

**Statement of
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Bureau of Land Management, Department of the Interior
Senate Energy and Natural Resources Committee
Subcommittee on Public Lands, Forests, & Mining
S.814 Oregon Coastal Land Act
S.815 Cow Creek Umpqua Land Conveyance Act
May 21, 2015**

Thank you for the opportunity to testify on S. 814, the Oregon Coastal Lands Conveyance Act and S. 815, the Cow Creek Umpqua Land Conveyance Act. S. 814 would provide that approximately 14,804 acres of Bureau of Land Management (BLM)-managed lands in western Oregon be held in trust on behalf of the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians. S. 815 would provide that approximately 17,519 acres of BLM-managed lands in western Oregon be held in trust on behalf of the Cow Creek Band of Umpqua Tribe of Indians. The bills would also require the Department of the Interior to reclassify an equal number of acres of public domain lands as Oregon and California (O&C) lands to compensate for the loss of O&C lands transferred by the bills.

The Department of the Interior welcomes opportunities to work with Congress on the transfer of lands into trust status and supports the goals of S. 814 and S. 815. The BLM would like the opportunity to work with the sponsor and the Committee to address various issues related to the bill, including current uses of the lands, consistency with other laws, and the difficulty of identifying public domain lands to be reclassified as O&C lands.

Background

Both the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians and the Cow Creek Band of the Umpqua Tribe of Indians have expressed their desire to acquire culturally significant tracts of land in the region as well as forest lands to be managed for the financial benefit of tribal members. The BLM strongly believes that open communication between the BLM and tribes is essential in maintaining effective government-to-government relationships, and the BLM has a positive working relationship with the tribes in the area.

In western Oregon, the BLM currently manages roughly 2.2 million acres of Revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grant Lands under the O&C Lands Act 1937. Under the Act, 18 O&C counties receive yearly payments equal to 50 percent of receipts from timber harvests on public lands in these counties. Since 2000, the BLM has made payments to the 18 O&C counties based on the authorities provided for in the Secure Rural Schools Act, which has been reauthorized through FY 2016. The BLM's FY 2016 Budget request also includes a proposal for a five-year reauthorization of the Act.

S. 814

S. 814 would provide that seven tracts comprising approximately 14,804 acres of BLM-managed lands be held in trust for the benefit of the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians (the Tribes). The bill directs all right, title, and interest of the United States to

the identified lands, subject to valid existing rights, to be held in trust for the benefit of the Tribes.

These parcels are located in western Oregon's Coos, Douglas, Benton, and Lane Counties, and include tracts such as the Coos Head, Talbot Allotment, and Umpqua Eden parcels, which are of particular cultural significance to the Tribes, as well as areas such as the Lower Smith River and Tioga tracts, managed for timber production.

While the transfer would be subject to valid existing rights, the BLM would like to continue to work with the sponsor on access concerns on certain parcels. S. 814 includes language to address the BLM's concerns about an earlier version of the legislation by honoring existing reciprocal right-of-way agreements and providing for administrative access by the BLM. However, we note that under the bill, the public would lose access to certain recreational trails and to the Hult Reservoir Recreation Area.

S. 814 also includes lands identified for transfer that were acquired with funding from the Land and Water Conservation Fund (LWCF) Act of 1965, which requires that these lands remain available in perpetuity for the use and enjoyment of the public. The BLM would like to work with the sponsor to ensure consistency with the LWCF Act.

The BLM notes that the lands identified for transfer in S. 814 contain critical habitat for the northern spotted owl and marbled murrelet. We note that if these lands are held in trust, the BLM will not be able to complete its land management objectives for these lands related to the recovery of these species.

S. 815

S. 815 would provide for approximately 17,519 acres of BLM-managed land in Douglas County, Oregon, to be held in trust for the benefit of the Cow Creek Band of Umpqua Tribe of Indians (the Tribe). The bill directs all rights, title, and interest of the United States to the identified lands, subject to valid existing rights, to be held in trust for the benefit of the Tribe. The lands identified for transfer would be used to restore and expand the historic and economic base for the Tribe in southwestern Oregon. The parcels are scattered and interspersed with private lands, and include many areas popular with hunters, anglers, and campers.

While the transfer would be subject to valid existing rights, the BLM has access concerns related to some parcels. The BLM recommends the bill be amended to include similar language to S. 814 in Section 5(d) honoring existing reciprocal right-of-way agreements and administrative access by the BLM.

The BLM suggests that corresponding language from S. 814 Section 5(e) be inserted into S. 815 to ensure that land taken into trust under S. 815 would not be subject to the land use planning requirements of the Federal Land Policy and Management Act of 1976.

The lands proposed for transfer in S. 815 also include populations of the Federally threatened Kincaid's lupine and critical habitat for the northern spotted owl. We note that if these lands are held in trust, the BLM will not be able to complete its land management objectives for these

lands related to the recovery of these species. The identified parcels also include numerous sites of cultural and historical importance. The BLM would like to work with the sponsor to clarify language related to the protection of wildlife and cultural resources.

O&C Forestry

Because many of the lands to be taken into trust by both S. 814 and S. 815 have been identified for potential future timber sales, the BLM believes that the transfer of these lands would reduce the quantities of timber that could be offered in future timber sales, resulting in a potential reduction of timber revenues to the United States and to the O&C counties.

Under the bills, the BLM would be required to identify and reclassify public domain lands as O&C lands to avoid a net loss to the acreage of O&C lands. The BLM is concerned that there are insufficient public domain lands of comparable condition, in the vicinity of the O&C lands to meet this objective. The BLM would like to continue to work with the sponsor and the Committee on this issue.

The Draft Western Oregon Resource Management Plan/Environmental Impact Statement (Draft EIS) was released on April 24, 2015. The Draft EIS does not analyze the impacts of this transfer in any of the alternatives. The BLM is concerned that if these bills became law, there may not be sufficient time to address these transfers and their impact to resources and uses in the Final EIS. The Final EIS Record of Decision is scheduled to be signed in spring 2016.

The BLM also recognizes that timeframes to complete cadastral surveys required by both bills are longer than in previous versions, giving the BLM up to 1 year to complete the surveys of the boundaries of the transfer. However, the BLM is still concerned with being able to meet this requirement and would like to continue to work with the sponsor on a timeline that would add flexibility to the survey requirements.

Conclusion

The Department of the Interior welcomes opportunities to work with Congress on the conveyance of lands into trust status and supports the goals of S. 814 and S. 815. We look forward to working with the sponsor and the Committee to address the various issues we have outlined in this testimony, as well as other minor technical issues.