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Don Gentry, Klamath Tribal Chairman
The Klamath Tribes
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April 22, 2015

Dear Chairman Gentry and members of the Tribal Council,

On behalf of Oregon Wild's 15,000 members and supporters from all across the state, I write to express concern regarding the potential loss of federal public lands on the Fremont-Winema National Forest. It has come to our attention that the recent setback in the effort to acquire the Mazama Forest tract has led to a renewed proposal to dispose of some or all of the Fremont-Winema National Forest through transfer to The Klamath Tribes. We support the Tribes' efforts to re-establish a land base, restore fish and wildlife, and develop sustainable economic opportunities. However, we believe that there are better and more attainable ways for the Klamath Tribes to achieve these goals than the removal of some or all of the Fremont-Winema National Forest from America's public lands conservation system.

As you know, when the disposal of the Fremont-Winema National Forest was suggested in 2002 and 2003, it became a highly contentious and polarizing issue within the Klamath Basin and beyond. It divided conservation advocates, hunters, anglers, hikers, mountain bikers, and other recreational users of the forest, and members of The Klamath Tribes. The objections to, and concerns with, that previous proposal remain and are likely to carry over to any future effort to transfer the forest out of public ownership. These include:

- Public access and recreation – every year, tens of thousands of Oregonians use and enjoy the Fremont-Winema National Forest for activities like hiking, camping, hunting, fishing, wildlife viewing, and mountain biking. If some or all of the forest is lost to public ownership, it is likely the ability of Oregonians, and people from across the country, to use and enjoy those lands will be reduced. Even if an agreement could be reached to assure public access in the near term, how would the public maintain such access should a future Tribal government choose to go another direction?
- Public oversight – the Fremont-Winema is currently managed as public land belonging to all Americans and the National Environmental Policy Act (NEPA) ensures a strong voice for the public in all major management decisions. Proposals to expand logging operations, off-road vehicle use, livestock grazing, and other activities must allow for public notice and comment, and abide by strict standards regarding the use of science. Should those standards be violated, Americans today have the right to challenge decisions in court. Recreational and conservation

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organizations are rightfully concerned about the loss of public oversight and accountability.

- Environmental safeguards – as National Forest land, the Fremont-Winema today is subject to a variety of environmental safeguards, including the Clean Water Act, Roadless Area Conservation Rule, National Forest Management Act and Endangered Species Act. Strong protections exist for old-growth trees, riparian areas, and important wildlife habitat. Were some or all of the forest to be removed from America's National Forest System and transferred into Tribal control, these safeguards would no longer apply, and citizens would lose the ability to challenge management decisions in court should they violate these laws. This has understandably generated deep concern among conservation advocates.
- Maintaining America's public lands network – over the last several years, anti-environmental organizations throughout the Western United States have launched campaigns to demand Congress privatize public lands, or transfer them to the states. Here in Oregon, the House of Representatives' Rural Communities, Land Use, and Water Committee held hearings on several bills that would require the American people to transfer ownership of Crater Lake National Park and dozens of National Forests, a National Grassland, and National Wildlife Refuges into state ownership and eventual privatization. We believe that The Klamath Tribes shares our concern about maintaining the ecological integrity of public lands in the Klamath Basin, and elsewhere in the state. It would be unfortunate if a proposal to resolve the Tribes' legitimate aspirations for a land base became a basis for a much larger dismantling of America's public lands system in Oregon and around the country.

While we are deeply concerned about proposals to dispose of Fremont-Winema National Forest lands, Oregon Wild remains supportive of The Klamath Tribes efforts to re-establish a land base, restore fish and wildlife, and develop sustainable economic opportunities. We believe there are a number of other possibilities that would help advance these goals that should be given priority over the transfer of American public lands out of public ownership. These include:

- Acquisition of Private Lands – at this time it is unclear to us whether the Mazama Tract has been permanently removed from the possibility of forming a land base, or if other lands in the basin that could be suitable are available. It is possible that the new owners of the Mazama Tract do not plan to hold the property for the long-term. Given that, we believe it is important that the option of re-acquiring private lands that were once part of the Klamath Reservation remain on the table. If the linkage of funding for an acquisition to the uncertain future of the Klamath Basin Restoration Agreement (KBRA) is a problem, then Congress should appropriate stand-alone moneys to simplify the process. If the purchase price has increased given the delay in implementation of the KBRA, Congress should appropriate an increased amount to cover inflation and the increased cost of the land.
- Cooperative-Management of a Portion of the Fremont-Winema National Forest – Oregon Wild could support The Klamath Tribes entering into a Cooperative-Management Agreement with the USDA Forest Service regarding an appropriate portion the Fremont-Winema National Forest. This could include requirements that the Forest Service and the tribal government jointly (1) set objectives and determine desired environmental conditions on covered land, (2) develop recreation, ecological restoration and other projects, and (3) ensure important cultural and natural resource values are protected. Such an agreement between the Forest Service and The Klamath Tribes is long overdue, and we believe it would strengthen The Klamath Tribes role and voice in public forest management and conservation, while maintaining the public lands and all of the benefits of public ownership.
- Preference in Contracting – The economic challenges that have faced The Klamath Tribes as a result of termination are undeniable, and Oregon Wild strongly supports efforts to develop

sustainable economic opportunities around the Fremont-Winema and other public lands. A preference-in-contracting agreement with the Forest Service that would apply to a portion of the Fremont-Winema National Forest could be a key tool to help pursue this goal. There is a tremendous backlog of work needed in the Fremont-Winema in conducting environmental restoration projects, including thinning forest stands that are unnaturally dense due to fire suppression, controlled burns, road decommissioning, making remaining road more wildlife and watershed-friendly, and other activities. We believe the Forest Service should work closely with The Klamath Tribes in developing and carrying out these proposals, and that to the maximum extent possible Tribal members have an opportunity to benefit from the jobs and economic benefits these projects provide.

- A Tribal Restoration Fund – from our perspective, it appears a major problem with the Mazama Tract acquisition is the reliance on Congress and the Department of the Interior to fund the acquisition and to serve as intermediaries. We believe that providing The Klamath Tribes' leadership with the tools to independently pursue such opportunity is likely more efficient and effective. For that reason, we would strongly support a Congressional appropriation to establish a Tribal restoration fund, which be held by the Bureau of Indian Affairs or another agreeable entity, for the purposes of land acquisition and economic development. This would provide The Klamath Tribes with an important tool to make arrangement for the acquisition of lands, or to pursue development of economic enterprises such as a small-diameter log mill, forestry contractors, and environmental restoration crews.

Oregon Wild recognizes the ugly history of the federal policy of tribal termination, and the role it played in the establishment of some portions of the Fremont-Winema National Forest and Klamath Marsh National Wildlife Refuge. However, we believe the removal of some or all of the National Forest from America's public lands system would create unnecessary and unproductive conflict. There are better and more attainable ways for The Klamath Tribes to achieve a land base, environmental restoration, and economic self-sufficiency.

Though we have at times been in conflict over the disposal of the Fremont-Winema National Forest, Oregon Wild and The Klamath Tribes have a long history of working together for the betterment of the Klamath Basin's fish and wildlife resources, public lands, and waters. We stand ready to work with the Tribes again to resolve the land base issue without removing the Fremont-Winema from America's system of public lands.

Sincerely,



Sean Stevens, Executive Director
Oregon Wild

Cc: Members of The Klamath Tribal Council
US Senator Ron Wyden
US Senator Jeff Merkley
Representative Suzanne Bonamici
Representative Greg Walden
Representative Earl Blumenauer
Representative Peter DeFazio
Representative Kurt Schrader
Governor Kate Brown
Connie Cummins, Forest Supervisor, Fremont-Winema National Forest