

Calendar No. 123

118TH CONGRESS
1ST SESSION

S. 440

[Report No. 118–51]

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

FEBRUARY 15, 2023

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

JULY 11, 2023

Reported by Mr. MANCHIN, without amendment

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 November
9 19, 2019, which is designated as the “Rogue Canyon
10 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) WILDFIRE RISK ASSESSMENT.—Not later
25 than 280 days after the date of enactment of this

1 Act, the Secretary, in consultation with the Oregon
2 Governor's Council on Wildfire Response, shall con-
3 duct a wildfire risk assessment that covers—

4 (A) the recreation areas designated by sub-
5 section (a);

6 (B) the Wild Rogue Wilderness; and

7 (C) any Federal land adjacent to an area
8 described in subparagraph (A) or (B).

9 (4) WILDFIRE MITIGATION PLAN.—

10 (A) IN GENERAL.—Not later than 1 year
11 after the date on which the wildfire risk assess-
12 ment is conducted under paragraph (3), the
13 Secretary shall develop a wildfire mitigation
14 plan, based on the wildfire risk assessment, that
15 identifies, evaluates, and prioritizes treatments
16 and other management activities that can be
17 implemented on the Federal land covered by the
18 wildfire risk assessment (other than Federal
19 land designated as a unit of the National Wil-
20 derness Preservation System) to mitigate wild-
21 fire risk to communities located near the appli-
22 cable Federal land.

23 (B) PLAN COMPONENTS.—The wildfire
24 mitigation plan developed under subparagraph
25 (A) shall include—

1 (i) vegetation management projects
 2 (including mechanical treatments to reduce
 3 hazardous fuels and improve forest health
 4 and resiliency);

5 (ii) evacuation routes for communities
 6 located near the applicable Federal land,
 7 which shall be developed in consultation
 8 with State and local fire agencies; and

9 (iii) strategies for public dissemination
 10 of emergency evacuation plans and routes.

11 (C) APPLICABLE LAW.—The wildfire miti-
 12 gation plan under subparagraph (A) shall be
 13 developed in accordance with—

14 (i) this section; and

15 (ii) any other applicable law.

16 (5) ROAD CONSTRUCTION.—

17 (A) IN GENERAL.—Except as provided in
 18 subparagraph (B) or as the Secretary deter-
 19 mines necessary for public safety, no new per-
 20 manent or temporary roads shall be constructed
 21 (other than the repair and maintenance of ex-
 22 isting roads) within a recreation area des-
 23 ignated by subsection (a).

24 (B) TEMPORARY ROADS.—Consistent with
 25 the purposes of this Act, the Secretary may

1 construct temporary roads within a recreation
2 area designated by subsection (a) to implement
3 the wildfire mitigation plan developed under
4 paragraph (4), unless the temporary road would
5 be within an area designated as a unit of the
6 National Wilderness Preservation System.

7 (C) 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 (6) EFFECT ON WILDFIRE MANAGEMENT.—
12 Nothing in this section alters the authority of the
13 Secretary (in cooperation with other Federal, State,
14 and local agencies, as appropriate) to conduct
15 wildland fire operations within a recreation area des-
16 ignated by subsection (a), consistent with the pur-
17 poses of this Act.

18 (7) WITHDRAWAL.—Subject to valid existing
19 rights, all Federal surface and subsurface land with-
20 in a recreation area designated by subsection (a) is
21 withdrawn from all forms of—

22 (A) entry, appropriation, or disposal under
23 the public land laws;

24 (B) location, entry, and patent under the
25 mining laws; and

1 (C) disposition under all laws pertaining to
 2 mineral leasing, geothermal leasing, or mineral
 3 materials.

4 (8) NO EFFECT ON WILDERNESS AREAS.—Any
 5 wilderness area located within a recreation area des-
 6 ignated by subsection (a) shall be administered in
 7 accordance with the Wilderness Act (16 U.S.C. 1131
 8 et seq.).

9 (d) ADJACENT MANAGEMENT.—Nothing in this sec-
 10 tion creates any protective perimeter or buffer zone
 11 around a recreation area designated by subsection (a).

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

13 (a) DEFINITIONS.—In this section:

14 (1) MAP.—The term “map” means the map en-
 15 titled “Rogue Canyon Recreation Area Wild Rogue
 16 Wilderness Additions” and dated November 19,
 17 2019.

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

21 (b) EXPANSION OF WILD ROGUE WILDERNESS
 22 AREA.—

23 (1) EXPANSION.—The approximately 59,512
 24 acres of Federal land in the State generally depicted
 25 on the map as “Proposed Wilderness” shall be

1 added to and administered as part of the Wild
2 Rogue Wilderness in accordance with the Endan-
3 gered American Wilderness Act of 1978 (16 U.S.C.
4 1132 note; Public Law 95–237), except that—

5 (A) the Secretary of the Interior and the
6 Secretary of Agriculture shall administer the
7 Federal land under their respective jurisdiction;
8 and

9 (B) any reference in that Act to the Sec-
10 retary of Agriculture shall be considered to be
11 a reference to the Secretary of Agriculture or
12 the Secretary of the Interior, as applicable.

13 (2) MAP; LEGAL DESCRIPTION.—

14 (A) IN GENERAL.—As soon as practicable
15 after the date of enactment of this Act, the Sec-
16 retary shall prepare a map and legal description
17 of the wilderness area designated by paragraph
18 (1).

19 (B) FORCE OF LAW.—The map and legal
20 description filed under subparagraph (A) shall
21 have the same force and effect as if included in
22 this section, except that the Secretary may cor-
23 rect typographical errors in the map and legal
24 description.

1 (C) PUBLIC AVAILABILITY.—The map and
2 legal description filed under subparagraph (A)
3 shall be on file and available for public inspec-
4 tion in the appropriate offices of the Bureau of
5 Land Management and Forest Service.

6 (3) FIRE, INSECTS, AND DISEASE.—The Sec-
7 retary may take such measures within the Wilder-
8 ness additions as the Secretary determines to be
9 necessary for the control of fire, insects, and disease,
10 in accordance with section 4(d)(1) of the Wilderness
11 Act (16 U.S.C. 1133(d)(1)).

12 (4) WITHDRAWAL.—Subject to valid existing
13 rights, the Wilderness additions are withdrawn from
14 all forms of—

15 (A) entry, appropriation, or disposal under
16 the public land laws;

17 (B) location, entry, and patent under the
18 mining laws; and

19 (C) disposition under all laws pertaining to
20 mineral leasing, geothermal leasing, or mineral
21 materials.

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

1 **SEC. 5. WITHDRAWAL OF FEDERAL LAND, CURRY COUNTY**
2 **AND JOSEPHINE COUNTY, OREGON.**

3 (a) DEFINITIONS.—In this section:

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

6 (A) any federally owned land or interest in
7 land depicted on the Maps as within the Hunter
8 Creek and Pistol River Headwaters Withdrawal
9 Proposal or the Rough and Ready and Baldface
10 Creeks Mineral Withdrawal Proposal; or

11 (B) any land or interest in land located
12 within such withdrawal proposals that is ac-
13 quired by the Federal Government after the
14 date of enactment of this Act.

15 (2) MAPS.—The term “Maps” means—

16 (A) the Bureau of Land Management map
17 entitled “Hunter Creek and Pistol River Head-
18 waters Withdrawal Proposal” and dated Janu-
19 ary 12, 2015; and

20 (B) the Bureau of Land Management map
21 entitled “Rough and Ready and Baldface
22 Creeks Mineral Withdrawal Proposal” and
23 dated January 12, 2015.

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

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

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

5 (3) operation under the mineral leasing and
6 geothermal leasing laws.

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

11 (d) EXISTING USES NOT AFFECTED.—Except with
12 respect to the withdrawal under subsection (b), nothing
13 in this section restricts recreational uses, hunting, fishing,
14 forest management activities, or other authorized uses al-
15 lowed on the date of enactment of this Act on the eligible
16 Federal land in accordance with applicable law.

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