

**Statement of  
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Bureau of Land Management  
Senate Energy & Resources Committee  
Subcommittee on Public Lands and Forests  
Hearing on S.1131, the "Idaho Land Enhancement Act"**

**July 20, 2005**

Thank you for the opportunity to present the views of the Department of the Interior on S.1131, the "Idaho Land Enhancement Act." This legislation authorizes the Bureau of Land Management (BLM) and the U.S. Forest Service (USFS) to move forward with an exchange that has been developed in collaboration with the State of Idaho and the City of Boise. The exchange was initiated by the City of Boise to preserve open space in the Boise Foothills. Under S.1131, conveyance of State-owned lands in the Boise foothills into Federal ownership will secure open space for residents of Boise and Ada County, and, in exchange, conveyance of Federal timbered lands to the State of Idaho will provide the State with more long-term revenue than could be derived from its lands in the Boise foothills. The exchange authorized by S.1131 is a milestone in a 30-year effort of conservation in the Boise Foothills. The Department supports enactment of S.1131.

Administrative Action

A proposed multi-party exchange initiated by the City of Boise involving lands managed by the BLM, the USFS, and the State of Idaho (no privately-owned lands are involved) has been proceeding administratively. In accordance with the administrative process for land exchanges, the BLM and USFS completed a Feasibility Analysis, and, on April 26, 2005, the BLM, USFS, State of Idaho, and City of Boise signed an Agreement to Initiate for the Boise Foothills—Northern Idaho Land Exchange (Agreement). As the Forest Service does not have the authority to participate in a three party exchange absent Congressional authorization, S. 1131 is needed to effectuate the exchange Agreement.

S.1131

The legislation authorizes the BLM and the U.S. Forest Service to proceed with the land exchanges described in the Agreement. As authorized by S.1131, under the Agreement, the BLM is to convey approximately 605 acres of public land to the State of Idaho; the USFS is to convey approximately 7,220 acres of National Forest System land in the Idaho Panhandle and Clearwater National Forests to the State of Idaho; and the State of Idaho is to convey approximately 11,085 acres to the United States (6,930 acres to be managed by the BLM and 4,155 acres to be managed by the USFS).

Authorization of Exchange

Section 3 authorizes the Secretary of the Interior and the Secretary of Agriculture (Secretaries) to complete the land exchanges described in the Agreement. The BLM is to convey four parcels which total approximately 605 acres, including Boise Peak (86 acres), Mt. Coeur d'Alene (120 acres), Skeel Gulch (80 acres), and Rock Creek (319 acres). Although forested, none of the BLM lands to be conveyed in this exchange contain old growth or officially designated old growth replacement stands. There is no current mining or mineral activity on the BLM lands, except in the Rock Creek parcel, where much of the area contains old mining prospects. There are no other permitted uses.

Although the 605 acres of public land to be conveyed out of Federal ownership by the BLM are not identified for disposal, we believe the exchange is in the public interest because this exchange will result in a net gain of 3,156 acres of high value resource lands within designated retention areas, providing management protection for cultural resources and a variety of sensitive wildlife species. Acquisition of the State lands in the Boise foothills will help the BLM meet its management objectives to protect and enhance watershed resources, wildlife habitat, recreation opportunities, and scenic values.

The legislation authorizes the parties to enter into additional agreements that specify other terms and conditions necessary to complete the land exchange:

- provide legal descriptions of the Federal land and the State land to be exchanged;
- identify all reserved and outstanding interests in the Federal land and State land; and
- stipulate any cash equalization payments required.

The conveyances are subject to valid and existing rights. As part of the Agreement, the BLM, USFS, and State of Idaho reviewed, examined, and disclosed all valid existing rights on their respective lands.

S.1131 also requires the Federal land and State land to be exchanged under the bill to be of equal value; and, if the values are not equal, the bill authorizes the equalization of value by cash payment to the United States or to the State of Idaho, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act (FLPMA). The value of the Federal and State lands is to be determined in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions, and the appraisals must be approved by the Secretaries. Any cash equalization payment received by the United States is to be used by the Secretary of Agriculture for the acquisition of land to add to the National Forest System in the state of Idaho.

The City of Boise passed a bond levy to support acquisition of properties on the Boise Front to preserve its natural character. The City will pay the costs associated with the conveyances outlined in the Agreement and this Act, including the costs of any field inspections, environmental analyses, appraisals, title examinations, and deed and patent preparations. The BLM will review the exchange package in its regular course of business (i.e., at no additional cost to the City of Boise).

#### Management of Federal Land

Section 4 transfers administrative jurisdiction of approximately 2,111 acres of public land in Shoshone County, Idaho, currently managed by the BLM, to the USFS, to be managed in accordance with the laws and regulations applicable to the National Forest System. This area—called Grandmother Mountain—is completely surrounded by National Forest System lands that previously, as part of the Arkansas-Idaho Land Exchange Act of 1992 (P.L. 102-584), had been transferred from BLM management into the National Forest System. Consolidation of administrative jurisdiction in this area will improve the Federal government's management of the land and resources. Also, these 2,111 acres are in a Wilderness Study Area, and the legislation preserves Congress' options to act on this WSA by providing that after transfer to the USFS, this area will be managed in a manner that preserves the suitability of the land for designation as wilderness until Congress determines otherwise.

In addition, Section 4 requires the Secretary of the Interior to manage the land conveyed by the State of Idaho as acquired land (as distinct from public domain) under FLPMA and other applicable laws. Under FLPMA, the BLM manages both public domain and acquired lands under the same management structure and plans. The direction in S.1131 that the lands conveyed by the State be managed as acquired lands affects only the ability to locate mining claims under the Mining Law of 1872 (which applies exclusively to public domain lands); exploration for and mining of locatable minerals on acquired lands is through a permitting process rather than by claim.

Finally, concerning land use planning, Section 4 provides that BLM need not do an amendment or revision to its resource management plans (RMP) upon acquisition of lands from the State of Idaho. The acquired lands are to be managed under the existing RMP applicable to that area, until the land use plans are updated in the regular planning process. The BLM's Coeur d'Alene Field Office is currently working on a Resource Management Plan that will replace the current land use plan. The Field Office held a scoping meeting earlier this year on the proposed changes to the RMP, and public comments have been generally favorable. The Field Office expects to issue a Draft plan revision by the end of calendar year 2005, and hopes to issue a Final RMP by December of 2006.

### Miscellaneous Provisions

Section 5 of the bill contains several miscellaneous provisions. This Section:

- authorizes the Secretaries and the Idaho State Board of Land Commissioners to modify the land descriptions in the Agreement to correct errors; make minor adjustments to the parcels based on a survey or other means; or reconfigure the parcels to facilitate the land exchange;
- provides that the written legal description shall prevail if there is a discrepancy between a map, acreage estimate, and written legal description of the Federal land or State land;
- provides that, subject to valid existing rights, any public land orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land. (No withdrawals are on the BLM land);
- provides that subject to valid existing rights, pending completion of the land exchange, the Federal land to be conveyed under this Act is withdrawn from all forms of location, entry, and patent under the mining and public land laws; and disposition under the mineral leasing laws and the Geothermal Steam Act of 1970.

As part of the administrative process detailed in the Agreement, the BLM had previously segregated the Federal lands proposed for exchange in the Agreement.

Section 5(e) of S.1131 expresses the Congressional finding that the Forest Service and the BLM have conducted adequate analyses and reviews of the environmental impacts of the exchange authorized under this Act, and stipulates that no further administrative or environmental analyses or examination is required to carry out any activities authorized under this Act. As part of the Agreement, the BLM, Forest Service, and the City of Boise agreed to be jointly responsible for completing environmental and cultural review work on the Federal lands being transferred to the State of Idaho. The City of Boise is responsible for paying for contract environmental and cultural review work approved by all parties to the Agreement. The BLM, Forest Service, Idaho Department of Lands, and the City of Boise will be jointly responsible for completing mineral reports, to be paid for by the City of Boise.

Under the Agreement, initial NEPA scoping was done. The BLM and Forest Service have completed the following resource assessments: cultural/historic, Threatened and Endangered Species, biological, botanical, noxious weeds, timber, wetlands, floodplains, water resources, recreation, wilderness, visual, mineral and mineral potential. Pursuant to the Congressional Finding in Section 5(e), the BLM and Forest Service would carry out no further administrative or environmental analysis in completing the exchange delineated in the bill. We will work with the Committee so that there is a common understanding of the additional administrative or environmental review that would otherwise be undertaken by the agencies.

Thank you for the opportunity to testify on S.1131. I would be glad to answer any questions.