

Questions & Answers

on the proposed transfer of 1,580 of public land in Deschutes County from BLM to DSL

What land might be transferred out of federal ownership?

The State of Oregon Department of State Lands (DSL) has applied to receive approximately 1,580 acres of BLM-managed public land just south of the Boonesborough subdivision, off Deschutes Market Road, in central Oregon.

Didn't the Upper Deschutes Resource Management Plan (RMP) say that land would stay BLM forever?

The 2005 Upper Deschutes RMP classified these 1,580 acres to be retained in public ownership, also known as Zone 1 lands. While some RMP decisions remain valid for decades, others are revisited if there are changes in laws and regulations, changes in resource management issues, new demands on public lands, changes in population size and location, new technologies and new data and information indicating that parts of a plan might be out of date. The BLM can modify RMP decisions if necessary, through a plan amendment process.

Why does the BLM have to give land to the State?

When the State of Oregon was admitted into the Union in 1859, the Federal government granted sections 16 and 36 within every township to the State for support of public schools. However, if the Federal government had already disposed of these specific sections or reserved them for some other purpose, the State is allowed to select other public lands "in-lieu" of the unavailable sections. A 1991 federal court decision found that the State of Oregon is entitled to select 5,202 acres of public domain lands currently under BLM jurisdiction. The BLM continues to have an obligation to the State of Oregon under the Admission Act of 1859, and a 1995 Memorandum of Understanding (MOU). The State of Oregon has already received approximately 3,000 acres of land from the BLM and is working to satisfy their remaining acreage entitlement.

Could the BLM offer other land instead of the Deschutes Market Road Parcel?

The State of Oregon has wide discretion in which lands it can select. The 1995 MOU between the State of Oregon DSL and BLM stated, "The court [1991 decision] did not provide any direction as to which particular unused base lands could be selected..." The BLM's role in the selection process is much more limited. The MOU includes a BLM selection criterion, "...it is preferred that selected lands not be identified for retention in the BLM Resource Management Plans. Retention lands may be selected but final transfer may be contingent upon an amendment to the applicable plan." The BLM does not make the selection; its decision space is to accept the application, deny it, accept a portion of it, or accept it with mitigations that may come up during the public comment period for the project.

What does DSL plan to do with the land?

The State of Oregon DSL has selected parcels with potential to produce income for the Common School Fund through subsequent development of the lands. In a June 12, 2008 letter to the BLM, DSL Director Louise Solliday said, "...the property has potential for uses compatible with nearby and adjacent land

uses, as well as the future possibility for higher value land uses associated with higher density development...I expect that we would manage the lands in a substantially similar manner to the BLM's management at least until a specific area management plan is developed." In a July 23, 2008 letter, Director Solliday stated, "The Department expects to manage the Wagon Road (Road) area to maintain the historical integrity of this site by ensuring that roads, utility rights of way and adjacent land uses are appropriately mitigated...DSL is amenable to a deed restriction that would protect this area for its historical values into the future."

What are the next steps in the process?

The BLM is reviewing the selected lands in accordance with the National Environmental Policy Act, the Federal Land Policy Management Act, and other Federal requirements. Since the State of Oregon DSL application includes lands zoned for retention, the BLM will need to amend the 2005 Upper Deschutes Plan prior to any land transfer. The amendment will be analyzed with an Environmental Assessment.

How can the public comment?

There was a 30 day public scoping period (ending August 15, 2008) before the BLM began the EA, and there will be an additional comment period on the draft EA / RMP amendment. There will be a protest period when the EA, proposed RMP amendment and initial classification decision are published, prior to a decision on the proposal.

You may use the comment form provided by the BLM (available on web site), or whatever format you wish.

***Important Privacy Notice:** Before including your address, phone number, e-mail address, or other personal identifying information in your comment, please know that your entire comment – including your personal identifying information – may be made publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.*

More information

There are a number of ways you can provide comments and stay informed about this project. Choose one or more from the list below:

- ◆ **WEBSITE:** <http://www.blm.gov/or/districts/prineville/plans/state-in-lieu/index.php>
- ◆ **MAIL:** BLM, DSL Selection, 3050 NE Third Street, Prineville, OR 97754
- ◆ **EMAIL:** DSLSelection@blm.gov **FAX:** (541) 416-6798
- ◆ **PHONE:** (541) 416-6700 Teal Purrington, Project Lead; Doug Vandergon, Realty Specialist; or Molly Brown, Field Manager.
- ◆ **NEWSLETTER:** To be added to the mailing list for this project, please check the appropriate box, below, and return this checklist with your address label from this letter to the BLM address above. If we do not hear from you, you will NOT receive future updates on the project.
 Add me to the mailing list for this project. ← We will use address on reverse, or new address you provide
 Remove my name from THIS mailing list ← We will assume this choice if we do not hear from you
 Remove my name from ALL Prineville District mailing lists