



**To:** House Committee on Natural Resources Republican Members  
**From:** House Committee on Natural Resources Republican Staff; Aniela Butler ([Aniela@mail.house.gov](mailto:Aniela@mail.house.gov)), Brandon Miller ([Brandon.Miller@mail.house.gov](mailto:Brandon.Miller@mail.house.gov)), and Shelley McGinnis ([Shelley.McGinnis@mail.house.gov](mailto:Shelley.McGinnis@mail.house.gov))  
**Date:** May 9, 2022  
**Subject:** Hybrid Legislative Hearing on Four Bills

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The Subcommittee on National Parks, Forests, and Public Lands will hold a hybrid legislative hearing on four bills: H.R. 279 (Rep. Gallego), “Roadless Area Conservation Act of 2021”; H.R. 7329 (Rep. Huffman), “Smith River National Recreation Area Expansion Act”; H.R. 7399 (Rep. Comer), “Land Between the Lakes Recreation and Heritage Act”; and H.R. 7665 (Rep. Blumenauer), “Mt. Hood and Columbia River Gorge Recreation Enhancement and Conservation Act of 2022” on **Wednesday, May 11, 2022, at 2:00 p.m.** in 1324 Longworth House Office Building and via Cisco WebEx.

Republican Members are encouraged to take advantage of the opportunity to participate in person from the hearing room.

Member offices are requested to notify Brandon Miller ([Brandon.Miller@mail.house.gov](mailto:Brandon.Miller@mail.house.gov)) **no later than Tuesday, May 10, at 4:30 p.m.** if their Member intends to participate in person in the hearing room or remotely via his/her laptop from another location. Submissions for the hearing record must be submitted through the Committee’s electronic repository at [HNRCDocs@mail.house.gov](mailto:HNRCDocs@mail.house.gov). Please contact David DeMarco ([David.DeMarco@mail.house.gov](mailto:David.DeMarco@mail.house.gov)) or Everett Winnick ([Everett.Winnick@mail.house.gov](mailto:Everett.Winnick@mail.house.gov)) should any technical difficulties arise.

## I. KEY MESSAGES

- As the West braces for another catastrophic wildfire season, Democrats are doubling down on the failed strategy of locking up our federal lands and throwing away the key through restrictive roadless, wilderness, and wild and scenic river designations.
- Codifying burdensome and controversial regulations like the Roadless Rule ignores states’ rights and will permanently turn 58 million acres of National Forest System lands into de-facto wilderness. It would also cause more catastrophic wildfires, as recent research shows that most of the largest fires that burned on federal lands in the last several years began in roadless areas.

- Restrictive land use designations don't just imperil active, scientific forest management. The designations also hinder fire suppression efforts by shutting off vital access for wildland firefighters and limit outdoor recreation opportunities such as hunting and fishing for sportsmen and women who depend on reliable roads to access our national forests.

## II. WITNESSES

### Panel I:

- **Representative Earl Blumenauer**, Oregon, 3<sup>rd</sup> Congressional District
- **Representative James Comer**, Kentucky, 1<sup>st</sup> Congressional District
- **Representative Ruben Gallego**, Arizona, 7<sup>th</sup> Congressional District
- **Representative Jared Huffman**, California, 2<sup>nd</sup> Congressional District

### Panel II:

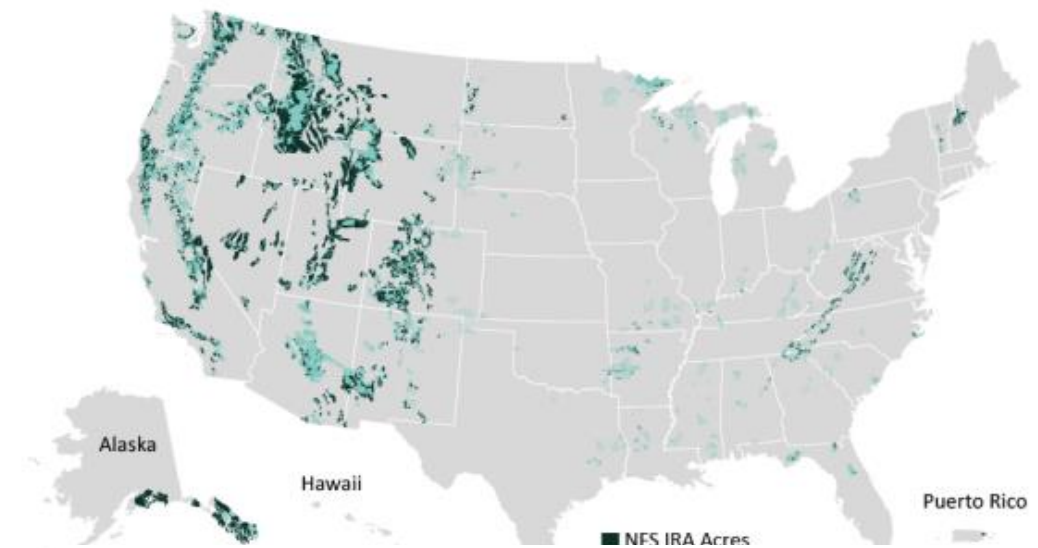
- **Mr. Chris French**, Deputy Chief, National Forest System, U.S. Department of Agriculture Forest Service

### Panel III:

- **Mr. Richard Lunt**, Chairman and Supervisor District 3, Greenlee County, Arizona (H.R. 279) [*Republican witness*]
- **Dr. Thomas O'Keefe, PhD**, Director, Pacific Northwest Stewardship, American Whitewater (H.R. 279)
- **Mr. Grant Werschull**, Co-Executive Director, Smith River Alliance (H.R. 7329)
- **Mr. Robert Brunoe**, General Manager of the Branch of Natural Resources & Tribal Historic Preservation Officer, Confederated Tribes of Warm Springs (H.R. 7665)

## III. BACKGROUND

**H.R. 279 (Gallego)** Under the Wilderness Act (16 U.S.C. 1131 et seq.), the U.S. Forest Service (USFS) manages roughly 58.2 million acres of National Forest System lands (or roughly 30 percent of all USFS lands) as “inventoried roadless areas” (IRAs), which are roughly equivalent to Wilderness Study Areas on Bureau of Land



Source: Congressional Research Service

Management lands.<sup>1</sup> While IRAs are not part of the National Wilderness Preservation System, certain activities such as road construction and timber harvesting are similarly restricted, with limited exceptions.<sup>2</sup> However, there is no comprehensive data that shows these exceptions are being utilized, leaving timber harvesting and road construction as de-facto banned in IRAs.<sup>3</sup> IRAs are predominantly located in the West, with more 96 percent of all IRAs located in just 12 western states.<sup>4</sup> When combined with the 111 million acres of lands classified as wilderness, over 169 million acres of USFS land are off-limits to active management.<sup>5</sup>

IRAs were formally created in 2001 during an administrative rulemaking process initiated by the Clinton administration (known as the “2001 Rule”).<sup>6</sup> Prior to this, the USFS spent several decades managing these areas as “wilderness areas,” “primitive areas,” or “wild areas” at the local forest-level through individual land management plans.<sup>7</sup> President Clinton’s 2001 Rule significantly changed the USFS’s longstanding policy regarding the management of roadless areas by mandating systemwide prohibitions that banned road construction and reconstruction and cutting, selling, or removing any timber with limited exceptions.<sup>8</sup> These new blanket bans implemented in the 2001 Rule supplanted the existing management prescriptions for roadless areas created through individual land management plans.<sup>9</sup> In 2005, President George W. Bush later amended the 2001 Roadless Rule (2005 Rule) to give states greater say in IRAs.<sup>10</sup> Utilizing the provisions in the 2005 Rule, Colorado and Idaho successfully submitted requests for state-specific roadless area rulemakings.<sup>11</sup> Both state-specific rules included limitations on timber harvesting, road construction, and reconstruction, however, they also addressed items not mentioned in the 2001 Rule, such as energy and mineral development, wildfires, fish habitat, and surface occupancy.<sup>12</sup> Both the Clinton and Bush regulations were heavily litigated. However, the Clinton policy to prohibit many activities on roadless areas remained intact after the Supreme Court refused to review a lower court’s 2012 decision striking down the Bush Roadless Rule.<sup>13</sup>

More recently, the fight over the Roadless Rule has taken place up north in Alaska. The 2001 Rule created enormous IRAs in Alaska, including 9.7 million acres in the Tongass National Forest and 5.4 million acres in the Chugach National Forest.<sup>14</sup> In total, IRAs in Alaska comprise

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<sup>1</sup> Congressional Research Service, “Federal Lands and Related Resources: Overview and Selected Issues for the 116th Congress.” Katie Hoover, April 25, 2019, <https://www.crs.gov/Reports/R43429?source=search&guid=954916e1bf18467b9cded7490958723b&index=0>.

<sup>2</sup> Exceptions include public safety in case dangers like wildfires, improvement of habitat/ecosystem, and small diameter timber harvesting if it improves roadless characteristics. Congressional Research Service, “Forest Service Inventoried Roadless Areas (IRAs)” Katie Hoover, August 28, 2020, <https://www.crs.gov/Reports/R46504?source=search&guid=bdb74457ae7d4fcd925ed39ce11bcffe&index=1>

<sup>3</sup> *Id.*

<sup>4</sup> Congressional Research Service, “Forest Service Inventoried Roadless Areas (IRAs)” Katie Hoover, August 28, 2020, <https://www.crs.gov/Reports/R46504?source=search&guid=bdb74457ae7d4fcd925ed39ce11bcffe&index=1>

<sup>5</sup> Congressional Research Service, “Wilderness: Overview, Management, and Statistics,” Katie Hoover & Anne Riddle, July 24, 2019, <https://crsreports.congress.gov/product/pdf/RL/RL31447>

<sup>6</sup> 36 C.F.R. Part 294, “Roadless Area Conservation” final rule (Jan. 12, 2001), 66 Fed. Reg. 3244.

<sup>7</sup> *Id.*

<sup>8</sup> The Western Forestry Leadership Coalition, “Background Information on Wilderness and Roadless Area Evaluation” [http://www.thewflc.org/news\\_pdf/138\\_pdf.pdf](http://www.thewflc.org/news_pdf/138_pdf.pdf)

<sup>9</sup> *Id.*

<sup>10</sup> Congressional Research Service, “Forest Service Inventoried Roadless Areas (IRAs)” Katie Hoover, August 28, 2020, <https://www.crs.gov/Reports/R46504?source=search&guid=bdb74457ae7d4fcd925ed39ce11bcffe&index=1>

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> Congressional Research Service, “Federal Lands and Related Resources: Overview and Selected Issues for the 116th Congress.” Katie Hoover, April 25, 2019, <https://www.crs.gov/Reports/R43429?source=search&guid=954916e1bf18467b9cded7490958723b&index=0>.

<sup>14</sup> Congressional Research Service, “The Alaska Roadless Rule: Eliminating Inventoried Roadless Areas (IRAs) in the Tongass National Forest” Anne Riddle, February 3, 2021, <https://www.crs.gov/Reports/R46505?source=search&guid=b969f016e4164842ac6edac25affb5e8&index=0>

25 percent of all IRAs nationwide.<sup>15</sup> The State of Alaska consistently opposed the 2001 Rule and, in 2018, petitioned the Trump administration to create an Alaska-specific Roadless Rule, similar to the existing Idaho and Colorado rules.<sup>16</sup> Governor Walker also issued an Administrative Order to form the Alaska Roadless Rule Citizen Advisory Committee, which consisted of local Alaskan stakeholder groups and industries.<sup>17</sup> The Trump administration, following an extensive review process that included 38 public meetings, published a final rule on October 29, 2020, that fully exempted the Tongass National Forest from the 2001 Rule.<sup>18</sup> This exemption would not authorize any ground-disturbing activities, but rather decisions regarding timber harvesting, road construction, and roadless area management would be made through the forest's land management planning process.<sup>19</sup> In November 2021, the Biden administration decided to roll back this rule and started the formal process to reinstate the 2001 Rule prohibitions back onto the Tongass National Forest.<sup>20</sup>

H.R. 279 would codify President Clinton's 2001 Rule, while leaving in place the Idaho and Colorado rules. H.R. 279 would create serious issues for forest management and fire suppression, state flexibility and independence, and outdoor recreation and access.

First, permanently codifying IRA prohibitions will exacerbate the catastrophic wildfire crisis by not only making it more difficult to manage our national forests, but also by making it more difficult for wildland firefighters to get to where the fires are to fight them. Recent research shows that "an area equivalent to approximately one-third of roadless areas burned in the last three decades, while an area equivalent to less than one-fifth of roaded areas experienced fires" despite the fact that roadless areas are "generally [in] cooler, moister, and higher elevation landscapes less conducive to fire."<sup>21</sup> Even more concerning is that fact that the largest fires that burned on national forest land in recent years began in roadless areas.<sup>22</sup> Wildland firefighters depend on reliable roads in order to travel to where these fires are located; without access, wildland firefighter operations must rely on more costly air support.

Second, this misguided proposal would make permanent top-down prohibitions that have trampled states' rights for more than 20 years. Codifying the 2001 Rule would remove flexibility for any states, like Alaska, that are interested in pursuing a state-specific rulemaking. Further, the language would codify the Idaho and Colorado rules as is, which were finalized in 2008 and 2016, respectively. These states would never be able to update their rules, creating serious issues with the future flexibility of these rules.

Lastly, roads are critical to accessing the millions of acres of National Forest System lands for outdoor recreation, including hunting and fishing. While some sportsmen and women do enjoy rugged wilderness terrain, only the youngest and most able-bodied sportsmen and women are

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<sup>15</sup> *Id.*

<sup>16</sup> State of Alaska, "Petition for USDA Rulemaking to Exempt the Tongass National Forest from Application of the Roadless Rule and Other Actions" January 19, 2018, [https://www.fs.usda.gov/nfs/11558/www/nepa/109834\\_FSPLT3\\_4406959.pdf](https://www.fs.usda.gov/nfs/11558/www/nepa/109834_FSPLT3_4406959.pdf)

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> 86 Fed. Reg. 66498 "Special Areas; Roadless Area Conservation; National Forest System Lands in Alaska" November 23, 2021.

<sup>21</sup> Environ, "Does conserving roadless wildland increase wildfire activity in western US national forests?" James D. Johnston et al 2021, <https://iopscience.iop.org/article/10.1088/1748-9326/ac13ee/pdf>.

<sup>22</sup> *Id.*

able to access these locations. Roads play a critical role in ensuring all Americans can access their public lands. **Staff contact: Brandon Miller (x5-7611)**

### **H.R. 7329 (Huffman)**

H.R. 7329 would expand the existing Smith River National Recreation Area (NRA) in California into Oregon by adding 58,000 acres.<sup>23</sup> The bill would also add 74 miles of new wild and scenic river segments to the Smith River in Oregon and authorize the USFS to acquire 555 acres of new land in Oregon. The USFS currently manages the 305,337-acre Smith River NRA in northern California to provide outdoor recreation opportunities such as hiking, mountain biking, fishing, and white-water rafting. H.R. 7329 would mandate that the Oregon-portion of the NRA be managed to promote white water recreation and roadless backcountry characteristics.

A major feature of the NRA is the Smith River, which is one of the largest, single, undammed river systems in the United States.<sup>24</sup> Approximately 325 miles of the Smith River and its tributaries are currently part of the National Wild and Scenic Rivers System.<sup>25</sup> This bill would amend the Wild and Scenic Rivers Act to add approximately 74 miles of new wild and scenic segments to the Smith River and establish restrictive “streamside protection zones” that limit forest management activities. Finally, the bill would also require the USFS to acquire 555 acres of land known as the Cedar Creek Parcel in Oregon upon the adoption of a resolution by the State Land Board of Oregon. This parcel is currently managed by the Oregon Department of State Lands (DSL) for the Common School Trust Fund and any proceeds from timber harvest or sale of the parcel would go into a trust for distribution to Oregon schools. However, the State has no plans to conduct timber harvest and the DSL’s 2006 Asset Management Plan listed this parcel for evaluation for potential disposal.<sup>26</sup>

H.R. 7329 doubles down on restrictive land management designations at a time when the USFS must focus on increasing the pace and scale of active forest management treatments across the West. Just last year, Oregon experienced one of the worst wildfires in their history with the Bootleg Fire, which burned an area equivalent to half the size of Rhode Island and created its own weather system with “fire-nados.”<sup>27</sup> New, restrictive designations that limit active forest management will make it harder to conduct necessary forest treatments, as called for by the USFS’s recently announced 10-year strategy to combat the wildfire crisis.<sup>28</sup> Further, adding new federal land will put additional strain on limited agency resources. This will make it more difficult for the agency to focus on managing what it already owns and reducing its deferred maintenance backlog. **Staff contact: Shelley McGinnis (x5-6248)**

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<sup>23</sup> Representative Jared Huffman, “Huffman, DeFazio Push to Expand Smith River National Recreation Area to Include Oregon,” March 31, 2022, <https://huffman.house.gov/media-center/press-releases/huffman-defazio-push-to-expand-smith-river-national-recreation-area-to-include-oregon>

<sup>24</sup> Redwood Parks Conservancy in cooperation with the U.S. Forest Service, Six Rivers National Forest, “Smith River National Recreation Area Map & Guide,” January 2019, [https://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/fseprd776582.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd776582.pdf).

<sup>25</sup> National Wild and Scenic Rivers System, River Mileage Classifications for Components of the April 2019 National Wild and Scenic Rivers System, page 9, <https://www.rivers.gov/documents/rivers-table.pdf>.

<sup>26</sup> California Wilderness Coalition, “Smith Wild & Scenic River,” <https://www.calwild.org/portfolio/fact-sheet-smith-wild-scenic-river/>.

<sup>27</sup> State of Oregon Department of Environmental Quality, “July 11-13, 2017, Oregon Environmental Quality Commission meeting Rulemaking, Action item P.”

<sup>28</sup> The Associated Press, “Bootleg Fire tops 400,000 acres, but crews make good progress, now 40% contained,” July 23, 2021.

<https://ktvz.com/news/fire-alert/2021/07/23/bootleg-fire-tops-400000-acres-but-crews-make-good-progress-now-40-contained/>

<sup>28</sup> U.S. Forest Service, “Confronting the Wildfire Crisis,” January 2022, <https://www.fs.usda.gov/managing-land/wildfire-crisis>.

### H.R. 7399 (Comer)



Source: [landbetweenthelakes.com](http://landbetweenthelakes.com)

Spanning 40 miles across the Kentucky-Tennessee border, the Land Between the Lakes National Recreation Area (LBL) is the largest inland peninsula in the United States.<sup>29</sup> The LBL includes over 170,000 acres located between Lake Barkley and Kentucky Lake.<sup>30</sup> Originally known as the “land between the rivers” because of its position between the Tennessee and Cumberland Rivers, its name changed after two dams were built in the 1940s and 1960s, changing the flow of the rivers.<sup>31</sup> This dam construction also resulted in thousands of people moving from their homes previously located in the LBL.<sup>32</sup> In 1963, the Kennedy administration established the area as an NRA originally managed by the Tennessee Valley Authority (TVA).<sup>33</sup> In 1998, Congress passed the Land Between the Lakes Protection Act, transferring management of the area to the USFS.<sup>34</sup> Today, LBL is a very popular spot for visitors and locals, offering a wide variety outdoor recreation activities including camping, fishing, boating, hiking, and water sports.<sup>35</sup> There are also licensed hunts for deer, turkey, and other small game animals throughout the year.<sup>36</sup>

H.R.7399 would improve recreational opportunities in the LBL and provide greater local control and transparency over the management of the area. The bill would establish the LBL as a separate unit of the National Forest System and expand the Land Between the Lakes Advisory Board to ensure better representation and input from local stakeholders. The bill would encourage the USFS to enter into a memorandum of understanding with state and local entities to clarify jurisdictional issues, like policing, to address law enforcement needs in the LBL. The bill would also provide support to the families of former LBL residents by clarifying definitions with respect to their status and expanding their access to cemeteries within the LBL’s boundaries. Finally, this bill includes an annual authorization of appropriations of \$8 million and specifies that user fees collected at the site be used for deferred maintenance projects at LBL. **Staff contact: Brandon Miller (x5-7611)**

<sup>29</sup> Roots Rated, “The Story Behind Land Between the Lakes: America’s Largest Inland Peninsula” Toni Riley, July 21, 2017.

<https://rootsrated.com/stories/the-story-behind-land-between-the-lakes-america-s-largest-inland-peninsula>

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> Four Rivers Explorer, “The Life and Death of Golden Pond, Kentucky” October 24, 2016, <https://www.fourriversexplorer.com/golden-pond-kentucky/>

<sup>33</sup> *Id.*

<sup>34</sup> PUBLIC LAW 105–277

<sup>35</sup> United States Forest Service, “Visit Land Between the Lakes National Recreation Area”, <https://landbetweenthelakes.us/about/>

<sup>36</sup> *Id.*

## H.R. 7665 (Blumenauer)

H.R. 7665 would designate thousands of acres of new wilderness, significantly expand the Mt. Hood NRA and designate new wild and scenic rivers. It also contains numerous provisions affecting management of the Mt. Hood National Forest. The Mt. Hood National Forest consists of more than a million acres of forested mountains, lakes, and streams, including Oregon's highest summit, Mt. Hood with an elevation of 11,240 feet.

Specifically, the bill would add 7,580 acres of new wilderness designations to the Mt. Hood and Salmon-Huckleberry Wilderness, increase the Mt. Hood NRA from 34,550 acres to 349,877 acres (a more than 912 percent increase), and add 92.9 miles of new wild and scenic river designations. These designations are particularly significant and concerning as approximately one third of the Mt. Hood National Forest (311,448 acres) is currently designated as wilderness.<sup>37</sup> In addition, 118,000 acres in the forest are IRAs, which heavily restrict active management. These designations have created extreme limitations on management, resulting in several recent catastrophic wildfires. In the last two years alone, nearly 20 percent of the Mt. Hood National Forest burned, including more than 100,000 acres in the 2020 Labor Day fires and an additional 85,000 acres in the 2020 White River fire.<sup>38</sup>

In addition to these restrictive designations, the bill would add one or more “Indian Treaty Resources Emphasis Zones” (Zones) consisting of any area within the National Forest for which the Confederated Tribes of the Warm Springs Reservation of Oregon and the Secretary of Agriculture enter into a memorandum of understanding to protect and enhance Treaty resources or to protect the Tribe’s Reservation from wildfire. One of the stated purposes of these Zones is to enable a co-management strategy between the USFS and the Tribe. This may prove challenging to implement, however, as “co-management” is subject to varied interpretations and applications. This bill would also withdraw, subject to valid existing rights, all public land within a Zone, and all land and interests in land acquired by the United States, from all forms of mineral development and geothermal leasing. The proposed withdrawal is in direct conflict with the Biden administration’s goal of expanding U.S. renewable energy capacity since it would prohibit geothermal leasing and the development of critical minerals needed to support clean energy.

Concerningly, regional stakeholders raised serious questions about this legislation and its management implications for the Mt. Hood National Forest. In a recent letter, the American Forest Resource Council (AFRC) argued that the proposed legislation would add new, restrictive land designations to dynamic, fire-prone forest ecosystems that “often limit - or explicitly prohibit (wilderness) - active forest management such as thinning, timber harvests, road maintenance, and aggressive suppression of wildfires that contribute to the health and resiliency of these ecosystems and protecting public safety.” According to the AFRC, if this legislation

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<sup>37</sup> USDA Forest Service, “Explore Mt. Hood National Forest,” <https://www.fs.usda.gov/mthood/>. USDA Forest Service, “Mt. Hood National Forest Wilderness,” [https://www.fs.usda.gov/detail/mthood/specialplaces/?cid=fsbdev3\\_036632#:~:text=Hood%20National%20Forest%20is%20about,Badger%20Creek%20Wilderness](https://www.fs.usda.gov/detail/mthood/specialplaces/?cid=fsbdev3_036632#:~:text=Hood%20National%20Forest%20is%20about,Badger%20Creek%20Wilderness).

<sup>38</sup> Joseph, Travis, American Forest Resource Council, Letter to the Honorable Earl Blumenauer, “Recreation Enhancement, Wildfire Resiliency, and Conservation for Mt. Hood and the Columbia Gorge,” January 7, 2022. <https://republicans-naturalresources.house.gov/UploadedFiles/Letter to Blumenauer Mt Hood NF Proposal 012022.pdf>.

moves forward, “sustainable (ongoing), proactive, science-based forest management may be restricted or prohibited on more than 80% of the Mt. Hood National Forest.”<sup>39</sup>

*Staff contact: Shelley McGinnis (x5-6248)*

#### **IV. MAJOR PROVISIONS & ANALYSIS**

##### **H.R. 279**

###### **Sec. 3. Definitions**

- Defines “Roadless Rule” as part 294 of title 36, Code of Federal Regulations, as adopted on January 12, 2001, and modified for Idaho on October 16, 2008, and for Colorado on July 3, 2012, and December 19, 2016.

###### **Sec. 4. Protection of Inventoried Roadless Areas**

- Bars the Department of Agriculture from allowing the construction of roads, the reconstruction of roads, or logging in an inventoried roadless area where those activities are prohibited by the Roadless Rule (i.e., certain federal regulations relating to roadless area management).

##### **H.R. 7329**

###### **Sec. 2. Additions to the Smith River National Recreation Area**

- Expands the existing Smith River National Recreation Area in California by 58,000 acres into Oregon.
- Provides that the management emphasis for any portion of the recreation area in Oregon shall be on white-water recreation and roadless backcountry.
- Requires the USFS to study the additions to the recreation area, including inventories and assessments of water features, and modify any applicable management plan to protect the resources inventoried.
- Requires the USFS to enter into a memorandum of understanding with applicable tribes to 1) provide them with access to the recreation area located in Oregon to conduct historical and cultural activities; and 2) develop public interpretive information on the history of, and use of the area by, those tribes.
- Requires the USFS to acquire the 555 acres of land known as the Cedar Creek Parcel in Oregon upon the adoption of a resolution by the State Land Board of Oregon.
- Establishes a streamside protection zone in which timber harvesting is prohibited (with some exceptions) for each of the designated North Fork Smith River segments.

###### **Sec. 3. Wild and Scenic River Designations**

- Designates specified segments of the North Fork Smith River as components of the National Wild and Scenic Rivers System.

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<sup>39</sup> Joseph, Travis, American Forest Resource Council, Letter to the Honorable Earl Blumenauer, “Recreation Enhancement, Wildfire Resiliency, and Conservation for Mt. Hood and the Columbia Gorge,” January 7, 2022. <https://republicans-naturalresources.house.gov/UploadedFiles/Letter to Blumenauer Mt Hood NF Proposal 012022.pdf>.



## [H.R. 7399](#)

### **Sec. 2. Administration of the Land Between the Lakes National Recreation Area**

- Clarifies the definition of qualified resident or relative, which is used to determine who can be buried at cemeteries, request more land at cemeteries, and who should be given consideration regarding the management of historical resources in the LBL.
- Requires that the NRA shall be a separate unit of the National Forest System.
- Makes several changes to the Advisory Board including 1) specifying the board will consist of 13 members, 2) clarifying members can serve multiple terms but not consecutive terms, and 3) requiring better partnership between the board and the USFS over management of the LBL.
- Clarifies that the Secretary of Agriculture shall charge reasonable fees, as determined by the Advisory Board, for admission and various activities within the LBL. Specifies that any user fees and charges will be used for deferred maintenance at the LBL.
- Encourages a memorandum of understanding with state and local entities to clarify jurisdictional issues, such as road management and policing.
- Authorizes annual appropriations of \$8 million annually.

## [H.R. 7665](#)

### **Title I – Honoring Tribal Treaty Rights**

- Establishes Indian Treaty Resources Emphasis Zones (Zones) within the Mt. Hood National Forest and authorizes the Confederated Tribes of the Warm Springs Reservation of Oregon to enter into a memorandum of understanding with the Secretary of Agriculture (Secretary) to protect and enhance Treaty resources or protect their reservation from wildfire. Clarifies that the scope of this authority extends to any area within the Mt. Hood National Forest in which the Tribe retains Treaty rights.
- Requires the memorandum of understanding to: include an assessment of wildfire risk to the reservation; require that forest restoration and management planning within Zones include vegetation treatment objectives, botanical treatment objectives, wildlife habitat restoration treatment objections, and wildfire risk reduction objectives; provide project planning maps, timelines, and goals for the Zones; and include requirements that no roads, temporary or permanent, be constructed within a Zone except as necessary under certain conditions.
- Requires the Secretary to maintain existing roads, determined by the Secretary in consultation with the Tribe, for authorized existing uses and administration of a Zone.
- Withdraws, subject to valid existing rights, all public land within a Zone, and all land and interests in land acquired by the United States from all forms of mineral development and geothermal leasing.
- Requires the Secretary to enter into an agreement that allows the Tribe to review and provide comments on land management prescriptions developed by the Secretary; monitor the long-term effectiveness of restoration and management treatments carried out; monitor other action lack of action detrimental to the purposes of the Zones; share any other information with the USFS that the Tribe determines necessary to further the purposes of the Zones. Requires the Secretary to consult with the Tribe on

any revisions to the Mt. Hood National Forest management plan and to be consistent with the management strategy for the Zones and protect Treaty rights.

- Authorizes \$3.5 million to be appropriated annually for fiscal years (FY) 2023-2027.

### **Title II – Enhancing Sustainable Outdoor Recreation**

- Expands the Mt. Hood NRA from 34,550 acres to 349,877 acres.
- Clarifies that the cutting, sale, or removal of timber within the NRA may be permitted only to the extent necessary to: improve forest health in a manner that maximizes retention of large trees; improve the habitats of threatened, endangered, or sensitive species; and maintain or restore the composition and structure of the ecosystem by reducing the risk of uncharacteristic wildlife.
- Requires the Secretary of Agriculture, in consultation with the Secretary of the Interior where appropriate, to create a comprehensive sustainable recreation management plan for the NRA.
- Requires the Secretary to convert a portion of Abbot Road, part of Forest Road 4610, to a non-motorized trail and close Abbot Road to motorized use.
- Requires the Secretary to create a comprehensive plan for sustainable recreation management within the Columbia River Gorge National Scenic Area (NSA).
- Requires the Secretary to establish a Center for Recreation Excellence in the Mt. Hood National Forest and the Columbia River Gorge NSA.
- Authorizes \$7.5 million to be appropriated annually for FY 2023-2027.

### **Title III – Wildfire Planning, Mitigation, and Rehabilitation**

- Requires the Secretary to conduct a wildfire assessment for the Mt. Hood National Forest, federal land within the Columbia River Gorge National Scenic Area, and any private, State, or Tribal land adjacent to such areas.
- Requires the Secretary, following completion of the assessment, to develop a wildlife mitigation and adaptation plan consistent with the assessment, existing wildfire planning, preparedness, and implementation frameworks, and the best available science.
- Authorizes the Secretary to construct temporary roads within the specified areas to address wildfires.
- Requires the Secretary to prioritize the rebuilding and rehabilitation of recreational infrastructure damaged due to wildfire and consider construction of wildfire interpretive kiosks to offer educational materials on the role of wildfire.
- Authorizes \$400,000 to be appropriated annually for FY 2023-2027.

### **Title IV – Protection of Special Places**

- Adds 5,427 acres of new wilderness to the Mt. Hood Wilderness and 2,156 acres to the Salmon-Huckleberry Wilderness within the Mt. Hood National Forest.
- Amends the *Wild and Scenic Rivers Act* by adding several new segments to be administered by either the Secretary of Agriculture, the Secretary of the Interior, or both.
- Requires the Secretary of Agriculture to assess existing use of the Pacific Crest National Scenic Trail and establish management direction for the portion within the

Mt. Hood National Forest through a land and resource management plan revision or amendment.

- Renames certain sections of the Mark O. Hatfield Wilderness as the “Nancy Russell Columbia River Gorge Wilderness.”
- Authorizes \$300,000 to be appropriated annually for FY 2023-2024.

**Title V – Modernizing Transit and Transportation**

- Requires the Secretaries of Agriculture and Transportation to develop a comprehensive multi-jurisdictional strategy for Columbia River Gorge and Mt. Hood to promote access to recreation and tourism.
- Authorizes \$100,000 to be appropriated annually for FY 2023-2027.

**Title VI – Miscellaneous**

- Clarifies that the Secretary may enter into cooperative agreements for rendering services such as search and rescue, firefighting, and law enforcement.
- Requires the Secretary to hire additional law enforcement officers for the Mt. Hood National Forest and Columbia River Gorge National Scenic Area.
- Authorizes \$35,000 to be appropriated for FY 2022-2026.

**V. COST**

None of the bills on this hearing have received a formal Congressional Budget Office (CBO) cost analysis.

**VI. ADMINISTRATION POSITION**

The Biden administration’s position on these bills is unknown at this time.

**VII. EFFECT ON CURRENT LAW (RAMSEYER)**

[H.R. 7329](#)

[H.R. 7399](#)

[H.R. 7665](#)