

**Statement of
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S. 3088, Oregon Badlands Wilderness Act of 2008
S. 3089, Spring Basin Wilderness Act of 2008
Senate Committee on Energy & Natural Resources
Subcommittee on Public Lands and Forests
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Thank you for inviting me to testify on S. 3088, the Oregon Badlands Wilderness Act, and S. 3089, the Spring Basin Wilderness Act. Both of these bills designate public lands in Oregon as wilderness and provide for related land exchanges. The Bureau of Land Management (BLM) generally supports the wilderness designations. We also support most of the land exchanges, in principle, however we have several concerns. We would like the opportunity to modify the lands identified for exchange. We would also like the opportunity to work with the sponsor and the Committee to make management and technical improvements to both bills.

In general, the Department of the Interior 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.

The Department is concerned about ensuring that consideration is given to energy potential when any legislative proposal for special designation is considered. The BLM has reviewed the traditional and renewable energy values of the areas proposed for designation, and has determined that there is low or no potential for energy development in the areas being designated. It is our understanding that there is substantial local support for both of these proposed wilderness designations. We support efforts to work together in the spirit of cooperative conservation to solve local land use issues.

S. 3088, Oregon Badlands Wilderness Act

The proposed Oregon Badlands Wilderness lies just 15 minutes east of the outdoor recreation-oriented community of Bend, Oregon. A trip into the Badlands area is an experience of ancient junipers and volcanic vistas. Visitors can explore ribbons of volcanic pressure ridges or walk narrow moat-like cracks in the ground. Windblown volcanic ash and eroded lava make up the sandy, light-colored soil that contrasts sharply with fields of lava. A variety of wildlife species inhabit the area including yellow-bellied marmots, bobcat, mule deer, elk, and pronghorn. The southern portion of the Badlands includes important winter range for mule deer. Avian species of local interest include prairie falcons and golden eagles.

S. 3088 proposes to designate nearly 30,000 acres of BLM-managed land as wilderness, release approximately 100 acres from Wilderness Study Area (WSA) status, and provide for two land exchanges which will add additional high resource value private lands to the public land estate.

The Department generally supports the wilderness designation and release in S. 3088 and would like to work with the sponsor and the Committee on minor boundary adjustments and

management language modifications as is routine in such proposed designations. Among the boundary modifications we would recommend are minor alterations to protect adjacent landowner access and the exclusion of trailhead parking areas and trailheads from the proposed wilderness.

We have serious concerns with section 5 of the bill which excludes from the wilderness area a 25 foot corridor to accommodate the existing use of the route for purposes relating to the training of sled dogs by Rachael Scdoris. We applaud the efforts of Ms. Rachael Scdoris, a visually-impaired sled dog musher living outside of Bend, Oregon, to continue to train her sled dogs. It is our understanding that the techniques she uses to train her dogs involve both motorized and mechanized transport. The Wilderness Act of 1964 specifically prohibits the use of both motorized and mechanized transport in designated wilderness. If an exclusion from wilderness designation is going to be made by Congress in this single case for Ms. Scdoris, we would like the opportunity to work with the sponsor and the Committee to modify the language of Section 5. We believe that greater specificity is necessary.

Section 7 provides for land exchanges between the BLM, a private party, and the Central Oregon Irrigation District (COID). Section 206 of the Federal Land Policy Management Act (FLPMA) provides the BLM with 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. In principle, we generally support the land exchanges envisioned by S. 3088, and we would like the opportunity to work with the sponsor and the Committee to address specific concerns.

The BLM supports the acquisition of the lands described in section 7(a) (the land exchange with Ray Clarno of Redmond, Oregon) and 7(b) (the land exchange with COID). Some of the lands to be acquired are within the area proposed for designation of wilderness and others are within a Wildlife Connectivity Corridor designated by the BLM in its 2005 Upper Deschutes Resource Management Plan. The wildlife corridor provides important connectivity habitat for pronghorn and other wildlife in the area.

While the BLM could support the exchange out of Federal ownership of some of the parcels identified by the legislation, many of these lands provide important resource values, including wildlife and recreation connectivity. There are alternative public lands within the general area that the BLM has identified for disposal which may be more appropriate for exchange. We would like the opportunity to work with the sponsor to modify the land exchanges envisioned by the bill to address these issues.

We would also like to work with the sponsor and the Committee to address more technical issues related to the proposed exchanges, including an extension of the current timeframe. Given the nature of the work to be accomplished on the proposed exchanges, we anticipate that it would take at least three years to complete the exchanges as they are currently contemplated. We note that the legislation does provide for an equal value exchange and standard appraisal provisions consistent with section 206 of FLPMA. We strongly support these provisions.

S. 3089, Spring Basin Wilderness Act

The proposed Spring Basin wilderness area lies just to the east of the Congressionally-designated John Day Wild & Scenic River in north central Oregon. Numerous vista points give visitors sweeping views of the beautiful John Day river valley. Rugged cliffs, remote canyons and colorful geologic features give the area a unique beauty. Wildlife species in the area include mule deer, golden eagles, prairie falcons, bobcats, California quail, meadowlarks, and mountain bluebirds. A destination for hunters, hikers, and nature lovers, the proposed Spring Basin Wilderness would comprise nearly 8,700 acres if the exchanges envisioned in the bill were completed.

S. 3089 would designate a total of approximately 8,661 acres as the Spring Basin Wilderness, including the current 5,982-acre Spring Basin WSA. It would also provide for a series of four land exchanges with private landowners and the Confederated Tribes of the Warm Springs Indian Reservation (CTWSIR). The proposed land exchanges include lands that would be included within the proposed wilderness boundary. These exchanges would add high resource value lands to Federal ownership along the John Day Wild & Scenic River as well as other environmentally sensitive lands.

The Department of the Interior generally supports the wilderness designation in S. 3089 and would like to work with the sponsor and the Committee on minor boundary adjustments and management language modifications as is routine in such proposed designations. Among the boundary modifications we would recommend are alterations to protect public access to the wilderness area as well as traditional hunting camps, current and future trailhead facilities and to provide for manageable boundaries. In addition, a possible modification to the CTWSIR exchange discussed below would result in further additions to the wilderness.

One of the land exchanges provided for in the bill includes the exchange of a small parcel of land out of Federal ownership that is currently within the WSA. The legislation should be modified to include WSA release language prior to exchange of these lands.

Section 4 provides for four land exchanges between the BLM, three private parties, and the CTWSIR. Section 206 of the FLPMA provides the BLM with 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. In principle, we support the land exchanges envisioned by S. 3089; however we would like the opportunity to work with the sponsor and the Committee to address specific concerns. We would note that there may potentially be ongoing title issues regarding lands within the bed and banks of the John Day River. These issues will need to be resolved during the land exchange process.

Section 4(a) provides for the largest of the four exchanges, between the CTWSIR and the BLM. This exchange would bring into Federal ownership a large block of land proposed for inclusion within the wilderness as well as additional tracts a few miles south of the proposed wilderness within and adjacent to the John Day Wild & Scenic River boundary. Bringing these additional parcels into public ownership would increase public access to BLM-managed lands along the river for hunting and hiking purposes and help to resolve ongoing inadvertent trespass issues on

CTWSIR lands. The exchange would also transfer out of Federal ownership a number of parcels of BLM-managed land. These parcels are largely scattered inholdings and the exchange would provide for improved manageability for both the BLM and the CTWSIR.

The BLM in Oregon has been in discussions with the CTWSIR regarding land exchange opportunities in this area which are more extensive than those reflected in the legislation. We would like to work with the sponsor and the Committee to more accurately reflect those discussions.

Section 4(b) provides for an exchange between H. Kelly McGreer of Antelope, Oregon, and the BLM (McGreer Exchange). The lands proposed for acquisition by the Federal government include Wild & Scenic river frontage and a portion of Clarno East (a popular river access area with continuing trespass issues), and we support bringing these lands into Federal ownership.

The BLM supports the proposed exchange of lands out of Federal ownership which are agricultural lands adjacent to lands owned by Mr. McGreer. While we have not undertaken appraisals of the lands proposed for exchange, we are concerned that the values of the lands proposed for exchange under section 4(b) may not be relatively equal in value (as required both by FLPMA and this legislation). We believe this exchange may require substantial modification.

The proposed exchange under section 4(c) between the BLM and Bob Keys of Portland (Keys exchange) provides for additions to the proposed wilderness area and river frontage along the John Day Wild & Scenic River, and we support their acquisition. We also largely support exchanging out the Federal lands identified in this exchange except that we would like to modify the proposal to insure continued non-motorized public access to the Spring Basin Canyon trailhead in the southwestern portion of the proposed wilderness. In addition, many of the lands proposed for exchange out of Federal ownership are along roads that would form the wilderness boundary. We wish to insure that the land underlying the boundary roads remain in Federal ownership in order to protect administrative access to the proposed wilderness.

Finally, section 4(d) provides for an exchange between the BLM and the Bowerman Family Trust (Bowerman Land Exchange). The lands proposed for acquisition by the Federal government include a small parcel within the wilderness boundary and the remainder of the Clarno East launch point. The parcel proposed for transfer out of Federal ownership is adjacent to a large agricultural field owned by Bowerman. We support this exchange.

We would also like to work with the Committee and the sponsor to address more technical issues related to the proposed exchanges including an extension of the current timeframe. Given the nature of the work to be accomplished on the proposed exchanges, we anticipate that it would take at least three years to complete the exchanges as they are currently contemplated. We note that the legislation does provide for an equal value exchange and that the exchanges be carried out consistent with section 206 of the FLPMA and we strongly support these provisions.

Conclusion

While we believe that the land exchanges in both S. 3088 and S. 3089 are generally in the public interest, work needs to be done to clarify boundaries and appropriate parcels for exchange, and we would like the opportunity to work with the Committee and the sponsor on these exchanges before the bill moves to markup.

Thank you for the opportunity to testify. I will be happy to answer any questions.