

**Statement of
Julie Jacobson
Deputy Assistant Secretary
Land and Minerals Management
U.S. Department of the Interior
Senate Energy & Natural Resources Committee
Subcommittee on Public Lands and Forests
S. 2833, Owyhee Public Lands Management Act of 2008
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Thank you for inviting me to testify on S. 2833, the Owyhee Public Lands Management Act of 2008. This bill seeks to resolve a wide range of public land management issues and opportunities on lands managed by the Bureau of Land Management (BLM) in Owyhee County, Idaho. It is the result of years of intensive efforts by the Idaho delegation, and particularly Senator Crapo, working with local governments and the public to reach consensus on difficult issues in the spirit of cooperative conservation. We respect the resolution of local land use conflicts in this matter, and support the bill with modification of the formula for distributing the proceeds from any land sales to ensure that an appropriate share of the proceeds is returned to the Federal taxpayers. We would like to work to address this, and other areas of concern, with the sponsor and the Committee.

Background

Owyhee County encompasses over 7,600 square miles of the southwestern corner of Idaho. It is the homeland of the Shoshone-Paiute people and encompasses the Duck Valley Reservation. With a population of just over 11,000, it is a sparsely-peopled land where magnificent canyons, rushing rivers, and wide-open skies dominate the landscape. Ranching is the traditional and predominant economic activity throughout Owyhee County.

In 2000, the Owyhee County Commissioners invited a number of interested parties to begin discussions with an eye toward resolving a wide range of natural resource issues in the County. Innumerable meetings, conversations, and dialogues ensued. Over time, this effort included representatives from many interests within the County, including local government officials, tribal representatives, ranchers, conservationists, recreationists, and others.

The legislation before this Committee, S. 2833, is an effort to realize those efforts. Senator Crapo deserves recognition for his commitment to working toward collaborative solutions in the spirit of cooperative conservation and proposing this legislation to help resolve Owyhee County's public land issues.

Owyhee Science Review and Conservation Center

Section 3 of this bill requires the Secretary of the Interior to establish the Owyhee Science Review and Conservation Center in Owyhee County, Idaho. The stated intention of the Center is to conduct research projects to address natural resources management issues as they affect public and private rangelands in Owyhee County with a goal of providing information for improved rangeland management.

We do not oppose the establishment of this Center; however we are concerned about the ongoing costs of establishing and operating such a Center. We urge the Committee and the sponsor to consider making section 3 subject to adequate appropriations.

Wilderness and Wild & Scenic Rivers Designations

The Department of the Interior supports the Wilderness and Wild and Scenic River designations in the bill, subject to adjustments in boundaries and management language as is routine in such proposed designations. In general, the Department supports the efforts of Congressional delegations to resolve wilderness issues in their states. Congress has the sole authority to designate lands to be managed as wilderness and we have repeatedly urged that these issues be addressed legislatively.

Section 4 of S. 2833 designates as wilderness 517,128 acres in six separate areas and releases approximately 198,073 acres from WSA status and will return these lands to the full range of multiple public uses authorized by the Federal Land Policy and Management Act (FLPMA). The Department generally supports the designations and releases proposed by the legislation and would like the opportunity to work with the sponsor and the Committee on possible minor boundary adjustments to ensure efficient manageability.

The areas identified to be designated as wilderness include: Big Jacks Creek Wilderness, Bruneau-Jarbidge Rivers Wilderness, Little Jacks Creek Wilderness, North Fork Owyhee Wilderness, Owyhee River Wilderness and Pole Creek Wilderness. These proposed wilderness areas contain beautiful and remote desert landscapes. The terrain within the proposed wilderness is diverse, ranging from deep river canyons to vast sagebrush and grassland plateaus that provide habitat for sage-grouse, pronghorn antelope, bighorn sheep, songbirds, raptors, and numerous rare plant species. The river canyons are spectacular. Many are more than 1,000 feet deep, nearly twice as deep as the Washington Monument is tall. Rivers meander for hundreds of miles through southwestern Idaho and form what may be the largest, most unaltered, desert region remaining in the continental United States.

Section 5 would designate more than 315 miles of waterways as segments of the Wild and Scenic Rivers System. These river segments, ranging from 3/10 of a mile to over 67 miles, would be established on 16 different rivers and creeks including the Owyhee, Bruneau, and Jarbidge Rivers. As with wilderness, it is the prerogative of the Congress to make determinations for additions to the Wild and Scenic River System and we generally defer to the consensus of individual congressional delegations while providing input on manageability and potential conflicts.

The proposed additions to the Wild and Scenic River System are rugged, isolated, and unique. This region, the Owyhee Uplands, is unlike any other desert region in the United States because it is dissected by hundreds of miles of free-flowing rivers. The rivers begin in the mountains of northern Nevada and, flowing north, radiate like spokes across southwestern Idaho. Each river has cut a deep, magnificent canyon through alternating layers of black and red volcanic rock. Each river is also an oasis for wildlife, including bighorn sheep and large flocks of waterfowl. There are no paved roads along any of these rivers and only a few dirt roads provide limited access to these remote streams. The larger rivers, like the Owyhee and Bruneau, contain some of

the most challenging whitewater in the United States. River enthusiasts come from around the country to float these rivers and experience some of the ultimate river adventures in the United States.

Relinquishment and Retirement of Grazing Permits

Section 4(b)(3)(D) of S. 2833 provides for the voluntary relinquishment of grazing permits or leases by permittees to the Secretary of the Interior for authorized grazing on BLM-managed lands within areas designated as wilderness by S. 2833. Under the bill, the Secretary is required to accept the donation of those permits or leases and is required to permanently retire the allotments covered by the permits or leases from grazing. Partial relinquishment and congruent retirement of allotments is also provided for under this subsection.

The BLM believes that grazing is a compatible use within wilderness and there is a long history of legislation accommodating grazing within wilderness designations. The BLM is also concerned about retiring grazing permits. Were it not for the Congressional acknowledgement of the choice of individual permittees, and the rigor of the collaborative process underlying these designations, BLM could only retire grazing permits through land use planning processes. However, the BLM also recognizes the value of working cooperatively and collaboratively with local stakeholders to fulfill its multiple-use mission on BLM lands. The BLM is committed to working with the Committee, the sponsor, and stakeholders in the spirit of cooperative conservation within our existing authority.

Disposal and Acquisition of Land

Section 6 of S. 2833 provides for the sale of lands identified for disposal within the Boise District of the BLM and the subsequent use of those proceeds for the acquisition of private lands from willing sellers, within or adjacent to the wilderness areas designated by this bill. Specifically, section 6(a) authorizes the sale of lands identified for disposal prior to the date of enactment of the legislation. The proceeds from any such sales taking place after January 1, 2008, would be deposited in a special account and would be available for the acquisition of private lands identified on the maps referenced by the legislation or any other private lands within or adjacent to the wilderness designated by S. 2833. This authority expires at the end of 10 years or on the date when \$8 million has been expended from the account, whichever happens first. Amounts remaining in the account upon termination would be transferred to the Federal Land Deposit Account authorized by the Federal Land Transaction Facilitation Act (FLTFA) and expended in accordance with FLTFA.

The Department notes that all such sales and acquisitions would be undertaken consistent with applicable laws, including FLPMA, and would be subject to appraisals completed in accordance with the Uniform Appraisal Standards for Federal Land Acquisition and the Uniform Standards of Professional Appraisal Practice.

In addition, the manner in which the proceeds from land sales are distributed requires significant modifications. As noted above, we will work with the sponsors to ensure that this bill returns an appropriate share of these proceeds to the Federal taxpayer, consistent with the Administration's proposed changes to the FLTFA. Our proposal would provide for a consistent approach to the distribution of land sales proceeds at the National level.

Additional Provisions

Section 7 requires the Secretary to coordinate with the Shoshone Paiute Tribes in implementation of the Shoshone Paiute Cultural Resource Protection Plan and seek agreements with the Tribes to implement the plan in order to protect cultural sites and resources important to the Tribes. One provision of that plan includes a federally reimbursable law enforcement agreement with Owyhee County for services from the Tribes. The BLM and the Shoshone-Paiute Tribes have an excellent cooperative relationship and work together effectively on a wide range of public land management issues in southwest Idaho. The Administration supports and endorses BLM's continuing and expanding this cooperative relationship.

Finally, section 8 requires the BLM to prepare travel management plans for public lands within Owyhee County. Providing for the wise management and balance of all modes of travel and user needs continues to be a priority for the BLM. The BLM is currently in the process of developing travel management plans throughout the West. We are committed to completing those plans with full public participation in Owyhee County and on all BLM-managed public lands. We would like the opportunity to work with the sponsor and the Committee to ensure this section provides for comprehensive travel and transportation management planning.

We are concerned about the long-term costs of the bill not only to the Department of the Interior and the BLM but also to the Federal Treasury. Public expectations for large infusions of Federal funds to accomplish this bill's authorizations without a clear source of dollars could result in disappointment and frustrate local working relationships.

Thank you for the opportunity to testify on this legislation. S. 2833 is the result of years of intensive efforts by Senator Crapo and many interested parties. We applaud these efforts and look forward to working with the Committee and Sponsor to address the issues addressed above, as well as technical and conforming amendments. I will be happy to answer any questions that you may have.