction of the Department. Under the O&C Lands Act, the Department manages the O&C lands for “the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities.” The Act also provides that the 18 O&C counties receive yearly payments equal to 50 or 75 percent of receipts from timber harvests on O&C lands in these counties. In addition to the O&C lands, the BLM manages approximately 212,000 acres of public domain forests and other acquired lands in western Oregon. These and other BLM-managed lands also provide outstanding recreational opportunities, with
over 5 million people visiting each year to enjoy hiking, camping, hunting, and fishing.

The Department manages these O&C lands, public domain forests, and other acquired lands under the 2016 Western Oregon Resource Management Plans (RMPs) and other applicable RMPs (such as the Cascade-Siskiyou National Monument RMP). The 2016 RMPs provide direction for the management of approximately 2.5 million acres of BLM-administered lands and offer opportunities for tourism, recreation, and timber harvest, while maintaining protections for the northern spotted owl, listed fish species, and water resources.

S. 1589, OREGON RECREATION ENHANCEMENT ACT

Rogue Canyon & Molalla Recreation Areas

Section 3 of S. 1589 establishes the Rogue Canyon Recreation Area on 98,000 acres of BLM-administered lands surrounding the banks of the Rogue River and overlapping Wild Rogue Wilderness. The Rogue River is well known for its challenging whitewater, steelhead and salmon fishery, rock-lined banks, and extraordinary wildlife viewing opportunities. The Department supports the establishment of the Rogue Canyon Recreation Area to improve conservation and appreciation of our public lands and waters.

The Molalla Recreation Area, also proposed for designation in Section 3, encompasses 30,000 acres of BLM-managed lands on the banks of the Molalla River, including over 5,700 acres of the Table Rock Wilderness. A remnant of a lava flow that once covered this region along the western foothills of the Cascades, the “fortress” of Table Rock stands at 4,881 feet. This rugged terrain provides habitat for the northern spotted owl, deer, elk, and endangered plants such as Oregon sullivantia and Gorman’s aster. The Department supports designation of the Molalla Recreation Area. Section 3 also withdraws Federal surface and subsurface lands within the recreation areas, subject to valid existing rights, from entry, appropriation, or disposal under the public land laws; location, entry, and patent under the mining laws; and disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

The BLM recognizes the importance of locally crafted recreation and conservation areas on public lands and waters and believes they can yield immense economic benefits. The BLM believes the most effective and enduring conservation strategies are those reflecting the priorities, needs, and perspectives of the families and communities that know, live, work, and care for the lands and waters. While we support the value of safeguarding these treasured lands for present and future generations, the BLM notes the recreation designations involve O&C lands within the harvest land base established under the 2016 RMPs. If S. 1589 is enacted, BLM would likely amend its
RMPs to account for the recreation orientation of the affected lands.

**Wild Rogue Wilderness Area Expansion**

Section 4 of S. 1589 would add approximately 60,000 acres of BLM-managed public lands to the existing 8,000-plus acres of BLM's Wild Rogue Wilderness in southwestern Oregon. These lands serve as habitat for a diversity of plant and animal life for forest-dependent species, including the northern spotted owl, Pacific salmon, steelhead trout, and green sturgeon, and provide important opportunities for fishing, rafting, boat tours, hiking and backpacking, and other forms of outdoor recreation in the forested mountains of southwestern Oregon. The Department supports the proposed expansion of the Wild Rogue Wilderness as it aligns with the Administration's conservation goals.

**Wildfire Risk Assessment & Mitigation Plan**

S. 1589 also directs the Secretary to complete a wildfire assessment of the recreation areas, Wild Rogue Wilderness, and adjacent Federal land in consultation with the Oregon Governor's Council on Wildfire Response. One year after completion of the wildfire assessment, the Department is directed to complete a wildfire mitigation plan addressing vegetation management, public evacuation routes, and outreach. The BLM notes wildfire risk assessment and fire and fuels management are currently addressed in the BLM's land use planning process. Additionally, the BLM works in close collaboration with the Pacific Northwest Wildfire Coordinating Group, an interagency assembly of five wildland fire agencies, two state forestry agencies, and two state fire marshal associations.

By working cooperatively, all partners can administer fire, fuels, and aviation programs in a manner that eliminates duplication, increases program efficiency, and capitalizes on the expertise of each organization's personnel. The BLM supports the sponsor's direction to pursue interagency networks to provide fire prevention services and fire safety information to the community.

**Withdrawal of Federal Lands in Curry & Josephine Counties**

S. 1589 would permanently withdraw 5,215 acres of BLM-managed public lands in the Coos Bay and Medford Districts and 95,806 acres of USFS-managed lands. The proposed withdrawal area includes the Klamath Mountains and the North Fork of the Smith River, which originates in the Kalmiopsis Wilderness and drains most of the area under consideration for withdrawal. Creeks feeding the North Fork and other rivers that flow to the Oregon Coast offer unique ecological features stemming from the confluence of the Coast Range, Cascades, and Siskiyou Mountains. A high concentration of rare plants, forested trails, and scenic views are all emblematic of these drain-
ages. Rough and Ready Creek and Baldface Creek are listed as eligible for National Wild and Scenic River designation by the USFS.

These lands were administratively withdrawn for 20 years by Public Land Order 7859 on December 30, 2016, for the purpose of protecting the lands while Congress considered a permanent legislative withdrawal. The Department supports permanent protection of these lands.

CONCLUSION

Thank you for the opportunity to testify in support of S. 1589, which would serve to provide opportunities for recreation while conserving pristine and unique natural areas in western Oregon.

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.