

**Statement of  
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Department of the Interior  
Senate Energy & Natural Resources Committee  
Subcommittee on Public Lands, Forests & Mining  
S. 1414 Oregon Coastal Lands Conveyance Act  
S. 1415 Canyon Mountain Land Conveyance Act  
November 20, 2013**

Thank you for the opportunity to testify on S. 1414, the Oregon Coastal Lands Conveyance Act and S. 1415, the Canyon Mountain Land Conveyance Act. S. 1414 would provide that approximately 14,804 acres of 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. 1415 would provide that approximately 17,826 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. 1414 and S. 1415. The BLM would like the opportunity to work with the sponsor and the Committee to address various issues related to the bill, including access rights, utility and facility encumbrances, and timber harvest.

**Background**

Both the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians and the Cow Creek Band of 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 of 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 2014. The BLM's FY 2014 Budget request also includes a proposal for a five-year reauthorization of the Act.

**S. 1414**

S. 1414 would provide that seven tracts of land currently managed by the BLM, totaling 14,804 acres, be held in trust on behalf 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, we would like to work with the sponsor on certain access concerns. Withdrawals on several parcels included in the bill for uses such as power site classifications and water power designations would need to be revoked before the lands could be transferred. Multiple roads and related facilities currently maintained by the BLM are included in the areas identified for transfer, and continued access to these areas is important for public safety. Additionally, S. 1414 includes lands identified for transfer that were acquired with funding from the Land and Water Conservation Fund (LWCF) Act of 1965. The BLM would like to work with the sponsor to ensure that these lands are available in perpetuity for the use and enjoyment by the public, consistent with the requirements of the LWCF Act. The BLM would like to work with the sponsor to clarify these and other technical issues associated with boundary modifications and access.

Finally, the lands identified for transfer contain 6,236 acres of critical habitat for the northern spotted owl. The lands also include areas of critical habitat for the marbled murrelet and other threatened species. The BLM notes that transfer of these lands could impact recovery of these species, and would like to work with the sponsor to clarify language related to the protection of wildlife.

### **S. 1415**

S. 1415 would provide that approximately 17,826 acres of BLM-managed land in Douglas County, Oregon, be held in trust on behalf of the Cow Creek Band of Umpqua Tribe of Indians (Tribe). 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 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 lands identified for transfer contain numerous rights-of-way, as well as several mining claims. A number of parcels were acquired through donation with the expectation that they would be available in perpetuity for public use and enjoyment. Additionally, withdrawals for uses such as power site classifications and recreation areas would be affected. The BLM would like to work with the sponsor on language to maintain recreational and administrative access to certain areas within the identified parcels.

These lands also include populations of the Federally threatened Kincaid's Lupine and roughly 14,600 acres of critical habitat for the northern spotted owl. The BLM notes that transfer of

these lands could impact 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 conveyed by both S. 1414 and S. 1415 have been identified for potential future timber sales, the BLM believes that the conveyance 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.

The bills would require the BLM to identify sections of public domain lands to be reclassified as O&C lands within 18 months. It is our understanding that the sponsor intends the bill to transfer or reclassify only BLM-managed lands. The BLM would like to work with the sponsor to clarify language in section 7 accordingly. In order to identify and reclassify public domain land, the BLM would need to complete a variety of actions, including appraisal, survey, and environmental analyses. The timeframes provided in the bill to complete this work are insufficient considering the workload, staffing and costs involved. Additionally, the BLM is concerned that lands of approximately equal acreage, habitat condition, productivity, and land use allocation are unavailable for reclassification within the affected planning areas. The BLM would like to work with the sponsor on a timeline that would add flexibility and language providing specificity regarding the lands to be reclassified and their subsequent management.

### **Conclusion**

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. 1414 and S. 1415. 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.