

**Statement of  
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**Senate Committee on Energy and Natural Resources  
Subcommittee on Public Lands, Forests, & Mining  
S. 1262, Oregon Recreation Enhancement Act  
May 14, 2019**

Thank you for the opportunity to testify on S. 1262, the Oregon Recreation Enhancement Act. S. 1262 would establish two new recreation areas and expand the Wild Rogue Wilderness on forest lands managed by the Bureau of Land Management (BLM) in western Oregon. The bill would also withdraw approximately 101,000 acres of Federal lands managed by the U.S. Forest Service (USFS) and the BLM in southwestern Oregon.

The Department of the Interior (Department) has pledged to expand access to America's public lands, increase hunting, fishing, and recreational opportunities nationwide, and enhance conservation stewardship through Secretarial Orders 3347, 3356, 3366, and 3373. To advance those goals, we are focused on restoring full collaboration and coordination with local communities and making the Department a better neighbor. While the Department supports the goals of S. 1262 that align with these important priorities, we are concerned that the bill as currently written could ultimately decrease public access, limit outdoor recreational opportunities, impede management and harvest of timber and other forest products, and limit potential development of domestic critical minerals. For these reasons, we cannot support the bill as written. We would like to work with the sponsors and the Subcommittee on a number of modifications to the bill to address these issues. The Department defers to the Department of Agriculture regarding provisions in the bill concerning the lands and interests administered by the USFS.

**Background**

The Oregon and California Revested Lands Sustained Yield Management Act of 1937 (O&C Lands Act) placed 2.2 million checkerboard acres of Oregon and California Railroad and Coos Bay Wagon Road grant lands (the O&C lands) under the jurisdiction of the Department. Under the O&C Lands Act, the Department manages the O&C lands for "the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities." The Act also provides that the 18 O&C counties receive yearly payments equal to 50 or 75 percent of receipts from timber harvests on O&C lands in these counties. In addition to the O&C lands, the BLM manages approximately 212,000 acres of public domain forests and other acquired lands in western Oregon. These and other BLM-managed lands in

western Oregon also provide outstanding recreational opportunities, with over 5 million people visiting each year to enjoy hiking, camping, hunting, and fishing.

Timber harvests and the associated payments to counties decreased significantly in the mid-1990s, after the historic highs experienced in the late 1980s. The decrease was caused, in part, by management measures seeking to address the conservation and recovery of threatened and endangered species such as the northern spotted owl, coho salmon, and marbled murrelet. The Department manages the O&C lands, public domain forests, and other acquired lands under the 2016 western Oregon Resource Management Plans (2016 RMPs), along with guidance and management recommendations derived from the 2011 Northern Spotted Owl Recovery Plan and 2012 Final Critical Habitat Rule, as well as a number of court decisions.

The 2016 RMPs provide direction for the management of approximately 2.5 million acres of BLM-administered lands and offer outcomes for tourism, recreation, and timber harvest, while still maintaining protections for the northern spotted owl, listed fish species, and water resources. With full implementation of the 2016 RMPs, the BLM estimates that it will be able to offer for sale 278 million board feet per year in total timber volume.

### **Oregon Recreation Areas (Section 3)**

Section 3 of S. 1262 establishes the Rogue Canyon and Molalla Recreation Areas on nearly 128,000 acres of intermixed O&C lands and public domain forests in western Oregon and provides guidance for the management of each area. Although the Department strongly supports efforts to increase access to and facilitate and enhance recreational opportunities on BLM-managed lands in western Oregon, we have concerns with the potential impacts on forest production and public access if section 3 were to be implemented as written.

As discussed briefly above, the BLM's management of O&C lands and public domain forests is currently governed by a number of statutory requirements, including the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the Clean Water Act, the O&C Lands Act, the Federal Land Policy and Management Act (FLPMA), and the relevant implementing regulations and plans. Under this framework, the BLM manages these lands for forest production in conformance with the principles of sustained yield and for other multiple uses.

While we appreciate the sponsors' work to improve to the management language for the proposed recreation areas, the Department notes that these designations involve O&C lands within the harvest land base established under the 2016 RMPs. We require additional time to conduct the detailed analysis necessary to evaluate the extent of potential impacts to timber harvest levels. We would like the opportunity to work further with the sponsors and the Subcommittee on clarifying this aspect of the bill.

Because of the size of the proposed recreation areas, the bill's language related to road construction may also limit public access to any potential new or existing trailheads and scenic opportunities, and limit the extent to which forest health and wildfire resiliency activities could

be implemented, especially where these activities necessitate decreasing the density of commercially viable materials. Therefore, the Department is concerned this language is inconsistent with the goals of Secretarial Orders 3347, 3356, 3366, and 3372 and our commitment to sustaining and creating recreational access and improving forest health and reducing wildfire risk through active management.

#### **Wilderness (Section 4)**

Section 4 of S. 1262 would add approximately 60,000 acres of BLM-managed public lands to the existing Wild Rogue Wilderness in southwestern Oregon. The Department supports Congressional action to resolve wilderness designations across the West, and we welcome opportunities to further those efforts. Congress has the sole authority to designate lands to be managed permanently as wilderness, and we believe that such proposals should be considered as part of a locally driven process that incorporates the views of a wide range of stakeholders.

The Department notes that the lands proposed for wilderness designation by S. 1262 generally serve as habitat for a diversity of plant and animal life for forest-dependent species, including the northern spotted owl, Pacific salmon, steelhead trout, and green sturgeon, and provide important opportunities for fishing, rafting and boat tours, and hiking and backpacking, and other forms of outdoor recreation in the forested mountains of southwestern Oregon.

The Department would like the opportunity to work with the sponsors and the Subcommittee on the best mechanism for managing the resources on lands within the proposed wilderness expansion. Alternative management approaches could protect recreational opportunities and conserve resources while still accommodating the full range of uses and activities permitted on other BLM-managed lands. Under FLPMA, for example, the BLM currently manages lands within this area for a variety of uses, such as conservation, endangered species recovery, visual resource management, watershed protection, hunting, fishing, and other forms of recreation. If Congress opts to proceed with designation of these lands as wilderness, we would like to work with the sponsors to ensure that the bill language is consistent with how the BLM manages other congressionally-designated Wilderness Areas.

As with the proposed recreation areas, the wilderness expansion outlined in this section involves O&C lands. We would need additional time to conduct the detailed analysis necessary to evaluate the extent of potential impacts to timber-harvest levels and related county receipts associated with any prescribed forest health, species habitat, and wildfire resiliency treatments in the proposed area that were consistent with the RMP.

#### **Withdrawal (Section 5)**

Section 5 of S. 1262 permanently withdraws approximately 101,000 acres – encompassing approximately 5,200 acres of BLM-managed O&C lands and public domain forests and approximately 95,800 acres of USFS-managed National Forest System lands – from the public land, mining, mineral leasing, and geothermal leasing laws. These lands were administratively withdrawn for 20 years by Public Land Order 7859 on December 30, 2016.

Nickel and chromium, the latter of which has been determined by the U.S. Geological Survey to be a critical mineral, are the most important mineral resources in the lands proposed for permanent withdrawal. As directed by the President in Executive Order 13817, the Department is committed to ensuring access to and efficient development of critical minerals. The Department notes that there are approximately 279 existing mining claims located within this area (including both National Forest System lands and BLM-managed lands) but no active operations. As with other administrative and legislative withdrawals, these mining claims may be developed for mining if they are determined to be valid existing rights through a validity exam.

Since the withdrawal was put in place, the Red Flat Nickel Corporation has submitted a complete plan of operation to mine nickel on National Forest System lands within this area. The Department defers to the Department of Agriculture regarding the portions of the proposed permanent withdrawal affecting the lands and interests administered by the USFS.

### **Conclusion**

The Department is committed to increasing public access, expanding outdoor recreational opportunities, and increasing management and harvest of timber and other forest products. Therefore, the Department cannot support S. 1262 as currently written. We would be interested in working with the sponsors and the Subcommittee to address the specific concerns noted in our testimony and to accomplish our shared multiple use goals for BLM-managed lands.