

**STATEMENT OF CARSON (PETE) CULP
ASSISTANT DIRECTOR OF MINERALS, REALTY AND
RESOURCE PROTECTION
BUREAU OF LAND MANAGEMENT**

**S.610 WASHAKIE COUNTY, WYOMING
S.1218 LANDUSKY SCHOOL DISTRICT, MONTANA
S.408 CARSON CITY, NEVADA
S.1629, OREGON LAND EXCHANGE ACT OF 1999**

**BEFORE COMMITTEE ON ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON
FORESTS AND PUBLIC LAND MANAGEMENT
OCTOBER 14, 1999**

Mr. Chairman and members of the subcommittee, I appreciate the opportunity to appear before you today to testify on S.610, the conveyance of certain Bureau of Land Management (BLM) lands in Washakie and Big Horn Counties, Wyoming to the Westside Irrigation District; S.1218, the conveyance of certain BLM lands in Landusky, Montana to the Landusky School District; S. 408, the conveyance of certain BLM lands in Carson City, Nevada for use as a senior center; and S.1629, the Oregon Land Exchange Act of 1999. The BLM supports the conveyance of public lands in Montana as described in S.1218, if amended to make the conveyance subject to the National Environmental Policy Act (NEPA), and does not object to the conveyance in Nevada as described in S.408. The Bureau does not support S.610, the land conveyance in Wyoming, and we do not support S.1629, the Oregon Land Exchange Act of 1999 because we believe the exchange objectives discussed in this bill can be accomplished within existing administrative authorities and it is important to complete the public review process as part of our land exchange procedures.

I first wish to discuss S.610, and the conveyance of certain BLM lands to the Westside Irrigation District in Wyoming. This bill would enable the Westside Irrigation District to purchase approximately 39,000 acres of BLM lands northwest of Worland, Wyoming which would then be converted to agricultural production through the use of overhead sprinkler irrigation systems. The surface rights would be purchased at fair market value and the monies derived from the sale of these public lands would be used by the BLM to acquire other private parcels having resource values.

The Bureau has concerns with S.610. First, the BLM opposes land disposals without appropriate planning, NEPA analysis, and public participation. The BLM Grass Creek Resource Management Plan does not identify these lands for disposal. Additionally, no environmental analysis has been completed for the proposal and there has been very little public involvement.

Also, the legal description as identified in the legislation is very vague and requires clarification. After a review of BLM land status records, the total acreage was determined to be approximately 39,000 acres. As I mentioned, the purpose of this legislation is to permit the Westside Irrigation

District to add 39,000 acres of arable farming units to their district. Arable is a term used for lands that are suitable for cultivation. However, in 1986 the Bureau of Reclamation completed a classification study and found that there were not 39,000 acres of arable lands, but only 7,500 acres suitable for cultivation in the area. The remaining acres were classified to be non-arable.

In addition to the discrepancy in the arable lands, a partial cultural inventory on approximately 2,000 acres within the proposed sale area, yielded 38 sites that were evaluated as eligible for the National Register of Historic Places. An additional 471 cultural sites were found but were not evaluated for eligibility for the National Register. Six of the eligible sites are believed to have been occupied by Paleo-Indians.

The area is also valuable for paleontological research. For example, it includes many localities where scientifically significant vertebrate fossils have been collected and studied. These fossils, and the layers of rock where they occur, document the history of life in North America. In addition, approximately 15,000 acres have been identified as crucial mule deer and antelope winter range and agricultural development of the area could potentially affect fisheries in the Bighorn River.

The area is rich in mineral resources as well. Yet, despite this mineral value the bill states that all rights, title, and interest of the United States be transferred. This would include the mineral estate, including the three oil and gas fields, (including 22 producing wells), gravel deposits used for construction and road building, and a number of rights-of-way are also located within the affected area and easements the BLM holds for access to public lands. Inasmuch as the BLM wishes to support opportunities for rural development in Wyoming, we cannot support the divestiture of these resource rich lands from public ownership.

The BLM supports S.1218, if amended to make the conveyance of 2.06 acres of public land to the Landusky School District in Landusky, Montana, subject to the National Environmental Policy Act (NEPA). By way of history, the Landusky elementary school was constructed in 1904 and an auxiliary school building was completed in 1992. The subject lots are both adjacent to private lands. The BLM assumed administrative jurisdiction from the U.S. Forest Service in 1966. Also, in 1966, the Landusky townsite withdrawal was established by Public Order No. 3938. While establishing the townsite, BLM officials also created a school reserve and intended to include the Landusky elementary school as part of the school reserve. The old townsite authority would have allowed the patenting of those school lots to an incorporated town, however, since Landusky is not incorporated, those lots were never patented. In 1976, the Federal Land Policy and Management Act (FLPMA) repealed the townsite laws, and the lands still remain under the jurisdiction of the BLM. In 1991, the fair market value for these two lots was \$30,300. The current value of these lots has not yet been determined, but their monetary value is not likely to be significant. The lands are currently being used for their intended purpose, and because the Landusky school district has little funding capability, we recommend that the lots be conveyed with no monetary consideration subject to NEPA requirements.

The BLM does not object to S.408, the conveyance of a 4.48 acre BLM administrative site in Carson City, Nevada, for use as a senior center. The administrative site was used as a vehicle and ware yard in conjunction with the BLM Carson City Field Office. The BLM site is vacant and

the city of Carson City desires to acquire the parcel for an assisted living center in conjunction with existing controlled health care facilities. The existing Senior Center and intensive care facility are currently adjacent to the subject property. In May 1998, the city of Carson City submitted an application under the Recreation and Public Purposes Act (R&PP) for a residential and domicile facility associated with extended care. However, the residential aspect of the assisted living facility did not qualify under the R&PP Act. An additional option considered was disposal of the property by direct sale at fair market value, however, the city indicated they could not afford to purchase the parcel as the subject property is in downtown Carson City where real estate values could easily exceed \$300,000.

Finally, I would like to address S. 1629, the Oregon Land Exchange Act of 1999. This land exchange was first identified in the BLM John Day Resource Management Plan (RMP) in 1984. In 1993, several private land owners identified an opportunity for consolidated land ownership. One of the larger property owners in the area began land exchange discussions with a third party facilitation organization known as the Clearwater Land Exchange. The initial proposal involved an exchange where the BLM would dispose of difficult to manage isolated lands, and in exchange would gain valuable stream side areas.

As these proposals evolved, the Clearwater Land Exchange began to contact other area landowners to discuss the array of possible land exchanges with the BLM. Following a public tour in October of 1996, the BLM, in December of 1996, went forward with the notice of intent to develop an environmental impact statement (EIS) for the exchange. After extensive public outreach to landowners, local communities, and tribal governments the BLM began work on the draft environmental impact statement, and in June of 1998, the final EIS was published. However, the public review process has not been completed regarding individual proposed land exchange transactions.

In all, this proposed exchange involves the exchange of over 160,000 acres in multiple Oregon counties. The BLM would potentially transfer 90,000 acres of isolated public lands, and acquire 70,000 acres of private land with significant natural resource values thus creating an improved land ownership and management pattern in Northeast Oregon.

As one can imagine, the sheer scope of the land exchange being discussed has resulted in a process containing a series of smaller and more manageable phases. Once the Record of Decision and public review process is completed, and assuming the NEPA documentation supports the decision to go forward with the exchange, the first phase would primarily involve lands in Grant, Wheeler, Umatilla, and Morrow Counties. Following the completion of the disposal of lands in the first phase, the BLM would continue the public review process for future proposed exchange transactions and with the help of the Clearwater Land Exchange work to exchange the remaining lands.

Conclusion

Mr. Chairman, these bills presented before you today are an indication that the public lands are becoming more and more an avenue by which many can benefit. With the amendments suggested, we are pleased to be able to support the local communities of both Landusky,

Montana and Carson City, Nevada in providing land for their needs. We also support the tenets of the northeast Oregon land exchange proposal, however, without the use of legislation. We also look forward to working with the Westside Irrigation District to bring about an administrative solution to their rural needs. We would be happy to work with both the Oregon and Wyoming delegations to provide a solution.

Mr. Chairman, I appreciate this opportunity to appear before the Subcommittee and discuss these bills. I will be glad to answer any questions.

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