

**Statement for the Record  
Department of the Interior**

**Senate Committee on Energy & Natural Resources  
Subcommittee on National Parks**

**S. 192, River Democracy Act  
June 23, 2021**

Thank you for the opportunity to testify on S. 192, the River Democracy Act. The bill would add nearly 4,700 miles of rivers and streams in Oregon to the National Wild and Scenic Rivers System, including nearly 800 miles managed by the Bureau of Land Management (BLM), over 3,000 miles managed by the U.S. Forest Service, and the remainder managed by the National Park Service, the U.S. Fish and Wildlife Service, and other entities. In addition, the bill authorizes federal land management agencies to enter into cooperative agreements with tribal, state or local governments to share river management responsibilities. S. 192 also withdraws certain river segments in the State of Oregon from operation of the public land and mining laws, and all laws pertaining to mineral and geothermal leasing.

On January 27, 2021, President Biden signed Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*, which launched a government-wide effort to confront climate change and restore balance on public lands and waters. The President's directive recognizes the opportunities America's lands and waters provide to meet its goals and outlines a historic and ambitious challenge to the nation with the America the Beautiful initiative to conserve at least 30 percent of our lands and waters by 2030. The President's America the Beautiful initiative specifically emphasizes the value of conserving the nation's natural resources, recognizing multiple uses of our lands and waters, including its working lands, can be consistent with the long-term health and sustainability of natural systems. S. 192 aligns with the Administration's conservation goals. The Department of the Interior supports the bill and defers to the Forest Service on the bill's provisions affecting Forest Service-managed lands.

**Background**

The BLM in the Pacific Northwest manages public lands that begin where the Columbia River crosses from Canada into northeastern Washington and ends at the headwaters of the Chetco River near California. Between these breathtaking rivers unfolds a host of vibrant working waterfronts and opportunities for recreation. In 1968, Congress acted to conserve the Nation's rivers, in the Wild and Scenic Rivers Act (WSRA; P.L.90-542). The WSRA established it is, "the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations." Under the WSRA, wild and scenic rivers are designated by Congress in one of three categories: "wild," "scenic," or "recreational." Differing management objectives and restrictions apply to each of these designations.

An example of a wild and scenic river crossing BLM-managed lands in Oregon is the John Day River. Absent of dams for 281 miles, it is one of the longest free-flowing rivers in the continental United States and the longest undammed tributary of the Columbia. The John Day River and surrounding lands provide a variety of recreation opportunities throughout the year, from white-water rafting, to hunting, sightseeing, horseback riding, hiking, camping, and fishing. The river and its canyons offer unmatched habitat for many native fish including wild steelhead, Chinook salmon, and bull trout, while the wildlife found along the river's corridor include mule deer, elk, black bear, and bald eagles. The John Day is one of many rivers impacted by S. 192, which protects its tributaries to enhance conservation of the river and the surrounding ecosystem.

### **S. 192, River Democracy Act**

S. 192 would designate over 300 unique river segments crossing BLM-managed lands throughout the BLM Oregon districts of Burns, Coos Bay, Lakeview, Medford, Northwest Oregon, Prineville, Roseburg, and Vale. These wild, scenic, and recreational river designations vary from modifying existing designations to designating entirely new river and stream segments throughout the state of Oregon.

### **BLM-Managed Additions to the Wild & Scenic Rivers System**

The BLM works to identify all rivers on BLM-administered lands that possess free-flowing condition and outstandingly remarkable values for potential addition to the National Wild and Scenic Rivers System. While the BLM has not assessed the eligibility for all of the segments proposed for designation by S. 192; it is the BLM's policy to consider rivers and their values identified by other public agencies at the Federal, State, and local level; Tribal governments; and the public. The BLM appreciates the efforts of the sponsor in coordinating with local communities in the development of these proposed designations. The BLM supports the designations included in S. 192 impacting BLM-managed lands.

### **Administration & Comprehensive River Management Plans**

S. 192, Section 5, provides flexible timeframes for the completion of comprehensive river management plans (CRMPs) required by Section 3(d)(1) of the WSRA. CRMPs are prepared with appropriate NEPA analysis and extensive consultation with public, state, tribal and local governments. The BLM appreciates the flexible timeframes provided by S. 192 to conduct a thorough and collaborative planning process for the CRMPs. Further, the BLM supports the sponsor's direction to address wildfire risks, culturally significant native species, and the ecological function of ecosystems in the CRMPs. Lastly, the BLM recommends technical changes to Section 5, including changes to define interim detailed boundaries in a manner ensuring federally supported water resource projects would not have direct and adverse impacts on river values as provided by Section 7(a) of the WSRA.

### **Wild & Scenic River Boundaries**

The WSRA generally provides for a boundary of one quarter-mile from the ordinary high-water mark on either side of a designated river. S. 192 would assign a boundary of one half-mile on either side of designated rivers and require the completion of a comprehensive river management plan that includes detailed river boundaries. S. 192 provides for boundaries which include an average of 640 acres of land per mile measured from the ordinary high-water mark on both sides of the river for designated components of the System in the State of Oregon on or after the date

of enactment of the bill. The BLM supports this increase in the river corridor acreages as it would benefit protection of resources and facilitate management of the river area.

### **Withdrawals**

The bill amends the WSRA to establish a withdrawal for all “scenic” and “recreational” rivers designated in the state of Oregon. Currently, under Sections 9(a) and 15(2) of the WSRA, Federal lands that include the bed or banks or that are situated within ¼ mile of the bank of any designated “wild” river, are withdrawn from operation of the mining and mineral leasing laws, subject to valid and existing rights. By contrast, designated river areas classified as “scenic” or “recreational” are not currently withdrawn under the WSRA from operation of the mining and mineral leasing laws. In amending the WSRA, S. 192 would extend the withdrawal, subject to valid and existing rights, to include “scenic” and “recreational” rivers designated in Oregon. Further, S.192 extends the mineral withdrawal to ½ mile for those WSR with the 640 acres per mile limitation. For WSR with the 320 acres per mile limitation, the mineral withdrawal remains at ¼ miles. The BLM supports the withdrawal as it would conserve and enhance river values, including free-flow, water quality, and outstandingly remarkable values.

S. 192, Section 9, withdraws, subject to valid and existing rights, certain essential serpentine wetlands from operation of the public land and mining laws, and all laws pertaining to mineral, and geothermal leasing. The essential serpentine wetlands to be withdrawn are defined as those named in a 2018 joint BLM and Forest Service conservation strategy referenced in Section 9 of S. 192. The strategy seeks to maintain long-term species viability and prevent five rare plants from Endangered Species Act listing. They are taxa closely associated with serpentine Darlingtonia wetlands in southwest Oregon and northwest California. The BLM supports the withdrawal to benefit these species of concern and other species that occupy serpentine wetland habitats.

Finally, S. 192 withdraws the Illinois Watershed Special Management Areas from operation of the public land and mining laws, and all laws pertaining to mineral and geothermal leasing, subject to valid and existing rights. The special management areas withdrawn include eleven BLM-administered Areas of Critical Environmental Concern (ACECs) as well as eight botanical areas. ACECs are evaluated through land use planning, using the best available information and public involvement, and ultimately designated in the final approved Resource Management Plan. S. 192 would provide a greater level of protection for these natural resources.

### **Conclusion**

Thank you for the opportunity to provide this statement in support of these important Oregon designations. The Department of the Interior looks forward to welcoming these new wild and scenic rivers into the BLM’s National Landscape Conservation System.