

# Guidance for providing comments

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

## Questions to consider for comments:

- Do you know of any additional issues the BLM should consider as it prepares the Environmental Assessment and Resource Management Plan Amendment?
- What would be the effects of transferring the parcel to DSL?
- What would be the effects of leaving the parcel under BLM management?
- Is there information BLM needs to know to make an informed decision?
- If the decision were to “approve the State’s application with mitigations,” what do you think would be some important mitigations?
- Do you have or know of valid existing rights or other statutory constraints that would bar reclassification of the lands as suitable for transfer to the DSL?

## 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 are the next steps in the process?

The next step is to review 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 amend the 2005 Upper Deschutes Plan. The amendment will be analyzed with an Environmental Assessment. There will be a 30 day public scoping period before the BLM begins the EA, and an additional comment period after the EA is completed but before the BLM makes a decision on the DSL application.

## How can the public comment on the proposal?

Right now, the BLM is soliciting input from the public for the Environmental Assessment, and on the proposed reclassification of lands. If you have comments you would like the BLM to consider, send them to the BLM by mail, email, or fax by August 15, 2008.

# Public Comment Form

For input in the environmental analysis and proposed classification of approximately 1,580 acres of BLM managed public land selected by the State of Oregon, Department of State Lands (DSL), at Deschutes Market Road for transfer as indemnity selection under the Admission Act of February 14, 1859. You may use this form, or any other format you wish.

## Comments:

Your name (please print): \_\_\_\_\_ Date: \_\_\_\_\_

Representing (put an X in one box only):

self only, or  business, organization, or agency (list): \_\_\_\_\_

Street Address, State, and ZIP: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Return comments by August 15, 2008** to: Prineville BLM – DSL Selection, 3050 NE Third Street, Prineville, OR 97754 FAX: (541) 416-6798 E-mail: DSLSelection@blm.gov Questions: (541) 416-6700 Website: <http://www.blm.gov/districts/prineville/plans/state-in-lieu/index.php>

**Important Privacy Notice:** Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised 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. *If you checked “self only” above, and would like us to withhold your name, put an X in this box:*