

**Statement of  
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U.S. Department of the Interior  
Senate Committee on Energy and Natural Resources  
Subcommittee on Public Lands, Forests, & Mining  
S. 1699, Oregon Wildlands Act  
April 21, 2016**

Thank you for inviting the Department of the Interior to testify on S. 1699, the Oregon Wildlands Act. S. 1699 would establish two new national recreation areas on forest lands in western Oregon (Title I), protect over 280 miles of Oregon rivers on lands administered by the BLM and Forest Service with new designation as recreational, scenic, or wild rivers under the Wild and Scenic Rivers Act (Title II), and establish new conservation designations in western Oregon (Title III).

The Department has previously testified on many of the concepts contained in the provisions of this bill and believes this legislation is a continuation of the ongoing discussion about the management of western Oregon lands. The Department appreciates Senator Wyden's longstanding work on these issues. Overall, the Department supports many of the goals of the bill, and supports Titles II and III. We would like to work with Senator Wyden and the Subcommittee on substantive, clarifying, and technical amendments to Title I to resolve our outstanding concerns and would also like the opportunity to provide updated maps that are more closely tailored to the designations in this bill.

**Background**

***Current BLM Management of Lands in Western Oregon***

The O&C Lands Act of 1937 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 of the Interior. Under the O&C Lands Act, the Department of the Interior 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.

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 the need for management measures to address the conservation and recovery of threatened and endangered species such as the northern spotted owl, coho salmon, and marbled murrelet. The 1994 Northwest Forest Plan was developed by Federal agencies and scientists in consultation with the public and industry to be a balanced, long-term management plan striving

for a predictable and sustainable supply of timber along with protection of fish and wildlife habitat for 24.5 million acres of Federal forest in western Oregon, western Washington, and northern California, most of which is managed by the U.S. Forest Service. The BLM's western Oregon Resource Management Plans were amended in 1995 (1995 RMPs) to incorporate the Northwest Forest Plan management guidelines and land use allocations.

In addition to the O&C lands in western Oregon, the BLM manages 212,000 acres of public domain forests and other acquired lands within the boundary of the Northwest Forest Plan. The Department of the Interior continues to manage the O&C lands under the 1995 RMPs and the guidance of the Northwest Forest Plan, along with 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. 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.

### ***Resource Management Plan Revision***

In March of 2012, the BLM began the planning process to revise the 1995 RMPs that govern management of the O&C lands. The BLM has spent over four years engaging the public, key stakeholders, cooperators, and tribes conducting extensive public scoping and providing numerous opportunities for all parties to provide public input through design workshops, public meetings, and other venues as part of the National Environmental Policy Act (NEPA) process. The BLM has used this input, along with lessons learned from 20 years of experience implementing the Northwest Forest Plan, as well as threatened and endangered species recovery plans and critical habitat designations from both the U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS), to craft the recently published Proposed RMP/Final Environmental Impact Statement. A final Record of Decision is expected in the coming months.

### **Oregon National Recreation Areas (Title I)**

Title I of S. 1699 establishes the Rogue Canyon and Molalla National Recreation Areas on nearly 119,000 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 shares S. 1699's goals to protect, conserve, and enhance the unique recreational and natural resources of these areas, we have concerns with the language of Title I and the impacts if it 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 of 1937, 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.

The Department notes that it is unclear how this title would affect the timber sale program that is proposed in conjunction with the recently published Proposed RMP/Final Environmental Impact Statement for the O&C lands. We would like the opportunity to work with Senator Wyden and the Subcommittee on clarifying this aspect of the bill.

We also believe that the management language for the proposed recreation areas is unclear and may impact existing commercial timber production activity that relies on rights-of-way held by adjacent private forest landowners and existing commercial recreational activity. Because of the size of the proposed areas, some of the bill's language may also limit access to existing trailheads and scenic opportunities. We would like to work with the sponsor and Subcommittee on language to clarify the use of existing permanent roads and the bill's effect on ongoing commercial activity.

Finally, we note that the maps for each of the proposed recreation areas were created for previous iterations of the legislation and may contain designations or other features unrelated to this bill. Consequently, the Department would like the opportunity to provide updated maps that display the proposed areas in greater detail using the latest data. We would also like the opportunity to discuss boundary modifications for manageability.

#### **Additional Wild & Scenic River Designations & Technical Corrections (Title II)**

Title II of S. 1699 would protect over 280 miles of Oregon rivers on lands managed by the BLM and Forest Service with designation as recreational, scenic, or wild rivers under the Wild and Scenic Rivers Act. As we have previously testified, the Department strongly supports the provisions of this title, which would conserve these unique places for future generations.

#### ***Additions to Rogue Wild & Scenic River***

Section 201 of S. 1699 would extend the existing Rogue Wild and Scenic River by adding approximately 120 miles of 37 tributaries to the National Wild and Scenic Rivers System. In addition, this section withdraws 16 miles of 6 other Rogue River tributaries from land laws, mining laws, and mineral leasing laws and prohibits the Federal Energy Regulatory Commission (FERC) from licensing new water resource projects and associated facilities along these tributaries. The Department supports these designations but recommends a minor technical correction to the amended language for the original Rogue River designation.

#### ***Corrections to the Wild and Scenic Rivers Act***

Section 202 of the bill pertains to lands managed by the Forest Service, and the Department defers to the Department of Agriculture on this provision.

#### ***Wasson Creek & Franklin Creek Designations***

Section 203 of S. 1699 would designate portions of both Franklin Creek and Wasson Creek as components of the Wild and Scenic Rivers System. In previous testimonies, the Department of Agriculture has supported legislation to designate Franklin and Wasson Creeks as components to

the Wild and Scenic River System. Our understanding is that USDA continues to support these designations.

Additionally, the Department supports the designations that would be managed by the BLM, including approximately 4.2 miles of Wasson Creek.

### ***Molalla Wild & Scenic River***

At an elevation of 4,800 feet, the Molalla River flows undammed for 49 miles west and north until it joins the Willamette River, providing drinking water for local communities and important spawning habitat for several fish species. Within an hour's drive of the metropolitan areas of Portland and Salem, the Molalla watershed provides significant recreational opportunities for fishing, canoeing, mountain biking, horseback riding, hiking, hunting, camping, and swimming and draws over 65,000 visitors annually.

Section 204 of the bill proposes to designate 15.1 miles of the Molalla River and 6.2 miles of the Table Rock Fork of the Molalla as components of the National Wild and Scenic Rivers System. The Department supports these designations.

### ***Additional Wild & Scenic River Designations***

The Department of the Interior defers to the Department of Agriculture on the Elk River provisions (section 205[a]) which affect lands administered by the Forest Service.

Section 205(b) of the bill would protect over 50 miles of Oregon rivers with new designation as either recreational or scenic rivers under the Wild and Scenic Rivers Act. The Department supports these designations.

### **Wilderness Areas (Title III)**

The BLM also manages many extraordinary lands in western Oregon that are proposed for conservation designation under this legislation. Title III of S. 1699 would expand the Wild Rogue Wilderness Area in southwestern Oregon and designate the Devil's Staircase Wilderness Area in southwestern Oregon. As we have previously testified, the Department supports this title, which would conserve and protect these special places that are treasured both locally and nationally. The Department notes that the maps for each of the proposed wilderness areas were created for previous legislation and may not reflect current land status data. For clarity, we would like the opportunity to provide updated maps of the proposed designations.

### ***Wild Rogue Wilderness***

Over millions of years, the Rogue River, one of the initial eight rivers recognized in the 1968 Wild and Scenic Rivers Act, has carved its way through western Oregon's mountains. Dense, old-growth forests flank the Rogue, providing habitat for forest-dependent species. The cold, clear waters of the river provide a home for Pacific salmon, steelhead trout, and green sturgeon. Recreationists drawn to the Rogue River watershed are a critical economic engine for local economies and include fishing, rafting and boat tours, and hiking and backpacking.

The bill (Section 301) proposes to enlarge the existing Wild Rogue Wilderness by adding nearly 60,000 acres of land administered by the BLM.

The BLM supports this section of the bill. This wild and rugged area is largely untrammelled and has been influenced primarily by the forces of nature with outstanding opportunities for primitive recreation or solitude. The BLM would like to work with the sponsor to ensure that the bill language is consistent with how BLM manages other congressionally-designated Wilderness Areas.

### ***Devil's Staircase Wilderness***

The proposed Devil's Staircase Wilderness near the coast of southwestern Oregon is an example of what much of this land looked like hundreds of years ago. This area is a multi-storied forest of Douglas fir and western hemlock that towers over underbrush of giant ferns and provides critical habitat for the threatened northern spotted owl and marbled murrelet. The remote and rugged nature of this area provides a truly wild experience for any hiker.

Section 302 of Title III proposes to designate over 30,000 acres as wilderness. In previous testimonies, the Department of Agriculture has supported legislation to designate Devil's Staircase as Wilderness. Our understanding is that the Department of Agriculture continues to support this designation. The Department supports the transfer of administrative jurisdiction of 49 acres to the Forest Service. Additionally, the Department supports the designations that would be managed by the BLM, including approximately 6,830 acres of the proposed Devil's Staircase Wilderness. The BLM would like to work with the sponsor to ensure that the bill language is consistent with how BLM manages other congressionally-designated Wilderness Areas.

### **Conclusion**

S. 1699 would establish two new national recreation areas on forest lands in western Oregon, protect over 280 miles of Oregon rivers with new designation as recreational, scenic, or wild rivers under the Wild and Scenic Rivers Act, and establish new conservation designations in western Oregon. The Department supports the goals of protecting, conserving, and enhancing the unique recreational and natural resources of the proposed national recreation areas, and also fully supports the conservation designations that would be made under Titles II and III. The Department looks forward to continuing to work with the sponsor, the Subcommittee, and stakeholders to address the specific concerns noted in our testimony with regard to the bill as drafted, to reconcile differences, and to accomplish our shared stewardship goals for BLM-managed lands in western Oregon.