

Calendar No. 622

114TH CONGRESS
2D SESSION

S. 1448

[Report No. 114-347]

To designate the Frank Moore Wild Steelhead Sanctuary in the State of Oregon.

IN THE SENATE OF THE UNITED STATES

MAY 21, 2015

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

SEPTEMBER 8, 2016

Reported by Ms. MURKOWSKI, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To designate the Frank Moore Wild Steelhead Sanctuary
in the State of Oregon.

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 “Frank Moore Wild
5 Steelhead Sanctuary Designation Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) Frank Moore has committed his life to fam-
4 ily, friends, his country, and fly fishing;

5 (2) Frank Moore is a World War II veteran
6 who stormed the beaches of Normandy along with
7 150,000 troops during the D-Day Allied invasion
8 and was awarded the Chevalier of the French Legion
9 of Honor for his bravery;

10 (3) Frank Moore returned home after the war,
11 started a family, and pursued his passion of fishing
12 on the winding rivers in Oregon;

13 (4) as the proprietor of the Steamboat Inn
14 along the North Umpqua River in Oregon for nearly
15 20 years, Frank Moore, along with his wife Jeanne,
16 shared his love of fishing, the flowing river, and the
17 great outdoors, with visitors from all over the United
18 States and the world;

19 (5) Frank Moore has spent most of his life fish-
20 ing the vast rivers of Oregon, during which time he
21 has contributed significantly to efforts to conserve
22 fish habitats and protect river health, including serv-
23 ing on the State of Oregon Fish and Wildlife Com-
24 mission;

25 (6) Frank Moore has been recognized for his
26 conservation work with the National Wildlife Fed-

1 eration Conservationist of the Year award, the Wild
 2 Steelhead Coalition Conservation Award, and his
 3 2010 induction into the Fresh Water Fishing Hall
 4 of Fame; and

5 (7) in honor of the many accomplishments of
 6 Frank Moore, both on and off the river, approxi-
 7 mately 104,000 acres of Forest Service land in Or-
 8 egon should be designated as the “Frank Moore
 9 Wild Steelhead Sanctuary”.

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

12 (1) MAP.—The term “Map” means the map en-
 13 titled “O&C Land Grant Act of 2014: Frank Moore
 14 Wild Steelhead Sanctuary” and dated November 3,
 15 2014.

16 (2) SANCTUARY.—The term “Sanctuary”
 17 means the Frank Moore Wild Steelhead Sanctuary
 18 designated by section 4(a).

19 (3) SECRETARY.—The term “Secretary” means
 20 the Secretary of Agriculture, acting through the
 21 Chief of the Forest Service.

22 (4) STATE.—The term “State” means the State
 23 of Oregon.

1 **SEC. 4. FRANK MOORE WILD STEELHEAD SANCTUARY, OR-**
2 **EGON.**

3 (a) **DESIGNATION.**—The approximately 104,000
4 acres of Forest Service land in the State, as generally de-
5 picted on the Map, is designated as the “Frank Moore
6 Wild Steelhead Sanctuary”.

7 (b) **MAP; LEGAL DESCRIPTION.**—

8 (1) **IN GENERAL.**—As soon as practicable after
9 the date of enactment of this Act, the Secretary
10 shall prepare a map and legal description of the
11 Sanctuary.

12 (2) **FORCE OF LAW.**—The map and legal de-
13 scription prepared under paragraph (1) shall have
14 the same force and effect as if included in this Act,
15 except that the Secretary may correct clerical and
16 typographical errors in the map and legal descrip-
17 tion.

18 (3) **AVAILABILITY.**—The map and legal descrip-
19 tion prepared under paragraph (1) shall be on file
20 and available for public inspection in the appropriate
21 offices of the Forest Service.

22 (c) **ADMINISTRATION.**—Subject to valid existing
23 rights, the Sanctuary shall be administered by the Sec-
24 retary—

1 (1) in accordance with all laws (including regu-
2 lations) applicable to the National Forest System;
3 and

4 (2) in a manner that—

5 (A) protects, preserves, and enhances the
6 natural character, scientific use, and the botan-
7 ical, recreational, ecological, fish and wildlife,
8 scenic, drinking water, and cultural values of
9 the Sanctuary;

10 (B) protects and seeks to enhance the wild
11 salmonid resources of the Sanctuary;

12 (C) maintains or enhances the watershed
13 as a thermal refuge for wild salmonids; and

14 (D) preserves opportunities for primitive
15 recreation.

16 (d) FISH AND WILDLIFE.—Nothing in this section
17 affects the jurisdiction or responsibilities of the State with
18 respect to fish and wildlife in the State.

19 (e) ADJACENT MANAGEMENT.—Nothing in this sec-
20 tion creates any protective perimeter or buffer zone
21 around the Sanctuary.

22 (f) PROTECTION OF TRIBAL RIGHTS.—Nothing in
23 this section diminishes any treaty rights of an Indian
24 tribe.

1 (g) ~~WITHDRAWAL.~~—Subject to valid existing rights,
2 the Federal land within the boundaries of the Sanctuary
3 river segments designated by subsection (a) is withdrawn
4 from all forms of—

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

7 (2) location, entry, and patent under the mining
8 laws; and

9 (3) disposition under all laws relating to min-
10 eral and geothermal leasing or mineral materials.

11 (h) ~~USES.~~—The Secretary shall only allow uses of the
12 Sanctuary that are consistent with the purposes and val-
13 ues for which the Sanctuary is established.

14 (i) ~~USE OF MOTORIZED VEHICLES.~~—

15 (1) ~~IN GENERAL.~~—Except as provided in para-
16 graph (2), the use of motorized vehicles within the
17 Sanctuary shall be limited to roads allowed by the
18 Secretary for the use of motorized vehicles.

19 (2) ~~OFF-ROAD VEHICLE USE.~~—Notwithstanding
20 paragraph (1), the Secretary may allow off-road ve-
21 hicle use in designated portions of the Sanctuary if
22 the use is consistent with the purposes and values
23 for which the Sanctuary was designated.

24 (j) ~~ROADS.~~—

1 (1) IN GENERAL.—The Secretary, to the max-
2 imum extent practicable, shall decrease the total
3 mileage of system roads that are operational in the
4 Sanctuary to a quantity less than the quantity of
5 mileage in existence on the date of enactment of this
6 Act.

7 (2) PRIORITY.—The Secretary shall prioritize
8 decreasing the mileage of the road network in the
9 Sanctuary to reduce impacts to water quality from
10 sediment delivered to streams by forest roads.

11 (3) TEMPORARY ROADS.—If the Secretary con-
12 structs a temporary road as part of a vegetation
13 management project, the Secretary shall close and
14 decommission the temporary road not later than the
15 earlier of—

16 (A) the date that is 2 years after the date
17 on which the activity for which the temporary
18 road was constructed is completed; and

19 (B) the date that is 1 year after the date
20 on which the vegetation management project is
21 completed.

22 (4) NO NEW ROADS.—The Secretary shall pro-
23 hibit—

24 (A) any new system or nonsystem road
25 within the Sanctuary and key watersheds under

1 the plan entitled “Northwest Forest Plan 1994
 2 Record of Decision for Amendments to Forest
 3 Service and Bureau of Land Management Plan-
 4 ning Documents Within the Range of the
 5 Northern Spotted Owl” after the date of enact-
 6 ment of this Act, except as the Secretary deter-
 7 mines to be necessary, if the Secretary deter-
 8 mines that no practicable alternative exists, and
 9 subject to the availability of appropriations; and
 10 (B) the construction of any new road in
 11 any roadless area in the Sanctuary.

12 **SECTION 1. SHORT TITLE.**

13 *This Act may be cited as the “Frank Moore Wild*
 14 *Steelhead Special Management Area Designation Act”.*

15 **SEC. 2. FINDINGS.**

16 *Congress finds that—*

17 *(1) Frank Moore has committed his life to fam-*
 18 *ily, friends, his country, and fly fishing;*

19 *(2) Frank Moore is a World War II veteran who*
 20 *stormed the beaches of Normandy along with 150,000*
 21 *troops during the D-Day Allied invasion and was*
 22 *awarded the Chevalier of the French Legion of Honor*
 23 *for his bravery;*

1 (3) *Frank Moore returned home after the war,*
2 *started a family, and pursued his passion of fishing*
3 *on the winding rivers in Oregon;*

4 (4) *as the proprietor of the Steamboat Inn along*
5 *the North Umpqua River in Oregon for nearly 20*
6 *years, Frank Moore, along with his wife Jeanne,*
7 *shared his love of fishing, the flowing river, and the*
8 *great outdoors, with visitors from all over the United*
9 *States and the world;*

10 (5) *Frank Moore has spent most of his life fish-*
11 *ing the vast rivers of Oregon, during which time he*
12 *has contributed significantly to efforts to conserve fish*
13 *habitats and protect river health, including serving*
14 *on the State of Oregon Fish and Wildlife Commission;*

15 (6) *Frank Moore has been recognized for his con-*
16 *servations work with the National Wildlife Federation*
17 *Conservationist of the Year award, the Wild Steelhead*
18 *Coalition Conservation Award, and his 2010 induc-*
19 *tion into the Fresh Water Fishing Hall of Fame; and*

20 (7) *in honor of the many accomplishments of*
21 *Frank Moore, both on and off the river, approxi-*
22 *mately 99,653 acres of Forest Service land in the*
23 *State of Oregon should be designated as the “Frank*
24 *Moore Wild Steelhead Special Management Area”.*

1 **SEC. 3. DEFINITIONS.**

2 *In this Act:*

3 (1) *MAP.*—*The term “Map” means the map enti-*
 4 *tled “Frank Moore Wild Steelhead Special Manage-*
 5 *ment Area Designation Act” and dated June 23,*
 6 *2016.*

7 (2) *SECRETARY.*—*The term “Secretary” means*
 8 *the Secretary of Agriculture, acting through the Chief*
 9 *of the Forest Service.*

10 (3) *SPECIAL MANAGEMENT AREA.*—*The term*
 11 *“Special Management Area” means the Frank Moore*
 12 *Wild Steelhead Special Management Area designated*
 13 *by section 4(a).*

14 (4) *STATE.*—*The term “State” means the State*
 15 *of Oregon.*

16 **SEC. 4. FRANK MOORE WILD STEELHEAD SPECIAL MANAGE-**
 17 **MENT AREA, OREGON.**

18 (a) *DESIGNATION.*—*The approximately 99,653 acres of*
 19 *Forest Service land in the State, as generally depicted on*
 20 *the Map, is designated as the “Frank Moore Wild Steelhead*
 21 *Special Management Area”.*

22 (b) *MAP; LEGAL DESCRIPTION.*—

23 (1) *IN GENERAL.*—*As soon as practicable after*
 24 *the date of enactment of this Act, the Secretary shall*
 25 *prepare a map and legal description of the Special*
 26 *Management Area.*

1 (2) *FORCE OF LAW.*—*The map and legal descrip-*
2 *tion prepared under paragraph (1) shall have the*
3 *same force and effect as if included in this Act, except*
4 *that the Secretary may correct clerical and typo-*
5 *graphical errors in the map and legal description.*

6 (3) *AVAILABILITY.*—*The map and legal descrip-*
7 *tion prepared under paragraph (1) shall be on file*
8 *and available for public inspection in the appropriate*
9 *offices of the Forest Service.*

10 (c) *ADMINISTRATION.*—*Subject to valid existing rights,*
11 *the Special Management Area shall be administered by the*
12 *Secretary—*

13 (1) *in accordance with all laws (including regu-*
14 *lations) applicable to the National Forest System;*
15 *and*

16 (2) *in a manner that—*

17 (A) *conserves and enhances the natural*
18 *character, scientific use, and the botanical, rec-*
19 *reational, ecological, fish and wildlife, scenic,*
20 *drinking water, and cultural values of the Spe-*
21 *cial Management Area;*

22 (B) *maintains and seeks to enhance the*
23 *wild salmonid habitat of the Special Manage-*
24 *ment Area;*

1 (C) maintains or enhances the watershed as
2 a thermal refuge for wild salmonids; and

3 (D) preserves opportunities for recreation,
4 including primitive recreation.

5 (d) *FISH AND WILDLIFE*.—Nothing in this section af-
6 fects the jurisdiction or responsibilities of the State with
7 respect to fish and wildlife in the State.

8 (e) *ADJACENT MANAGEMENT*.—Nothing in this sec-
9 tion—

10 (1) creates any protective perimeter or buffer
11 zone around the Special Management Area; or

12 (2) modifies the applicable travel management
13 plan for the Special Management Area.

14 (f) *WILDFIRE MANAGEMENT*.—Nothing in this section
15 prohibits the Secretary, in cooperation with other Federal,
16 State, and local agencies, as appropriate, from conducting
17 wildland fire operations in the Special Management Area,
18 consistent with the purposes of this Act, including the use
19 of aircraft, machinery, mechanized equipment, fire breaks,
20 backfires, and retardant.

21 (g) *VEGETATION MANAGEMENT*.—Nothing in this sec-
22 tion prohibits the Secretary from conducting vegetation
23 management projects within the Special Management Area
24 in a manner consistent with—

25 (1) the purposes described in subsection (c); and

1 (2) *the applicable forest plan.*

2 (h) *PROTECTION OF TRIBAL RIGHTS.—Nothing in this*
 3 *section diminishes any treaty rights of an Indian tribe.*

4 (i) *WITHDRAWAL.—Subject to valid existing rights, the*
 5 *Federal land within the boundaries of the Special Manage-*
 6 *ment Area river segments designated by subsection (a) is*
 7 *withdrawn from all forms of—*

8 (1) *entry, appropriation, or disposal under the*
 9 *public land laws;*

10 (2) *location, entry, and patent under the mining*
 11 *laws; and*

12 (3) *disposition under all laws relating to min-*
 13 *eral and geothermal leasing or mineral materials.*

Amend the title so as to read: “A bill to designate the Frank Moore Wild Steelhead Special Management Area in the State of Oregon.”.

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A BILL

To designate the Frank Moore Wild Steelhead
Sanctuary in the State of Oregon.

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Reported with an amendment and an amendment to the
title