

Draft Assessment Forest Plan Revision

Land Ownership, Access, and Uses Detailed Report

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Land Ownership, Uses, and Access Patterns

Introduction

The national forests provide a wide range of uses, products, and services that contribute to the economic and social well-being of local communities, counties, and American Indian Tribes. The quantity and quality of these provisions contribute to the local economy and the maintenance of local infrastructure. Infrastructure and the local workforce play a critical role in the capacity of the forests to conduct management activities. There is a concern about having access to secure goods and services from national forests, as well as the Forest Service's ability to maintain structures (buildings, roads, water facilities, etc.).

Process and Methods

The Forest Service Handbook 1909.12 provides guidance on implementing the 2012 Planning Rule, which calls for assessing the status and trends of land ownership, access, and use that relate to forest plan revision. This assessment describes current landownership, access, and uses within and surrounding the Blue Mountains national forests, based on the existing 1990 forest plans, known private land transactions that either border or are located within National Forest System lands, local government ordinances, land planning and zoning regulations, and other state and agency records and plans.

Land ownership and land status are the patterns of public and private ownership of both surface and subsurface rights and legal restrictions that are present both within and surrounding the National Forest System lands. They both affect and are affected by forest management policy. Land use is the current use of land within and surrounding National Forest System lands. Private land uses, such as residential or agricultural, interact with national forests, as do activities conducted under permit and by agencies on other public lands.

The Blue Mountains national forests' landownership pattern is continually modified to accomplish desired conditions in the current 1990 forest plans. Opportunities for improving the landownership pattern are achieved through land exchanges, purchases, donations, transfers, interchanges, and disposal.

Private land transactions that either border or are located within National Forest System lands remain subject to state statutory frameworks, local government ordinances, and land planning and zoning regulations. These combined regulations result in minimal changes to the character of private, state, and corporate land holdings surrounding NFS lands that may result from private land transactions.

Scale

The analysis area includes northeastern Oregon, southeastern Washington, and western Idaho, including the Malheur, Umatilla, and Wallowa-Whitman National Forests.

Current Forest Plan Direction

Special Uses

The current Blue Mountains national forests plans directs units to provide for the use and occupancy of the national forests by private individuals or federal, state, and local governments when such use is consistent with forest management objectives, is in the public interest, and cannot be reasonably served by development on private land. Such uses are administered by the lands special uses program for each national forest.

Land Adjustments

Under the current forest plans, landownership is adjusted, as opportunities arise, to consolidate National Forest System lands, achieve a net reduction in property lines, acquire lands in federally designated areas, obtain lands needed for administrative or research purposes, improve resource conservation and production, resolve landownership conflicts, or otherwise be clearly in the public interest.

Priorities for landownership adjustments include those that improve resource management and increase efficiency or reduce costs. Opportunities for improving land ownerships pattern are achieved through land exchanges, purchases, donations, and transfers with private individuals or other agencies. Acreages within each group are summarized in the individual forest plans.

Access

Current management direction for access and travel use is found in 36 Code of Federal Regulation (CFR) 212, and Forest Service Travel Management directives. These 2008 agency directives published in the Federal Register Notice 73 FR 75689 were established to implement the agency's 2005 final travel management rule (Federal Register Notice 70 FR 68264).

Existing Condition

Land Ownership

Lands of other ownerships are located within the proclaimed boundary of the Blue Mountains national forests, including private lands (many of which are patented mining claims), lands managed by other federal agencies, state lands, and land owned by counties and municipalities. Ownership

changes occur through land exchange, fee purchase, and the use of scenic easements to acquire certain rights short of fee ownership.

The Blue Mountains national forests landownership pattern varies with location and can be characterized as:

- Large blocks of uninterrupted, contiguous National Forest System lands
- Isolated tracts of private lands surrounded by National Forest System lands
- Isolated tracts of National Forest System lands surrounded by private lands
- Larger blocks of private lands surrounded by National Forest System lands.

Adjustments of land ownership can occur through congressionally mandated conveyances, exchanges, and acquisitions or through Forest Service administrative activities.

The objectives of the Forest Service landownership adjustment program (FSM 5402) are to:

- Achieve the optimum landownership pattern to provide for the protection and management of resource use to meet the needs of the nation now and in the future.
- Settle land title claims equitably, promptly, and avoid land use conflicts with non-Federal landowners.
- Provide resource administrators readily accessible and understandable title information affecting the status and use of lands and resources they administer.

Occasionally, it is in the public interest to acquire private lands through purchase or condemnation. The objective of condemnation is to acquire real property or interests in property when all other methods of acquisition fail, and the property or interest is required for the protection, administration, or utilization of National Forest System lands (FSM 5480). Where it proves futile to gain landowner compliance with the private land use regulations, purchase of the lands by the federal government may be the preferred recourse.

Managing land ownership includes survey and marking landlines and other boundaries, purchase and exchange of lands with private parties and non-federal government entities, handling of title claims and other assertions of title, and acquisition of rights-of-way.

Although most rights-of-way have been acquired, there is a continuing program to acquire road and trail rights-of-way needed to provide for a transportation system that meets public access to National Forest System lands and agency management goals (FSM 5460).

Special Uses

The Blue Mountains national forests provide lands for a wide variety of special uses by private individuals and public agencies. Such uses are authorized by special use provisions, mining laws, and withdrawal authorities – all administered by special use permits. Examples of permitted uses include recreation residences, telephone lines, airport beacons, tramways, cultivated areas, roads, dams, and cemeteries.

The Blue Mountains national forests include existing and proposed utility and transportation corridors. These lands are set aside for oil and gas pipelines, and for power lines.

All occupancy, use, or improvements on National Forest System lands that are not directly related to timber harvest, grazing, mining activities, and recreation are referred to as “non-recreation special uses.” Typically, non-recreation special uses include roads, utilities, easements, storage facilities, communication sites, dams, and agricultural improvements. Recreation special uses include resorts, ski areas, outfitters and guides, and a variety of uses that provide access to national forests by commercial ventures.

Currently, there are over 600 special use authorizations on the Blue Mountains national forests: 117 permits are authorized on the Malheur National Forest; 249 permits are authorized on the Umatilla National Forest; and 298 permits are authorized on the Wallowa-Whitman National Forest.

Access

Access via roads and trails through the national forests has a long history in the Blue Mountains. Trails and migration routes date back to prehistoric times. American Indian migration routes are well documented through the stories of the Confederated Tribes of the Umatilla, Nez Perce, Warm Springs, and others. Many ancient routes are the basis for roads, portions of roads, or trails that are in use today. Trails within the national forests also contributed to 1800s western migration as expeditions passed through the Blue Mountains. One of the most notable routes is the original Oregon Trail.

The history of development for the road system on national forests in the Blue Mountains is primarily related to extractive resource management activities such as mining and logging. Many roads were located directly adjacent to streams and rivers for ease of construction and to provide access for land use activities associated with water such as placer mining, cattle watering, water diversion, and log floating to sawmills.

Prior to the development of the road system, railroads provided primary access into the Blue Mountains national forests. Railroad logging can be traced as far back as 1901. Some railroad grades were later converted to vehicle roads. Additional roads were constructed to connect communities and for fire management and administrative access to the national forests. Once constructed, roads provided access for other uses, including viewing scenery, camping, hunting, grazing, and gathering forest products, such as berries and firewood.

Key Benefits to People

The national forests respond to proposals from adjacent and intermingled landowners, with many acres exchanged during the life of the 1990s Blue Mountains forests plans. This has resulted in consolidating ownership of many lands to the benefit of both parties.

Other stakeholders value National Forest System lands for intrinsic natural values and as important wildlife habitat. They are interested in improving land ownership and use patterns to improve connectivity of wildlife habitat among neighboring land ownerships and management authorities.

Many stakeholders value access to the public lands, whether that access is via motorized vehicles, hiking, biking, pack goats, or any other method to get into National Forest System lands. These stakeholders are concerned about local infrastructure maintenance including roads, timber mills, equipment, and skilled labor forces. Wildland fire, insect infestations, and forest diseases are other concerns related to forest health, which is linked to economic and social well-being. Also linked to forest health are concerns about the need for more restoration activities as they have the potential to create jobs and improve well-being.

Risks and Stressors

Expanding road networks have created many opportunities for uses and activities within the national forests, including a wide range of recreational motorized use, firewood collection, hunting and fishing access, and berry picking. Vegetation and fire management are primarily accomplished using the road network. Conversely, road networks have dramatically altered the character of the landscape by increasing erosion and introducing sediment to stream systems, which can alter the stream channel, and reduce aquatic productivity with subsequent impacts resulting in limiting the survival and growth of fish in the streams. Road networks also fragment habitat. Road use can displace animal populations and increase the spread of invasive species and noxious weeds. The cost of maintaining road networks and maintenance backlog also presents management challenges. The Forest Service must find an appropriate balance between the benefits and needs of access to the national forests and the costs of road-associated effects to social and ecosystem values.

The continued maintenance of an extensive road system creates many challenges. Roads in disrepair create safety issues and conflicts with protection for natural resources, especially for those such as water quality, aquatic species, and functioning wetland processes. Erosion from roads is known to be one of the largest contributors for degradation to water quality and fish habitat and spawning areas.

Off-road motorized vehicle access is prohibited across the Umatilla National Forest. While having a unique opportunity for hunting, viewing wildlife and scenery, and gathering forest products is valuable to public, it is important to note that motorized cross-country travel has:

- Adversely impacted some natural resources.
- Contributed to the of spread invasive species across the landscape.
- Assisted in the fragmentation of wildlife habitat.
- Changed wildlife and visitor use patterns.

Trends and Drivers

The Blue Mountains national forests' land management plans both affect and are affected by land ownership, use, and access patterns in carrying out projects to accomplish desired conditions. Opportunities for improved national forest land management can be achieved through further land exchanges, purchases, donations, transfers, interchanges, and disposal. For example, in some instances the national forest boundary is irregular due to varying ownerships. There are also scattered private lands within the national forest as well as isolated national forest parcels surrounded by private lands. Because of the management challenges these situations pose, there is a continuing need for boundary adjustment to meet the needs of national forest administration as well as for effective private land management.

Private land transactions that either border or are located within administrative boundaries of National Forest System will likely continue. Such lands remain subject to State statutory frameworks, local government ordinances, and land planning and zoning regulations. These combined regulations will likely result in minimal changes to the character of private, state, and corporate land holdings surrounding National Forest System lands that may result from private land transactions.

As logging has decreased since the 1990s on the national forests in the Blue Mountains, road construction and maintenance associated with timber haul has also decreased. New, permanent road construction has markedly declined, and road system condition has deteriorated. Full maintenance of the transportation system has not been sustainable at the current funding level of the Forest Service. Consequently, the road maintenance budget has been prioritized for double-lane passenger vehicle roads, which are typically the most expensive and most highly traveled portions of the road system. With the focus shifting to maintaining higher-level roads for passenger car use, the deferred maintenance backlog for the remainder of the road system continues to grow. As the condition of the road system has deteriorated, concerns for public safety and resource damage have increased.

Funding for national forest road maintenance comes from annual appropriated funds and from competitive national programs funded by Federal Highway Administration. Funding from the Federal Highway Administration programs is typically used to address expensive road maintenance issues such as asphalt resurfacing or bridge replacement that exceed the normal budget capability of the national forest. These large intermittent investments are necessary to keep higher service level roads serviceable but are not a substitute for annual operations and maintenance funding.

Information Needs

There is a need to update the land acquisition or transfer status.

Key Findings

Vegetation treatments may impact the appraised value of National Forest System lands, and depending on the type of treatment, the value may increase or decrease.

National Forest System lands that provide secure habitat or contribute as linkage areas are less likely to be considered for disposal or exchange.

National Forest System lands with developed recreation sites, such as campgrounds, are less likely to be considered for disposal or exchange.

In some instances, the national forest boundary is irregular due to varying ownerships. There are also scattered private lands within the national forest as well as isolated national forest parcels surrounded by private lands. Because of these situations, there is a continuing need for boundary adjustment to meet the needs of national forest administration as well as for effective private land management.

Between 2009 and 2023, the three national forests have undertaken additional land acquisition, land exchange and land sale activity. Specifically, the Malheur National Forest disposed of less than five acres and the Malheur National Forest acquired 13,087 acres; the Umatilla National Forest disposed of 495 acres and the Umatilla National Forest acquired 1191 acres; and the Wallowa-Whitman National Forest disposed of 20 acres and the Wallowa-Whitman National Forest acquired 1408 acres. These areas will be further analyzed through subsequent project planning and site-specific analysis, including regulations at 36 CFR Part 243.5 (e) and (f). Similarly, these acres did not contribute toward the total acreages regarding timber and range suitability determination, as these determinations will be made through future site-specific analysis.

Literature Cited

- Halofsky, Jessica E.; Peterson, David L., eds. 2017. Climate change vulnerability and adaptation in the Blue Mountains. Gen. Tech. Rep. PNW-GTR-939. Portland, OR: U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station. 331 p.
- U.S. Department of Agriculture, Forest Service [USDA FS]. 1989. Land and resource management plan, Ochoco National Forest. U.S. Department of Agriculture, Forest Service, Pacific Northwest Region, Portland, OR.
- U.S. Department of Agriculture, Forest Service [USDA FS]. 1990a. Land and resource management plan, Malheur National Forest. U.S. Department of Agriculture, Forest Service, Pacific Northwest Region, Portland, OR.
- U.S. Department of Agriculture, Forest Service [USDA FS]. 1990b. Land and resource management plan, Umatilla National Forest. U.S. Department of Agriculture, Forest Service, Pacific Northwest Region, Portland, OR.
- U.S. Department of Agriculture, Forest Service [USDA FS]. 1990c. Land and resource management plan, Wallowa-Whitman National Forest. U.S. Department of Agriculture, Forest Service, Pacific Northwest Region, Portland, OR.
- U.S. Department of Agriculture Forest Service, [USDA FS]. 2018 (withdrawn 2019). Final Environmental Impact Statement for the Malheur, Umatilla, and Wallowa-Whitman National Forests Land Management Plans. Four Volumes. U.S. Department of Agriculture Forest Service, Pacific Northwest Region, Portland, OR.