

**Statement of
Jamie Connell
Acting Deputy Director
Bureau of Land Management
Department of the Interior
Senate Energy & Natural Resources Committee
Subcommittee on Public Lands, Forests, and Mining
S. 353, Oregon Treasures Act
April 25, 2013**

Thank you for inviting the Department of the Interior to testify on S. 353, the Oregon Treasures Act. The Department supports S. 353 and would welcome the opportunity to work with the Chairman on some minor modifications to this legislation. S. 353 includes wilderness and wild and scenic river designations in three areas of Oregon: Cathedral Rock and Horse Heaven along the John Day River, the Wild Rogue in southwestern Oregon, and the Molalla River in northern Oregon. This legislation would conserve and protect these special places that are treasured both locally and nationally.

Cathedral Rock & Horse Heaven Wilderness

Background

Along the western bank of the John Day Wild and Scenic River are lands proposed to become the Cathedral Rock Wilderness. The lands planned for designation range from the cliffs and canyons along the river heading westerly to steep rolling hills punctuated by rocky escarpments. Wagner Mountain is located in the center of the proposed wilderness and is the highest point in the area. The geology is dominated by ancient volcanics, composed of andesite flows, plugs, and domes. The entire area is covered in rhyolite ash-flows which produce dramatic red, white, and buff colored soils. Hunters and hikers alike enjoy the breathtaking scenery as well as the resident mule deer and elk populations, while rafters brave the John Day's rapids. Cultural sites showcase prehistoric fossils, stone tools, and rock art.

Four miles to the southwest of the Cathedral Rock region is the proposed Horse Heaven Wilderness. The name reflects Oregon's pioneer past when the flawless grasslands of the areas were a closely guarded secret. Today that secret is out, and a wide range of recreationists enjoy the area's many opportunities. At more than 4,000 feet, Horse Heaven Mountain serves as a worthy centerpiece to a diverse landscape illustrating Oregon's high and low countries. Traveling south, rolling plains and steep terrain dominate the area; to the west, Muddy Creek is the area's lone perennial stream. Prairie steppes throughout connect hearty shrubs and woodlands that demonstrate steadfast resolve to thrive in the rocky soil.

S. 353, Section 2

The legislation provides for the exchange of lands between three private parties and the Federal government which would allow the consolidation of fragmented land patterns, the designation of two new potential wilderness areas, and a process for those areas becoming designated wilderness and components of the National Wilderness Preservation System. Should the land exchanges be completed, the additional land would greatly enhance the wilderness quality and manageability of the two areas proposed for wilderness.

The bill (section 2(b)) outlines a series of land exchanges with three private parties. Under section 206 of the Federal Land Policy and Management Act (FLPMA), the Bureau of Land Management (BLM) has the authority to undertake land exchanges that are in the public interest. Exchanges allow the BLM to acquire environmentally-sensitive lands while transferring public lands into private ownership for local needs and the consolidation of scattered tracts. The lands proposed for exchange out of Federal ownership are largely scattered sections of public land intermingled with private land. In principle, the BLM supports the land exchanges envisioned by section 2(b); however, we would like the opportunity to continue to work with the sponsor and the Committee to address concerns specifically in the areas of public access and the protection of cultural resources.

It is the Department's understanding that the Confederated Tribes of the Warm Springs of Oregon continue to have concerns about this legislation. Many of these lands are significant to local tribes and we encourage the sponsor and the Committee to continue to work toward resolving these issues.

The bill requires that the exchanges be consistent with FLPMA, including the requirement that the Secretary determine that the public interest would be served by completing the exchange (section 2(b)(2)). We believe that this provides the BLM latitude to withdraw specific lands from the exchange if any serious impediments are discovered. Furthermore, the legislation provides that the Secretary may add such additional terms and conditions as appropriate (section 2(b)(3)(E)). We believe this would allow the BLM to require that all non-Federal parties are responsible for addressing any human safety concerns or the remediation of hazardous materials on the lands to be exchanged out of present ownership. Finally, the BLM supports the provisions of the bill requiring that all three exchanges be equal value exchanges, and that the appraisals be undertaken consistent with Uniform Appraisal Standards.

The bill (section 2(c)) also proposes to designate two potential wilderness areas, the "Proposed Cathedral Rock Wilderness" and the "Proposed Horse Heaven Wilderness" on the lands that would be consolidated under the land exchanges envisioned by section 2(b) of the bill. When those land exchanges are completed, the Cathedral Rock Wilderness would include over 8,300 acres of public land and the Horse Heaven Wilderness 9,000 acres. The legislation provides a process in section 2(c)(2) for converting the "proposed" wilderness areas into designated wilderness following adequate acquisitions of the now private lands. The BLM could manage these areas as wilderness following the exchanges. However, absent the largest exchange envisioned under section 2 of S. 353, these areas would be impracticable for the BLM to manage as wilderness. That proposed exchange with the local landowner, "Young Life," involves the core of both the proposed Cathedral Rock and Horse Heaven wilderness areas.

The current land patterns of both the "Proposed Cathedral Rock Wilderness" and "Proposed Horse Heaven Wilderness" are highly fragmented. The BLM manages approximately 4,500 acres in seven, non-contiguous parcels within the Cathedral Rock area and less than 3,000 acres in two separate parcels within Horse Heaven. The land exchanges are, of course, optional for the three private parties. If, in the end, the largest private land owner decides not to pursue the exchange, managing the areas as wilderness would not be practical given the fragmented nature of the BLM landholdings in these two areas. The BLM supports the provisions for interim management of the "proposed" areas and the methodology for final designation if sufficient land exchanges are consummated. Additionally, the BLM supports the provisions in section 2(c)(4)

of the bill providing for a termination of the wilderness designation authority 10 years after the date of enactment of the Act. This provides a reasonable timeframe during which to either consummate the land exchanges and designate the wilderness areas or return to current management of the area.

Finally, section 2(b)(7) would transfer the administrative jurisdiction of approximately 750 acres of BLM-managed lands to the Forest Service. The BLM supports this transfer of lands which will improve manageability.

Wild Rogue Wilderness

Background

The Rogue River's headwaters begin near Crater Lake. It then rushes 215 miles through the mountains and valleys of southwestern Oregon, eventually emptying into the Pacific Ocean near the town of Gold Beach. Over millions of years, the Rogue has patiently carved its way through western Oregon's mountains creating 3,000 foot canyons, rugged valleys and inspiring scenery. Dense, old-growth forests flank the Rogue providing habitat for older, forest-dependent species, including the Northern Spotted Owl and the Marbled Murrelet. The cold, clear waters of the river provide a home for Pacific salmon, steelhead trout, and green sturgeon.

Recreationists are drawn to the entire Rogue River watershed to experience nature in a multitude of ways. These recreationists are a critical economic engine for local economies and include commercial and sport fishing, rafting and jet boat tours, and hiking and backpacking. The untamed landscape offers countless opportunities for challenge, exploration, and discovery.

The 36,000-acre Wild Rogue Wilderness was designated by an Act of Congress (Public Law 95-237) in 1978. Located primarily on lands managed by the U.S. Forest Service, the Wild Rogue includes approximately 8,600 acres of lands administered by the BLM. In 1968, Congress passed the Wild and Scenic Rivers Act (Public Law 90-542), establishing the Wild and Scenic River System and designating eight original rivers. As one of these initial eight rivers, Oregon's Rogue River has long been recognized for its beauty, exceptional recreational opportunities, and extraordinary resource values.

S. 353, Section 3

The bill (section 3) proposes to enlarge the existing Wild Rogue Wilderness by adding nearly 60,000 acres of land administered by the BLM. This section also extends the existing Rogue Wild and Scenic River by adding 93 miles of 35 tributaries of the Rogue to the wild and scenic river system. In addition, the bill withdraws 50 miles of 20 other Rogue River tributaries from operation of the land laws, mining laws, and mineral leasing laws and prohibits the Federal Energy Regulatory Commission (FERC) from licensing new water resource projects and associated facilities along these tributaries.

The BLM supports the expansion of the Wild Rogue Wilderness. This wild and rugged area is largely untrammled. It has largely retained its primeval character and has been influenced primarily by the forces of nature with outstanding opportunities for primitive recreation or solitude. Protection of these wilderness characteristics is largely consistent with the current management framework for these lands. We would like the opportunity to work with the bill Sponsor and the Committee on some modifications to the map and the legislation.

The BLM recommends that the legislation include language directing the Secretary of the Interior to manage the BLM portion of the current Wild Rogue Wilderness. When the Wild Rogue Wilderness was established in 1978, the legislation called for the Secretary of Agriculture to manage all of the lands within the wilderness boundary. With this expansion, we would like to correct that previous oversight and ensure that both the original and the additional BLM-managed lands within the Wild Rogue are managed by the BLM. Management of this area will continue to be a cooperative exercise with the U. S. Forest Service and involve many of the same staff that jointly manage the Rogue's successful river program.

The bill excludes over 500 acres of BLM-managed lands on the north side of the river within the external boundaries of the wilderness addition from designation as wilderness by cherry-stemming a road network where logging and other activities have occurred. This could leave these lands open to future development and potentially complicate management of the surrounding lands as wilderness. While these lands show visible effects of past logging activities and existing primitive roads that do not meet the naturalness criteria of the Wilderness Act, the BLM would like to discuss the possibility of designating them as "potential wilderness" (as was done, for example, to California's Elkhorn Ridge Potential Wilderness Area through the Northern California Coastal Wild Heritage Wilderness Act – Public Law 109-362). The BLM would consider management of the area in order to actively restore or, where more appropriate, passively restore these lands to move them toward wilderness conditions that are consistent with future Wilderness designation.

The BLM would also like to work with the Oregon delegation on boundary modifications of the wilderness expansion to improve manageability. There are portions of the proposed wilderness where minor modifications to follow a road would allow for a more recognizable and manageable boundary. In addition, a few areas identified for wilderness designation on the southeast side of the proposed expansion may raise manageability concerns. Specifically, the inclusion of areas south of Bailey Creek and east of the Rogue appears to present conflicts with existing mining activity and other uses. The BLM would like the opportunity to discuss these conflicts further with the Committee and the bill's sponsor.

In 1968, when Congress established the National Wild and Scenic Rivers System, it designated the Rogue as one of the original eight rivers included in this system. Section 3(c)(1) further enhances that initial designation by adding 35 specific tributaries of the Rogue to the national system, thus conserving the greater Rogue River watershed. In general, the proposed stream segments are located in steep, sloped canyons with mature and structurally complex forest stands that have high conservation values. We support maintaining and enhancing those conservation values through designating the 35 tributaries as Wild and Scenic.

Finally, Section 3(d) of S. 353 prohibits FERC from licensing the construction of any new water or power projects along 50 miles of 20 Rogue River tributaries. Additionally, the bill would withdraw land for one-quarter mile along either side of these tributaries from operation of the land laws, mining laws, and mineral leasing laws. This withdrawal will protect valid existing rights but would prohibit the sale or exchange of any of these federal lands, the location of new mining claims, new mineral or geothermal leases, and sales of mineral materials. These withdrawals will provide additional protections to this important watershed, and the Department supports these provisions.

Molalla Wild & Scenic River

Background

The Molalla River begins its journey to the sea on the western slopes of the Cascade Mountains of Oregon. At an elevation of 4,800 feet, the Molalla flows undammed for 49 miles west and north until it joins the Willamette River. For years, the Molalla suffered from too much negative attention from its visitors, including vandalism. To address these problems, local residents joined together several years ago and formed the Molalla River Alliance (MRA). The MRA, a nonprofit all volunteer organization, has over 45 public and private partners, including Federal, State, and local government agencies; user groups; and conservationists. Working cooperatively with BLM's local field office, the MRA has provided the Molalla the care it needed. Today, we are pleased that this subcommittee is considering designating approximately 21 miles of the river as a component of the National Wild and Scenic Rivers System.

The Molalla River is home to important natural and cultural resources. Protection of this watershed is crucial as the source of drinking water for local communities and the important spawning habitat it provides for several fish species, including salmon and steelhead. Within an hour's drive of the metropolitan areas of Portland and Salem, Oregon, the Molalla watershed provides significant recreational opportunities for fishing, canoeing, mountain biking, horseback riding, hiking, hunting, camping, and swimming and draws over 65,000 visitors annually.

S. 353, Section 4

The bill (section 4) proposes to designate 15.1 miles of the Molalla River and 6.2 miles of the Table Rock Fork of the Molalla as components of the National Wild and Scenic Rivers System. The Department supports these designations. In earlier planning analyses, the BLM evaluated the Molalla River and the Table Rock Fork of the Molalla River and determined that most of these two rivers should be considered for designation as wild and scenic rivers. As a result, the designation called for would be largely consistent with management currently in place and would cause few changes to BLM's current administration of most of this area. The 5,700-acre Table Rock Wilderness, designated by Congress in 1984, is embraced by the Molalla and Table Rock Fork, and designation of these river segments would reinforce the protections in place for the wilderness area.

Wild and scenic rivers are designated by Congress in one of three categories: wild, scenic, or recreational. Differing management proscriptions apply for each of these designations. This bill specifies that these river segments be classified as recreational. This classification is consistent with the strong recreational values of this area as well as the presence of roads along the course of the river segments and numerous dispersed campsites along its shorelines.

Finally, section 5 of S. 353 applies to National Forest System lands and we defer to the Forest Service on those provisions.

Conclusion

The conservation designations included in Senator Wyden's Oregon Treasures Act, S. 353, are surely that—National treasures. The Administration supports this legislation and looks forward to the conservation and protection of these very special places.