S. HRG. 112–39

# CURRENT PUBLIC LANDS AND FORESTS BILLS

# HEARING

BEFORE THE

## SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

OF THE

## COMMITTEE ON ENERGY AND NATURAL RESOURCES UNITED STATES SENATE

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

ON

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| **S. 220** | **S. 590** |
| **S. 270** | **S. 607** |
| **S. 271** | **S. 617** |
| **S. 278** | **S. 667** |
| **S. 292** | **S. 683** |
| **S. 322** | **S. 684** |
| **S. 382** | **S. 729** |
| **S. 427** | **S. 766** |
| **S. 526** | **S. 896** |
| **S. 566** | **S. 897** |

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# CURRENT PUBLIC LANDS AND FORESTS BILLS

**WEDNESDAY MAY 18, 2011**

U.S. SENATE,
SUBCOMMITTEE ON NATIONAL PARKS,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
*Washington, DC.*

The subcommittee met, pursuant to notice, at 2:48 p.m. in room SD–366, Dirksen Senate Office Building, Hon. Ron Wyden presiding.

## OPENING STATEMENT OF HON. RON WYDEN, U.S. SENATOR FROM OREGON

Senator WYDEN. The subcommittee will come to order. The purpose of today's hearing is to receive testimony on several bills pending before the subcommittee. We have 20 bills on today's agenda. All of these bills were considered by the subcommittee in the last Congress and a majority were reported by the committee on a bipartisan basis.

The purpose of today's hearing is to simply update the record on these bills and to allow members, especially those who are new to the subcommittee, an opportunity to ask any questions that they might have.

Because of the number of bills on today's agenda, I'm not going to read through the entire list. But at this time I'll include the complete list of bills in the hearing record.

[The information referred to follows:]

S. 220, to provide for the restoration of forest landscapes, protection of old growth forests, and management of national forests in the Eastside forests of the State of Oregon; S. 270, to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon; S. 271, to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon, and for other purposes; S. 278, to provide for the exchange of certain land located in the Arapaho-Roosevelt national forests in the State of Colorado, and for other purposes; S. 292, to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the corporation under the Alaska Native Claims Settlement Act; S. 322, to expand the Alpine Lakes Wilderness in the State of Washington, to designate the Middle Fork Snoqualmie River and Pratt River as wild and scenic rivers, and for ther purposes; S. 382, to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of national forest system land that is subject to ski area permits, and for other purposes; S. 427, to withdraw certain land located in Clark County, Nevada, for location, entry, and patent under the mining laws and disposition under all laws pertaining to mineral and geothermal leasing or mineral materials and for other purposes; S. 526, to provide for the conveyance of certain Bureau of Land Management land in Mohave County, Arizona, to the Ari-

zona Game and Fish Commission, for use as a public shooting range; S. 566, to provide for the establishment of the national volcano early warning and monitoring system; S. 590, to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands; S. 607, to designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-federal land, and for other purposes; S. 617, to require the Secretary of the Interior to convey certain Federal land to Elko County, Nevada, and to take land into trust for the Te-moak Tribe of western Shoshone Indians of Nevada, and for other purposes; S. 667, to establish the Rio Grande del Norte national conservation area in the State of New Mexico, and for other purposes; S. 683, to provide for the conveyance of certain parcels of land to the town of Mantua, Utah; S. 684, to provide for the conveyance of certain parcels of land to the town of Alta, Utah; S. 729, to validate final patent number 27–2005–0081, and for other purposes; S. 766, to provide for the designation of the Devil's Staircase wilderness area in the State of Oregon, to designate segments of Wasson and Franklin creeks in the State of Oregon as wild rivers, and for other purposes; S. 896, to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service opportunities for young americans; help restore the Nation's natural, cultural, historic, archaeological, recreational and scenic resources; train a new generation of public land managers and enthusiasts; and promote the value of public service; and S. 897, to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects.

Senator WYDEN. Now among the bills that are being considered, this hearing will also include several bills that are important to my home State of Oregon. I'd like to say just a few words about those measures.

S. 220, the Oregon Eastside Forest Restoration, Old Growth Protection and Jobs Act was the result of years and years of work and months of negotiations with the timber community and the environmental community. Certainly in our home state nobody ever thought that you could get people like John Shelk of Ochocho Lumber and Andy Kerr, representing the environmental community to come together, but because they both acted in good faith these negotiations resulted in a major agreement that this legislation would implement. Bringing both sides together to craft this bill means that it can bring success and in my view, help end the timber wars that have been so hard on my home state.

This legislation that I introduced will get saw logs to Oregon mills, help get our forests healthy again and protect our treasured old growth forests and watersheds in the eastern part of our State. I'm also pleased that Senator Merkley has joined me as a co-sponsor of this legislation. I look forward to working with him to pass the bill.

The gridlock caused by the timber wars has resulted in more than nine million acres of choked, at risk forest in desperate need of management across Oregon's Federal forest landscape. Millions of acres of old growth are in danger of dying from disease, insects or fire while the infrastructure for our industry jobs in rural communities faces an uncertain future. Today in Eastern Oregon only a small handful of mills have survived. Without being able to give them greater certainty of supply and an immediate increase in merchantable timber yet more mills will close.

If that happens, our east side forests will pay a price and that is simply unacceptable to me. Without mills to process all logs and other merchantable material from forest restoration projects, there

will be no restoration of our east side forest. But I am encouraged by the opportunity that this collaborative effort has brought about.

Timber executives are now standing shoulder to shoulder with leaders of the Oregon environmental community to take shared responsibility for saving our endangered forests and the economies of our hard hit rural areas. I'm not going to consider it a success however until Oregon Federal forests are adequately funded to properly manage and restore their health as the valuable Federal assets they are. I intend to continue to fight for funding needed to manage all of the Nation's forests. I want to thank the individuals and organizations who have been in the trenches enduring literally thousands of hours of difficult work and negotiations to reach agreement on the legislation that we will focus on today.

Turning to other pieces of legislation that I've introduced, S. 270, the LaPine Land Conveyance Act and S. 271, the Wallowa Forest Service Compound Conveyance Act would convey to the Bureau of Land Management and Forest Service property of 2 rural communities surrounded by Federal land to help meet their economic development needs. Both of these rural communities are working hard to address the needs of their community. The bills were marked up in the last session of Congress and both have strong support from the communities affected.

S. 607, the Cathedral Rock and Horse Heaven Wilderness Act would authorize 3 equal value land exchanges. Once a substantial portion of the exchanges are completed would designate 2 wilderness areas: the Cathedral Rock Wilderness of 8,350 acres and the Horse Heaven Wilderness of 9,000 acres in Eastern Oregon's high desert landscape. This proposal reflects a collaborative solution driven approach to address the challenges created by checkerboard land ownership patterns and ensure there are benefits for all from the adjacent land owners to wildlife to the wide array of recreationists, boaters, hunters, anglers, hikers and horseback riders.

Finally S. 766, the Devil's Staircase Wilderness Act would designate 30,540 acres of both Bureau of Land Management and Forest Service land as wilderness. It designates 4.6 million—4.6 miles of river as wild and scenic. This pristine area is wild and remote and has incredible old growth habitat. This bill was marked up by our committee in the last session.

So it's my hope that these bills will be moved in the 112th Congress and that the committee is going to complete work on these soon. That the Senate will again move public land legislation and that such legislation will make its way to the President's desk to be signed.

People have worked too hard for too long on these bills which address critical needs, critical public land's needs in so many communities across the country.

Let me now recognize my friend and colleague, Senator Barrasso. We have teamed up on many of these issues. I welcome his comments that he chooses to make.

We may also be joined by the ranking minority member, Senator Murkowski, who has been very constructive and very helpful. I want to recognize Senator Barrasso and I see one of our other col-

leagues, Senator Udall. We'll certainly allow him to make any opening statement he chooses as well.

Senator Barrasso.

**STATEMENT OF HON. JOHN BARRASSO, U.S. SENATOR FROM WYOMING**

Senator BARRASSO. Thank you very much, Mr. Chairman. I continue in joy and look forward to working with you on this Public Lands and Forest Subcommittee. I thank you for holding this hearing today.

I would like to make a couple of comments just on the process before us. It's been quite a few months since we had our last hearing. We now have about 20 bills to consider today.

The subcommittee, at least in my history, has generally limited our hearings to 6 or 7 bills at a time. Nearly half of our subcommittee members are new, have not had the opportunity to consider these bills on today's agenda in a thoughtful manner previously. I think, Mr. Chairman, we could have found a better way to start this process.

Many of the bills we'll hear today are going to suffer from this because we're not taking the time needed to allow new members to consider the material and the items on the agenda. Setting out a 32 page background memo expecting new members to wade through such a document may be a bit unrealistic. I also need to state that wilderness bills which include Bureau of Land Management Lands will be complicated by the Administration's approach which I believe is a wrongheaded approach, to their wild land policy.

In coming weeks the committee will consider BLM Wilderness bills designating new wilderness areas while releasing other wilderness study areas for consideration as wilderness. Until the underlying issues related to the President's wild land polices are resolved, these bills are going to face, I believe, strong opposition by many members of the Senate. So releasing a wilderness study area only to have the land then fall prey to the President's Wild Land policy is not an acceptable outcome to many of us.

So, thank you, Mr. Chairman. I look forward to the testimony. I look forward to continuing in a very fruitful working relationship with you.

Thank you.

Senator WYDEN. We certainly will have that, Senator Barrasso.

I want to recognize Senator Udall and then Senator Lee, a new member of our committee and we welcome him as well.

I just want to make sure that folks understand with respect to, you know, any concerns about this afternoon. Of the 20 bills on today's hearing agenda, most are completely non controversial. All were considered by the subcommittee during the previous Congress.

So again, all of them were considered by the subcommittee during the previous Congress. Three-fourths of the bills were reported by the full committee last year. So simply what we want to do today is update the record. Allow the administration to comment on any changes that may have been made since previous hearings.

Particularly, and I think you make a very important point, Senator Barrasso, allow subcommittee members an opportunity to ask any questions that they have. I want to assure our colleagues that I will stay here as long as it takes to make sure that folks get a chance to ask any questions they're interested in.

So let's go to Senator Udall and then Senator Lee and we'll go to our witnesses.

**STATEMENT OF HON. TOM UDALL, U.S. SENATOR FROM NEW MEXICO**

Senator UDALL. Thank you, Mr. Chairman. In that spirit the 2 bills I want to speak to, which are very important to me, were a part of the last Congress' work product. Let me touch on the first one which is the Ski Area Recreational Opportunity Enhancement Act with Ranking Member Barrasso, which we introduced earlier this year and worked hard in the last Congress together to see passed.

The reason for the bill is that in Colorado and across the country many ski areas are located on National Forest lands. In fact almost all of them are. However, under existing law the National Forest Service bases ski area permits primarily on "Nordic and Alpine skiing," a classification that no longer really reflects the full spectrum of snow sports or the use of ski permit areas for non-winter activities.

This has resulted in uncertainty for the Forest Service and ski areas as to whether and how other activities, such as those that occur in the summer, can occur on these permitted areas. In effect this means that ski areas on National Forest lands are primarily restricted to use for winter recreation as opposed to year round recreation. The Ski Areas bill that I'm describing would clarify this ambiguity, would ensure that ski area permits could be used for traditional snow sports such as snowboarding, as well as specifically authorize the Forest Service to allow additional recreational opportunities, like summertime activities, in permit areas. It would allow for the development of new economic opportunities in mountain communities across our country.

So in sum, this is, what I believe, and I know Senator Barrasso and many others believe is a common sense, obviously bipartisan bill, that would actually add revenue to the Federal Treasury. We worked very hard last year to improve the bill, and I was very disappointed that it did not become law. I know that a number of us will keep fighting to enact this legislation this Congress.

The second bill is specific to Colorado. It's the Sugarloaf Fire Protection District Land Exchange. The bill involves a simple land exchange between the Forest Service and the Sugarloaf Fire District in Colorado to make sure that the fire district owns the land underneath its 2 fire stations.

This fire district has occupied and operated these fire stations for nearly 40 years. If they can secure ownership the lands will continue to be used as sites for fire stations as well as training. The fire district is willing to trade the property it owns which is an undeveloped in holding within the Forest Service for the property under the stations. This is a simple and fair exchange that will

serve the public good and help protect the local area from a growing wild fire threat.

The fire district has made a strong, persistent and good faith effort to acquire the land under the stations through administrative means by working with the Forest Service. However those efforts have not succeeded. It's become evident that legislation is required to resolve the situation.

Let me emphasize, Mr. Chairman, how much I'd prefer this exchange be handled administratively. However, it's been over 10 years waiting for that to happen, and that's just unacceptable. So I'm going to continue to push for passage of this bill.

I know the Chairman, the Ranking Member both have areas like this in their home states where fire threat is significant. We ought to help this local fire district have some certainty and clarity.

So I thank you for the time and thank you for your interest, both you and the Ranking Member.

Senator WYDEN. Senator Udall, thank you. I know you've spent a lot of time trying to bring folks together behind your bills. I'm looking forward, very much, to working with you and getting them out of the committee.

Senator UDALL. Thank you, Mr. Chairman.

Senator WYDEN. Senator Lee has been very gracious and I'm already learning is his practice. The ranking minority member is with us, Senator Murkowski. Senator Lee has said let's hear from our ranking minority member. Then we'll hear from Senator Lee. Then we'll hear from Senator Risch, who has just joined us. But all will get a chance to make their comments.

Senator Murkowski.

## STATEMENT OF HON. LISA MURKOWSKI, U.S. SENATOR FROM ALASKA

Senator MURKOWSKI. Thank you, Mr. Chairman. Thank you, Senator Lee for letting me kind of, jump ahead here. I'm not going to be able to stay for the rest of the hearing I've got another hearing in progress. But I wanted to speak very briefly this afternoon to 2 bills that we have before us.

S. 292 which is the Salmon Lake Land Exchange.

S. 566, which is the National Volcano Early Warning and Monitoring System bill.

The Salmon Lake bill is one that the committee has seen before. I introduced it before with Senator Begich. It ratifies an agreement that we worked out about 4 years ago between the Bering States Native Corporation, State of Alaska and BLM. What it does is it settles most of the outstanding land conveyance problems that we have in Northwest Alaska.

We view this as a real win/win situation. It completes almost all the conveyances to the Bering Straits Corporation. It settles a 3 decade fight between Federal agencies, the state and the regional native corporation over land ownership and key to finally resolving that.

Through the bill the corporation will gain 14,645 acres in the area north of Nome. It relinquishes to BLM a claim to 3,914 acres. The state gains acreage. BLM gains ownership, administration of a key campground at the outlet of Salmon Lake. It protects Federal

management of key wildlife areas and provides the Native Corporation with access to recreation tourism sites that are important.

So again, it is somewhat unusual I think for legislation that involves Alaska lands to be unanimously supported by the state, by all of the Federal agencies, all of the national and local environmental groups. Don't know how we did it. Hallelujah. This is a good one. I hope that this hearing will be what it takes to propel this bill to final passage before December 18 which is the 40th anniversary of ANCSA's passage. So we're working on that one.

The second bill is the Volcano Monitoring bill also a bill that is seeing a repeat this year. This will supplement the existing regional volcano observatories that are in Alaska, Hawaii, Washington State, Yellowstone and California's Long Valley. It authorizes funding for monitoring of our volcanoes, allows for the center to serve as a national data collection clearing house.

USGS will be able to place remote monitors on more peaks, not just in Alaska, but on the West Coast. We're all kind of keyed in to what's going on with volcanoes, earthquakes, Mother Nature speaking up and being heard. I think we saw from an international perspective the significance of what happens when you have volcanoes and the disruption when the volcano blew in Iceland last year and the impact on commerce throughout Europe.

We experienced that when Mount Rideout erupted in 1989. The eruption caused a jet liner that had 231 passengers to literally drop out of the sky when they flew through that ash plume. Just very dangerous situation was fortunately averted. But I think it has demonstrated to us that the more that we can do when it comes to volcano monitoring it is important.

So again, Mr. Chairman, I appreciate you hearing these today. Both of these bills have had full hearings before the Congress. So I'm hopeful that we will be able to advance them quickly. I appreciate your assistance and your cooperation.

Thank you.

Senator WYDEN. Thank you, Senator Murkowski. You've put together exceptional coalitions behind these bills. I know the committee reported them out before. So I'm looking forward very closely and very much to working closely with you on it.

Senator MURKOWSKI. Thank you. Appreciate it.

Senator WYDEN. Alright. Senator Lee, welcome to the committee. I know you have a great interest in these issues from our conversation. Please, proceed with any statement you'd like to make.

**STATEMENT OF HON. MIKE LEE, U.S. SENATOR FROM UTAH**

Senator LEE. Thank you very much, Mr. Chairman. I appreciate the opportunity to serve with you on this subcommittee. Look forward to working on it.

I just want to echo briefly the concerns raised by my colleague Senator Barrasso a minute ago about the wild lands policy at Interior. This has cast a certain shroud of doubt and uncertainty over the practice of declaring new wilderness. I'm uncomfortable with Congress declaring new wilderness as long as that shroud of uncertainty remains.

I'd also like to note that just given the deep and profound impact that designation of wilderness can have on a state, on its economy

and on its interests. I think it's appropriate for us to get input from the host state's legislature before we declare new wilderness. I say this as one coming from a state where almost 70 percent of the land is owned by the Federal Government.

That state's interest, its ability to survive, its ability to fund its basic government operations to provide services to its citizens is profoundly impacted by Federal land and how that Federal land is used. As a member of this subcommittee, I intend to look out for interest like that, not only for my state but for other states that are similarly situated.

Thank you.

Senator WYDEN. Thank you, Senator Lee. I know from our conversations how strongly you feel about public input. I want you to know that I very much share your view.

We passed, President signed early in 2009 the Mount Hood Wilderness legislation. We had well over 100 meetings reaching out to all of the stakeholders, timber folks and environmental folks, scientists, ski lodges and the like. I think you're spot on in terms of saying that we've got to find ways to involve the public, make sure folks are heard. I'm going to work closely with you on that.

OK, Senator Risch.

**STATEMENT OF HON. JAMES E. RISCH, U.S. SENATOR FROM IDAHO**

Senator RISCH. I guess, Mr. Chairman, I'm a co-sponsor of 382. Senator Udall, were you going to talk about 382 with Senator Barrasso?

Senator UDALL. I already made a short comment on it.

Senator RISCH. OK. I would like to associate myself with those remarks assuming they were good remarks.

[Laughter.]

Senator UDALL. It's always in the mind and the ears of the listener, Senator Risch.

[Laughter.]

Senator RISCH. Amen to that.

First of all I think this particular bill really does meet a need that we have in Idaho for being able to further expand the use of the ski areas to all year round activities. In addition to that, to expand the use area for that beyond just skiing. We have 9 different ski areas in Idaho that would benefit from that. I'm really not aware of any opposition to this.

I think this is a good bipartisan effort. With that, I'll call it good.

Thank you, Mr. Chairman.

Senator WYDEN. Thank you, Senator Risch. We're joined by Senator Cantwell, who has a great interest in these issues as well.

**STATEMENT OF HON. MARIA CANTWELL, U.S. SENATOR FROM WASHINGTON**

Senator CANTWELL. Thank you, Mr. Chairman. Thank you for holding this important hearing and Ms. Wagner for being here today. It's good to see former regional, 6 war served, testifying on a wilderness bill that is important to Washington State.

In 1976, the Alpine Lakes Wilderness was designated by Congress and has since become one of the most visited wilderness

areas in the United States. Just 45 minutes from downtown Seattle, the Alpine Lakes Wilderness provides easy access to over 2 million people to breathtaking views of snow capped peaks and deep glacial valleys in the Cascade Mountain range. This area is a popular destination for hiking, camping, horseback riding, wildlife viewing, river rafting and other recreational activities.

Today I encourage this committee to support expanding the Alpine Lakes Wilderness which has the support of local elected officials, business and conservation groups and religious leaders, hunters, anglers, sportsmen and many other individuals in Washington State. I ask unanimous consent that the testimony and letters of support from these Washingtonians be included in the record, Mr. Chairman.

Senator WYDEN. Without objection, it's ordered.

Senator CANTWELL. Thank you.

The expansion in S. 322, would add approximately 22,000 acres to the wilderness area providing protection for low elevation forests which are free of snow much of the year. Provide a biological, productive environment that can support a diverse wildlife species. These additions will promote clean water and enhance existing recreational opportunities which will support our local economy.

The bill also designates 2 rivers as an important component of the wild and scenic river system, both of which are recommended by the Forest Service for wild and scenic designations. Ms. Wagner, I understand the Forest Service supports this legislation, but has suggested some technical changes. So, Senator Murray and I, the sponsors of the bill are happy to work with you to resolve these issues.

The popularity of the proposal to expand the Alpine Lakes Wilderness highlights an important issue in wilderness designation. The Forest Service is required as part of the Forest Plan Revision Process to evaluate and make recommendations to Congress regarding that land and qualifying for wilderness and waters that qualify for wild and scenic designation. In Washington State processes have excluded areas that qualify for wilderness recommendations due to concerns over current uses, uses on adjacent lands or local politics among other reasons.

So Congress relies on the place based expertise of the Forest Service staff to provide a thorough and unbiased evaluation of what qualifies as wilderness, wild and scenic based on those conditions. So we appreciate that. This is a critical area due to growing population, changing climate, recreation demands. I look forward to consistently seeing the lands which qualify for wilderness and rivers and streams, that qualify for wild and scenic designation get evaluated, are included in the Forest Service recommendations to Congress.

So thank you, Mr. Chairman.

Senator WYDEN. Thank you, Senator Cantwell. We'll be working very closely with you and Senator Murray. Without objection I'd ask that Senator Murray's remarks be put into the record as well on S. 322.

[The prepared statement of Senator Murray follows:]

PREPARED STATEMENT OF HON. PATTY MURRAY, U.S. SENATOR FROM WASHINGTON, ON S. 322

Thank you, Mr. Chairman. I want to thank you for including the Alpine Lakes Wilderness Additions and Pratt and Middle Fork Snoqualmie Rivers Protection Act as part of your hearing today.

The existing 394,000 acre Alpine Lakes Wilderness is a treasure both in Washington state and across the country. As one of the most visited wilderness areas in the country, Alpine Lakes Wilderness gives millions of people the opportunity to enjoy our public lands just a short drive from Seattle.

Today we are here to discuss the opportunity to permanently protect additional lands near the Alpine Lakes Wilderness, and to designate two rivers of great importance to the surrounding ecosystem as Wild and Scenic. The Alpine Lakes Wilderness Additions and Pratt and Middle Fork Snoqualmie Rivers Protection Act will protect wildlife, promote clean water, enhance and protect recreational opportunities, reflect the diverse landscapes of the Puget Sound region, and contribute to the local economy.

This has been a team effort and I want to thank Senator Cantwell for being here. I appreciate her co-sponsorship of this bill as well as her assistance.

I also want to acknowledge my colleague and partner on this bill, Congressman Dave Reichert. Throughout this process, Dave has reached out to the local communities and stakeholders to understand their priorities.

The bill before you today is the result of discussion and negotiation with the local community and interested stakeholders regarding issues such as mountain bike use, search and rescue operations, ski operations, and road and trailhead access.

My colleagues and I have worked hard to address constructive issues and concerns that have been brought to us. I am grateful to everyone who reached out to us and worked with us, and I think you'll see that because we worked hard to address those concerns, this bill has garnered broad support.

Mr. Chairman, I'd like to mention just a few of the benefits the Alpine Lakes Wilderness Additions and Pratt and Middle Fork Snoqualmie Rivers Protection Act will offer.

First, this wilderness area will protect wildlife and promote clean water by preserving the landscapes that host many native plants and animals. The wilderness is home to abundant elk and deer populations as well as other animals and native fish populations.

Second, this wilderness designation, along with the Wild and Scenic River designations will enhance and protect recreational opportunities for our growing region. More people and more families are turning to outdoor recreation on our public lands. This bill protects the area for users today and into the future, and will preserve existing road and trailhead access.

That leads me to the third benefit of this bill: Wilderness and Wild and Scenic River designations will contribute to the local economy. Even during the tough economy of the last several years, outdoor industry retail sales have stayed strong. That means more people are going out more often into our wildlands and the gateway communities that serve them. The existing Alpine Lakes Wilderness is already a destination and these additional protections will add to the allure of this special place.

Another driving purpose behind the bill is the inclusion of low elevation lands. The proposed additions we are discussing today provide an opportunity to protect rare low elevation old growth and mature forests. These low elevation lands were largely excluded from the Alpine Lakes Wilderness in 1976, and about half of the lands included in this proposal are below 3,000 feet in elevation.

I appreciate that Associate Chief Mary Wagner from the Forest Service is here today to testify. I understand that the Forest Service will provide some suggestions on the legislation, and I look forward to working with them.

Mr. Chairman, the mountain valleys of the Alpine Lakes area are a special place to many in Washington state. And the legislation will ensure that we protect these special places for today's users and future generations. I appreciate your time today and I look forward to working with you and the Committee to move forward on this legislation.

Senator WYDEN. So let's welcome our Administration witnesses, Mr. Mike Pool, Deputy Director of Operations, Bureau of Land Management.

Ms. Mary Wagner, Associate Chief, Forest Service.

I know we've got a long list of bills to go through. So I'd like to ask you to summarize your oral remarks. We'll include your written testimony in the record.

Ms. Wagner, I know that as Regional Forester in Oregon you personally have worked closely with us, my staff and the stakeholders on the East side Forestry bill. So we thank you for your efforts in that regard.

Mr. Pool, I also want to express my appreciation for the work that your agency puts forth in working on that very, very important Eastside Forestry bill.

So let's go ahead with your remarks. Why don't whichever of you would like to go first. What's your pleasure here?

Ms. Wagner.

Chivalry lives.

**STATEMENT OF MARY WAGNER, ASSOCIATE CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE**

Ms. WAGNER. Thank you. Mr. Chairman, members of the subcommittee, I'll just offer a few remarks on each of the bills under consideration this afternoon.

Thank you for the opportunity to share the administration's view on S. 220. There are numerous concepts in the legislation the department fully supports. In previous testimony the administration identified several items of concern. The Senator's office, committee staff and the Forest Service have worked together and have made significant progress in addressing the administration's concerns.

The reservations that remain are two-fold.

Legislating specific performance goals outside the agency's current capacity may set up unrealistic expectations for communities, industry and citizens.

Second legislating aspects of forest plans, the Administration prefers not to have legislation that's specific to one area of the country or that desegregates the national framework under which we manage national forests.

That said, I want to again thank Senator Wyden for his leadership and strong commitment to Oregon's national forests, their surrounding communities and the forest products infrastructure and the strong collaboration behind this bill.

S. 271, would require the Secretary of Agriculture to convey to the city of Wallowa, Oregon, all right, title and interest to the Wallowa Forest Service compound. While it is long standing policy that the United States Forest Service receive market value for the sale, exchange or use of national forest system land because of special circumstances, we do not object to the conveyance of this property to the city under the bill. We would like to work with the committee to address concerns in S. 271 including the reversionary language and provisions for the Administrative costs of the conveyance.

The Department supports S. 278, the Sugarloaf Fire Protection District land exchange. Wishes to thank members of the subcommittee for addressing concerns expressed when we testified in the bill under consideration last Congress.

The Department supports S. 322, the Alpine Lakes Wilderness additions and Pratt and Middle Forks Snoqualmie River Protection

Act. We would like to work with the committee to address some technical aspects of the bill. We want to thank the delegation for its collaborative approach and the local involvement that contributed to this bill.

The Department supports S. 382, the Ski Area Recreational Opportunity Enhancement Act of 2011 and wishes to thank members of the committee for addressing the concerns expressed when we testified last Congress. This legislation would encourage greater recreation use at the most developed sites on National Forests, enhance the long term viability of ski areas and sustain the adjoining gateway communities.

S. 607, the Cathedral Rock and Horse Heaven Wilderness Act of 2011 provides for the young life exchange which would involve the conveyance of 2 parcels of National Forest System land. We have no objection to this exchange if the conclusion of the BLM's analysis for land exchange leads to a public benefit determination.

S. 683, would direct the Secretary of Agriculture to convey without consideration to the Town of Mantua, Utah, a right title and interest in about 31 acres of National Forest System land in Box Elder County, Utah. The Department does not object to conveyance of this land but notes that these parcels have not been surveyed and that would need to happen in advance of the conveyance. We're committed to working with sponsors of the bill, the Town of Mantua and the committee. We would appreciate the opportunity to work with the committee to address concerns with S. 683 including the definition of public purpose, the reversionary language and ensuring the town's agreement to the conveyance and provisions for Administrative costs of the conveyance.

S. 684, would direct the Secretary of Agriculture to convey without consideration certain parcels of National Forest System lands to the Town of Alta, Utah for public purposes. While we support the town's desire to consolidate its municipal resources, the Department does not support, S. 684. We don't support it as written. We are still willing to work with the bill's sponsors, the Town of Alta and the committee to address concerns including provisions to ensure the town would have to agree to the proposed conveyance and provisions for the Administrative costs of the conveyance.

The Department supports S. 766, the designation of the Devil's Staircase Wilderness as well as the wild and scenic river designations on National Forest System lands for the Wasson and Franklin Creeks. We would like to offer minor modifications to S. 766 that would enhance wilderness values and improve our ability to manage resources in the area.

Last, S. 896, the Public Lands Service Corps Act of 2011. It's a welcome amendment to the Public Lands Corps Act. The Department strongly supports S. 896. It will help USDA and our sister agencies expand opportunities for youth to engage in the care of America's Great Outdoors. We appreciate the opportunity to work with the committee on a number of implementation issues in that bill.

So Mr. Chairman and members of the committee, this concludes my remarks and I'm happy to answer any questions you might have.

Thank you.

[The prepared statements of Ms. Wagner follow:]

PREPARED STATEMENTS OF MARY WAGNER, ASSOCIATE CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

S. 220

Mr. Chairman, and Members of the Subcommittee, I am Mary Wagner, Associate Chief for the U.S. Forest Service. Thank you for the opportunity to share the Administration's views on S. 220, the Oregon Eastside Forests Restoration, Old Growth Protection, and Jobs Act of 2011. Under Secretary Sherman testified before this Committee during the last Congress on S. 2895. At that hearing, the Under Secretary expressed his appreciation to Senator Wyden for the leadership, energy and effort that went into developing this legislation and for his work to bring diverse interests together.

There are numerous concepts in the legislation that the Department fully supports including: conducting assessments at a broad landscape scale to focus our efforts to achieve restoration results on the ground, reducing our road system to what is needed, applying a pre-decisional administrative review process more broadly, maintaining a much needed wood products industry and infrastructure, promoting sustainable use of biomass as an energy source, and collaborating with interested parties. We look forward to working with the Senator, his staff and the Committee to make adjustments to the parts of the legislation that, as currently written, would cause problems for the National Forest System.

S. 220 would authorize the Secretary to select all or part of one or more National Forests in Oregon as part of the Initiative. The provisions of the bill would apply to the covered area for a period of 15 years. In the covered area, the Secretary would be directed to seek accomplishment of certain land management goals, consider opportunities to carry out certain objectives, use landscape scale planning, prioritize vegetative management and hazardous fuel reduction to achieve performance goals, and carry out projects that would, to the maximum extent practicable, mechanically treat not less than 39,000 acres in the first fiscal year following enactment, not less than 58,000 acres in the second fiscal year; and not less than 80,000 acres in each of the subsequent years.

S. 220 also would direct the Secretary to delineate areas of aquatic and riparian resources in the covered area and would provide that vegetative management projects in the delineated areas protect and restore those resources and comply with aquatic and riparian protection requirements in the existing land management plans. The Secretary would be directed to prepare a restoration assessment of the covered area, prepare a restoration strategy to assist in the development and implementation of projects using the restoration assessment, carry out ecological restoration projects including projects at a landscape scale, and carry out experimental ecological restoration projects.

In implementing these provisions, the Secretary would seek advice from the scientific advisory panel established under the bill. The Secretary also would consult with collaborative groups. Environmental restoration projects would be subject to a pre-decisional administrative review process and provisions relating to the judicial review of projects under the Healthy Forests restoration Act of 2003.

On National Forests in Oregon, we are currently engaged in numerous administrative efforts to encourage and expand programs and activities that embrace many of the concepts in this legislation.

When Secretary Vilsack articulated his vision for America's forests, he underscored the overriding importance of forest restoration by calling for complete commitment to restoration. He also highlighted the need for pursuing an "all-lands" approach to forest restoration and for close coordination with other landowners to encourage collaborative solutions.

To that end, the President's FY 12 budget proposal includes $854 million Integrated Resource Restoration line-item. This integrated approach, similar to the landscape scale efforts envisioned in this bill, will allow the Forest Service to apply the landscape scale concept across the entire National Forest System. This line item includes $80 million for Priority Watersheds and Job Stabilization to improve watershed conditions. In addition, $40 million, the full authorized amount, is provided for the Collaborative Forest Landscape Restoration Program.

Three notable efforts in eastern Oregon include the Skyline Project, the Lakeview Stewardship Project, and the Southern Blue Mtn. Projects. The Skyline Project on the Deschutes National Forest was initiated in 2010 and selected as a Collaborative Forest Landscape Restoration Program (CFLRP) project last year. The Forest has been working with Central Oregon collaborative groups to restore a 200,000+ acre

landscape. CFLRP funding in FY 2010 ($500,000) was obligated and combined with matching National Forest System funding to increase the pace of restoration implementation in the project area. CFLRP funding for the Skyline Project in FY 2011 is $710,000 and, when combined with matching National Forest System funding, will double the amount of acres we can restore.

Other examples are the Lakeview Stewardship and Southern Blue Mtn. Projects which have strong collaborative support from their communities. Collaborative groups helped the Fremont-Winema and Malheur National Forests develop CFLRP proposals in FY 2011. This could lead to additional CFLRP funding and effectively double the capacity of both Forests to implement needed restoration work.

I am very interested in expanding collaborative successes not only within the State of Oregon, but throughout the country. I am focusing on advancing several principles I believe are paramount to accomplishing restoration on the entire National Forest System. These principles include collaboration with diverse stakeholders, efficient implementation of the National Environmental Policy Act, greater dialogue over areas of conflict prior to the decision, ensuring opportunities for local contractors, expansion of the use of stewardship contracting and monitoring to track our results on the ground.

In previous testimony, the administration identified several items of concern. The Senator's office, committee staff, and the Forest Service have worked together and have made significant progress in addressing the Administration's concerns. However, as Secretary Vilsack has noted, the Forest Service has reservations about legislating specific treatment levels and other aspects of our forest plans. The Agency has a meaningful national approach to management of the national forests that takes into account local conditions and circumstances through the development and implementation of Land and Resource Management Plans. Achieving performance levels proposed in this bill is outside agency current capacity and could result in the shifting of funds from other areas of the country where high priority work is also underway and important to achieve. In addition, specific levels of treatment may result in unrealistic expectations on the part of the communities and forest product stakeholders that the agency would accomplish the quantity of treatment required.

I want to again thank Senator Wyden for his leadership and strong commitment to Oregon's national forests, their surrounding communities, and forest products infrastructure. I look forward to working with the Senator, his staff, and the Committee, and all interested stakeholders to help ensure sustainable communities and provide the best land stewardship for our national forests. We also have a number of technical corrections that we will share with Committee staff. This concludes my prepared statement and I would be pleased to answer any questions you may have.

S. 271

Mr. Chairman and members of the Subcommittee, I am Mary Wagner, Associate Chief of the Forest Service. Thank you for the opportunity to appear before you today to provide the Department of Agriculture's views on S. 271, which would require the Secretary of Agriculture to convey land, the Wallowa Ranger Station, to the City of Wallowa, Oregon.

S. 271 would require the Secretary of Agriculture, to convey to the City of Wallowa, Oregon, on the request of the City, all right, title, and interest in the Wallowa Forest Service Compound, approximately 1.11 acres located within the City, subject to valid existing rights and to such terms and conditions as the Secretary may require. The bill provides that, as conditions of the conveyance, the City shall use the compound as a historical and cultural interpretation and education center, shall ensure that the compound is managed by a nonprofit entity, and shall manage the compound with due consideration for its historic values.

It is long standing policy that the United States receive market value for the sale, exchange, or use of NFS land. This policy is well established in law, including the Independent Offices Appropriation Act (31 U.S.C. 9701), section 102(9) of FLPMA, as well as numerous land exchange authorities. The parcels have value to the United States for their potential to be used to facilitate future land conveyance.

Our preference would be to convey the compound to the City under existing authorities. The Forest Service has identified the Wallowa Compound as a site to be sold under the Forest Service Facility Realignment and Enhancement Act (FSFREA). Disposition under FSFREA would allow the proceeds from the sale to be used to address other administrative site needs. In the past 3 years, the Forest Service has expended funds to prepare the compound for disposal and hopes to derive benefit on behalf of the public from the sale by re-investing proceeds from the

sale in other deteriorating infrastructure on the Wallowa-Whitman National Forest as provided for under FSFREA.

However, because of special circumstances, we do not object to the conveyance to the City under the bill. Originally the parcels were owned by the City. During the Depression, the City defaulted on taxes owned on the land and the County assumed ownership. The County donated the parcels to the United States in 1936.

We recommend, however, that the bill should provide that the City of Wallowa be responsible for bearing all administrative costs associated with the conveyance. Additionally, the legislation would provide for the reversion of the property to the United States, at the election of the Secretary, if the conditions under subsections 2(c) or 2(d) are violated. We would like to work with the Committee to address concerns with S. 271, including the reversionary language.

This concludes my statement and I would be happy to answer any questions you might have.

S. 278

Mr. Chairman and Members of the Subcommittee, I am Mary Wagner, Associate Chief for the U.S. Forest Service. Thank you for the opportunity to appear before you to provide the views of the U.S. Department of Agriculture on S. 278.

The Department supports this legislation and wishes to thank the Members of the Committee for addressing the concerns expressed when we testified on the bill under consideration in the last Congress.

S. 278 would provide for the exchange or sale of two parcels of National Forest System lands, totaling 5.08 acres, within the boundaries of the Arapaho National Forest in Colorado to the Sugar Loaf Fire Protection District (SLFPD). A portion of one parcel is currently being used by SLFPD as a fire station under special use permit. The other parcel was under a similar permit that has expired.

The National Forest System lands proposed for conveyance have lost their national forest character. The lands that would be conveyed to the United States have suitable national forest character and would contribute to increased management efficiency. In addition, thanks in large part to previous work that has been done between the Forest Service (Arapaho-Roosevelt National Forest) and the Sugar Loaf Fire Protection District, we believe that the Forest Service and SLFPD will meet Congress' intent to have the parcels exchanged within one year.

The Department supports the work of the SLFPD and its efforts to improve its facilities to deliver services more effectively. We view S. 278 as both benefitting management of the Arapaho National Forest and promoting emergency services in the fire protection district.

Mr. Chairman, Ranking Member and Members of the Subcommittee, this concludes my testimony. I'll be happy to answer any of your questions.

S. 322

Mr. Chairman and members of the Subcommittee, I am Mary Wagner, Associate Chief of the Forest Service. Thank you for the opportunity to provide the views of the Department of Agriculture on S. 322, the Alpine Lakes Wilderness Additions and Pratt and Middle Fork Snoqualmie Rivers Protection Act.

This legislation would designate approximately 22,173 acres as a component of the National Wilderness System and approximately 37 miles of river as components the National Wild and Scenic Rivers System on the Mt. Baker-Snoqualmie National Forest in the State of Washington. The Department supports this legislation in concept and we would like to work with the Committee to address some technical issues as outlined below.

We would also like the Committee to be aware that although we have completed suitability studies for the wild and scenic rivers, we have not completed a wilderness evaluation of the area to be designated under this bill. The area that would be designated wilderness is currently managed in an undeveloped manner as late Successional Reserve under the Northwest Forest Plan. A wilderness designation would be compatible in this area. We thank the delegation for its collaborative approach and local involvement that have contributed to this bill.

The proposed additions to the Alpine Lakes Wilderness lie in the valleys of the Pratt River, the Middle and South Forks of the Snoqualmie River. The existing 394,000 acre Alpine Lakes Wilderness is one of the jewels of our wilderness system, encompassing rugged ice carved peaks, over 700 lakes, and tumbling rivers. The lower valleys include stands of old growth forest next to winding rivers with native fish populations. The area is located within minutes of the Seattle metro area. Trails accessing the area are among the most heavily used in the Northwest as they lead to some exceptionally accessible and beautiful destinations. The proposed addi-

tions to the Alpine Lakes Wilderness would expand this area to include the entire heavily forested Pratt River valley and trail approaches to lakes in the wilderness area in the Interstate 90 corridor. These lands have not been analyzed as part of the forest plan to determine their suitability to be designated wilderness. However, the Forest Service would support their designation with a few technical adjustments.

We would like to work with the subcommittee to address some technical aspects of the bill. These include:

- The entire Pratt River Trail #1035 is included within the boundary of the proposed wilderness. The first mile of this trail currently is used by large numbers of people and groups. The trail, which would be a primary access corridor for the newly designated wilderness, is currently undergoing reconstruction by contract and volunteer crews. The Department suggests that the wilderness boundary be drawn to exclude approximately three miles of this trail so that wilderness use limitations relating to solitude do not factor into future management concerns that may limit public access to this area. This change would not alter the wilderness proposal significantly, but would allow the current recreation opportunities for high-use and large groups along this stretch of the Middle Fork Snoqualmie to continue. This adjustment also would reduce operation and maintenance costs along this segment of the Pratt River Trail as it would ease any future reconstruction efforts and allow for motorized equipment to be used in its maintenance.
- The northwestern boundary of the wilderness proposal includes two segments of Washington State Department of Natural Resources lands totaling about 300 acres. We recommend that the boundary of the proposed wilderness be adjusted so that only National Forest System lands are included, as the legislation does not include authority for these lands to be acquired from the State of Washington.
- In T.23 N, R.10 E, Section 24, there are two Forest Development Roads proposed for decommissioning. It is likely that the decommissioning project will require the use of motorized equipment to help restore the wilderness setting. We anticipate analyzing the use of motorized equipment under the Forest Service's minimum requirements analysis process.

S 322 also would designate two rivers as additions to the National Wild and Scenic Rivers System: approximately 9.5 miles of the Pratt River from its headwaters to its confluence with the Middle Fork Snoqualmie River; and approximately 27.4 miles of the Middle Fork Snoqualmie River from its headwaters to within ‡ mile of the Mt. Baker-Snoqualmie National Forest boundary. Each river was studied in the Mt. Baker-Snoqualmie National Forest Plan and determined to be a suitable addition to the National Wild and Scenic Rivers System.

The Pratt River has outstandingly remarkable recreation, fisheries, wildlife and ecological values. The corridor provides important hiking and fishing opportunities in an undeveloped setting. The river supports resident cutthroat trout and its corridor contains extensive deer and mountain goat winter range and excellent riparian habitat. Its corridor retains a diverse riparian forest, including remnant stands of low-elevation old-growth.

The Middle Fork Snoqualmie River also has outstandingly remarkable recreation, wildlife and fisheries values. The river is within an easy driving distance from Seattle and attracts many visitors. It provides important whitewater boating, fishing, hiking and dispersed recreation opportunities. The river corridor contains extensive deer winter range and excellent riparian habitat for numerous wildlife species. This is the premier recreational inland-fishing location on the National Forest due to its high-quality resident cutthroat and rainbow trout populations. Adding these rivers to the National Wild and Scenic Rivers System will protect their free-flowing condition, water quality and outstandingly remarkable values. Designation also promotes partnerships among landowners, river users, tribal nations and all levels of government to provide for their stewardship. We therefore support the designation of these rivers into the National Wild and Scenic River System.

The Department has one concern with the wild and scenic river designations relating to the management of the Middle Fork Snoqualmie River Road. We are currently in the process of improving this road and feel that this work is needed to protect the wild and scenic values associated with this river while improving visitor safety and watershed health. Approximately 20 years ago, the U.S. Forest Service submitted the Middle Fork Road to the Federal Highway Administration for reconstruction via their enhancement program. The project has been approved, design work is approximately 30% complete, and construction is planned for 2013 or 2014. The Federal Highway Administration has already expended approximately $3.2 mil-

lion to date on the project. We would like to work with the committee to ensure timely completion of the project and assure long-term maintenance of the road.

This concludes my prepared statement and I would be pleased to answer any questions you may have.

S. 382

Mr. Chairman and Members of the Subcommittee, I am Mary Wagner, Associate Chief for the U.S. Forest Service. Thank you for the opportunity to appear before you to provide the views of the U.S. Department of Agriculture (USDA) on S. 382, the Ski Area Recreational Opportunity Enhancement Act of 2011.

S. 382 would amend the National Forest Ski Area Permit Act of 1986 to authorize the Secretary to permit seasonal or year-round natural resource-based recreational activities and associated facilities at ski areas, in addition to those that support Nordic and alpine skiing and other snow sports that are currently authorized by the Act.

The Department supports S. 382 and wishes to thank the Members of the Committee for addressing the concerns expressed when we testified last Congress on S. 607. Like its predecessor, S. 382 would promote seasonal or year-round recreation opportunities at ski resorts on National Forest System lands and, by doing so, would expand the opportunities for ski areas to attract visitors during all four seasons.

The additional seasonal or year-round recreational activities and associated facilities authorized by the bill would have to encourage outdoor recreation and enjoyment of nature and, to the extent practicable, would have to harmonize with the natural environment. The bill specifies certain recreational activities and facilities that could, under appropriate circumstances, be authorized and those that would be excluded from authorization. The bill would make clear that the primary purpose of the authorized use and occupancy would continue to be skiing and other snow sports.

There are 122 ski areas operating under permit on National Forest System lands. These ski areas occupy less than 1 percent of all National Forest System lands. Nevertheless, about one-fifth of all recreation in national forests occurs at these ski areas. The ski areas are some of the most developed sites in the national forests. However, for many Americans, ski areas are portals to the national forests and a means to greater appreciation of the natural world.

Focusing more of developed outdoor recreational activities within ski areas is appropriate and would reduce impacts on less developed areas in the national forests. If S. 382 is enacted, we would develop criteria for the types of seasonal or year-round activities that would be appropriate at ski areas to provide a basis for case-specific proposals at the local level in accordance with established law, regulations, and procedures including the Secretary's duties to involve the public in his decision-making and planning for the national forests.

In summary, this legislation would encourage greater recreational use of the national forests and would concentrate highly developed recreation in areas that are currently among the most developed sites in national forests. In addition, the legislation would enhance the long-term viability of the ski areas on National Forest System lands and the adjoining rural economies.

Mr. Chairman and Members of the Subcommittee, this concludes my testimony. I'll be happy to answer any of your questions.

S. 607

Mr. Chairman, Honorable Ranking Member and distinguished members of the Committee, I am Mary Wagner, Associate Chief of the U.S. Forest Service. Thank you for the opportunity to speak with you today about S. 607, the Cathedral Rock and Horse Heaven Wilderness Act of 2011.

S. 607 provides for land exchanges between the Bureau of Land Management (BLM) and a number of private parties. We defer to BLM for its position on those exchanges. One of the exchanges, identified in the bill as the Young Life Exchange, would involve the conveyance of two parcels of National Forest System (NFS) land, comprising approximately 690 acres. The Forest Service has no objection to either of the parcels being exchanged out of federal ownership if the conclusion of BLM's analysis for a land exchange leads to a public benefit determination.

Additionally, the bill would effectuate the transfer of administrative jurisdiction of certain BLM lands that lie within, or are adjacent to, the Ochoco National Forest, to the Forest Service. The Forest Service supports the transfer of jurisdiction over these lands to the Forest Service. Such mutually beneficial land exchanges will make management of the public lands easier and this is a good investment for the taxpayer.

Mr. Chairman, Ranking Member and Members of the Subcommittee, this concludes my testimony. I'll be happy to answer any of your questions.

S. 683

Mr. Chairman and members of the Subcommittee, I am Mary Wagner, Associate Chief of the Forest Service. Thank you for the opportunity today to present the Department's view on S. 683, legislation to provide for the conveyance of certain parcels of land in the Town of Mantua, Utah.

S. 683 would direct the Secretary of Agriculture to convey, without consideration, to the Town of Mantua, Utah, all right, title and interest of the United States in approximately 31.5 acres of National Forest System (NFS) land in Box Elder County, Utah. This land is currently part of the Uinta-Wasatch-Cache National Forest. The 31.5 acres in question comprise three parcels identified in the bill as parcels A, B, and C as shown on the accompanying map. The parcels are encumbered with several outstanding rights in Brigham City, including three pipelines, a right to construct a pipeline, and use of four springs.

The Department does not object to conveyance of this NFS land, but notes that these parcels have not been officially described; a federal survey would be required in advance of conveyance. Although the bill does require the Town to cover the Federal land survey costs associated with the conveyance, it does not clearly state who would be responsible for bearing other administrative costs.

We believe that the Forest Service could meet the objectives of the bill administratively through either the Townsite Act of July 31, 1958 (16 U.S.C. 478a) or the Weeks Act of March 1, 1911 (16 U.S.C. 516) as supplemented by the Federal Land Policy and Management Act (FLPMA) of October 21, 1976 (P.L. 94-579, 90 Stat. 2743; 43 U.S.C. 1716; as amended). The Townsite Act authorizes communities to acquire up to 640 acres of NFS land in order to serve community objectives and requires payment to the United States of the market value of the federal land. The Weeks Act authorizes the exchange of NFS land for non-Federal land on the basis of equal value.

It is long standing policy that the United States receive market value for the sale, exchange or use of NFS land. This policy is well established in law, including the Independent Offices Appropriation Act (31 U.S.C. 9701), section 102(9) of FLPMA, as well as numerous land exchange authorities. The parcels were acquired by donation from Box Elder County in 1941. They have value to the United States for their potential to be used to facilitate future land exchanges.

Mr. Chairman, regardless of the ultimate outcome of the congressional consideration of S. 683, the Forest Service is committed to working with the bill sponsors, the Town of Mantua, and the Committee, in hopes of assisting the Town. We would appreciate the opportunity to work with the Committee to address concerns with S. 683, including regarding the definition of public purpose and the revisionary language.

Also, to avoid constitutional concerns, the Department of Justice recommends that the bill be revised to make absolutely clear that the town would have to agree to the proposed conveyance, which is what we understand Congress intends. This change might be accomplished by adding "and subject to the Town's agreement" after "the Secretary shall convey to the Town," in section 2(b) of the bill.

This concludes my statement and I would be happy to answer any questions you might have.

S. 684

Mr. Chairman and members of the Subcommittee, I am Mary Wagner, Associate Chief of the United States Forest Service.

Thank you for the opportunity to appear before you today and provide the Department of Agriculture's views regarding S. 684, to provide for the conveyance of certain parcels of land to the town of Alta, Utah. S. 684 would direct the Secretary of Agriculture to convey, without consideration, certain parcels of National Forest System (NFS) land comprising approximately two acres located in the Uinta-Wasatch-Cache National Forest to the Town of Alta, Utah, for public purposes. While supportive of the Town's desire to consolidate its municipal resources, the Department does not support S. 684.

The Forest Service can convey the parcel under current authorities through the Townsite Act of July 31, 1958 (16 U.S.C. 478a). The Townsite Act authorizes communities to acquire up to 640 acres of NFS land in order to serve community objectives, and requires payment to the United States of the market value of the federal land. Similarly, the lands could be made available by exchange for equal value consideration.

It is long standing policy that the United States receive market value for the sale, exchange, or use of NFS land. This policy is well established in law, including the Independent Offices Appropriation Act (31 U.S.C. 9701), section 102(9) of the Federal Land Policy and Management Act (43 U.S.C. 1701), as well as numerous land exchange authorities. Based on recent land sales in the Alta area, we estimate the value of the lands proposed to be conveyed under S. 684 to be approximately $500,000 per acre.

Finally, S. 684 would require the Town of Alta to cover the Federal land survey costs associated with the proposed conveyance. It also should provide that the Town should bear other administrative costs associated with the conveyance.

Although the Department does not support S. 684 as written, we are willing to work with the bill sponsors, the Town of Alta, and the Committee, in hopes of assisting the Town in achieving its desired consolidation of municipal resources.

The Department of Justice also advises that the bill raises a constitutional concerns. In order to address this concern the Department of Justice recommends that the bill be revised to make absolutely clear that the town would have to agree to the proposed conveyance, which is what we understand Congress intends. This change might be accomplished by adding "and subject to the Town's agreement" after "the Secretary shall convey to the Town," in section 2(b) of the bill.

This concludes my statement and I would be happy to answer any questions you might have.

S. 766

Mr. Chairman, Honorable Ranking Member and distinguished members of the Committee, I am Mary Wagner, Associate Chief of the Forest Service. Thank you for the opportunity to speak with you today about a bill that addresses Wilderness designation in the coastal Douglas-fir forests of Oregon.

S. 766 would designate an area known as the Devil's Staircase as wilderness under the National Wilderness Preservation System. In addition, S. 766 would designate segments of Wasson and Franklin Creeks in the State of Oregon and within the proposed Devil's Staircase Wilderness as wild rivers under the Wild and Scenic Rivers Act.

The Department supports the designation of the Devil's Staircase Wilderness as well as the Wild and Scenic River designations on National Forest System lands. We would like to offer minor modifications to S. 766 that would enhance wilderness values and improve our ability to manage resources in the area.

The Devil's Staircase area lies in the central Oregon Coast Range, north of the Umpqua River and south of the Smith River. Elevations in the area range from near sea level to about 1,600 feet. The area is characterized by steep, highly dissected terrain. It is quite remote and difficult to access. A stair step waterfall on Wasson Creek is the source of the name Devil's Staircase.

The area that would be designated as wilderness by S. 766 encompasses approximately 30,540 acres of National Forest System (NFS) and Bureau of Land Management (BLM) lands. NFS lands are approximately 24,000 acres, and BLM lands are approximately 6,500 acres.

All NFS lands that would be designated as wilderness are classified as Late Successional Reserve under the Northwest Forest Plan, which amended the Siuslaw National Forest LRMP in 1994. This land allocation provides for the preservation of old growth (late successional) habitat and is compatible with a wilderness designation. There are no planned resource management or developed recreation projects within the NFS portion of the lands to be designated as wilderness.

Most of the area is forested with older stands of Douglas-fir and western hemlock, and red alder in riparian areas. All three tree species are under-represented in the National Wilderness Preservation System, relative to their abundance on NFS lands in Washington and Oregon. These older stands provide critical habitat and support nesting pairs of the northern spotted owl and marbled murrelet, which are listed as threatened species under the Endangered Species Act.

The proposed Devil's Staircase Wilderness provides an outstanding representation of the Oregon Coast Range and would enhance the National Wilderness Preservation System. The Oregon Coast Range has been largely modified with development, roads, and logging. Three small wilderness areas currently exist along the Oregon portion of the Pacific Coast Range, and the proposed Devil's Staircase Wilderness would more than double the acres of old-growth coastal rainforest in a preservation status. Wilderness designation would also preserve the Devil's Staircase, which is a unique landscape feature.

There are approximately 24 miles of National Forest System roads within the proposed boundary, 10.5 miles of which are not needed for administrative use and

would be decommissioned and obliterated. The remainder would be converted to a trail as discussed below. The Department recognizes that decommissioning and obliteration of this magnitude may require the use of motorized equipment to remove road related structures and grading. We anticipate analyzing such use under the Forest Service's minimum requirements analysis process.

The remaining 13.5 miles of road comprise Forest Service Road 4100, which bisects the proposed wilderness. The Department recommends that this road be converted and managed as a non-motorized, foot and/or horse trail compatible with wilderness uses. The Forest Service would use a minimum requirement analysis process to determine the appropriate tools necessary to complete activities associated with the road.

The bill would transfer administrative jurisdiction over 49 acres of BLM land to the Forest Service. The Forest Service supports the transfer of jurisdiction.

S. 766 also would designate approximately 10.4 miles of streams on National Forest System lands as part of the National Wild and Scenic Rivers System: 5.9 miles of Wasson Creek and 4.5 miles of Franklin Creek, both on the Siuslaw National Forest. Both Wasson and Franklin Creeks have been identified by the National Marine Fisheries Service (NMFS) as critical habitat for coho salmon (Oregon Coast ESU [Evolutionarily Significant Unit] of coho salmon), a threatened species under the Endangered Species Act. While the critical habitat portion of Wasson Creek is below the Devil's Staircase waterfall and thus largely outside the proposed wild and scenic designation, the designation will nevertheless help ensure that the lower portion of the creek remains suitable as coho habitat.

The Department defers to, and agrees with, the Department of the Interior concerning the proposal to designate the 4.2-mile segment of Wasson Creek flowing on lands administered by BLM.

The Forest Service conducted an evaluation of the Wasson and Franklin Creeks to determine their eligibility for wild and scenic rivers designation as part of the forest planning process for the Siuslaw National Forest. However, the agency has not conducted a wild and scenic river suitability study, which provides the basis for determining whether to recommend a river as an addition to the National Wild and Scenic Rivers System. Wasson Creek was found eligible as it is both free-flowing and possesses outstandingly remarkable scenic, recreational and ecological values. The Department supports designation of the 5.9 miles of the Wasson Creek on NFS lands based on the segment's eligibility.

At the time of the evaluation in 1990, Franklin Creek, although free flowing, was found not to possess river-related values significant at a regional or national scale and was therefore determined ineligible for designation. Subsequent to the 1990 eligibility study, the Forest Service has found that Franklin Creek provides critical habitat for coho salmon, currently listed as threatened under the Endangered Species Act, and also serves as a reference stream for research because of its relatively pristine character, which is rare in the Oregon Coast Range. Due to the presence of coho salmon and the pristine character the Department does not oppose its designation. Designation of the proposed segments of both Wasson and Franklin Creeks is consistent with the proposed designation of the area as wilderness. The actual Devil's Staircase landmark is located on Wasson Creek.

Mr. Chairman, this concludes my testimony. I am happy to answer any questions that you may have on Devil's Staircase Wilderness Act.

S. 896

Mr. Chairman and members of the Committee, thank you for the opportunity to testify before you today on S. 896, the Public Lands Service Corps Act of 2011. I am Mary Wagner, Associate Chief of the Forest Service.

S. 896 is a welcome amendment to the Public Lands Corps Act of 1993. The Nation's forests and grasslands are unique and special ecosystems that the Forest Service manages to meet the needs of present and future generations. These lands yield abundant sustainable goods and ecosystem services for the American people. The National Forest System lands, managed under a multiple-use, sustained-yield mission are perfect places for the Public Lands Service Corps participants to learn and practice an array of conservation, preservation, interpretation and cultural resource activities, and take advantage of outstanding and unique educational opportunities. In states in every region, the Forest Service has benefited greatly from the services of Conservation Corps on National Forest System lands.

The Department strongly supports S. 896. This bill would strengthen and facilitate the use of the Public Land Corps (PLC) program, helping to fulfill the vision that Secretary Vilsack has for engaging young people across America to serve their community and their country. It is also consistent with the goals of the President's

America's Great Outdoors Initiative which includes catalyzing the establishment of a 21st century Conservation Service Corps to engage young people in public lands service work. S. 896 will help USDA and our sister agencies, DOI, NOAA, expand opportunities for our youth to engage in the care of America's Great Outdoors, and is a great example of multiple agencies coming together to implement a shared goal.

In recent years, the Forest Service has greatly expanded partnerships with local, state, and urban based conservation Corps programs and our Job Corps Center portfolio.

Under S. 896, we will be able to increase partnerships with Corps programs and expand opportunities for Job Corps graduates in the Green Careers program. In 2010, our partnerships with the Students Conservation Association, The Corps Network, and multiple youth, conservation and veterans Corps in every region resulted in nearly 5,500 youth and young adults serving on public lands. The expanded authority provided by S. 896 will improve the Act by providing increased flexibility to use interns and Conservation Corps teams. It will also help ensure that underserved populations are able to participate by defining minimum match requirements while also providing flexibility with the match requirement.

The emphasis on experiential training and education will help promote the value of public service in addition to contributing to the accomplishment of much needed work. S. 896 will expand our usage of the PLSC in a variety of program areas by providing additional resources and mechanisms to engage young people in a range of developmental opportunities. This authority will further assist in providing even more outdoor opportunities that will nurture the next generation of public land stewards.

The broader definition of natural, cultural and historic resource work under the amendment benefits the Nation's forests and grasslands by authorizing a wider variety of different types of youth engagement.. The expanded authority to engage Native Americans through the Indian Youth Service Corps and resources assistants and consulting interns will contribute to our goals of creating a more diverse workforce as we seek to fill positions in an aging workforce. These new and expanded authorities will ultimately promote public understanding and appreciation of the mission and work of the federal land, coastal and ocean management agencies.

We appreciate the flexibility of the expanded authority in section 205, which would authorize the use of residential facilities. Our history of program delivery through Forest Service Job Corps Civilian Conservation Centers has allowed us to reach more than six million youth since the program was established in 1964. The U.S. Forest Service operates residential Civilian Conservation Centers through an interagency agreement with the Department of Labor Job Corps program. The 2009 Omnibus appropriations Act authorized the Forest Service to operate six additional Job Corps Centers formerly run by the Bureau of Reclamation. The now 28 Job Corps Civilian Conservation Centers have the capacity to house, educate and train over 6,200 enrollees between the ages of 16 and 24. Our extensive experience operating residential facilities successfully has resulted in the establishment of many best practices and in-depth operational knowledge about residential conservation centers.

The Job Corps Civilian Conservation Centers not only help cultivate and develop emerging leaders within the Forest Service, but also provide a pipeline of entry-level workers. Each year the Forest Service hires dozens of Job Corps graduates that have participated in forestry and conservation programs. Through Job Corps, the Forest Service is building a skilled and diverse workforce capable of advancing the agency's mission.

With our partners, we can confidently leverage resources and expand our ability to develop a well-trained and responsible workforce in natural and cultural resources. Youth will participate in community service, restoration and stewardship projects; leadership and civic engagement programs; recreation; and team building and independent living skills training.

The Forest Service is uniquely positioned to manage residential conservation centers on the National Forests and Grasslands. This initiative could become an important component of the emerging youth outdoors initiative. It will also provide us with a unique opportunity to develop and implement innovative programming that will engage more urban youth and people that have been previously underserved.

There are a number of implementation issues that should be considered in establishing new residential conservation centers. These include the costs of operating and maintaining the facilities, potential liability issues, and questions about the impact on contract and labor laws. We would like to work with the Committee on addressing these types of issues.

S. 896 would increase the opportunity for Public Lands Service Corps members to leverage their education and work experience in obtaining permanent full-time

employment with Federal agencies, but we offer a few amendments to the bill that are outlined below:

*1) Hiring preference*

The Administration recommends changing eligibility for former PLSC for non-competitive hiring status from two years to one year. This change would make eligibility status consistent with other Government-wide, non-competitive appointment authorities based on service outside of the Federal government.

*2) Cost sharing for nonprofit organizations contributing to expenses of resource assistants and consulting interns*

Under current law in the case of resource assistants, and under S. 896 in the case of consulting interns, sponsoring organizations are required to cost-share 25 percent of the expenses of providing and supporting these individuals from "private sources of funding." The Administration recommends giving agencies the ability to reduce the non-Federal contribution to no less than 10 percent, if the Secretary determines it is necessary to enable a greater range of organizations, such as smaller, community-based organizations that draw from low-income and rural populations, to participate in the PLSC program. This would make the cost-share provisions for resource assistants and consulting interns parallel to the provisions under the bill for other PLSC participants.

*3) Department-wide authorities*

The Administration recommends technical amendments to clarify that PLSC activities will be carried out on public lands as enumerated in the law. "Eligible service lands" may be interpreted to include non-Federal lands.

*4) Agreements with Partners on Training and Employing Corps Members*

The Administration recommends striking the provision in S. 896 that would allow PLSC members to receive federally funded stipends and other PLSC benefits while working directly for non-Federal third parties. The need for this language is unclear, since agencies already have flexibility in how they coordinate work with cooperating associations, educational institutes, friends groups, or similar nonprofit partnership organizations. Yet, the language could raise unanticipated concerns over accountability, liability, and conflicts of interest. For example, this language could allow an individual to receive a federally funded stipend under a PLSC agreement, and then perform work for a different non-federal group (such as a cooperating association) that is subject to agency oversight under different agreements. This language could blur the lines of responsibility that have been established in response to IG concerns over the management of cooperating associations and friends groups.

*5) Living Allowance Differentials*

The Administration recommends striking the provision in S. 896 that would allow for the Secretary to provided living allowance differentials to employees. Current law provides the Secretary with broad authority to set "living allowances" at an appropriate rate. Adding "cost-of-living" language to a law that would modify compensation for Federal employees may unnecessarily introduce confusion.

The Forest Service has offices already in place to help coordinate the Public Lands Service Corps through its National Job Corps Civilian Conservation Centers program and the Office of Recreation, Heritage and Volunteer Resources Volunteers (RHVR) and Service program. The Forest Service RHVR Volunteers and Service program could likely be the coordinating office for Public Lands Service Corps in the Forest Service.

The Forest Service is fully committed to the advancement of young people through a variety of conservation projects, training, and service learning and conservation education. Along with the Bureau of Land Management, we can provide participants with an understanding of the agency's history and training on multiple-use and sustained-yield management of natural, cultural, historic, archaeological, recreational and scenic resources. Our mission, "To sustain the health, diversity and productivity of the Nation's forests and grasslands to meet the needs of present and future generations," can only be achieved by educating future generations and training the future public and private land managers. In turn, they will promote the value of public service and continue the conservation legacy of natural resource management for the United States.

The America's Great Outdoors initiative has generated a national dialogue on how to reconnect Americans with the outdoors. The AGO report released February 2011 includes a major emphasis on youth and career pathways. The very first goal in the

report is "develop quality conservation jobs and service opportunities that protect and restore America's natural and cultural resources".

USDA Forest Service staff are a part of an interagency workgroup that is presently working to 1) catalyze the establishment of a 21st Century Conservation Service Corps that will engage young Americans in public lands and water restoration; 2) work with OPM to improve career pathways and to review barriers to jobs in natural resource conservation and historic and cultural preservation; and 3) improve federal capacity for recruiting, training and managing volunteers and volunteer programs to create a new generation of citizen stewards. The proposed amendments to the Public Lands Corps Act align well with these objectives and will undergird our efforts to fully implement the President's America's Great Outdoors priorities.

Mr. Chairman and Members of the Committee, this concludes my prepared statement. I am happy to answer any questions that you or Members of the Committee may have.

Senator WYDEN. Mr. Pool.

**STATEMENT OF MIKE POOL, DEPUTY DIRECTOR, OPERATIONS, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR**

Mr. POOL. Thank you, Mr. Chairman. Thank you for the opportunity to testify on behalf of the Department of Interior on 13 bills affecting the Department before you today.

As Deputy Director of the Bureau of Land Management, I'm here to discuss nine BLM related bills. I'm accompanied by my DOI colleagues to answer questions on other bills.

With me today are Dr. John Eichelberger of the U.S. Geological Survey to respond to questions about S. 566.

Linda Owens of the Office of Surface Mining on S. 897.

George McDonald of the National Park Service for S. 896.

The Department strongly supports S. 896 by strengthening and facilitating the use of Public Land Corps Program. This bill will help us fulfill Secretary Salazar's vision for promoting ways to engage young people across America to serve their community and their country. We would like to continue to work with the committee on the language in the bill.

The Department of Interior also supports S. 292, to resolve claims to the Bering Straits Native Corporation in Alaska.

S. 617, to convey certain Federal land to Elko County, Nevada and to take into trust for the Te-Moak Tribe of Western Shoshone Indians of Nevada.

Both conveyance are intended for community purposes.

S. 667, which designates the nearly 236,000 acre Rio Grande del Norte National Conservation Area in Northern New Mexico as well as 2 wilderness areas.

S. 729, which affirms a final land patent that will protect critical habitat while allowing economic development in South Central Nevada.

As S. 766 which designates the Devil's Staircase Wilderness Area in Oregon and designates segments of the Wasson and Franklin Creeks nearby as wild rivers.

In addition, the Department supports the goal of Senate Bill 526, to provide for the conveyance of certain public lands in Mohave County, Arizona to the Arizona Game and Fish Commission for use as a public shooting range. The BLM also recommends technical and policy improvements to the bill.

Regarding S. 270, which conveys 3 parcels of land to the city of LaPine, Oregon in Deschutes County, Oregon, the Department appreciates the improvements made to this bill since the last Congress, has no objections to the conveyances and would like to continue to work with Senator Wyden and the committee on the bill.

The Department also supports Senate Bill 607, the Cathedral Rock and Horse Heaven Wilderness, which provides for a series of land exchange along the John Day River in Oregon and seeks to eventually designate those lands and adjacent public lands as wilderness.

The Department and the U.S. Geological Survey thanks the committee for its work on Senate Bill 566, to establish a National Volcano Early Warning and Monitoring System. The USGS is working to address concerns in this bill as discussed in our statement for the record.

S. 590 would convey 3 geographical miles of submerged lands adjacent to the Northern Mariana Island to the government of the Northern Mariana Islands. If enacted this legislation would give the Commonwealth of Northern Mariana Islands authority over submerged lands and consequently, the same benefits and authority as the territories in Guam, the Virgin Islands and American Samoa currently enjoy. The Administration will strongly support this bill, if amended, as outlined in the statement the Department has submitted for the record.

I am also submitting for the record a statement from the Office of Surface Mining Reclamation and Enforcement regarding Senate Bill 897 which would allow non certified states and tribes to use certain SMCRA payments for non coal reclamation. While the Administration recognizes the importance of addressing hard rock mine hazards, the Department cannot support this bill because it is inconsistent with the President's fiscal year 2012 budget proposal to limit SMCRA payments to coal sites that pose the most danger to public health and safety and/or damage to the environment.

Finally Senate Bill 427 provides a mineral withdrawal on certain public lands in Clark County, Nevada. The BLM is preparing an environmental impact statement on the site in accordance of the terms of a settlement agreement involving mineral claims and therefore defers taking a position on the bill.

Thank you for the opportunity to testify. I'll take any questions at this time.

[The prepared statement of Mr. Pool follows:]

PREPARED STATEMENT OF MIKE POOL, DEPUTY DIRECTOR, OPERATIONS, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

S. 270

Thank you for the opportunity to testify on S. 270, the La Pine Land Conveyance Act. The bill proposes to convey to the city of La Pine and Deschutes County, Oregon, three parcels (consisting of 150 acres, 750 acres, and 10 acres). The BLM does not object to the conveyances in S. 270. We note that these conveyances are consistent with our existing authority under the Recreation and Public Purposes (R&PP) Act, so they could be accomplished administratively. We appreciate the improvements made to this legislation since last Congress, and would like the opportunity to continue to work with Senator Wyden and the Committee on S. 270.

*Background*

La Pine is a rural community located in southern Deschutes County, Oregon. The BLM and the City of La Pine have a long history of working together and have completed several Recreation and Public Purposes (R&PP) Act conveyances, including the sites of the La Pine library and fire station. Since La Pine is surrounded by BLM-administered lands, community leaders have held ongoing discussions with the BLM concerning the city's need for additional land to serve other public purposes.

The R&PP Act authorizes the Secretary of the Interior to lease or convey public lands for recreational and public purposes, such as campgrounds, municipal buildings, hospitals, and other facilities benefitting the public. The La Pine Special Sewer District submitted an R&PP application to BLM's Prineville District Office in 2007, and an amended application in January 2009, for 750 acres of BLM-administered lands on the eastern edge of the La Pine city limits. The District has informed BLM that its intention is to use the lands to expand their current wastewater treatment facilities. The parcel is largely vacant, but does contain rights-of-way for a natural gas pipeline, transmission line, and roads. This parcel of land is shown as "Parcel B" on the map prepared at the request of Senator Wyden, dated December 11, 2009. "Parcel C" on the map is currently leased under R&PP through 2020 and consists of a library, parking lot and picnic area.

Additionally, the City of La Pine has expressed an interest in developing a public rodeo grounds and equestrian center on a 150-acre parcel of BLM-administered lands adjacent to the southwest border of the city. This parcel is also largely vacant, but contains rights-of-way for a road and transmission lines. It also provides important habitat and a travel corridor for elk. This parcel of land is shown as "Parcel A" on the map prepared at the request of Senator Wyden, dated December 11, 2009.

S. 270

S. 270 proposes to convey, at no cost, to the city of La Pine and Deschutes County, Oregon, all right, title and interest of the United States to the three parcels (consisting of 150 acres, 750 acres, and 10 acres), detailed on the map prepared at the request of Senator Wyden, dated December 11, 2009. These conveyances would be subject to valid existing rights and are intended to address the city's and county's stated need for additional land to accommodate the expansion of its wastewater treatment facilities and provide land for a public library, rodeo grounds and equestrian center.

The bill requires that the three parcels of land be used only for purposes consistent with the R&PP Act and includes a reversionary clause to enforce that requirement. Finally, the bill requires the County to pay all administrative costs associated with the transfer.

As a matter of policy, the BLM supports working with local governments to resolve land tenure issues that advance worthwhile public policy objectives. In general, the BLM supports the proposed conveyances, as they are consistent with the existing R&PP authority. We would like to work with Senator Wyden and the Committee to further address concerns related to Parcel A, which serves as an important travel corridor and shelter area for elk along the Little Deschutes River, either through additional boundary modifications or through identification of alternative sites. To avoid constitutional concerns, the Department of Justice recommends that the bill be revised to make absolutely clear that the city or county would have to agree to the proposed conveyance, which is what we understand Congress intends. This change might be accomplished by adding "and subject to the city's or county's agreement" after "without reimbursement" in section 3(a) of the bill.

*Conclusion*

Thank you for the opportunity to testify. We look forward to working with Senator Wyden and the Committee to address the needs of La Pine, Oregon.

S. 292

Thank you for the opportunity to testify on S. 292, the Salmon Lake Land Selection Resolution Act. As a party to the Salmon Lake Area Land Ownership Consolidation Agreement, the BLM has supported efforts between the State of Alaska and the Bering Straits Native Corporation (BSNC) to resolve competing land selections at Salmon Lake. As such, BLM supports S. 292, with one minor technical amendment, because it will ratify the agreement between the BLM, BSNC, and the State of Alaska; and allow for a reasonable and practicable conveyance of lands in the Salmon Lake area.

*Background*

SALMON LAKE IS LOCATED ON THE SEWARD PENINSULA, APPROXIMATELY 40 MILES NORTHEAST OF NOME. THE LAKE IS ONE OF THE LARGEST BODIES OF FRESH WATER ON THE PENINSULA, AND HAS LONG BEEN AN IMPORTANT SOURCE OF FOOD AND RESOURCES FOR THE NATIVE PEOPLE. BECAUSE THE AREA CONTAINS SIGNIFICANT FISHERIES AND OTHER SUBSISTENCE RESOURCES, IT REMAINS A POPULAR RESOURCE AND DESTINATION FOR LOCAL COMMUNITIES.

The BLM is responsible for expediting the conveyance of Federal lands to Native corporations, including the BSNC, under the Alaska Native Claims Settlement Act (ANCSA), and to the State of Alaska under the Alaska Statehood Act of 1958.

The BSNC, the Native regional corporation for the Bering Straits area, and the State of Alaska each sought to gain title to the Salmon Lake area through selection applications filed under respective provisions of ANCSA and the Alaska Statehood Act. However, the land addressed by the two applications overlapped. The BSNC and the State negotiated a resolution to this issue whereby each entity would receive title to distinct lands. The BLM supported this resolution, and the three parties signed the Salmon Lake Area Land Ownership Consolidation Agreement on July 18, 2007. Legislation is now required to ratify the Agreement between the United States (acting through the Department of Interior, BLM), the BSNC, and the State of Alaska. The Agreement would have expired January 1, 2011, but its term was extended until January 1, 2013 in anticipation of ratifying legislation. Accordingly, the Department recommends that Section 3(1)(b) of the bill be amended to reflect the extension of the Agreement to January 1, 2013.

S. 292

S. 292 represents an opportunity to resolve the overlapping land selections between the BSNC and the State, The bill would ratify the Agreement between the BLM, the BSNC, and the State, and allow for finalization of land conveyances in the Salmon Lake area. The lands would be transferred in accordance with the terms of the signed agreement.

As noted, the BLM supported the efforts between the BSNC and State, and signed the agreement to recognize the desires of the entities. The bill would also further the intent of the Alaska Land Transfer Acceleration Act of 2004 (PL 108-452), expediting the transfer of title to Federal lands to Native corporations and the State of Alaska.

*Conclusion*

Thank you for the opportunity to testify in support of S. 292. I am happy to answer any questions.

S. 427

Thank you for the opportunity to testify on S. 427, the Sloan Hills Withdrawal Act. S. 427 would withdraw approximately 800 acres of BLM-administered public land in Clark County, Nevada, from all forms of location, entry, and patent under the mining laws, and from disposition under all laws pertaining to mineral and geothermal leasing or mineral material sales, subject to valid existing rights. The BLM is presently preparing an Environmental Impact Statement (EIS) for two proposed competitive mineral material sales that would result in two open pit limestone quarries in this area, as required by settlement agreements between the BLM and two mining companies. Because the BLM is still in the process of analyzing the proposed sales, we defer taking a position on this legislation.

*Background*

The Sloan Hills area is located approximately 15 miles south of the City of Las Vegas, and consists of approximately 800 acres of BLM-administered public lands. The area is surrounded by public lands that are within the Southern Nevada Public Land Management Act (SNPLMA) boundary. The SNPLMA allows the BLM to sell land within this disposal boundary and use a portion of the sale proceeds to acquire environmentally sensitive lands elsewhere in Nevada. When Congress expanded the SNPLMA disposal boundary in 2002 (through PL 107-282), the Sloan Hills area was not included.

The Sloan Hills area has an extensive mineral development history. Separate, but overlapping mining claims were filed on the site almost 30 years ago, with little development occurring until the early 1990s. The two mining claimants in the area subleased their claims to CEMEX (formerly Rinker Materials West, LLC) and Service Rock Products Corp. (Service Rock). CEMEX subsequently filed a mining plan

of operations. When the BLM receives a plan of operations for materials that may be common variety minerals and the mining claims were located on or after July 23, 1955, mining operations may not begin until the bureau completes a "common variety determination" to determine whether the materials are locatable under the Mining Law of 1872 (43 CFR 3809.101).

Because the two mining claims overlapped, the BLM completed a common variety determination in 2004 for both sets of claims. The BLM concluded that the claimed materials (limestone and dolomite) were not locatable under the Mining Law of 1872. As a result, the BLM contested the mining claims. The contests were eventually settled, resulting in the BLM agreeing to analyze two competitive mineral materials sales. The settlement agreements do not restrict the BLM's discretion in approving or denying the proposed sales and the sales must comply with all applicable statutes and regulations (43 CFR 3600).

In 2007, the BLM initiated an EIS to analyze the impacts of the two proposed competitive mineral materials sales. If approved, the projects would consist of two open pit limestone quarries that would operate for approximately 20 to 30 years, eventually merging into one open pit. The BLM is finalizing the Draft EIS and upon its release will solicit public comments on whether it should authorize the proposed sales. The Draft EIS will address potential impacts to: air quality, noise, water resources, and socio-economic conditions. The area surrounding Sloan Hills (located within the SNPLMA disposal boundary) may be developed for housing, commercial, and/or industrial uses during the lifetime of the potential sales contracts. Since the EIS process began, the BLM has received more than 800 letters and e-mails opposing or expressing concern about mining the site.

S. 427

S. 427 would withdraw approximately 800 acres of BLM-administered public land in Clark County, Nevada, from all forms of location, entry, and patent under the mining laws, and of disposition under all laws pertaining to mineral and geothermal leasing or mineral material sale subject to valid existing rights.

A withdrawal from the mineral materials laws would prohibit the BLM from selling mineral materials in the Sloan Hills area, and would prohibit any future mineral use of the withdrawn lands, subject to valid existing rights.

The BLM understands the concerns of Senator Reid, the Nevada Congressional delegation, Clark County and the City of Henderson regarding the proposed mineral materials sales, and the potential operations and associated air quality and noise impacts that could occur in close proximity to many neighborhoods. These and other issues will be considered in the Draft EIS.

*Conclusion*

Thank you for the opportunity to testify. In accordance with the terms of the settlement agreement, the BLM is in the process of analyzing the proposed sales. Consequently, the BLM defers taking a position on the legislation at this time. The Bureau will continue to actively engage the public through an open and transparent EIS process to analyze the potential environmental impacts of the proposed mineral materials sales unless Congress chooses to legislate this withdrawal.

S. 526

Thank you for the opportunity to testify on S. 526, the Mohave Valley Land Conveyance Act of 2011, which proposes to transfer 315 acres of public lands managed by the Bureau of Land Management (BLM) to the Arizona Game and Fish Department (AGFD) for use as a public shooting range. The BLM supports the goals of S. 526 but does not support the legislation as currently drafted. BLM is working with local governments and tribes to resolve land tenure issues. BLM's decision to authorize the land transfer included important mitigation measures which are not in the current legislation.

For the past ten years, the BLM has been working with the AGFD, the Fort Mojave Indian Tribe, the Hualapai Tribe, and the public to find appropriate lands for a public shooting range within the Mohave Valley in Arizona. On February 10, 2010, the BLM made the decision to authorize the transfer of BLM lands to the AGFD (through the Recreation and Public Purposes Act of 1926, as amended, 43 U.S.C. 869 et seq.; R&PP) for use as a public shooting range. The decision, which is consistent with the goals of S. 526, provides a safe, designated shooting environment for the public and includes stipulations designed to respect the traditional beliefs of the Fort Mojave and Hualapai Tribes. The BLM will continue working with interested parties as we move forward with authorizing the shooting range.

*Background*

In 1999, the AGFD first submitted an application to the BLM for development of a public shooting range on BLM-managed lands in Mohave County, near Bullhead City in northwestern Arizona. As a result, the BLM began working with the AGFD and other interested parties to assess appropriate lands to transfer to the AGFD for the purposes of a shooting range under the R&PP.

The BLM evaluated the AGFD's application through an environmental assessment (EA) and considered numerous alternative locations throughout the Mohave Valley. The evaluation process was conducted with full public and tribal participation. There is an identified need for a designated public shooting range in this region because of the lack of a nearby facility, the amount of dispersed recreational shooting occurring on public and private lands raising public safety concerns, and the associated natural resource impacts from spent ammunition and associated waste.

In 2002, the BLM began consultations with the Fort Mojave Indian Tribe and the Hualapai Tribe. In 2003, the BLM initiated consultation with the Arizona State Historic Preservation Officer (SHPO); and in 2006, the BLM initiated Section 106 consultation with the Advisory Council on Historic Preservation (ACHP). These consultations, as required by Section 106 of the National Historic Preservation Act and other authorities, ensure Federal agencies consider the effects of their actions on historic properties, and provide the ACHP and SHPO an opportunity to comment on Federal projects prior to implementation.

In addition to the Section 106 consultation process, the BLM initiated a year-long Alternative Dispute Resolution (ADR) process in 2004 to help identify issues, stakeholder perspectives, and additional alternatives to meet the criteria for a safe and effective public shooting range in the Mohave Valley. However, the ADR process failed to reconcile differences between several consulting parties regarding a proposed location.

In 2006, as part of continued Section 106 consultation with the ACHP, the BLM initiated site visits by the concerned parties and also continued efforts to identify alternative sites. Unfortunately, despite these efforts, the BLM was unable to reach an agreement with the consulted Tribes on any area within the Mohave Valley that the Tribes would find acceptable for a shooting range. The Tribes maintained their position that there is no place suitable within the Mohave Valley, which encompasses approximately 140 square miles between Bullhead City, Arizona, and Needles, California.

Through the EA process, the BLM identified the Boundary Cone Road alternative to be the preferred location. Boundary Cone Butte, a highly visible mountain on the eastern edge of the Mohave Valley, lies approximately 3 miles east of the Boundary Cone Road site, and is of cultural, religious, and traditional importance to both the Fort Mojave Indian Tribe and the Hualapai Tribe. In an effort to address the primary concerns expressed by the Tribes over visual and sound issues, the BLM and AGFD developed a set of potential mitigation measures. Again, there was a failure to agree between the consulting parties on possible mitigation. In the end, the BLM formally terminated the Section 106 process with the ACHP in September 2008. In November 2008, ACHP provided their final comments in a letter from the Chairman of the ACHP to then-Secretary of the Interior Kempthorne.

Although the Section 106 process was terminated, the BLM continued government-to-government consultations with the Tribes. In May of 2009, the BLM met with the Chairman of the Fort Mojave Indian Tribe, the AGFD, and the Tri-State Shooting Club in a renewed effort to find a solution. On February 3, 2010, after continued efforts to reach a mutually agreeable solution, the BLM presented the decision to approve the shooting range to the Fort Mojave Indian Tribe and the AGFD. The final decision included mitigation measures to address the concerns of the Tribes such as reducing the amount of actual ground disturbance; reducing noise levels with berm construction; monitoring and annual reporting on noise levels; and fencing to avoid culturally sensitive areas. The Secretary has the authority to take action to revest title to the land covered by the proposed R&PP patent if the AGFD fails to comply with mitigation measures. The final decision to amend the Kingman Resource Management Plan and dispose of the lands through the R&PP was signed on February 10, 2010.

The BLM decision was appealed to the Interior Board of Land Appeals (IBLA) on February 23, 2010, by a private landowner near the proposed shooting range; and on March 15, 2010, a joint appeal by the Fort Mojave Indian Tribe and Hualapai Tribe was filed. The IBLA dismissed the appeal of the private landowner on July 29, 2010. The IBLA issued a stay of the BLM decision on April 15, 2010, at the request of the Tribes. A final decision by the IBLA on the Tribes' appeal was issued on December 7, 2010 (180 IBLA 158). The IBLA affirmed the BLM's decisions and

determined that the BLM had taken a "hard look" at the impacts of conveying public lands to the AGFD for a shooting range. The IBLA decision stated that the EA had an appropriate range of alternatives and the environmental consequences were insignificant or if significant could be reduced or eliminated by mitigation. The IBLA also confirmed that the BLM complied with National Historic Preservation Act obligations. This decision allows the BLM to move forward in conveying the public lands to the AGFD.

On December 21, 2010, the BLM informed the AGFD of the next steps for processing the administrative action of conveying the land for the shooting range. The AGFD is required to: (1) purchase the mineral estate or obtain a non-development agreement for the Santa Fe Railroad mineral estate (390 acres) under the disposal and buffer lands; (2) provide a detailed Plan of Development (Plan) that addresses the mitigation measures found in the BLM's Decision Record; (3) develop a Cooperative Management Agreement with the BLM for the 470-acre buffer area; and (4) provide the funds ($3,150) for purchase of the property. It is the BLM's understanding that the AGFD is negotiating a purchase agreement to acquire the mineral estate. The AGFD also submitted a draft Plan and is currently revising the Plan to address the additional guidance provided by the BLM, including the request to incorporate the Cooperative Management Agreement into the Plan.

S. 526

S. 526 provides for the conveyance to the AGFD of all right, title, and interest to the approximately 315 acres of BLM-managed public lands as identified in the final decision signed by the BLM on February 10, 2010, to be used as a public shooting range. Furthermore, the legislation makes a determination that the February 10, 2010, Record of Decision is "final and determined to be legally sufficient" and "not be subject to judicial review . . ." The bill also provides that the lands must be used for purposes consistent with the R&PP Act and provides for an appropriate reversionary clause.

As a matter of policy, the BLM supports working with local governments, tribes, and other stakeholders to resolve land tenure issues that advance worthwhile public policy objectives. The BLM acknowledges the lands proposed for development as a shooting range are of cultural, religious, and traditional significance to the Tribes which is why we support important mitigation measures. The bill as drafted does not include such mitigation measures. In general, the BLM supports the goals of the proposed conveyance, as it is similar to the transfer the BLM has been addressing through its administrative process for the last ten years. As noted, a decision has been made through the BLM administrative process and the IBLA affirmed the BLM decision, thereby dismissing the Tribes appeal that the BLM did not comply with various environmental laws. Under the provisions of S. 526, judicial review would be prohibited. The BLM will continue working to complete the conveyance of the lands to the AGFD for a shooting range.

If the Congress chooses to legislate this conveyance, the BLM would recommend some improvements to the bill, including changes to section 4(b), the incorporation of mitigation measures to address Tribal concerns, protection of valid existing rights, and an appropriate map reference.

*Conclusion*

Thank you for the opportunity to testify. Resolution of this conveyance in a manner that is acceptable to all parties has been an important goal of the BLM as evidenced by more than ten years of negotiations and review. The BLM is confident the issued decision addresses the concerns of the interested parties, while providing critical recreational opportunities and benefits to the public.

S. 566

Mr. Chairman and Members of the Subcommittee, thank you for this opportunity to provide the Department of the Interior's views on S. 566, "to provide for the establishment of the National Volcano Early Warning and Monitoring System." This opportunity arises on the 31st anniversary of the eruption of Mount St. Helens, which claimed 57 lives and destroyed more than 200 square miles of forest, much of it on public lands. The Department strongly supports the goals of the bill to enhance volcano monitoring and eruption response in the United States and would like to thank the Committee for its work. We note, however, that the activities called for in this bill are within the scope of existing Department of the Interior authorities, and already underway at the U.S. Geological Survey.

The USGS operates a system of five volcano observatories for the purpose of reducing loss of life and property and minimizing social and economic disruptions dur-

ing volcanic eruptions and their often protracted precursory phases. The USGS does this under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (P.L. 93-288, popularly known as the Stafford Act) as the lead Federal agency with responsibility to provide notification for earthquakes, volcanic eruptions, and landslides to enhance public safety and to minimize economic losses through timely forecasts and warnings based on the best possible scientific information.

*U.S. Volcanic Hazards and USGS Capabilities*

The United States ranks as one of the top countries in the world in the number of active and potentially active volcanoes. Over the past three decades, 30 U.S. volcanoes have erupted on nearly 100 occasions, and an additional dozen volcanoes have exhibited periods of anomalous activity, unrest, that initially were worrisome but ultimately did not culminate in eruptions. In many respects, the country has been fortunate, because only the Mount St. Helens eruption of 1980 was large enough and close enough to communities to cause significant losses of life and property. Major eruptions would seem more common if the written history of our volcanic areas were not so short. The challenge is to be fully prepared for the next major event, wherever it may occur, as well as the smaller but much more common events that exact a continuing cost on human activities. We are not now fully prepared, a challenge that S.566 would help us to overcome.

Volcanoes produce many kinds of destructive phenomena. Communities near Mount St. Helens in Washington were exposed to powerful explosions and mud flows. Substantial populations live on geologically recent mud flows from Mount Hood, Oregon and Mount Rainier, Washington. In Hawaii, Kilauea volcano has sent lava flows into residential communities. Noxious gas emissions have damaged agriculture and required closure of large areas of public lands downwind of the volcano. Critical highway arteries and major resort areas are located on and near massive young lava flows from Mauna Loa volcano. Ash eruptions of the type expected from California, Oregon, Washington and Alaska volcanoes will endanger aircraft and, if fallout is heavy, interfere with transportation, power generation, and water supply on the ground.

Although many U.S. volcanoes are located on sparsely populated Federal lands, the threat to communities and infrastructure downstream and to aviation downwind nevertheless drives the need to properly monitor volcanic activity and provide forecasts and notifications of expected hazards. The most recent example of a remote volcano inflicting economic damage is the 2009 eruption of Mt. Redoubt, Alaska that disrupted civilian and military aviation operations with ash for more than a week and inundated an oil loading terminal with mud flows, thereby requiring suspension of oil and gas production in Cook Inlet. Without proper monitoring by the Alaska Volcano Observatory, interruption of air travel would have been greater and loss of life at the oil terminal might have occurred.

Hazardous volcanic activity will continue to happen, and the ongoing exposure of human life and enterprise will continue to be a primary consideration driving USGS volcano monitoring efforts. Fortunately, volcanoes exhibit precursory unrest that if detected and analyzed quickly allows eruptions to be anticipated and communities at risk to be forewarned with sufficient time to implement response plans and mitigation measures. Careful monitoring of volcanoes, timely and credible eruption warnings delivered following pre-established protocols, and strong cooperation among federal agencies and the aviation industry have thus far prevented the kind of aviation crisis that gripped Europe in April 2010 during the eruption of Eyjafjallajokull in Iceland and resulted in global aviation sector losses of $2.6 billion with 7 million passengers affected.

Monitoring volcanic activity in the United States is the responsibility of the USGS Volcano Hazards Program and is accomplished by the Alaska Volcano Observatory, Cascades Volcano Observatory, Yellowstone Volcano Observatory, Long Valley Observatory, and Hawaiian Volcanoes Observatory. To make maximum use of the Nation's scientific resources, the USGS operates the observatories with the help of universities and Federal and State agencies, through formal partnerships. With the exception of the Hawaiian Volcanoes Observatory, which was founded in 1912, U.S. volcano observatories have been established in response to specific eruptions or sustained levels of unrest. For example, the Cascades Volcano Observatory in Washington State was established in 1981, following the catastrophic awakening of Mount St. Helens in 1980, and continues to assess and monitor volcanic hazards in the Pacific Northwest. The Alaska Volcano Observatory was established in 1988 following an eruption of Augustine Volcano in Cook Inlet, just in time to deal with the eruption of Redoubt Volcano in 1989-1990.

The USGS Volcano Hazards Program also maintains an international rapid-response team under the Volcano Disaster Assistance Program (VDAP), co-funded by

the U.S. Office of Foreign Disaster Assistance within the U.S. Agency for International Development (USAID). This team responds to emergencies worldwide when called upon by the U.S. Department of State and also works to build volcano observatory infrastructure in other countries that are subject to volcanic disasters. Through VDAP, the USGS gains experience with a broad spectrum of volcano behavior and participates in disaster response and mitigation activities in a variety of physical and cultural settings, all of which inform and improve our domestic volcano-response capabilities. The USGS plan for future improvement of monitoring and hazard communication depends heavily on this international experience.

The USGS works closely with other Federal agencies that contribute to volcano monitoring. Geophysical instrumentation funded by the National Science Foundation as part of the EarthScope Program has supplemented USGS networks at volcanoes, and in turn NSF-supported infrastructure now makes USGS volcano monitoring data more readily available to the scientific community. Satellites operated by the National Oceanic and Atmospheric Administration (NOAA) provide important global remote-sensing data that can reveal volcanic hot spots, ash clouds, and gas clouds and are used by the volcano observatories to complement ground-based networks. (Only ground-based networks can provide forecasting capability.) The USGS also works closely with NOAA's Volcanic Ash Advisory Centers in Washington DC and in Anchorage, Alaska, which track the dispersion of volcanic-ash clouds hazardous to aircraft and disseminate advisories to the Federal Aviation Administration and commercial and military aircraft. The Smithsonian Institution's Global Volcanism Program, with which the USGS has been a longtime collaborator, supports volcano monitoring activities by maintaining a comprehensive database on the eruptive histories of volcanoes throughout the world, providing data that are critical to forecasting the likely future activity of restless volcanoes.

*Rationale for a National Volcano Early Warning and Monitoring System*

We have learned from hard experience that waiting to deploy a robust monitoring effort until a hazardous volcano awakens forces scientists, civil authorities, businesses, and citizens to play "catch up" with the volcano, trying to get instruments and civil-defense measures in place before the situation worsens. Precious time and data are lost in the days or weeks it can take to deploy a response to a reawakening volcano—time and data that the public needs to prepare for the hazards they may confront. The race to install instruments on Mount St. Helens under the difficult and dangerous late winter conditions of March and April 1980 remains a good example.

Volcanoes do not need to erupt to cause problems. Changes in a volcano's behavior that are noted by the local population—such as increased smell of sulfur gases, steaming at the summit, or felt earthquakes—may cause an over-reaction, especially if fueled by rumors of an imminent eruption. This over-reaction may extend beyond the average citizen to businesses and government agencies. Without proper instrumentation installed on a volcano, it is difficult to ascertain whether activity is within the range of normal background behavior and thus of little concern or is precursory to a significant eruption. In contrast, a well-instrumented volcano monitored by a local observatory coupled with an active program of community outreach can quickly replace rumors and speculation with sound scientific interpretation of the activity, thereby avoiding the social and economic disruption that an evacuation would produce. It follows therefore that all volcanoes capable of erupting should have in place a level of monitoring networks commensurate with the threat they pose to society.

In 2005 the USGS published "An Assessment of Volcanic Threat and Monitoring Capabilities in the United States: Framework for a National Volcano Early Warning System, NVEWS" (http://pubs.usgs.gov/of/2005/1164/). The report is a comprehensive survey of installed instrumentation on the Nation's volcanoes together with a rigorous ranking of volcanoes by threats posed to people and assets. This made possible a "gap" analysis, defining the deficit in needed monitoring as measured by threat potential, including the threat to aviation from remote Alaskan and Marianas volcanoes, and existing monitoring.

The 2005 threat and instrumentation assessment found that only about half of the hazardous volcanoes in the U.S. have even basic (several seismic stations) monitoring networks. The gap analysis provided the basis for prioritizing volcanoes where monitoring should be upgraded. The report also recommended a number of other steps beyond instrumentation improvements, including easier access to monitoring data, formal continuous 24/7 vigilance—not just during crises, improved hazard-information products for decision-makers and the public, enhanced collaboration between USGS and external researchers, and innovative outreach to help communities develop risk-wise practices. These elements form the comprehensive NVEWS

framework, which has been adopted as the USGS approach for the future of volcano hazards reduction in "Facing Tomorrow's Challenges—U.S. Geological Survey Science in the Decade 2007-2017" (USGS Circular 1309).

After publication of the initial report in 2005, the USGS began to implement solutions to the most important issues identified in the recommendations. The $15.2 million in funding available for NVEWS under the American Recovery and Reinvestment Act (ARRA) was used to modernize existing monitoring equipment at Kilauea and Mauna Loa volcanoes in Hawaii, at Anatahan and Sarigan volcanoes in the Northern Mariana Islands, at Yellowstone Caldera in Wyoming, and at Spurr, Redoubt, and Augustine volcanoes of Cook Inlet, Alaska; the software and communication systems used to transmit data from monitoring networks also required modernization, especially in the Cascade Range of Washington, Oregon, and California. Additionally, ARRA funds were used to produce high-resolution topographic maps (LiDAR) of volcanic areas in the Pacific Northwest that will greatly aid in development of volcanic risk mitigation plans by local communities. Grants to universities have improved our understanding of the inner workings of Alaska volcanoes and documented impacts from recent eruptions.

S.566 would authorize $15 million/year in additional funding to continue implementation of the NVEWS plan as the National Volcano Early Warning and Monitoring System (NVEWMS).

*Elements of the National Volcano Early Warning System (NVEWS) and National Volcano Early Warning and Monitoring System (NVEWMS)*

1. Improved monitoring infrastructure.—targeting the volcanoes that are significantly under-monitored for the threats posed. This will be done principally in Alaska, Hawaii, the Commonwealth of the Northern Mariana Islands, California, Washington, Oregon, and Wyoming. In addition to installation of new networks and telemetry, out-dated patchwork monitoring systems will be modernized. The goal is to detect the rise of magma and assess the size of an impending eruption as early as possible.

2. Measures for reduced community vulnerability.—supporting communities in developing plans for mitigating volcanic risk. As with earthquakes, a key to risk mitigation is preparation. This means working with state and local partners to define high-risk areas and community vulnerabilities, creating new hazard-information tools and products, and continuing to build broad-based hazard awareness.

3. An external grants program.—to engage the Nation's broader scientific and natural hazards community in advancing volcano monitoring science and technology and the societal aspects of volcanic risk mitigation. Volcanology is advancing rapidly both through growing understanding of volcanic processes and through advances in technology that make possible new kinds of observations. Many advances in understanding volcanic processes and advancing relevant technologies have occurred through the National Science Foundation's research programs and through the efforts of USGS scientists. There is a need, however, to broadly engage the Nation's scientific community in rapid application of these developments to volcano risk mitigation. This would be accomplished through a competitive, peer-reviewed grants process to support investigations complementary to but not duplicative of NSF-supported research.

4. Interoperability among U.S. volcano observatories in order to:

A) Provide full 24/7 Watch Operations as a backup for routine observatory monitoring and to provide situational awareness for partner federal agencies, including FAA, NOAA, DHS/FEMA, and DOD, as well as state and local agencies.

B) Establish a National Volcano Data Portal as a gateway for access to U.S. volcano data. The free exchange of data with the broader scientific community and availability to the public is fundamental to scientific advancement, risk mitigation, and government transparency. Within the USGS observatories, rapid access to historical volcano data system-wide, and eventually globally, informs eruption response.

The USGS will not carry out NVEWMS by itself but will build on its long record of successfully partnering with diverse groups that have expertise and data to share in the mission of helping people co-exist with dangerous volcanoes. Our partners range from the international under the aegis of the International Civilian Aviation Organization, UNESCO, and GEO to national levels, including the U.S. Agency for International Development, the Air Force Weather Agency, NOAA, and the Federal Aviation Administration, to the regional and local scale with neighboring universities and state agencies that are part of the structure of the volcano observatories.

*Key Outcomes of NVEWMS implementation*

The key outcome of NVEWMS will be to strengthen the scientific contribution to volcano risk mitigation decisions. Comprehensive monitoring of the Nation's most hazardous volcanoes, coupled with greater understanding of volcanic processes, will improve forecasts of the onset, intensity, duration, and effects of expected hazards. New hazard-information products and dissemination methods will be developed by close collaboration between scientists and users. Timely and accurate warnings to en-route aircraft will help prevent dangerous encounters with volcanic ash while minimizing costly unnecessary rerouting of aircraft.

Thus, civil authorities, businesses, and individuals at risk will have more time and better information to prepare, ensuring that their ability to respond will not lag behind the evolving behavior of a volcano. Volcanic unrest does not always culminate in eruption, and long-term volcano monitoring will provide sound, ongoing, scientific information throughout episodes of unrest so that problems related to over-reacting or under-reacting will be minimized.

More than a network of instruments, NVEWMS will connect the monitoring and research results of scientists to the needs of decision-makers at the national to local level, so that the impact of volcanic activity on the Nation is minimized

*Conclusion*

The USGS appreciates the Committee's support for NVEWMS, which will strengthen our Nation's ability to respond successfully to future volcanic activity. We note that the activities called for in S. 566 are authorized by existing authorities and are already underway at the USGS. Any work conducted to fulfill the objectives of the bill would need to compete for funding with other Administration priorities.

Thank you for the opportunity to present the Department's views on the National Volcano Early Warning and Monitoring Program Act.

S. 590

Mr. Chairman and members of the Committee, the Department of the Interior is pleased to provide this statement for the record in support of enactment of legislation that would convey the three geographical miles of submerged lands adjacent to the Northern Mariana Islands to the Government of the Northern Mariana Islands. The Administration would strongly support this bill if amended to address the issues outlined below

The bill is intended to give the Commonwealth of the Northern Mariana Islands (CNMI) authority over its submerged lands from mean high tide seaward to three geographical miles distant from its coast lines.

It has been the position of the Federal Government that United States submerged lands around the Northern Mariana Islands did not transfer to the CNMI when the Covenant came into force. This position was validated in Ninth Circuit Court of Appeals opinion in the case of the Commonwealth of the Northern Mariana Islands v. the United States of America. One consequence of this decision is that CNMI law enforcement personnel lack jurisdiction in the territorial waters surrounding the islands of the CNMI without a grant from the Federal Government.

At present, the CNMI is the only United States territory that does not have title to the submerged lands in that portion of the United States territorial sea that is three miles distant from the coastlines of the CNMI's islands. It is appropriate that the CNMI be given the same authority as her sister territories.

The Department has three comments on the bill, and then a recommendation. First, the Territorial Submerged Lands Act, which became public law in 1974, contains several sections that refer to the territories by name. S. 590 inserts the CNMI's name only in section 1, but not in section 2, which reserves military rights and navigational servitudes. In order to achieve consistency, the Department recommends that the CNMI be included in all provisions of the Territorial Submerged Lands Act where other territories are named.

Second, S. 590 includes language interpreting "date of enactment" in the original act as meaning "date of enactment" of S. 590 when referencing the provisions of S. 590. For those who will later interpret the statute, it would be helpful if the interpretation is included in the main statute itself, rather than being relegated to a separately listed amendment or reference note.

Third, on January 6, 2009, by presidential proclamation, the Marianas Trench Marine National Monument was created, including the Islands Unit, comprising the submerged lands and waters surrounding Uracas, Maug, and Asuncion, the northernmost islands of the CNMI. While creation of the monument is a historic achievement, it should be remembered that the leaders and people of the CNMI were and

are these three islands' first preservationists. They included in their 1978, plebiscite-approved constitution the following language:

ARTICLE XIV: NATURAL RESOURCES

Section 1: Marine Resources. The marine resources in the waters off the coast of the Commonwealth over which the Commonwealth now or hereafter may have any jurisdiction under United States law shall be managed, controlled, protected and preserved by the legislature for the benefit of the people.

Section 2: Uninhabited Islands. . . . The islands of Maug, Uracas, Asuncion, Guguan and other islands specified by law shall be maintained as uninhabited places and used only for the preservation and protection of natural resources, including but not limited to bird, wildlife and plant species.

It is important to note that the legislature has never taken action adverse to the preservation of these northern islands and the waters surrounding them. The people of the CNMI are well aware of their treasures. CNMI leaders consented to creation of the monument because they believed that the monument would bring Federal assets for marine surveillance, protection, and enforcement to the northern islands that the CNMI cannot afford.

If enacted as introduced, S. 590 would become a public law enacted subsequent to the creation of the monument. S. 590's amendments to the Territorial Submerged Lands Act would convey to the CNMI the submerged lands surrounding Uracas, Maug, and Asuncion without addressing the effect of this conveyance on the administrative responsibilities of the Department of the Interior and the Department of Commerce. Presidential Proclamation 8335 assigned management responsibility of the Marianas Trench Marine National Monument to the Secretary of the Interior, in consultation with the Secretary of Commerce. The proclamation further states that the "Secretary of Commerce shall have the primary management responsibility. . .with respect to fishery-related activities regulated pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. §§ 1801 et seq.) and any other applicable authorities." The proclamation provides that submerged lands that are granted to the CNMI "but remain controlled by the United States under the Antiquities Act may remain part of the monument" for coordinated management with the CNMI. As envisioned by the Presidential Proclamation establishing the Marianas Trench Marine National Monument, the Department of the Interior is proposing an amendment to ensure that the outstanding resources in the waters surrounding the CNMI's three northernmost islands remain protected. Thus, the Department recommends that language be included in S. 590 referencing the coordination of management contemplated within the Proclamation prior to the transfer of the submerged lands within the Islands Unit of the monument to the CNMI. This language is intended to protect the Islands Unit of the monument and at the same time acknowledge the prescient and historic conservation effort of the leaders and people of the CNMI in protecting Uracas, Maug, and Asuncion, and their surrounding waters.

Appended to this statement is legislative language that would (1) address the submerged lands surrounding the Northern Mariana Islands to the Government of the Northern Mariana Islands, and (2) clearly address the three issues of concern to the Department. The Department of the Interior strongly supports S. 590 if it is amended to include the legislative language provided. The Department of the Interior looks forward to the Commonwealth of the Northern Mariana Islands gaining rights in the submerged lands surrounding them similar to those accorded her sister territories.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that Public Law 93-435 (48 U.S.C. 1705) is amended:

(a) by inserting the words 'the Commonwealth of the Northern Mariana Islands,' after the word 'Guam,' wherever it appears, and

(b) by striking "and" before "(xi)" and inserting the following after "1961." at the end of Section 1(b):

'(xii) any submerged lands within the Islands Unit of the Marianas Trench Marine National Monument unless or until such time as the Commonwealth of the Northern Mariana Islands enters into an agreement with the Secretary of the Interior and the Secretary of Commerce for the permanent protection and co-management of such portion of the Islands Unit.'; and

(c) by adding at the end of Section 6 the following section:

'Sec. 7. All provisions of this Act that refer to "date of enactment", shall, when applicable to the Commonwealth of the Northern Mariana Islands, mean the date of enactment of the amendment that included the Commonwealth of the Northern Mariana Islands in this Act.

S. 607

Thank you for inviting the Department of the Interior to testify on S. 607, the Cathedral Rock and Horse Heaven Wilderness Act. The Department generally supports S. 607, which would bring into Federal ownership certain lands along the John Day River in Oregon, and seeks to eventually designate those lands and adjacent public lands as wilderness. We appreciate the improvements made to this legislation since last Congress, and would like the opportunity to continue to work with Senator Wyden and the Committee on S. 607. We defer to the U.S. Department of Agriculture on those provisions of S. 607 involving the exchange of lands managed by the Forest Service.

*Background*

Congress recognized the rugged beauty of the John Day River in central Oregon by designating it as a wild and scenic river in 1988 (Public Law 100-557). Last year, the Bureau of Land Management (BLM) built on the success of that designation when President Barack Obama signed into law Public Law 111-11, the Omnibus Public Land Management Act of 2009. Title I, Subtitle J, of that Act provided for a series of land exchanges and the designation of the Spring Basin Wilderness in Wheeler County, along the east bank of the middle reaches of the John Day River.

Along the western bank of the John Day Wild and Scenic River, just to the south of Spring Basin Wilderness, are some equally outstanding lands proposed to become the Cathedral Rock Wilderness. The lands planned for designation range from the cliffs and canyons along the river heading westerly to steep rolling hills punctuated by rocky escarpments. Wagner Mountain is located in the center of the proposed wilderness and is the highest point in the area. The geology is dominated by ancient volcanics, composed of andesite flows, plugs, and domes. The entire area is covered in rhyolite ash-flows which produce dramatic red, white, and buff colored soils. Hunters and hikers alike enjoy the breathtaking scenery as well as the resident mule deer and elk populations, while rafters brave the John Day's rapids. Cultural sites showcase prehistoric fossils, stone tools, and rock art.

Four miles to the southwest of the Cathedral Rock region is the proposed Horse Heaven Wilderness. The name reflects Oregon's pioneer past when the flawless grasslands of the areas were a closely guarded secret. Today that secret is out and a wide range of recreationists enjoy the area's many opportunities. At more than 4,000 feet, Horse Heaven Mountain serves as a worthy centerpiece to a diverse landscape illustrating Oregon's high and low countries. Traveling south, rolling plains and steep terrain dominate the area; to the west, Muddy Creek is the area's lone perennial stream. Prairie steppes throughout connect hearty shrubs and woodlands that demonstrate steadfast resolve to thrive in the rocky soil.

S. 607

S. 607 provides for the exchange of lands between three private parties and the Federal government which would allow the consolidation of fragmented land patterns, the designation of two new potential wilderness areas, and a process for those areas becoming designated wilderness and components of the National Wilderness Preservation System. Should the land exchanges be completed, the additional land would greatly enhance the wilderness quality and manageability of the two areas proposed for wilderness.

Section 3 of the bill outlines a series of land exchanges with three private parties. Under section 206 of the Federal Land Policy and Management Act (FLPMA), the BLM has the authority to undertake land exchanges that are in the public interest. Exchanges allow the BLM to acquire environmentally-sensitive lands while transferring public lands into private ownership for local needs and the consolidation of scattered tracts. In principle, the BLM supports the land exchanges envisioned by S.607; however, we would like the opportunity to continue to work with the sponsor and the Committee to address concerns specifically in the areas of public access and the protection of cultural resources.

The lands proposed for exchange out of Federal ownership are largely scattered sections of public land intermingled with private land. The BLM in Oregon is continuing to assess these lands for their cultural resources and the need for possible mitigation. Many of these lands are significant to local tribes and we encourage continuing efforts to resolve the issues raised by the tribes.

The bill requires that the exchanges be consistent with FLPMA, including the requirement that the Secretary determined that the public interest would be served by completing the exchange (section 3(b)). We believe that this provides the BLM latitude to withdraw specific lands from the exchange if any serious impediments are discovered. Furthermore, the legislation provides that the Secretary may add such additional terms and condition as appropriate (section 3(c)(5)). We believe this would allow the BLM to require that all non-Federal parties are responsible for addressing any human safety concerns or the remediation of hazardous materials on the lands to be exchanged out of present ownership. Finally, the BLM supports the provisions of the bill requiring that all three exchanges be equal value exchanges, and that the appraisals be undertaken consistent with Uniform Appraisal Standards.

Section 4 of S. 607 proposes to designate two potential wilderness areas, the "Proposed Cathedral Rock Wilderness" and the "Proposed Horse Heaven Wilderness" on the lands that would be consolidated under the land exchanges envisioned by section 3 of the bill. When those land exchanges are completed, the Cathedral Rock Wilderness would include over 8,300 acres of public land and the Horse Heaven Wilderness 9,000 acres. The legislation provides a process in section 4(b) for converting the "proposed" wilderness areas into designated wilderness following adequate acquisitions of the now private lands. The BLM could manage these areas as wilderness following the exchanges. However, absent the largest exchange envisioned under S. 607, these areas would be impracticable for the BLM to manage as wilderness. That proposed exchange with the local landowner, "Young Life," involves the core of both the proposed Cathedral Rock and Horse Heaven wilderness areas.

The current land patterns of both the "Proposed Cathedral Rock Wilderness" and "Proposed Horse Heaven Wilderness" are highly fragmented. The BLM manages approximately 4,500 acres in seven non-contiguous parcels within the Cathedral Rock area and less than 3,000 acres in two separate parcels within Horse Heaven. The land exchanges are, of course, optional for the three private parties. If, in the end, the largest private land owner decided not to pursue the exchange, managing the areas as wilderness would not be practical given the fragmented nature of the BLM landholdings in these two areas. The BLM supports the provisions for interim management of the "proposed" areas and the methodology for final designation if sufficient land exchanges are consummated. We would like to continue to work with the sponsor and the Committee on issues concerning sufficient public access to the proposed wilderness areas.

Finally, section 3(g) of S. 607 would transfer the administrative jurisdiction of approximately 750 acres of BLM-managed lands to the Forest Service. The BLM supports this transfer of lands which will improve manageability.

*Conclusion*

The proposed Cathedral Rock and Horse Heaven Wilderness areas could be outstanding additions to the National Wilderness Preservation System if the critical exchanges envisioned by the legislation are completed. We look forward to working with Senator Wyden and the Committee toward that end.

S. 617

Thank you for the opportunity to testify on S. 617, the Elko Motocross and Tribal Conveyance Act. S. 617 would convey, without consideration, approximately 275 acres of land managed by the Bureau of Land Management (BLM) to the County of Elko, Nevada. The legislation also directs that approximately 373 additional acres of BLM-managed lands be taken into trust for the Te-Moak Tribe of Western Shoshone Indians of Nevada. The BLM supports the conveyances. We would like to work with the sponsor and the Committee on minor technical amendments to the bill.

*Background*

The Elko Motocross and Tribal Conveyance Act represents years of cooperative efforts between the Te-Moak Tribe of Western Shoshone Indians of Nevada (Tribe), the City of Elko (city), the County of Elko (county), and the BLM. Both the county and the Tribe have had on-going discussions with the BLM about various lands near the city.

The Recreation and Public Purposes Act (R&PP) Act authorizes the Secretary of the Interior to lease or convey public lands for recreational and public purposes, including campgrounds, municipal buildings, hospitals, and other facilities benefitting the public, and this administrative authority could be utilized for the Elko conveyance. The county submitted an R&PP application to the BLM in 2005 for approximately 266 acres. The county intended to use the land for a motocross/off-highway

vehicle training and recreation area for the public. This parcel is largely vacant, but contains a number of rights-of-way, including a road and a gas pipeline. The BLM Elko Resource Management Plan (RMP) identified this parcel as available for disposal in support of community expansion.

The land for which the Tribe seeks trust status is adjacent to an existing parcel of the Elko Colony. The Elko Colony, approximately 190 non-contiguous acres adjacent to the city, is one of four separate colonies inhabited by the Te-Moak Tribe of Western Shoshone Indians. The population of the Elko Band of the Te-Moak Tribe has grown steadily, but because their land base has remained unchanged for many years additional land is needed for housing and community development. This parcel is also largely vacant, but contains two rights-of-way held by the city for water pipelines and storage, and one right of way for a future city road. The BLM Elko RMP also identifies this parcel as available for disposal in support of community expansion.

S. 617

S. 617 proposes to convey approximately 275 acres of BLM-managed lands to the county at no cost for a public motocross park. The conveyance would be subject to valid existing rights. The bill requires that the land be used only for purposes consistent with the R&PP Act and includes a reversionary clause to enforce that requirement. Finally, the bill requires the county to pay all administrative costs associated with the transfer.

The bill also directs that approximately 373 acres of land currently administered by the BLM be taken into trust for the Tribe. S. 617 also addresses valid existing rights and gaming.

As a matter of policy, the BLM supports working with local governments to resolve land tenure issues that advance worthwhile public policy objectives. In general, the BLM supports conveyances if the lands are to be used for purposes consistent with the R&PP Act and include a reversionary clause at the discretion of the Secretary to enforce that requirement. The BLM strongly believes that open communication between the BLM and tribes is essential in maintaining effective government-to-government relationships. In this spirit, the BLM has had a cooperative working relationship with the Te-Moak Tribe of Western Shoshone Indians of Nevada on this requested conveyance. As such, the BLM supports S. 617 with minor technical amendments. To avoid constitutional concerns, the Department of Justice recommends that the bill be revised to make absolutely clear that the city or county would have to agree to the proposed conveyance, which is what we understand Congress intends. This change might be accomplished by adding "and subject to the city's or county's agreement" after "without reimbursement" in section 3(a) of the bill.

*Conclusion*

Thank you for the opportunity to testify. We look forward to continuing to work with the bill's sponsor and Committee on this important legislation.

S. 667

Thank you for the opportunity to testify on S. 667, the Río Grande Del Norte National Conservation Area Establishment Act. The Department of the Interior supports S. 667, which designates the nearly 236,000-acre Río Grande Del Norte National Conservation Area (NCA) in northern New Mexico as well as two wilderness areas within the NCA.

*Background*

The proposed Río Grande del Norte NCA lies north of Taos on the border with Colorado and straddles Taos and Río Arriba Counties. The area includes the Cerro de la Olla, Cerro San Antonio and Cerro del Yuta volcanic cones jutting up from the surrounding valley—reminders of the area's turbulent geologic past. Between these mountains is the Río Grande Wild & Scenic River gorge, carving through the landscape and revealing the basalt rock beneath the surface.

The human history of the landscape is as diverse as its features. Early prehistoric sites attest to the importance of this area for hunting and as a sacred site. Today the area is home to members of the Taos Pueblo, as well as descendents of both Hispanic and American settlers. Wildlife species—including bighorn sheep, deer, elk and antelope—bring both hunters and wildlife watchers, while the Río Grande and its tributaries provide blue ribbon trout fishing and other river recreation. Above it all soar the golden and bald eagles, prairie falcons, and other raptors.

S. 667

S. 667 designates nearly 236,000 acres of land administered by the Bureau of Land Management (BLM) as the Río Grande del Norte NCA. Each of the NCAs designated by Congress and managed by the BLM is unique. For the most part, however, they have certain critical elements, which include withdrawal from the public land, mining and mineral leasing laws; off-highway vehicle use limitations; and language that charges the Secretary of the Interior with allowing only those uses that further the purposes for which the NCA is established. Furthermore, NCA designations should not diminish the protections that currently apply to the lands. Section 3 of the bill honors these principles, and we support the NCA's designation.

Section 4 of the S. 667 designates two wilderness areas on BLM-managed lands within the NCA—the proposed 13,420-acre Cerro del Yuta Wilderness and the 8,000-acre Río San Antonio Wilderness. Both of these areas meet the definitions of wilderness. They are largely untouched by humans, have outstanding opportunities for solitude and contain important geological, biological and scientific features—criteria outlined in the Wilderness Act of 1964. We support both of these wilderness designations as well.

*Conclusion*

Senator Bingaman's bill is the product of many years of discussions and collaboration with the local community, stakeholders, and other interested parties. It protects both the valuable resources of the area and the way of life in this unique area of northern New Mexico.

Thank you for the opportunity to testify in support of S. 667.

S. 729

Thank you for the opportunity to testify on H.R. 729, a bill which affirms a land patent and an associated land reconfiguration completed in 2005. These land transactions protect habitat for desert tortoise and other Mojave Desert wildlife species while providing for economic development in rural south-central Nevada. The BLM supports this bill, which passed the House of Representatives without amendment on July 15, 2009.

*Background*

The Nevada-Florida Land Exchange Authorization Act of 1988 (NFLEA, P.L.100-275) authorized the exchange of approximately 29,055 acres ("fee" lands) of BLM-administered lands in Coyote Springs Valley, Clark and Lincoln Counties, Nevada, for approximately 5,000 acres of private land in the Florida Everglades owned by Aerojet-General Corporation (Aerojet). The purpose of the land exchange was to protect habitat in Florida needed for the recovery of wildlife species listed under the Endangered Species Act (ESA). The NFLEA also entitled Aerojet to lease an additional 13,767 acres ("leased" lands) of BLM-administered land in Coyote Spring Valley for 99 years, with an automatic 99-year lease renewal term unless terminated by the lessee.

Aerojet initially intended to use the fee lands for the construction of rocket manufacturing facilities. The Federal leased lands were to remain substantially undeveloped and serve as a conservation area and buffer for the rocket facilities. Aerojet never built the manufacturing facilities and the fee lands changed ownership in 1996 and 1998. In accordance with the NFLEA, the Secretary of the Interior approved the assignment of the leased lands from Aerojet to Harrich Investments LLC, and then from Harrich Investments to Coyote Springs Investment LLC (CSI), respectively.

CSI proposed to develop a planned community on the original Aerojet fee lands. Because the proposed development would affect critical habitat for the desert tortoise, an ESA listed species, the U.S. Fish and Wildlife Service (FWS) asked the BLM in 2001 to consider reconfiguring the boundary of the leased lands to benefit desert tortoise habitat. Reconfiguration of the leased lands was undertaken pursuant to the NFLEA.

Under the original configuration, the leased land was an island surrounded by the fee lands acquired by Aerojet. This configuration was designed to meet the needs of the planned Aerojet manufacturing facilities, but it provided limited habitat conservation benefits. Reconfiguring the lands would enhance conservation by consolidating the fee lands in a single parcel adjacent to U.S. Highway 93, and by placing the leased lands contiguous to protected habitat on BLM-managed public lands. This configuration would increase habitat connectivity and provide more effective conservation for desert tortoise and other Mojave Desert species.

In 2005, the Bureau of Land Management (BLM) issued a corrective patent to CSI for the reconfigured lands in Clark County. The Western Lands Project and the Nevada Outdoor Recreation Association (plaintiffs), who claimed that the BLM should have prepared an analysis of the corrective patent under the National Environmental Policy Act (NEPA) and the Federal Land Policy and Management Act (FLPMA), subsequently brought suit in the U.S. District Court in Nevada. The action was dismissed by stipulation of the parties before briefing on the merits.

Continuing with its project proposal, CSI then prepared a Multiple Species Habitat Conservation Plan (MSHCP) to protect tortoise habitat and, consistent with the ESA, applied to the U.S. Fish and Wildlife (FWS) for an "incidental take" permit necessary for project approval. The FWS, with the BLM as a cooperating agency, assessed the CSI proposal in an Environmental Impact Statement completed in July 2008. In October 2008, the FWS issued a Record of Decision authorizing an incidental take permit to CSI with numerous conservation stipulations to protect desert tortoise habitat. A key conservation stipulation is the land reconfiguration authorized by the BLM's corrective patent.

S. 729

S. 729 affirms and validates the corrective patent issued by the BLM in 2005 and its associated land reconfiguration. The bill enables implementation of the land reconfiguration stipulated in the Coyote Spring MSHCP, which will protect critical habitat while allowing economic development in south-central Nevada. The BLM supports the bill.

Thank you for the opportunity to testify. I would be happy to answer any questions that you may have.

S. 766

Thank you for inviting the Department of the Interior to testify on S. 766, the Devil's Staircase Wilderness Act of 2011. The Bureau of Land Management (BLM) supports S. 766 as it applies to lands we manage.

*Background*

The proposed Devil's Staircase Wilderness, near the coast of southwestern Oregon, is not for the faint of heart. Mostly wild land and difficult to access, the Devil's Staircase reminds us of what much of this land looked like hundreds of years ago. A multi-storied forest of Douglas fir and western hemlock towers over underbrush of giant ferns, providing critical habitat for the threatened Northern Spotted Owl and Marbled Murrelet. The remote and rugged nature of this area provides a truly wild experience for any hiker.

S. 766

S. 766 proposes to designate over 30,000 acres as wilderness, as well as portions of both Franklin Creek and Wasson Creek as components of the Wild and Scenic Rivers System. The majority of these designations are on lands managed by the U.S. Forest Service. The Department of the Interior defers to the U.S. Department of Agriculture on those designations.

Approximately 6,830 acres of the proposed Devil's Staircase Wilderness and 4.2 miles of the Wasson Creek proposed designation are within lands managed by the BLM. The Department of the Interior supports these designations.

We note that while the vast majority of the acres proposed for designation are Oregon &California (O&C) lands, identified under the 1937 O&C Lands Act for timber production, the BLM currently restricts timber production on these lands. These lands are administratively withdrawn from timber production by the BLM through various administrative classifications. Additionally, the BLM estimates that nearly 90 percent of the area proposed for designation is comprised of forest stands that are over 100 years old, and provides critical habitat for the threatened Marbled Murrelet and Northern Spotted Owl.

The 4.2 miles of Wasson Creek would be designated as a wild river to be managed by the BLM under S. 766. The majority of the acres protected through this designation would be within the proposed Devil's Staircase wilderness designation, though 376 acres would be outside the proposed wilderness on adjacent BLM lands.

The designations identified on BLM-managed lands under S. 766 would result in only minor modification of current management of the area and would preserve these wild lands for future generations.

*Conclusion*

Thank you for the opportunity to testify in support of these important Oregon designations. The Department of the Interior looks forward to welcoming these units into the BLM's National Landscape Conservation System.

S. 896

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on S. 896, a bill to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce and the Interior to provide service opportunities for young Americans; help restore the nation's natural, cultural, historic, archaeological, recreational and scenic resources; train a new generation of public land managers and enthusiasts; and promote the value of public service.

The Department strongly supports S. 896. This bill would strengthen and facilitate the use of the Public Land Corps (PLC) program, helping to fulfill Secretary Salazar's vision for promoting ways to engage young people across America to serve their community and their country. During the last Congress, the Department testified in support of similar bills in both the House and the Senate. While we appreciate the revisions to last Congress's versions of the legislation that are reflected in S. 896, we would like to have the opportunity to work with the committee on the amendments described in this statement and any additional issues that we identify as we continue our review of the bill.

*Engaging America's Youth Through Service*

While there are other Federal programs that promote service, expanding the use of the Public Land Corps is particularly important because it also serves other high-priority goals. The Corps reconnects young people with their natural environment and cultural heritage; conserves energy and increases out use of alternative sources of energy; and provides education, training, and career-building experiences which may support a pathway to careers in Federal land management agencies, which need new, younger and more diverse employees.

Secretary Salazar created the Youth in Natural Resources program during his tenure at the Colorado Department of Natural Resources as a way to educate thousands of young people about Colorado's natural resources, and he saw firsthand what a difference it made in their lives. From the day he was nominated as Secretary of the Interior, he has emphasized that one of his top priorities would be to find more ways to introduce young Americans from all backgrounds to the beauty of our national parks, refuges, and public lands and to promote an ethic of volunteerism and conservation in this Country's youngest generation. Enactment of this legislation helps pave the way to meeting one of the Secretary's top priority goals—to develop a 21st Century Conservation Service Corps. Engaging youth in the great outdoors through educational and employment opportunities is one of the primary focuses of the Administration's America's Great Outdoors initiative , and is a great example of multiple federal agencies coming together for a common goal. S. 896 would help both the Department and our sister agencies, USDA and the Department of Commerce, offer expanded opportunities for our youth to engage in the care of America's Great Outdoors.

*Background on Public Land Corps Program*

The Department regards the Public Land Corps program as an important and successful example of civic engagement and conservation. Authorized by the National and Community Service Trust Act in 1993, the program uses non-profit organizations such as the Student Conservation Association (SCA) and other service and conservation corps organizations affiliated with the Corps Network as the primary partners in administering the Public Land Corps program. These public/private partnership efforts help to leverage Federal dollars in some cases 3 to 1 and have assisted the Department in increasing youth employment opportunities by 45% from FY2009 to FY2010. In addition, other non-profit youth organizations such as the YMCA also participate, as do local high schools and job-training youth organizations. The youth organizations assist the National Park Service (NPS) in its efforts to attract diverse participants to the parks by recruiting youth 16-25 years of age from all socioeconomic, cultural and ethnic backgrounds.

The National Park Service makes extensive use of the Public Land Corps Act. This authority is used for the majority of all NPS youth work projects that utilize a non-profit youth-serving organization as a partner. In FY 2010, 3,006 employment

opportunities[1] were created through the projects undertaken by these partner organizations. Many of these projects were for maintenance and ecological restoration purposes. The NPS receives a 25 percent cost match from the participating partner organizations. During FY 2010, the NPS spent $4.4 million in Service-wide fee revenue and approximately $2 million in park-specific fee revenue, as well as approximately $2.5 million in appropriations for the Youth Intern Program, on PLC projects.

An example of what this program has accomplished is exemplified by the work of one PLC partner organization, the Greening Youth Foundation, which recruited and trained 16 at-risk young adults from Denver. From April, 2010, through February, 2011, these 18- to 24-year olds earned green certifications that enabled them to conduct energy audits and energy retrofits at all the national park sites in Colorado and Arizona. The work provided marketable skills to its young participants and energy savings to the parks.

The Bureau of Land Management (BLM) and the U.S. Fish and Wildlife Service (FWS) also have a long history of employing young people through the Youth Conservation Corps and through the SCA and other youth service and conservation organizations for a wide array of projects related to public lands resource enhancement and facility maintenance under the Public Lands Corps Act. Though most Corps are affiliated with the nationwide Corps Network, they are often administered at the State, rather than national level. The FWS and SCA have partnered for over 20 years to offer work and learning opportunities to students. In FY 2010, 218 Conservation interns served at 90FWS sites, contributing more than 157,040 hours of work.

The BLM has engaged the services of non-profit youth service corps for many years under financial assistance agreements at the state and local level.. In 2010, the BLM supported 1,689 youth employees through non-profit youth service corps organizations. t They participated in a variety of conservation service activities such as recreation and river management, historic building restoration and maintenance, seed collection, and invasive species control. BLM's Salem Oregon District, for example, hires a mixture of Northwest Youth Corps, Clackamas County, and Columbia River Youth Corps members each year to perform a variety of activities such as trail maintenance and construction.

The FWS manages 553 units of the National Wildlife Refuge System that cover over 150 million acres of land and waters, as well as 70 National Fish Hatcheries, which would directly benefit from programs authorized under S. 896. National Wildlife Refuges and National Fish Hatcheries enjoy strong relationships with the local communities, and are involved in many community-based projects that help maintain sustainable landscapes. The FWS's work is also supported by over 200 nonprofit Friends organizations that assist in offering quality education programs, mentoring, and work experience for youth.

In 2010, the FWS employed 858 youth employees through local, State, and nonprofit youth service corps. The FWS has provided funding for a YCC program involving the Mescalero Apache youth at the Mescalero Tribal Hatchery in New Mexico. The FWS has working relationships with numerous colleges and universities for students interested in pursuing careers in fish and wildlife management.

*The Public Lands Service Corps Act of 2011*

S. 896 would make several administrative and programmatic changes to the Public Land Corps Act. These changes would encourage broader agency use of the program, make more varied opportunities available for young men and women, and provide more support for participants during and after their service. Appropriately, S. 896 would change the program's name to Public Lands Service Corps, reflecting the emphasis on "service" that is the hallmark of the program. President Obama is committed to providing young people with greater opportunities and incentives to serve their community and country. Through an enhanced Public Lands Service Corps, we would be taking a critical first step that direction.

Key changes that the legislation would make to existing law include:

- Adding the Department of Commerce's National Oceanic and Atmospheric Administration, which administers national marine sanctuaries and conservation programs geared toward engaging youth in science, service and stewardship, as an agency authorized to use the program;

[1] Not less than 80 hours of pay compensation which can be in the form of a stipend or hourly wage, which must be through a cooperative agreement. Includes both projects involving work crews and individual internships.

- Establishing an Indian Youth Corps so Indian Youth can benefit from Corps programs based on Indian lands, carrying out projects that their Tribes and communities determine to be priorities;
- Authorizing a departmental-level office at the Department of the Interior to coordinate Corps activities within the three land management bureaus;
- Requiring each of the three relevant departments to undertake or contract for a recruiting program for the Corps;
- Requiring a training program for Corps members, and identifying specific components the training must include;
- Identifying more specific types of projects that could be conducted under this authority;
- Allowing participants in other volunteer programs to participate in PLC projects;
- Allowing agencies to make arrangements with other Federal, State, or local agencies, or private organizations, to provide temporary housing for Corps members;
- Providing explicit authority for the establishment of residential conservation centers;
- Authorizing agencies to recruit experienced volunteers from other programs to serve as mentors to Corps members;
- Adding "consulting intern" as a new category of service employment under the PLC program;
- Allowing agencies to apply a cost-of-living differential in the provision of living allowances and to reimburse travel expenses;
- Allowing agencies to provide non-competitive hiring status for Corps members for two years after completing service, rather than only 120 days, if certain terms are met;
- Allowing agencies to provide job and education counseling, referrals, and other appropriate services to Corps members who have completed their service; and
- Eliminating the $12 million authorization ceiling for the program.

We believe that the Department's program would benefit from enactment of this legislation. As noted above, most PLC projects are designed to address maintenance and ecological restoration needs, and those types of projects would continue to be done under S. 896. However, this legislation specifies a broader range of potential projects, making it likely that Corps members could become involved in such varied activities as historical and cultural research, museum curatorial work, oral history projects and programs, documentary photography, public information and orientation services that promote visitor safety, and activities that support the creation of public works of art. Participants might assist employees in the delivery of interpretive or educational programs and create interpretive products such as website content, Junior Ranger program books, printed handouts, and audiovisual programs.

PLC participants would also be able to work for a partner organization where the work might involve sales, office work, accounting, and management, so long as the work experience is directly related to the protection and management of public lands. The NPS and the FWS have a large number of partner organizations that would be potential sponsors of young people interested in the type of work they might offer.

An important change for the Department is the addition of specific authority for agencies to pay transportation expenses for non-residential Corps members. Transportation costs may be a limiting factor in program participation of economically disadvantaged young people.

Another important change is the addition of "consulting intern" as a new category of service employment under the PLC program, expanding on the use of mostly college-student "resource assistants," provided for under existing law. The consulting interns would be graduate students who would help agencies carry out management analysis activities. NPS has successfully used business and public management graduate student interns to write business plans for parks for several years, and this addition would bring these interns under the PLC umbrella.

The Public Lands Service Corps would also offer agencies the ability to hire successful corps members non-competitively at the end of their appointment, which would provide the agency with an influx of knowledgeable and diverse employees as well as career opportunities for those interested in the agencies' mission. Refuges and hatcheries, for example, are uniquely qualified to connect with local communities since the Service has so many refuges across the country that are located near smaller communities and can directly engage urban, inner city, and rural youth. For example, partnering academic institutions are beginning to offer academic certificate programs to enhance the students' work experience and marketability for securing

full-time employment in both the Federal and non-profit sectors, thereby providing orientation and exposure to a broad range of career options.

The legislation would also give the Department's other bureaus that would utilize this program the authority to expand the scope of existing corps programs to reflect modern day challenges, such as climate change and add incentives to attract new participants, especially from underrepresented and diverse populations.

An expanded Public Lands Service Corps program would provide more opportunities for thousands of young Americans to participate in public service while assisting the Department to address the critical maintenance, restoration, repair and rehabilitation needs on our public lands and gain a better understanding of the impacts of climate change on these treasured landscapes.

*Recommended Changes to S. 896*

As noted at the start of this statement, we appreciate the changes to last Congress's version of the legislation that are reflected in S. 896. However, the Administration recommends the following amendments to this bill:

1) Hiring preference

The Administration recommends changing eligibility for former PLSC participants for non-competitive hiring status from two years to one year. This change would make eligibility status consistent with other Government-wide, non-competitive appointment authorities based on service outside of the Federal government.

2) Cost sharing for nonprofit organizations contributing to expenses of resource assistants and consulting interns

Under current law in the case of resource assistants, and under S. 896 in the case of consulting interns, sponsoring organizations are required to cost-share 25 percent of the expenses of providing and supporting these individuals from "private sources of funding." The Administration recommends giving agencies the ability to reduce the non-Federal contribution to no less than 10 percent, only if the Secretary determines it is necessary to enable a greater range of organizations, such as smaller, community-based organizations that draw from low-income and rural populations, to participate in the PLSC program. This would make the cost-share provisions for resource assistants and consulting interns parallel to the provisions under the bill for other PLSC participants.

3) Definition of Eligible Public Lands

The Administration recommends technical amendments to clarify that PLSC activities will be carried out on public lands as enumerated in the law. "Eligible service lands" may be interpreted to include non-Federal lands.

4) Agreements with Partners on Training and Employing Corps Members

The Administration recommends striking the provision in S. 896 that would allow PLSC members to receive federally funded stipends and other PLSC benefits while working directly for non-Federal third parties. The need for this language is unclear, since agencies already have flexibility in how they coordinate work with cooperating associations, educational institutes, friends groups, or similar nonprofit partnership organizations. Yet, the language could raise unanticipated concerns over accountability, liability, and conflicts of interest. For example, this language could allow an individual to receive a federally funded stipend under a PLSC agreement, and then perform work for a different non-federal group (such as a cooperating association) that is subject to agency oversight under different agreements. This language could blur the lines of responsibility that have been established in response to IG concerns over the management of cooperating associations and friends groups.

5) Living Allowance Differentials

The Administration recommends striking the provision in S. 896 that would allow for the Secretary to provided living allowance differentials to employees. Current law provides the Secretary with broad authority to set "living allowances" at an appropriate rate. Adding "cost-of-living" language to a law that would modify compensation for Federal employees may unnecessarily introduce confusion.

The Department is happy to answer any questions you or the other members of the subcommittee have.

S. 897

Mister Chairman and Members of the Subcommittee, thank you for the invitation to testify on behalf of the Office of Surface Mining Reclamation and Enforcement (OSM) regarding S. 897, a bill to amend the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The OSM looks forward to working with you on matters relating to the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

S. 897 would allow noncertified states and tribes to use certain SMCRA payments for non-coal reclamation. While we recognize the importance of addressing hardrock mine hazards, we cannot support this bill because it is inconsistent with the President's FY 2012 Budget proposal to limit funding derived from the abandoned mine lands fee on coal production to the reclamation of coal sites that pose the most danger to public health and safety and/or damage to the environment.

The FY 2012 President's Budget includes a proposal to focus AML funds on the critical coal reclamation sites in order to ensure that the most dangerous and environmentally damaging coal sites can be addressed before the AML fee expires in ten years. In addition to terminating unrestricted payments to certified states and tribes that have already cleaned up their abandoned coal mines, the proposal will competitively allocate funding for use on these hazardous and environmentally damaging coal reclamation projects. Recognizing the importance of addressing abandoned hardrock mines nationwide, additionally, the President's FY 2012 budget would build off these reforms to the coal AML program and create a parallel program for hardrock AML reclamation in order to address those sites. This proposal would ensure that the industries whose historic practices created abandoned mines bear the costs of addressing these hazards by paying a reclamation fee on production.

*Background*

Through SMCRA, Congress established OSM for two basic purposes. First, to ensure that the Nation's coal mines operate in a manner that protects citizens and the environment during mining operations and to restore the land to beneficial use following mining. Second, to implement an Abandoned Mine Land (AML) program to address the hazards and environmental degradation created by two centuries of weakly regulated coal mining that occurred before SMCRA's enactment.

Title IV of SMCRA created an AML reclamation program funded by a reclamation fee assessed on each ton of coal produced. The fees collected have been placed in the Abandoned Mine Reclamation Fund (Fund). OSM, either directly or through grants to States and Indian tribes with approved AML reclamation plans under SMCRA, has been using the Fund primarily to reclaim lands and waters adversely impacted by coal mining conducted before the enactment of SMCRA and to mitigate the adverse impacts of mining on individuals and communities. Also, since FY1996, an amount equal to the interest earned by and paid to the Fund has been available for direct transfer to the United Mine Workers of America Combined Benefit Fund to defray the cost of providing health care benefits for certain retired coal miners and their dependents. Section 402(a) of SMCRA fixed the reclamation fee for the period before September 30, 2007, at 35 cents per ton (or 10 percent of the value of the coal, whichever is less) for surface-mined coal other than lignite, 15 cents per ton (or 10 percent of the value of the coal, whichever is less) for coal from underground mines, and 10 cents per ton (or 2 percent of the value of the coal, whichever is less) for lignite. As originally enacted, section 402(b) of SMCRA authorized collection of reclamation fees for 15 years following the date of enactment (August 3, 1977); thus, OSM's fee collection authority would have expired August 3, 1992. However, Congress extended the fees and fee collection authority through September 30, 1995, in the Omnibus Budget Reconciliation Act of 1990. The Energy Policy Act of 1992 extended the fees through September 30, 2004. A series of short interim extensions in appropriations and other acts extended the fees through September 30, 2007.

The Surface Mining Control and Reclamation Act Amendments of 2006 were signed into law as part of the Tax Relief and Health Care Act of 2006, on December 20, 2006 (Public Law 109-432). The 2006 amendments revised Title IV of SMCRA to make significant changes to the reclamation fee and the AML program and extended OSM's reclamation fee collection authority through September 30, 2021.

The AML reclamation program was established in response to concern over extensive environmental damage caused by past coal mining activities. Before the 2006 amendments, the AML program reclaimed eligible lands and waters using the Fund, which came from the reclamation fees collected from the coal mining industry. Eligi-

ble lands and waters were those which were mined for coal or affected by coal mining or coal processing, were abandoned or left inadequately reclaimed prior to the enactment of SMCRA on August 3, 1977, and for which there was no continuing reclamation responsibility under State or other Federal laws.

SMCRA established a priority system for reclaiming coal problems. Before the 2006 amendments, the AML program had five priority levels, but reclamation was focused on eligible lands and waters that reflected the top three priorities. The first priority was "the protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal mining practices." The second priority was "the protection of public health, safety, and general welfare from adverse effects of coal mining practices." The third priority was "the restoration of land and water resources and the environment previously degraded by adverse effects of coal mining practices."

As originally established, the Fund was divided into State or Tribal and Federal shares. Each State or tribe with a Federally approved reclamation plan was entitled to receive 50 percent of the reclamation fees collected annually from coal operations conducted within its borders. The "Secretary's share" of the Fund consisted of the remaining 50 percent of the reclamation fees collected annually and all other receipts to the Fund, and was allocated into three shares as required by the 1990 amendments to SMCRA. First, OSM allocated 40% of the Secretary's share to "historic coal" funds to increase reclamation grants to States and Indian tribes for coal reclamation. However, all the funds which were allocated may not have been appropriated. Second, OSM allocated 20% to the Rural Abandoned Mine Program (RAMP), operated by the Department of Agriculture. However, that program has not been appropriated AML funds since the mid-1990s.

Last, SMCRA required OSM to allocate 40% to "Federal expense" funds to provide grants to States for emergency programs that abate sudden dangers to public health or safety needing immediate attention, to increase reclamation grants in order to provide a minimum level of funding to State and Indian tribal programs with unreclaimed coal sites, to conduct reclamation of emergency and high-priority coal sites in areas not covered by State and Indian tribal programs, and to fund OSM operations that administer Title IV of SMCRA.

States with an approved State coal regulatory program under Title V of SMCRA and with eligible coal mined lands could develop a State program for reclamation of abandoned mines. The Secretary determines whether to approve and fund the State reclamation program. At the time the 2006 amendments were enacted, 23 States received annual AML grants to operate their approved reclamation programs. Three Indian tribes (the Navajo Nation, and Hopi and Crow Tribes) without approved regulatory programs have received grants for their approved reclamation programs as authorized by section 405(k) of SMCRA.

Before the 2006 amendments, States and Indian tribes that had not certified completion of reclamation of their abandoned coal lands could use AML grant funds on noncoal projects only to abate extreme dangers to public health, safety, general welfare, and property that arose from the adverse effects of mineral mining and processing and only at the request of the Governor or the governing body of the Indian tribe. In addition, noncertified States were allowed to deposit up to ten percent of their AML grant funds into a state acid mine drainage set aside account to abate and treat acid mine drainage caused by coal mining.

The 2006 amendments reduced the statutory fee rates by 10 percent from the current levels for the period from October 1, 2007, through September 30, 2012, and by an additional 10 percent from the original levels for the period from October 1, 2012, through September 30, 2021.

The Fund allocation formula was also changed. Beginning October 1, 2007, certified States are no longer eligible to receive State share funds. Instead, amounts that would have been distributed as State share for certified States from the AML fund are distributed as historic coal funds. The RAMP share was eliminated, and the historic coal allocation was further increased by the amount that previously was allocated to RAMP. In addition, the amount that noncertified States could set aside for acid mine drainage abatement and treatment was increased to 30 percent of a State's State share and historic coal share funds.

The Amendments also created two new types of payments from the General Treasury under section 411(h). Both certified and noncertified states receive payments equal to their portion of the unappropriated balance of the AML fund that existed at the time the amendments were passed, known as "prior balance funds". Certified states and tribes also receive a payment, known as the "in lieu" payment, equal to 50% of the fees collected in their borders the prior year.

Though the other sources of funding to noncertified states and tribes are available for a variety of purposes under the statute, since 2006, the Department has inter-

preted the language of SMCRA section 411(h) to preclude noncertified states and Indian tribes from using funds that they receive under that section for noncoal reclamation or for deposit into a state acid mine drainage account.

S. 897

Under SMCRA, noncertified states can use "State share" and "historic coal" funds for noncoal reclamation and deposit into state acid mine drainage set aside accounts, which are considered lower priority hazards associated with AML sites. S. 897 would amend SMCRA to allow these states to also use their prior balance funds, which they receive under Section 411(h)(1), for noncoal reclamation and for deposit into state acid mine drainage set-aside accounts. In other words, S. 897 would allow prior balance replacement funds, which are now focused on the reclamation of coal sites in noncertified States, to be used for other purposes: namely, noncoal reclamation and deposit into State acid mine drainage set aside accounts.

In an effort to focus the OSM's AML program on coal reclamation, the President's FY 2012 budget proposes to revise SMCRA to competitively allocate AML funds to ensure that the most dangerous and environmentally damaging coal AML sites are reclaimed before the reclamation fee terminates. Because S.897 is inconsistent with the Administration's goal of ensuring expeditious coal reclamation through the existing AML Fund, we cannot support this bill.

We share this Subcommittee's interest in ensuring that abandoned hardrock mines also are addressed. In order to accomplish this goal, we support the creation of a parallel hardrock AML program, funded through a fee on hardrock production to fund the reclamation of hardrock mine sites nationwide, which the FY 2012 President's budget proposes.

Currently, there is no hardrock reclamation fee similar to the one established by SMCRA to reclaim abandoned coal mine sites. This leaves States, Tribes, and Federal land managers to address these sites within their budgets or using other sources of funding, such as SMCRA's reclamation funds when possible. To hold each industry responsible for the actions of its predecessors, the President's FY 2012 budget proposes a new reclamation fee on hardrock production. Once the fee is established, OSM would be responsible for collecting this fee, based on its expertise in collecting the coal reclamation fee. The Department of the Interior's Bureau of Land Management would be responsible for allocating and distributing the receipts, using the proposed competitive allocation program.

Thank you for the opportunity to appear before the Subcommittee today and testify on this bill. I look forward to working with the Subcommittee to ensure that the Nation's abandoned mine lands are adequately reclaimed.

Senator WYDEN. Thank you. Thank you both. Just a couple of questions and comments really from me at this time.

First big thanks to you, Ms. Wagner and to you, Mr. Pool, as well for your help with the Oregon legislation. I know, Ms. Wagner, you spent a lot of time toiling with that incredibly dedicated group of Oregonians who are working on bringing change to the Eastside National Forest. Let me just touch on a couple of concerns.

I know that you've been concerned about making sure the agency is adequately funded in order to be able to do the necessary kind of forestry work that is required. I want you and the Secretary to know I'm going to work very closely with you to ensure those kinds of funds.

I also want to put this in context. I think Senator Risch and I talked a bit about that when we talked about the question of Forestry policy in the past is that American taxpayers in communities incur punishing costs when our forests are not healthy. I mean, that's the bottom line. Unhealthy forests end up inflicting huge costs onto communities.

You basically have these fires and a lot of the fires we're seeing are practically infernos now because of years of neglect, disease and insect infestation. Of course communities face the loss of jobs and income and there are a whole host of reasons why folks who represent timber companies and environmental folks have come to-

gether. In effect a healthy forest can make economies healthier and communities healthier.

As we tackle these questions of cost I think we want to make sure that people understand that the cost of doing nothing is enormous. That's the reason why it's important to come together and work on these bills.

So Mr. Pool I will liberate you at this time and not ask any questions. I may have other things to wrap up with. But let me recognize my colleagues beginning with Senator Barrasso.

Senator BARRASSO. Thank you very much, Mr. Chairman.

I wanted to start first with Mr. Pool from the standpoint of the Bureau of Land Management following up on some of my opening comments and some of the comments from Senator Lee. You know, in December the Secretary of Interior signed Secretarial Directive number 3310, put in place what was called his Wild Lands Policy. In March Congress responded and they did so by defunding implementation of the policy.

Now there are people I know in your Department, the Department of Interior, who seem to believe that the defunding is going to end at midnight on September 30, 2011 and then off you can go again. I'm sure that you understand that many here on Capitol Hill are very much opposed to the Wild Land Policy. Some believe that in the face of that policy that there's no reason to legislate new wilderness areas on BLM lands.

So can you describe why we shouldn't just table all of these BLM wilderness bills until such time as the Secretary has permanently rescinded his Wild Lands Policy?

Mr. POOL. It's my understanding that the Secretary may be providing BLM a new policy direction here in the near term related to this issue. We are fully complying with the Section 1769 of the continuing resolution and other provisions that are contained in the Federal Land Policy Management Act, which guides our multiuse operations of the plans. Congressionally designated wilderness areas we feel is a separate issue from wild lands. Wild lands does not affect designated wilderness areas or wilderness study areas.

Senator BARRASSO. I did find it interesting that when the directive went—when the conference call went out on the wild lands initiative on December 22nd or 23rd, that you had to have a code word to call in. The code word that came out from your Department on the wild lands initiative that you're now saying is very different than wilderness. The code word was wilderness. So I think for anybody that has concerns about what the Department is doing with these lands, I think that was a very telling choice of a code word.

I'd like to ask you also, I note that Senator Wyden's Cathedral Rock and Horse Heaven Wilderness bill includes language to manage some lands as wilderness until 2 land exchanges have been completed. Do you think it's wise to pre-designate wilderness lands which may never, you know, come into the Federal estate? Would it be just as reasonable to kind of, split the bill into a land exchange bill and then follow it later with a wilderness designation once the land exchange has been completed?

Mr. POOL. We believe that the bill introduced by Senator Wyden is very good and thoughtful bill. The 2 respective public land tracts are less than 5,000 acres. They do have high natural values. The

intent of the bill is to preserve the wilderness character of the land, not to be managed as wilderness areas up until that prospectively we can consummate these exchanges and they can be designated upon consummation.

There's 3 proponents, exchange proponents.

One being the, I'm told, the Young Life proponent, sizable tracts adjacent to both the Cathedral Rock and the Horse Heaven respective wilderness areas. They are essential, that acquisition through exchange, are essential. So we think it's a very innovative bill.

There's also sufficiencies to be gained by going through the NEPA processes to determine fair market value. Both tracts are in close proximity. Particularly the Young Life bill has great influence on the suitability of establishing these wilderness areas.

Upon acquisition through exchange, particularly of the Young Life, then the acreage will increase about 5,000 acres and greatly improve our efforts to manage these areas as well.

Senator BARRASSO. Great. Thank you very much, Mr. Pool.

Now, Ms. Wagner, if I could. Bill, S. 220, Senator Wyden's Oregon Eastside Forest Restoration Act includes a language to authorize, I think, up to $50 million to implement the bill. Do you know how much timber funding the forest in all of Oregon get in say, Fiscal Year 2010?

Ms. WAGNER. Yes, sir. In Fiscal Year 2010, all Oregon forests received about $36 million for forest products budget line item. The Eastside Forests that have been the target of the conversation around restoration on the Eastside between fuels and the forest products budget line item, we invested $31.7 million.

Senator BARRASSO. I guess I was just curious given the provisions of S. 220. If the 50 million authority were to be fully funded, you know, how much of the requirements of the bill do you think could be implemented with that money?

Ms. WAGNER. Two things.

I think our confidence level is higher for Fiscal Year 12 because it's closest to us. There is notable work happening in the landscapes in Eastern Oregon. Collaboratives are coming together. The Deschutes Skyline Project is a collaborative Forest Landscape Restoration Project that is funded.

There are 2 other collaboratives that have come together. They have bold visions for restoring what needs to happen on their national forests. My hope is as those collaboratives work, as they create shared vision, that we can actually implement our planning faster, our assessments faster and as a consequence of that, save dollars to invest in actual treatments.

So we would say we believe that with the $50 million investment we can achieve most of the performance goals set.

Senator BARRASSO. Just a final question. I know the Forest Service has testified against most of the small land conveyance proposals including S. 271, S. 683 and S. 684. In the case of 83 and 84 which are Senator Lee's legislative proposals, I think you pointed out that the Forest Service could accomplish these conveyances through the Townsite Act.

You know, in several instances some of the lands that the Forest Service is now demanding to be paid for were given to the Forest Service or sold to the agency, you know, for a dollar. So, you know,

all of the 3 conveyance bills that I just mentioned in today's hearings have been under consideration I know, for several years. If these conveyances could be accomplished through the Townsite Act, you know, why hasn't the Forest Service just consummated the conveyance using that authority?

Ms. WAGNER. I think when communities see an opportunity for a legislative solution to the challenges that they're facing that necessitate this conversation about conveyances. The legislation, when it doesn't consider the fair market value, that's more attractive to a community. So in the case of Alta, for instance, the community has not been particularly interested in working the Townsite Act or the Weeks Act because they're hopeful that the legislation will pass.

Senator BARRASSO. OK. Thank you.

Thank you, Mr. Chairman.

Senator WYDEN. I thank my colleague. I'm going to go right to Senator Lee just because we're on the point with respect to the 2 bills that Senator Barrasso asked about.

First on the Eastside bill, Ms. Wagner, I very much appreciate your answer and your analysis because what we are seeking to do, as you indicated, is to build with the legislation on the collaborative work that you're already doing. Because I think certainly Senator Barrasso and other Senators are right to want to know about the financial considerations associated with this and every bill. So I want Senator Barrasso and colleagues on the other side to know that I'm interested in working with them.

Just on the point with respect to Cathedral Rock and Horse Heaven, what we're seeking to do on that one, Senator Barrasso. We put together a remarkable coalition, you know, religious folks with Young Life, ranching community and the environmentalists and so it was a collaborative, homegrown solution. Our concern was if we broke it up, we could end up raking up the coalition.

So it's my intent to work very closely with you on both of those.

Senator BARRASSO. Thank you, Mr. Chairman.

Senator WYDEN. Good. We welcome, Senator Lee. Go ahead.

Senator LEE. Thank you. Thanks to both of you for joining us today.

Ms. Wagner, with regard to S. 683 and 684, providing for the conveyance of certain parcels of land in the Towns of Alta and Mantua, Utah, in your written testimony you raise a few concerns regarding the definition of public purpose and also regarding the reversionary interest and a few details related to that in these bills. Tell me how we can best work with you to resolve those issues.

Ms. WAGNER. The—in some of the bills under consideration there's clarity. In the case of the Wallowa compound there's some description about what the anticipated use would be once the property is conveyed. Public purpose may be just some consideration of being a little bit more specific about what that might entail for these properties would be beneficial.

The reversionary language is of concern because it would put the Forest Service, no longer an owner of the land, in a little bit of a monitoring mode. We would prefer that we're clear on public pur-

pose and that we don't consider reversionary language if the land conveys to a town, we'd like it to remain with that town.

Senator LEE. With that basic fee simple determinable with the no possibility of a revert or no reversionary interest at all. OK. Thank you.

Thank you, Mr. Chairman.

Senator WYDEN. Thank you.

Senator Risch.

Senator RISCH. Very briefly. Mr. Pool, this isn't going to come as any surprise to you but I want to underscore the comments of Senator Barrasso regarding the proposal of wilderness. Congress' reaction to that was swift and fairly strong. I can tell you that that represents the angst that those of us who have substantial parcels of BLM ground in our state experienced as a result of this bomb that got dropped on us.

So in the future, I think that we all look forward to working together. But when we get surprises like this it is not a good deal. The result is what's happened.

So I hope you will take that message back. I doubt it will come as any surprise to the people there at BLM. Thank you.

Thank you, Mr. Chairman.

Senator WYDEN. Thank you, Senator Risch.

Any colleagues wish to have a second round? Apparently not. All hearings should be so short at the Forestry Subcommittee.

We thank you both. We'll be working with you in the days ahead. It's going to be the desire on this subcommittee and I know with Chairman Bingaman to work hard to bring folks together, make these bills bipartisan, find common ground and apropos, Senator Lee's point, making sure that folks can be heard.

So with that the subcommittee is adjourned.

[Whereupon, at 3:35 p.m., the hearing was adjourned.]

# APPENDIX

## ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

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STATEMENT OF HON. TOM VILSACK, SECRETARY, DEPARTMENT OF AGRICULTURE

*WASHINGTON, Oct. 30, 2010.*—Today, Agriculture Secretary Vilsack made the following statement in support of Senator Ron Wyden's Eastside Forest Legislation.

"One of the most significant challenges we face in our National Forests is finding greater common ground among environmentalists, forest industry, and rural communities that allows us to support jobs in these communities and to restore our forests, to make them more resilient, to benefit water resources, to address climate change, to protect wildlife and to provide recreational opportunities. Over the last several months, under Senator Wyden's leadership, the Forest Service, stakeholders in Oregon, and the Senator's staff have worked together to refine a legislative proposal that if adequately funded would meet this challenge and benefit the people and forests of Oregon.

"When I recently visited Oregon, I met with stakeholders involved in putting together this proposal and was impressed by the common vision that has been developed for eastside forests in Oregon. I know Senator Wyden is considering a number of approaches to enact legislation that would codify the work of the stakeholders in this region-specific project. No matter what approach is taken, one of the Senator's goals is to establish performance goals for the forests covered under the legislation. With respect to this issue, since the forest health needs and the need for timber infrastructure are so great, I believe a ramp up to perform mechanical treatments would be beneficial while the proposed forest advisory council completes their work on how to develop and implement landscape-scale ecological restoration projects. Therefore, for forests in eastern Oregon, if the ultimate legislation provided USDA discretion to set performance goals, my intent would be to establish performance goals for mechanical treatment of 39,000 acres the first year, 58,000 acres the second year, and 80,000 acres the third year. These goals are consistent with existing forest management plans which have been through a public environmental review. And, going forward we support a robust public process for analyzing treatments carried out to meet these goals. These performance goals are ambitious but sustainable and achievable provided there is sufficient funding to allow the Forest Service to prepare and implement stewardship contracts, timber sales, and other mechanical treatments.

"As the Senator and I have discussed, since there are many high-priority programs throughout the National Forest System, we cannot shift funding from other regions to fund these treatments. Thus, I support the inclusion of language in proposed legislation that states it will not impact funds from other regions or forests.

"As the administration expressed in testimony on S. 2895, we have reservations about legislating specific treatment levels and other aspects of our forest plans. However, I believe the approach and hard work of the stakeholders in Oregon, and the Senator's work directly with the Forest Service ensure this effort can serve as a model for collaboration in bringing together various stakeholders. I commend Senator Wyden for his leadership and look forward to continued work with him and his staff as this proposal moves forward."

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*May 19, 2011*

Hon. JEFF BINGAMAN,
*Senator, Energy & Natural Resources Committee Office, 304 Dirksen Senate Building, Washington, DC.*

DEAR SENATOR BINGAMAN,

On behalf of the undersigned organizations we are writing to thank you for your work and leadership in crafting, co-sponsoring and re-introducing the Rio Grande del Norte National Conservation Area Establishment Act, S. 667.

This broadly backed bill will preserve about 235,000 acres northwest of Taos as a conservation area, and designate within that two new wilderness areas—-the Cerro del Yuta Wilderness and the Rio San Antonio Wilderness. That Congressmen Ben Lujan and Martin Heinrich have introduced companion legislation in the House of Representatives indicates the seriousness of our delegation in getting this bill passed this year.

Sportsmen like us—who make up 38 percent of the voters in this state—want to keep the best wild places on our nation's public lands protected, as often they are the very best places to hunt and fish. We want to pass these backcountry traditions down to our kids—and grandchildren. As our greatest hunter-president, Theodore Roosevelt put it: "The nation behaves well if it treats its natural resources as assets, which it must turn over to the next generation increased, and not impaired, in value."

The Rio Grande del Norte National Conservation Area Establishment Act will preserve our opportunities to hike, fish and hunt in this wild place—which is home to large elk and antelope herds as well as a first rate trout fishery. New Mexico's hunters spend more than $150 million each year on this sport, and our anglers spend another $176 million. Together, these groups support some 8,000 jobs. That's probably one of the reasons the Taos County and Mora Valley Chambers of Commerce both back this conservation legislation. They recognize that protecting our natural resources just makes good business sense.

This amazing area—a wild western plateau of grass and sagebrush mesas, extinct volcano cinder cones and the spectacular Rio Grande Gorge with its towering basalt cliffs—contributes so much to the quality of our lives. It's where we go to stretch our legs or test our skill against an elk. It's where we show our kids the joys of sleeping under the stars. It's where we go to seek some solitude.

Nearly a century after President Roosevelt urged stewardship of our public lands as a gift for those who will follow us, another Republican president echoed that view. At the dedication of the National Geographic Society's new headquarters in Washington, DC on June 19, 1984, President Ronald Reagan said, ". . . we want to protect and conserve the land on which we live—our countryside, our rivers and mountains, our plains and meadows and forests. This is our patrimony. This is what we leave to our children. And our great moral responsibility is to leave it to them either as we found it or better than we found it."

We thank you for your leadership on this critical issue.

Sincerely,

William Schudlich, State Council Chairman, Trout Unlimited, NM.
Toner Mitchell, President, Truchas Chapter, Trout Unlimited.
Doug Palmer, Interim President, Enchanted Circle Chapter, Trout Unlimited.
Jeremy Vesbach, Executive Director, New Mexico Wildlife Federation.
Oscar Simpson, Chair, Backcountry Hunters & Anglers, NM Chapter.
Ben Brown, New Mexico Field Representative, Theodore Roosevelt Conservation Partnership.
Dr. Sanford Schemnitz, Chair, Southwest Consolidated Sportsmen.
Jesse Deubel, Chair, United Bowhunters of New Mexico.
Ronald Loehman, Conservation Chairman, NM Trout.
Jim Bates, President, National Wild Turkey Federation, NM Chapter.

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STATEMENT OF THE NATIONAL SKI AREAS ASSOCIATION & VAIL RESORTS, ON S. 382

Chairman Wyden, Ranking Member Barrasso and members of the Committee, thank you for the opportunity to provide written testimony. On behalf of Vail Resorts and the National Ski Areas Association we are pleased to provide the following testimony in support of S. 382, the Ski Area Recreational Opportunity Enhancement Act.

NSAA has 121 member ski areas that operate on National Forest System lands. These public land resorts are in the states of Arizona, California, Colorado, Idaho, Montana, Nevada, New Hampshire, New Mexico, Oregon, Utah, Vermont, Washington and Wyoming. Vail Resorts owns and operates six resorts in Colorado, Nevada and California of which five are located on public lands.

At the outset, we would like to thank Senators Udall and Barrasso for their leadership on this bill.

BACKGROUND

Public land resorts work in partnership with the U.S. Forest Service to deliver an outdoor recreation experience unmatched in the world. Our longstanding partnership—dating back to the 1940s, is a model public-private partnership that greatly benefits the American public. The recreation opportunities provided at public land resorts help benefit rural economies, improve the health and fitness of millions of Americans, provide kids and families great outdoor experiences and promote appreciation for the natural environment.

In addition to the recreation benefits that ski areas provide throughout the year there are economic benefits that must be considered. Resorts are frequently one of the largest employers in the rural regions in which they operate, providing important employment and other economic opportunities for their local population base. The presence of resorts provides a critical component of the economy in many areas of the country.

Over the past five years, we have averaged 58.6 million skier/snowboarder visits annually, and about 60% of those visits occurred on public land. Yet ski areas occupy less than one-tenth of one percent of Forest Service lands.

Ski areas are the perfect place to accommodate these large numbers of forest visitors and not just in the winter. It is important to remember that ski areas are developed sites. They inspire appreciation for the natural environment, but they also represent a built environment that is accessible and convenient for visitors. Ski areas already have the parking lots, bathrooms, trails and other facilities to accommodate millions of summer visitors. Use of developed ski areas during all times of the year allows the Forest Service to provide recreation opportunities to millions of visitors in a controlled and mitigated environment thus alleviating the impacts elsewhere on the forests.

SUMMER AND YEAR-ROUND ACTIVITIES

Summer and year-round activities are not new to ski areas. Resorts across the country have offered summer activities for decades, with scenic chairlift rides dating back to the 1960s. These activities include mountain biking, scenic chairlift rides, hiking, ziplines, alpine slides, climbing walls, Frisbee golf and others. Until very recently, the authorization of summer activities at public land resorts occurred without issue. Many ski area special use permits reference "year-round" or "four season" resorts. The Forest Service Manual expressly encourages the year-round use of resort facilities. Even Congress recognized the four-season nature of resorts back in 1996 by including the term "gross year-round revenue" in our fee system (16 U.S.C. 497c). Resorts have acted in reliance of these authorities, and the federal government has collected fees on summer activities, for decades.

So why are we here? NSAA strongly supports S. 382 to create a national comprehensive approach to growing seasonal and year-round recreational opportunities. Such an approach will provide for more consistent decision making and more accurately reflect what is now taking place at modern four-season resorts.

Summer and year-round recreation can transform ski areas and their rural communities from single season destinations into year-round destinations. Year-round visitation increases year-round employment opportunities in rural resort communities, creating a more stable workforce and local economy. It should also be noted that public land resorts generate permit fees for the Forest Service from all revenues generated by activities at ski areas. The Congressional Budget Office confirmed this last point in the 111th Congress stating that the bill would not negatively impact the federal budget and that it will minimally increase receipts to the Treasury.

We believe that there is great potential for resorts to expand their offerings of seasonal and year-round recreational activities. According to NSAA statistics, the average resort's non-ski season operations account for just 6.9 percent of overall revenues illustrating this point. S. 382 could prove to be an economic boost to many rural areas improving local employment, food and beverage receipts, lodging and providing gateway access to the public's enjoyment of their public lands.

THE BILL

Specifically, S. 382 clarifies the Forest Service's authority to permit appropriate seasonal or year-round recreational activities and facilities subject to ski area permits issued by the Secretary under section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b). The bill is also an opportunity to update the language used to describe snow-sports to better reflect the wide range of snow sports (including snowboarding, snow-biking, etc) taking place at modern ski-areas. NSAA notes

and appreciates the discretion and guidance the bill provides to the Secretary to make site-specific decisions on appropriate activities and facilities that are natural resource-based, outdoor developed recreation that harmonize with the natural environment of the public lands.

In the 110th and 111th Congress, the Administration testified in support of the bill and stated that further clarifications would assist the Forest Service in its interpretation and implementation of the bill. During consideration in the 111th Congress the legislation was amended with the input of the National Ski Areas Association, U.S. Forest Service, committee staff and other stakeholders. The bill as you see it today reflects those amendments as agreed to in the Senate in the 111th Congress and enjoys the continued support of the U.S. Forest Service.

Thank you for your consideration of S. 382 and our written testimony. This bipartisan, no-cost and non-controversial legislation is important to ski areas across the country and we encourage its swift passage.

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THE WILDERNESS SOCIETY,
*May 27, 2011.*

Hon. JEFF BINGAMAN,
*Chairman, Senate Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN BINGAMAN:

On behalf of The Wilderness Society, I am writing to offer our views on the bills indicated below that were the subject of the Committee's hearing on May 18, 2011. The Wilderness Society is the leading public-lands conservation organization working to protect wilderness and inspire Americans to care for our wild places. Founded in 1935, and now with more than 500,000 members and supporters, TWS has led the effort to permanently protect 110 million acres of wilderness and to ensure sound management of our shared national lands. I ask that this letter be made a part of the hearing record.

S. 220—THE OREGON EASTSIDE FORESTS RESTORATION, OLD GROWTH PROTECTION, AND JOBS ACT OF 2011

S. 220 covers nearly 10 million acres of National Forest lands in eastern Oregon, including all the Oregon National Forests not under the jurisdiction of the Northwest Forest Plan. Key goals of the legislation are to protect old-growth forests and to expedite restoration projects that will generate higher volumes of timber for local mills. Similar to S. 2895 (considered in the 111th Congress), S. 220 is a complex bill, with many components and directives to the Forest Service. Key elements include establishing an Eastside Forest Scientific and Technical Advisory Panel, requiring an Eastside Landscape Forest Restoration Assessment, and requiring Ecological Restoration Projects for each National Forest in eastern Oregon. A significant change in S. 220 is that the legislation—including the protection of old-growth forests—sunsets after 15 years, with the intent that the bill is a 15 year pilot/experiment.

In The Wilderness Society's written testimony on S. 2895, we were generally supportive of the collaborative nature and intent of the proposed legislation, but we did outline several concerns. We are pleased that many of those concerns have been addressed in S. 220. However, two issues are still of concern in S. 220.

1) Salvage logging and the role of fire as a common and natural ecological force in the area covered by the legislation are not addressed. The pressures for salvaging large saw-timber after a fire has occurred are inevitable in this fire-prone landscape and are one of the most polarizing issues in the region. We understand the complexity of this issue makes it difficult to deal with in legislation. But we also recognize that until we effectively address the issue of post-fire salvage, the authentic collaboration desired in this legislation will be difficult to achieve.

2) Each Ecological Restoration Project under Section 8 may be subject to a pre-decisional objection process used for projects authorized by the Healthy Forest Restoration Act (HFRA). We are concerned the HFRA objection process limits the ability for citizens to raise legitimate grievances with federal agency decisions. We do not see any advantage over the standard administrative appeals process.

We commend Senator Wyden for convening discussions and negotiations that resulted in this legislation. We appreciate and support Senator Wyden for recognizing the urgency for forest restoration projects in eastern Oregon, and for not including

a mandatory timber volume or mechanical treatment level. We understand the careful negotiation that was necessary for moving this bill forward, and we are pleased the Senator continues to reach out to the public for suggestions to improve the legislation. We are encouraged by the discussions that led to this bill, and we hope that its eventual enactment and implementation can lead to increased collaboration and trust among stakeholders, so that unresolved issues such as salvage logging can be effectively addressed.

S. 322—THE ALPINE LAKES WILDERNESS ADDITIONS AND PRATT AND MIDDLE FORK SNOQUALMIE PROTECTION ACT OF 2011

We are pleased to express our strong support for S.322. The lands and waters proposed for protection under the current legislation are critical additions that enhance the world class conservation and recreation opportunities in the North Cascades region of Washington State and therefore increase the quality of life for nearby communities. We sincerely thank Senator Murray and Representative Reichert for introducing this important legislation and the other members of the Washington delegation who have cosponsored the bills: Senator Cantwell and Representatives Dicks, Inslee, McDermott, and Smith. In particular, we applaud Representative Reichert's initiative to protect wilderness-quality lands and the Pratt River in his district and to Senator Murray for adding protections for portions of the Middle Fork of the Snoqualmie River to the overall proposal.

In addition to the fitting complement that this proposed legislation offers to the decades' long citizen efforts in the region, TWS would like to emphasize the importance that this legislation holds for the safety and economy of gateway communities as well as for preserving recreational opportunities. The protected lands will provide a safety net for fish and wildlife, clean water, store water that could otherwise cause a flood threat, and allow for continued recreational use by hunters, anglers, hikers, and others, so close to a large urban population. The proposal represents a significant addition to the low elevation protections in Washington State which hold high value for conservation as well as recreational opportunities. The legislation under consideration enjoys broad-based community support, including over 100 local elected officials, religious leaders, hunting and angling groups, recreation groups, conservation groups, and local businesses, including 100 from the Snoqualmie Valley—closest to the proposal. Through this collaborative approach, the Senator was able to minimize conflicts and gain support by blending a wilderness bill with complementary wildlands designation protections of Wild and Scenic Rivers. As a result, this bill is supported by the local biking group, the Evergreen Mountain Bike Alliance and the International Mountain Bicycling Association.

S. 607—THE CATHEDRAL ROCK AND HORSE HEAVEN WILDERNESS ACT OF 2011

The Wilderness Society strongly supports S.607, which would designate two new areas -over 17,000 acres—as part of our National Wilderness Preservation System. The bill also directs three land exchanges to occur between private parties and the federal government.

The bill will help the public to better access and enjoy the Wild and Scenic John Day River by consolidating ownership through land exchanges enabling additional access to the river. The legislation also creates a large block of wilderness quality land, while helping eliminate trespassing occurring both on the current BLM lands, and the private landowners land. The two Wilderness designations include a diversity of habitat types including grasslands, riparian areas, shrub steppe and forests. They also provide important habitat for threatened summer steelhead and Chinook salmon as well as other sensitive species including the John Day pincushion, Western Toad, pygmy rabbits, and Ferruginous hawks. The Wilderness proposal provides important wintering habitat for mule deer and Rocky Mountain elk. Over four miles of the Wild and Scenic John Day River would be added to public ownership. The land exchanges would be subject to appraisal (using Uniform Appraisal Standards) and will be equal value. The land consolidation will enhance the wilderness qualities of the Wilderness designations, and will improve the manageability of the lands involved.

The Cathedral Rock Wilderness proposal will protect over 8,000 contiguous acres of amazing scenic vistas, recreational areas, and fish and wildlife habitat along the John Day Wild and Scenic River. Currently, this area is a checkerboard mix of public and private lands, making management and public access difficult. Through the exchanges proposed in this legislation with key private landowners, valuable public lands will be consolidated along the river and four new miles of public river access will be created for hunters, anglers, and recreationists.

The proposed Horse Heaven Wilderness provides nearly 9,000 acres of wilderness to protect a beautiful landscape of sagebrush and grassland habitat for mule deer, elk, John Day pincushion cactus, and a number of other sensitive plants and animals. This area provides outstanding opportunities for primitive recreation and solitude.

The proposed Cathedral Rock and Horse Heaven Wilderness areas will be outstanding additions to the National Wilderness Preservation System. The land exchanges will benefit the public by consolidating public ownership and providing the public with high resource value lands such as the John Day River properties. We thank Senator Wyden for his leadership on this proposal, and offer our support of having this legislation signed into law.

S. 667—THE RIO GRANDE DEL NORTE NATIONAL CONSERVATION AREA ESTABLISHMENT ACT

S. 667 would protect 21,000 acres of wilderness and 236,980 acres as a National Conservation Area. The Wilderness Society fully supports this legislation and commends its sponsors, Senator Jeff Bingaman and Senator Tom Udall, for their foresight and vision in protecting this national treasure.

The legislation would ensure protection of some of the most spectacular and ecologically significant lands in the state of New Mexico. One of the most striking features of the area is Ute Mountain, the highest point on New Mexico Bureau of Land Management land. Ute rises up from the surrounding sage plain to an elevation of 10,093 feet. The legislation would protect the upper reaches of the Rio Grande Gorge, known as one of the world's great avian migratory routes. Eagles, falcons and hawks nest on the walls of the Gorge and numerous species—including majestic sandhill cranes—migrate through the area. Wilderness protection assures the ecological future of these incredible birds, as well as important game species like pronghorn and elk.

The legislation would also safeguard world-class recreation opportunities, such as rafting, hiking, hunting and fishing. Grazing and vehicle and utility access would continue in already-existing areas, and water rights would not be affected.

Wilderness is crucial to a healthy North-Central New Mexico economy. Wild areas are prized for hunting and fishing, and New Mexico's hunters and anglers together spend $326 million annually pursuing these sports and support some 8,000 jobs. The Taos Chamber of Commerce, Mora Valley Chamber of Commerce, Taos County Commission and more than 100 local businesses support designating the area as a national conservation and wilderness area.

S. 766—DEVIL'S STAIRCASE WILDERNESS ACT OF 2011

The Wilderness Society strongly supports S. 766, which would designate approximately 30, 540 acres of National Forest and BLM lands in the central Oregon Coast Range (north of the Umpqua River and south of the Smith River) into the National Wilderness Preservation System. It would also include about 10.4 miles of Wasson and Franklin Creeks into the National Wild and Scenic Rivers System.

The Devil's Staircase area of Oregon is extremely rugged and remote. One guide book describes the terrain as so rugged that only a "handful of mortals have penetrated Wassen's Creek central canyon". It contains rare old growth forests and provides critical habitat for northern spotted owls and marbled murrelets, which are listed as threatened species under the Endangered Species Act. The proposed Wilderness has a cascading waterfall and is heavily forested. Other fish and wildlife habitat found here include habitat for Coho and Chinook salmon, elk, black bear, mountain lion, otter and mink. Designating the Devil's Staircase proposal will enhance the National Wilderness Preservation System and provide for additional recreational opportunities for the central Oregon coast.

We commend Senator Wyden for sponsoring this legislation, and offer our strong support for getting this bill enacted into law.

Sincerely,

WILLIAM A. MEADOWS.

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STATEMENT OF JANET E. DODSON, MARKETING DIRECTOR, EAGLE CAP EXCURSION TRAIN

Thank you for considering the proposal that will lead to the restoration and conversion of a historic Forest Service property to an interpretive facility that preserves and presents an important and unique aspect of the Wallowa Community's heritage. The Maxville Cultural Heritage Interpretive Center highlights a slice of history that infused the community with a set of new residents who added richness and diversity

to a remote area. Their experience and the impact on the lives of residents has garnered lots of media and public attention and the story has only begun to be told.

As a former long tenure destination marketing professional, now contracted to promote individual attractions in northeast Oregon and involved as a volunteer for other attractions and community events, I know the economic and social value of bringing visitors to small communities. With the demonstrated solid leadership in place for this project and the public interest in the topic, the Maxville Heritage project will become a major attraction for the community of Wallowa and for the surrounding region. It's position along the Hells Canyon Scenic Byway—designated an All-American Road in 2000 and in the process of completing its interpretive plan—will tie the center into cooperative marketing activities that reach across the country and internationally. The resulting influx of visitors will bring economic stimulus to the surrounding communities and will provide a venue for telling this story of historical significance. It seems the perfect use for property no longer needed by the federal government.

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STATEMENT OF ALICE TRINDLE, EXECUTIVE DIRECTOR, EASTERN OREGON VISITORS ASSOCIATION, ON S. 409, S. 782, S. 874, S. 1139 AND S. 1140

Thank you for consideration regarding the conveyance of the USFS—Wallowa Compound, located in Wallowa County, Oregon, for use as the Maxville Heritage Interpretive Center. The Board of Directors of Eastern Oregon Visitors Association strongly believe that the value of restoring and utilizing Wallowa Compound's historic structures for a historic public accessible hub, will assist the little town of Wallowa, Oregon in creating economic sustainability. With this conveyance of ownership and a renewed dedication of this public structure and the surrounding landscape will create a visitor attraction that will be of compelling value to the USFS, the City of Wallowa, and region.

The Wallowa Compound is a unique property, and the relevance to the Maxville Heritage Interpretive Center proposed to reside within its historic structure is unlike any heritage multicultural themed Interpretive Center. The rich cultural history of the area, including Aftican Americans, along with diverse oral history accounts, artifacts, will ultimately be on display. Within the Oregon Public Broadcast segment in February of 2009, viewers and potential visitors learned of the little known history regarding the 40 to 60 African Americans railroad loggers that lived and raised families in the far northeast corner of Oregon. Other groups migrated, homesteaded or moved to this area for a better opportunity too. This rich cultural heritage deserves to told.

This legislation ensures the Wallowa Compound, which is a historic architectural structure, will be restored. The State Oregon Historic National Registry is holding a public hearing June 24th to consider the significance. Regionally the site is under consideration to be added to the Hells Canyon Scenic Byway Interpretive Plan with the Maxville Cultural Heritage Center to include panels focused on Maxville's historical significance. Additional permanent exhibits relating the history of forestry, logging and railroad industry are also planned.

This facility is ideally located to create a visitor and cultural center for residents and travelers alike. It will provide a unique window into the past of this region, and a cultural view that is rare in the state of Oregon, ultimately attracting visitors with many interests and educating a broad variety of people. The physical location is immediately off the primary highway delivering visitors to the area.

The Civilian Corp built the Wallowa Compound in the early 1900's as part of America's great come-back in a time of economic need. We are asking that you revitalize this effort, and allow us to preserve, study and celebrate the relevance the this unique cultural story. The Maxville Heritage Center will bring a renewed enthusiasm to the community's collective resources and ultimately assist in providing economic sustainability. Thank you for your consideration.

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STATEMENT OF JESSE B. ABRAMS, CORVALLIS, OR, ON S. 271

I am writing in support of S. 271, a bill that would convey an unused U.S. Forest Service property in Wallowa, Oregon to its original and rightful owner, the city of Wallowa. Doing so would allow for the city to lease the space to the Maxville Heritage Interpretive Center, a nonprofit outreach and educational center focused on sharing the history of the former logging community known as Maxville. Active in the 1930s and 1940s, Maxville was a racially diverse logging community located north of the town of Wallowa, and its history of both racial segregation and interracial cooperation is an important one that contains lessons not only on America's

past but also for its future. The installation of an interpretive center in the rural, economically depressed town of Wallowa would provide a much-needed cultural attraction, promoting local economic activity.

The former U.S. Forest Service structure in question has been sitting idle for many years, providing no benefit to the local community, and it is clear that the U.S. Forest Service has no intention of rehabilitating or reinhabiting this structure. The best interests of the community would clearly be served by allowing the Maxville Heritage Interpretive Center to restore and convert this building for public use. Doing so would provide a source of local pride, a source of community income, and would allow an extremely important American story to be told. This is a win-win for the local community and for the nation as a whole.

I strongly encourage you to treat S. 271 favorably. Thank you for your consideration of this important piece of legislation.

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STATEMENT OF TODD DAVIDSON, CEO, TRAVEL OREGON, SALEM, OR

Thank you for considering the proposal before you that would convey the Wallowa Forest Service Compound to the City of Wallowa (City). It is the City's intent to convert this historic Forest Service property to an interpretive facility that will highlight an important time in history for this rural community. The proposed Maxville Cultural Heritage Interpretive Center (Center) will share with visitors a time when a new set of residents joined the community and added depth and diversity to this area. The community has been working on this idea for a number of years as a potential long-term visitor attraction strategy. During our recent tourism economic development workshops (Rural Tourism Studio program) held in Wallowa County, the participating citizens from the area highlighted this project as one of their key objectives.

It is also important to note that this project would be along the Hells Canyon Scenic Byway which was designated as an All American Road in 2000. This byway is completing its interpretive plan which will connect the Maxville Cultural Heritage Interpretive Center to the scenic byways' domestic and international cooperative marketing efforts. Once complete, the Center will have the opportunity to share its story with visitors from all around the globe bringing economic uplift to the communities in the region.

Please support the proposal before you. Thank you again for considering our request.

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STATEMENT OF JENN DICE, DIRECTOR OF GOVERNMENT AFFAIRS, INTERNATIONAL MOUNTAIN BICYCLING ASSOCIATION, ON S. 220, S. 270, S. 270, S. 271, S. 278, S. 292, S. 322, S. 382, S. 427, S. 526, S. 566, S. 590, S. 607, S. 617, S. 683, S. 684, S. 667, S. 729, S. 766, S. 896, AND S. 897

Mr. Chairman and Members of the Committee, thank you for the opportunity to express our support for S. 322, the Alpine Lakes Wilderness Additions and Pratt and Middle Fork Snoqualmie Rivers Protection Act. This Act is the culmination of years of local collaboration and effort to protect treasured wild places where Washingtonians and visitors from around the country seek solitude and adventure.

Founded in 1988, the International Mountain Bicycling Association (IMBA) leads the national and worldwide mountain bicycling communities through a network of 80,000 individual supporters, 750 affiliate clubs, and 600 dealer members. IMBA teaches sustainable trail building techniques and has become a leader in trail design, construction, and maintenance; encourages responsible riding, volunteer trail work, and cooperation among trail user groups and land managers. Each year, IMBA members and affiliated clubs conduct more than one million hours of volunteer trail stewardship on America's public lands and are some of the best assistants to federal, state, and local land managers.

Wilderness designations are a difficult issue for IMBA and mountain bicyclists. On one hand we want to preserve the beauty and experience of wild landscapes. On the other hand, federal land management agencies interpret the Wilderness Act of 1964 to prohibit the use of mountain bicycles. Our decision to support a Wilderness proposal or bill is not one we take lightly. Only when we have worked with the Wilderness proponents to develop win-win solutions can we fully support the designation.

The boundaries of the Alpine Lakes Wilderness Additions have been carefully drawn to exclude the popular Middle Fork Trail that will be within the Wild and Scenic River corridor. This will allow the mountain bicycling use that is currently permitted to continue while protecting the recreational, wildlife, and fishery values

that the river provides. The wilderness boundary also excludes Alpental ski area and roads used to access the area. This careful attention to detail in drawing the boundaries and considering the diverse recreational opportunities the public enjoys can continue, while at the same time preserving the extensive wilderness compatible uses has created a broad base of support for this Act.

The Alpine Lakes Wilderness is the backyard wilderness for hundreds of thousands of Washingtonians who enjoy the recreational opportunities these lands provide and represent an enduring resource for all those who enjoy time spent in nature. The lands of the Middle Fork Snoqualmie and South Fork Snoqualmie valleys and the rivers themselves represented the bill are less than an hour drive from the homes of our members around Puget Sound. They are accessible to a population of more than three million people and attract visitors from across the nation. Few places in the country have such an incredible resource that is so accessible. We applaud your efforts to protect this resource for future generations and commit to work as partners in the long-term stewardship of these lands.

As demands on public lands continue to increase the areas that have been preserved for their recreational assets will continue to support local business. Wilderness additions created through the same local process and careful boundary definitions help to ensure that towns like those near the Alpine Lakes area, and the Wenatchee National Forest will continue to reap the benefits of a healthy recreation economy.

We look forward to the day when we can join you in celebrating new Wilderness acres and Wild and Scenic Rivers for the Alpine Lakes, and are excited to continue working with you to preserve our recreation legacy.

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STATEMENT OF JEFF CHAPMAN, ON S. 322

Senator Cantwell mentioned in her testimony that horseback riding is important in the Alpine Lakes area. This is very true not just for this area but throughout the federal, state, and private land systems in Washington State. Furthermore, equestrian related activities and ownership account for a sizable portion of the state economy, from hay farmers to training stables to the new Washington State Horse Park in Cle Elum, a community near the Alpine Lakes Wilderness. Wilderness proponents like Aldo Leopold and Theodore Roosevelt were avid and experienced horse riders. Backcountry Horsemen of Washington remains today a major partner of our public land agencies. We pack supplies, tools, and crews in and out of wilderness and non-wilderness areas. We practice strong environmental ethics across the public land domain.

As one of the major recreation groups that are permitted into designated wilderness, we remain perplexed that we were shut out of the "collaborative" process in the campaign to achieve introducing this bill and move it forward. This is problematic with a number of bills promoting wilderness designations that don't first go through an agency public process. The federal legislative "public process" often is much more based on special interest screening. It is safe to say that our biggest complaint is one of not being given any consideration when we tried to give input on the development of the various Pratt bills introduced by the House and later by the Senate.

One champion of inclusive processes in the agencies is none other than the new USFS Associate Chief, Mary Wagner. It was uplifting to our organization to see Ms Wagner present the USFS position on this bill as she has been a friend to all of the recreation community including horse and stock users when she was Regional Forester for Region 6 USFS. Our loss is Washington DC's gain. Associate Chief Wagner is someone we trust.

We would like to ask that the amendments suggested by the USFS be implemented. Please exclude the first 3 miles of the Pratt Valley trail from wilderness designation. One of the most difficult issues for pack and stock trail volunteers is the inability to use chainsaws to clear trails in USFS wilderness even though chainsaws are supposed to be allowed as a minimum tool necessary for administration. Indeed this was one of the public selling points for the Wild Sky Wilderness by Senator Murray. However, the truth is that the use of chainsaws, even in a specific annual managed window of time, is very difficult to get permission for operating in USFS wilderness areas partially due to a cultural history of successful opposition by NGO groups. The reason this is a bigger deal for horsemen than hikers is that logs across a trail can put your animals at serious risk of injury or block passage since stock cannot scramble over logs. With shrinking budgets, there are fewer available crews, both volunteer and paid, that are able to clear trails effective by crosscut saws alone.

Another option with this problem is to put stronger language in the bill clarifying the minimum tool use similar to the National Park Service standard. We would like to see the following language in this bill.

(3) OTHER ADMINISTRATION—

(A) IN GENERAL-In accordance with the Wilderness Act and subject to any terms and conditions determined to be necessary by the Secretary, within land designated as wilderness by subsection (a)—

(i) HORSEBACK RIDING—Nothing in this subtitle precludes horseback riding in, or the entry of recreational or commercial saddle or pack stock, and

(ii) TRAIL MAINTENANCE—In accordance with House Report 95-540 of P.L. 95-237, 1978, the use of minimum tools for administration are recognized which provide for access while enhancing wilderness character.

As with the USFS Forest Service comments, we would like to see the DNR parcels excluded from being included within the wilderness boundary.

Similar to the USFS concerns, we would like remaining roadbeds within the proposed boundaries fully decommissioned and restored to a condition that best meets the intent of the 1964 Wilderness Act in that all included areas have wilderness characteristics. We do have strong concerns about designating logged over lands as wilderness since these areas clearly do not meet the intent of the Wilderness Act except in limited situations in order to prevent cherry stemming. This appears to be the case with this bill but all effort should be made to bring the lands of concern up to pristine condition.

Finally, we are concerned about the designation of the Middle Fork Snoqualmie River that is adjacent to the Middle Fork Snoqualmie River Road as "scenic" under the Wild and Scenic Rivers Act. We would support a designation of "recreation". In Washington State, many of the major arterials that access trail systems are in river drainages. Weather conditions being what they are, washouts and slides are commonplace. However it has become increasingly difficult to complete the engineering and secure funding for maintaining roads, and adding a federal protective designation to the area that a road prism is in just makes it that much more difficult to complete all of the steps needed to repair a road. Currently Washington has unrepaired sections of major trailhead access roads that date back to 2003. One, the Suiattle River Road, is under legal challenge by NGO groups, and a reason stated is an existing Wild and Scenic River designation for the river. These types of challenges, successful or not, make us take a hard look at protective restrictions being placed on an area that includes a major road prism, particularly for either the "wild" or "scenic" categories of the Wild and Scenic River Act.

Thank you for providing an opportunity for BCHW to give comment on this bill.

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THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON,
*Warm Springs, OR, May 18, 2011.*

Hon. RON WYDEN,
*Chairman.*

Hon. JOHN BARRASSO,
*Ranking Member, Committee on Energy and Natural Resources, Subcommittee on Public Lands and Forests, SD-304 Dirksen Senate Office Building, U.S. Senate Washington, DC.*

DEAR CHAIRMAN WYDEN AND RANKING MEMBER BARRASSO:

As Chairman of the Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO or Tribes), I am writing to express the CTWSRO's opposition to S. 607, the "Cathedral Rock and Horse Heaven Wilderness Act of 2011." I ask that this statement be recorded in the Subcommittee's May 18, 2011 hearing record on S. 607.

We oppose S. 607 because it is not addressing our Tribe's ancient and extensive rights and interests in the area. More specifically, the CTWSRO objects to—

1) The haste with which S. 607 is being advanced, overriding CTWSRO's issues and expressions of concern;

2) The lack of any customary federal wilderness study or inventory, which is essential for the CTWSRO to make informed decisions about the bill;

3) The placing at risk CTWSRO's historic resources (archeological and cultural treasures);

4) The elimination of thousands of federal acres upon which we rely to exercise our Treaty rights;

5) The lack of access to the remaining federal lands in the area, upon which we also rely to exercise our Treaty rights; and

6) What appears to be no consensus among stakeholders in this legislation.

The lands involved in S. 607, south of the hamlet of Clarno on the western side of the John Day River and Basin, Oregon, are fully within the territory ceded by our Tribes in the Treaty of Middle Oregon of June 25, 1855. It is, in fact, at the heart of our territory since time immemorial, and is subject to our Treaty's perpetual reserved rights to hunt, gather roots and berries, and pasture our stock on all unclaimed lands within the Treaty territory. Our Tribes have always been principal occupants of the area, and continue so today, with CTWSRO individual and Tribal trust allotments throughout the vicinity. We have Treaty fishing rights in the John Day River and treaty fishing sites along the River. We are also principal land owners, as exemplified by the Pine Creek Conservation Area just north and across the John Day River from Cathedral Rock.

The Tribes are very engaged land managers in the area. Pine Creek Conservation Area is managed for a wide range of conservation purposes. It is a key piece of property around which the Spring Basin wilderness was established just two years ago. The Tribes were a significant party in the Spring Basin legislation, actively participating and collaborating in that effort with other parties, such as the Oregon Natural Desert Association (ONDA), who today, in pursuing Cathedral Rock—Horse Heaven, cite Spring Basin as a prime example of how well they work with others on wilderness issues.

Customarily the CTWSRO supports wilderness and is pleased to work cooperatively in its development and passage, as exemplified by the Spring Basin wilderness, the Oregon Badlands wilderness, the Mount Hood wilderness, the upper John Day wilderness, and numerous other wilderness and public lands undertakings. Within our own Reservation, where we rely on timber harvest as a principal source of tribal revenue and employment, we manage for sustainability and have set aside many thousands of acres as our own wilderness designation.

Yet the proponents of the Cathedral Rock—Horse Heaven wilderness and land consolidation proposal did not properly inform the CTWSRO of their plans or invite us to participate in the proposal's development, particularly in the critical early stages when land transactions were being proposed and ultimately settled upon. Such exclusive conduct threatens our Treaty resources and sensitive environmental values for the potential benefit of commercial interests.

This quiet, private development of the proposal is underscored in a Cathedral Rock—Horse Heaven article on ONDA's website at http://onda.org/defending-desert-wilderness/john-day-wilderness that says, paraphrasing, that people long familiar with the John Day area maybe hadn't heard of these two new ONDA-proposed wilderness areas, because, as ONDA states, "they existed before only as topographical features." Certainly, they have never been identified as federal wilderness study areas, nor have they received any comprehensive inventory and impact evaluation.

In getting together privately to allocate the lands for exchange, the proponents had to be very aware of CTWSRO interests in the area. ONDA has extensive experience working with the Tribes on wilderness issues just across the River on Spring Basin, and the proponents' Cathedral Rock-Horse Heaven proposal information packet, under a Warm Springs heading, notes that there are "several known cultural sites in the area." The ONDA website article on the proposal is even more specific, stating "the history of the area also is rich and intriguing: a significant number of archeological sites, including pithouse villages, stone tool sites, and rock-art pictographs are scattered across the landscape." Certainly, as the proponents were extolling the very elements of our history as part of "an incredible heritage for public lands recreationists," they had to be aware of the CTWSRO's significant, even compelling, interests in the area. It is very dismaying to see the proponents actively converting our heritage, the very elements of our history, to that for public land recreationists where we were not invited to participate. The proponents are avoiding the customary wilderness studies and inventories that would provide us more information about the exact scope of those interests.

The proponents' determination not to have the CTWSRO at the table during their development of the proposal is important because, when they unveiled the proposal to the public and Congress, it was a done deal, a complete package with all the land transfers already agreed upon and locked down in maps and equalized valuations. With the proponents already locked in agreement on how they were divvying-up the land, there has not been any open and realistic opportunity for other interested parties, such as the CTWSRO, to engage in any significant revisions of the transfer of

parcels, even if we had been in possession of an inventory needed for an informed evaluation. After the essentially finalized proposal was unveiled in late October 2009, the proponents presented it to Congress in late November 2009 and legislation was introduced in late January 2010. A hearing, scheduled for March 2010, was postponed and then reset on short notice in April. The CTWSRO were not invited to testify, and the BLM did not present or submit any testimony.

From our Tribes' first knowledge of the Cathedral Rock—Horse Heaven proposal, we have cautioned its authors about our interests in the area and urged that a comprehensive study or inventory be conducted. Last Congress, when the initial Cathedral Rock—Horse Heaven bill, S. 2963, was proposed for Committee mark-up August 4, 2010, the CTWSRO wrote the bill's sponsor specifically withholding judgment on the bill because of its lack of a resource inventory.

The Tribes' concerns about the need for a thorough inventory were more than confirmed on April 12 of this year when the BLM shared—for the first time—the raw data of a 1984-85 archaeological sample survey of the area with the Tribes and Congressional staff in a meeting at Warm Springs. That data showed at least sixty historic properties (archaeological and historic) within BLM administered lands within a portion of S. 607's area, where all of these sites will shift to private ownership, out of federal protection, pursuant to S. 607. Please bear in mind this is just a sample survey of the area, and it was conducted in 1984-85 under standards considerably less rigorous than today.

When this information was presented, its meaning was clearly evident to all: that the lands in S. 607 involve a great number of archeological and cultural sites, including sites of considerable importance. There was extensive discussion on how to proceed, and it was generally accepted, we believe, by all in the room, including the Congressional staff present, that the raw data from the BLM's 1984-85 sample survey should be synthesized into a report, that the report should be reviewed, and the potential need for a wilderness study or inventory evaluated before S. 607 moves further. Nobody in that meeting disputed that understanding. In the meeting, the BLM roughly estimated producing such a synthesis would take at least three months. On April 29, 2011, the CTWSRO communicated that understanding and time line in a letter to S. 607's sponsors. Now, it appears to us that the BLM's data, that the understanding believed to be reached in that April 12 meeting, and the CTWSRO's April 29 letter on that point, along with all the CTWSROs' earlier concerns about the same point, have been brushed aside, because today we are here in a Subcommittee hearing, for the record, on S. 607.

We are very concerned about the fate that S. 607 poses for our historic and cultural sites. While vandalism, such as illegal pot hunting and grave robbing, are issues of national concern for both the Indian people and various federal agencies, the ONDA website article cited above touts our archeological sites as tourist attractions, and many sites we do not know about will likely shift out of federal protection to the privately owned lands of a heavily utilized youth camp. Neither of those prospects offer us any comfort, despite the proponents' half hearted offers to "work with Warm Springs" on some agreement or conservation easement regarding just "several" sites. Without the knowledge of just what and where our sites are on these lands, we are very reluctant to enter into some deal that, at best, might offer our history only a fraction of the protection it needs.

Furthermore, the CTWSRO's cultural concerns extend beyond our archaeological resources. We are equally concerned with the location and abundance of those natural resources that tribal members are still utilizing today in the exercise of our explicit Treaty rights.

In addition, we assert that the "equalization" of the lands transferred in S. 607 should be based on more than just money. We assert that the United States, as our trustee, owes our Tribe an obligation to preserve the federal acres containing our heritage and upon which the exercise of our Treaty rights depend. S. 607, instead of just making sure that the monetary value of the local land owners is kept equal, should also make sure that the federal acres available to us are kept equal. The land is important to us. Our Treaty rights to hunt, gather and graze lose value to us with the loss of each acre of federal land, and S. 607 is expected to shear off approximately 2,344 federal acres, as upland federal acres considered to be worth less money are traded away for fewer acres down by the river that are viewed as more valuable. Those fewer, more recreationally attractive acres will draw more public recreationists or be traded away to a youth group, sacrificing larger and less visited tracts that may be important to our people. Again, the lack of an inventory of the cultural plants (fiber, food, and medicinal) and wildlife resources that are essential elements of our Treaty rights further deprives us of the ability to represent our interests in the area.

In addition to reducing the total number of federal acres available for CTWSRO Treaty rights, CTWSRO also objects to S. 607 because it further limits our access to the remaining federal acres in the area. The upland blocks of federal land are being traded away for fewer acres either accessible only by river or accumulated in a remote area. Existing public roads, already insufficiently maintained, could be closed as they traverse greater stretches of private land. There will certainly be less reason for the county to maintain the roads or even keep them open. With Cathedral Rock basically cut off except by boat, and Horse Heaven available only by a few tentative roads, tribal members could, as a practical matter, lose Treaty use access to thousands of additional acres.

Finally, Warm Springs objects to the rush in which the proponents are seeking to push the Cathedral Rock—Horse Heaven wilderness and land consolidation proposal through Congress. As ONDA states in its November 23, 2008 Memorandum for Oregon Congressional Delegation re Oregon Desert Wilderness—Current and Future Opportunities, "we know from our experience with Badlands and Spring Basin, as well as the Steens Mountain Cooperative Management and Protection Act, wilderness does not happen overnight" (emphasis added). It continues that the Spring Basin wilderness "exemplified the ability to work with diverse allies and bring bipartisan interests together to accomplish wilderness protection" and how ONDA is "building support from the ground up—meeting with landowners and local stakeholders" on Cathedral Rock and Horse Heaven. From our perspective, that simply isn't happening here, just to the contrary of the proponents' claims to patience and cooperation.

We know of no reason justifying the rushed consideration of S. 607. We fail to understand why, for the suddenly essential convenience of several large local land owners and the recreating public, our ancestral sites have to be put at risk, why customary land inventories are being denied us, why our Treaty land base has to be diminished, and why our Treaty access to remaining federal lands is being essentially foreclosed. Why are these things being taken from us, the Confederated Tribes of Warm Springs, the oldest inhabitants of the area, when

—the proposal involves land never designated as wilderness study area,
—there is no customary wilderness inventory that would help inform interested parties, such as the Confederated Tribes of Warm Springs, about the extent of their interests in the area,
—outside parties, despite the proponents knowing their significant interests in the area, were not included in the development of the proposal,
—the privately developed proposal is presented by its proponents as a complete, basically unalterable package that is difficult, if not impossible, for other interested parties to revise, especially if the other interested parties are not being provided information customarily provided and needed for those revisions, and then
—the proponents press hard to speed the proposal through Congress, seeking to prevent the due deliberation they acknowledge is the usual case to build consensus on wilderness issues.

The Confederated Tribes of Warm Springs oppose. S. 607, and ask that it not advance until the issues we raise above are addressed.

Sincerely,

STANLEY "BUCK" SMITH,
*Chairman.*

STATEMENT OF THE LOWER COLUMBIA CANOE CLUB * THE CONSERVATION ALLIANCE * OREGON NATURAL DESERT ASSOCIATION FRIENDS OF THE JOHN DAY BASIN * HELLS CANYON PRESERVATION COUNCIL * SISKIYOU PROJECT AUDUBON SOCIETY OF PORTLAND * THE WILDERNESS SOCIETY * SODA MOUNTAIN WILDERNESS COUNCIL OREGON HUNTER'S ASSOCIATION, REDMOND CHAPTER * OREGON WILD

Our organizations, representing sportsmen and conservationists through Oregon, support the passage of S. 607, the Cathedral Rock and Horse Heaven Wilderness Act of 2011. This bill will consolidate isolated public lands, increase public access, and protect over 17,000 acres of wilderness in the John Day River basin.

The Cathedral Rock Wilderness proposal will protect 8,322 contiguous acres of amazing scenic vistas, recreational areas, and fish and wildlife habitat along the John Day Wild and Scenic River. Currently, this area is a checkerboard mix of public and private lands, making management and public access difficult. Through the exchanges proposed in this legislation with key private landowners, valuable public lands will be consolidated along the river and four new miles of public river access will be created for hunters, anglers, and recreationists.

The Horse Heaven Wilderness proposal takes a similar land ownership pattern and proposes 8,978 acres of wilderness to protect a beautiful landscape of sagebrush and grassland habitat for mule deer, elk, John Day pincushion cactus, and a number of other sensitive plants and animals. This area provides outstanding opportunities for primitive recreation and solitude.

Taken together, the Cathedral Rocks and Horse Heaven proposals will increase road access to BLM lands by 1,661 acres and increase river access to 7,501 acres, thereby doubling the public's access, from 9,112 acres to 18,245 acres. This will provide our members new places to explore and recreate on large tracts of wilderness.

Patchwork areas of public lands are ineffective in preserving wildlife species' migration patterns and breeding grounds. By integrating these areas in this legislation, we will ensure that fish and wildlife populations are sustained for future generations.

Oregon currently is under-represented for public lands protected as wilderness. While Idaho, Washington and California have 9, 10, and 15 percent of their state land area protected as wilderness, Oregon only has 4 percent. Thank you for your continued work to support this proposal, showing that wilderness protection is an important public value for our state and our future.

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*June 1, 2011.*

Hon. RON WYDEN,
*Chairman.*

Hon. JON BARASSO,
*Ranking Member, Committee on Energy and Natural Resources, Subcommittee on Forests and Public Lands, SD-304 Dirksen Senate Office Building, U.S. Senate, Washington, DC.*

DEAR SENATOR CHAIRMAN WYDEN AND RANKING MEMBER BARASSO:

Thank you for the opportunity to submit testimony regarding Senate Bill 607 on behalf of Young Life, Cherry Creek Ranch, Antone Ranch, and the Oregon Natural Desert Association (ONDA). ONDA is a 1,500 member non-profit organization whose mission is to protect, defend and restore Oregon's high desert. Young Life is one of the largest Christian youth organizations in the United States and serves tens of thousands of children every year. Young Life and Cherry Creek Ranch both own lands immediately adjacent to the proposed Wilderness areas. The Antone Ranch in neighboring Wheeler County includes key acreage proposed for exchange that will augment proposed wilderness areas and improve public lands management for both the Bureau of Land Management (BLM) and the US Forest Service (USFS). We support the leadership of Senators Wyden and Merkley in advancing S. 607, the Cathedral Rock and Horse Heaven Wilderness Act of 2011.

Cathedral Rock and Horse Heaven are natural treasures that merit permanent protection as Wilderness. Located on the John Day Wild and Scenic River, the proposed Cathedral Rock and Horse Heaven wilderness areas are a tapestry of rolling hills, providing spectacular vistas of the river and the surrounding landscape. This unique wild area offers a profusion of desert wildflowers in the spring, along with recreational opportunities for boaters, hikers, horseback riders, hunters, botanists, and other outdoor enthusiasts. The area also provides valuable habitat for a variety of wildlife including Rocky Mountain elk, cougars, mule deer, bobcats, mountain bluebirds, prairie falcons and golden eagles.

Over 100 years ago, The Dalles-Canyon City military road agreements left a checkerboard pattern of BLM lands in this area with over 8,000 acres inaccessible to the public and tribal sovereign nations. This has created confusion and a legacy of poaching and trespass onto private lands—a key issue that we hope to resolve with the proposed exchanges and associated agreements. This proposal was negotiated in a way that doubles the amount of land available for public use while respecting the concerns of neighboring private landowners.

One of the two areas, the nearly 8,000-acre Cathedral Rock Wilderness, will be accessed only via the John Day River. This is not a new concept in the region. All three wilderness study areas located downstream of Cathedral Rock, including Northpole Ridge, Thirtymile, and Lower John Day, are also accessed exclusively by river. In fact, the greatest demand on public lands in the John Day Basin is for recreational use on the river corridor. Thousands of boaters and anglers float this stretch of the river every year. The Cathedral Rock proposal will expand public ownership by over four miles along the John Day River and open up numerous new river campsites to the public. At the same time, the nearby Horse Heaven Wilderness consolidates over 9,000 acres in a way that will provide clearly-marked boundaries along with two trailheads for parking and recreational camping uses. This will

create additional hiking and hunting opportunities while also reducing conflicts between public and private lands. The amount of public land accessible via Gosner Road alone would increase from 7,400 to 9,500 acres; what's more these lands will be configured in a contiguous block rather than disparate, small parcels that are largely inaccessible by the public. It is the combination of the Horse Heaven and Cathedral Rock areas—one featuring road access and another featuring river-only access—that makes this a winning proposal.

The proposal considered today is the result of years of collaboration by numerous parties with diverse interests including neighboring landowners, county governments, conservationists, and recreationists. As such the proposal accomplishes several important objectives including: 1) permanent protection of Cathedral Rock and Horse Heaven as wilderness, 2) consolidation of land ownership that improves public and private land management, and 3) improved access to otherwise inaccessible public lands.

This process began from the ground-up; first by addressing concerns of the adjacent landowners, and then by contacting public land stakeholders to understand how the identified areas would be utilized. For example, in August 2009 during early critical stages of the process, we contacted representatives of the adjacent Pine Creek Conservation Area and Confederated Tribes of Warm Springs Reservation of Oregon (CTWSRO) to understand how this proposal might affect them.

As a result, on November 5, 2009 we conducted a follow-up meeting with CTWSRO in which we agreed to remove from the proposal nearly 1,500 acres of wilderness-quality lands from the east side of the John Day River due to tribal concerns about future access and use of its property and ceded lands. This subsequently resulted in a name change—from Coffin Rock to Cathedral Rock—due to Coffin Rock being removed from the proposal.

Young Life is committed to working with CTWSRO to address cultural resource concerns by excluding from consideration discrete parcels with highly sensitive cultural resources and developing access agreements and/or conservation easements as necessary to accommodate tribal concerns. We also recognize the need to appropriately safeguard cultural resources on BLM parcels slated to be converted to private ownership. The proponents of this bill remain firmly committed to supporting CTWSRO's efforts to identify, analyze and permanently protect these sites from disruption or development. The cultural heritage of the John Day Basin must be preserved for future generations.

With a re-organization of public and private lands ownership in the region, we have recognized the need to understand the values associated with the affected lands. A November 2008 review of public lands values in the area was conducted by the BLM for portions of these areas (10 07 13 Horse Heaven OR-054-015 and sub-unit E of 10 07 13 Spring Basin WSA Additions OR-054-017) and are available at http://www.blm.gov/or/districts/prineville/plans/inventas.php. In addition, the BLM has for decades collected data for cultural, historical and botanical resources that is secured at the Prineville District Office. ONDA also has made available georeferenced photo points of the proposed areas to aid stakeholders in decision making. This information helps establish a solid foundation for the future evaluation of environmental and cultural values that will be necessitated by S. 607. We continue to encourage any stakeholder to contact us to arrange field visits to any of the sites that may require more in-depth clarification of pertinent natural resources. We understand there are certain privacy and security issues involved with cultural resource visits and are willing to accommodate the CTWSRO as needed.

We believe that this proposal is a worthy representation of the mutually-beneficial solutions that are possible when diverse stakeholders come together. One need look no further than the raw numbers to see the public benefits of this proposal. Prior to the exchange, the public can access only 9,112 acres of their land via roads or the John Day River. Once this proposal is accomplished, available public lands will be expanded to 18,245 acres. That doubles the amount of land available for public use in the area. Instead of the public attempting to access to small chunks or narrow swaths of land that are currently inadequate for activities such as hunting and hiking, the public will have access to two sizeable blocks of contiguous land, each totaling thousands of acres. This is a win for the public, a win for adjacent landowners, a win for the legacy of public land conservation in Oregon, and we hope you will lend your support.

All land subject to these exchanges will be appraised by certified professionals in order to establish objective and quantifiable values. The end result will be equal land values to ensure that both the public and private landowners will not unduly benefit nor be short changed at the expense of the other. Any discrepancy in acreage will be due to the generally-recognized higher value attributed to river front parcels vis a vis correspondingly lower-valued upland acreage. Additionally, all land pro-

posed for exchange will be subject to procedures prescribed by the National Environmental Policy Act in order to identify and index all cultural, historical, botanical, HAZMAT, archeological, and land tenure issues that may need resolving prior to consummating the exchanges.

Chairman Wyden, thank you for introducing Senate Bill 607. We strongly support the legislation and look forward to working with your staff and the Committee to finalize a bill that will consolidate land management and protect the Cathedral Rock and Horse Heaven areas as enduring wilderness to be widely enjoyed by generations of people.

Sincerely,

BRENT FENTY, EXECUTIVE DIRECTOR,
*Natural Desert Association.*

RICH ELLERD, RANCH MANAGER,
*Oregon YoungLife, Washington Family Ranch.*

MATT SMITH SHAWN JONES, RANCH MANAGER,
*Cherry Creek Ranch Antone Ranch.*

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JEFFERSON COUNTY,
BOARD OF COMMISSIONERS,
*Madras, OR, May 25, 2011.*

Hon. RON WYDEN,
*Senator, 223 Dirksen Senate Office Building, Washington, DC.*

RE: Cathedral Rock and Horse Heaven Wilderness Act of 2011 (S.607).

DEAR SENATOR WYDEN: We are writing to voice our concern about the current configuration of the Cathedral Rock Wilderness Area. The Board of Commissioners supported this legislation and sent your office a letter of support on October 14, 2009 (attached) (originally called Coffin Rock Wilderness Area). The Board must withhold its support in its current configuration, since public road access to the Cathedral Rock Wilderness Area has been modified.

The Board of Jefferson County Commissioners can only support these wilderness proposals if public access is allowed from the adjacent public roads as it was presented to us on August 5, 2009. The Cathedral Rock Wilderness Area, as presented to the Board of Commissioners, promised public access from the John Day River and from the Muddy Ranch road.

The Jefferson County Board of Commissioners is in full support of the consolidation public and private land, but only if it will lead to equal or increased public access.

The County is willing to discuss with the local land owners a seasonal closure of the entire length of the Muddy Ranch Road during adverse road conditions and hunting season. We look forward to speaking with you further about the current configuration if you have any questions.

Sincerely,

MIKE AHERN,
*Chair.*

WAYNE FORDING,
*Commissioner.*

ATTACHMENT

JEFFERSON COUNTY,
BOARD OF COMMISSIONERS,
*Madras, OR, October 14, 2009.*

Hon. RON WYDEN,
*Senator, 223 Dirksen Senate Office Building, Washington, DC.*

DEAR SENATOR WYDEN:

We are writing to encourage you to introduce the Coffin Rock and Horse Heaven Wilderness legislation, including the proposed land exchanges. The Jefferson County Commissioners support both of these wilderness proposals.

One of Jefferson County's most precious resources is our public lands. Unfortunately, we face limited public access to those lands. This legislation and the proposed land exchanges will provide better public access to these areas. This will be a significant means of attracting visitors to Jefferson County to help support our local economy.

We look forward to speaking with you further about the proposal if you have any questions.

Sincerely,

JOHN HATFIELD,
*Commission Chair.*
MIKE AHERN,
*Commissioner.*
WAYNE FORDING,
*Commissioner.*

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INTERTRIBAL TIMBER COUNCIL,
BOARD OF DIRECTORS,
*Portland, OR, May 19, 2011.*

Hon. RON WYDEN,
*Chairman.*

Hon. JOHN BARRASSO,
*Ranking Member, Committee on Energy and Natural Resources, Subcommittee on Public Lands and Forests, SD-304 Dirksen Senate Office Building, U.S. Senate, Washington, DC*

Re: Statement submitted for the May 18, 2011 Subcommittee hearing record on S. 896, the "Public Lands Service Corps Act of 2011."

DEAR CHAIRMAN WYDEN AND RANKING MEMBER BARRASSO:

As President of the Intertribal Timber Council (ITC), I am writing to express the ITC's support for S. 896, the "Public Lands Service Corps Act of 2011," and in particular its establishment of an Indian Youth Service Corps. I request that this testimony be made a part of the Subcommittee's formal May 18, 2011 hearing record on S. 896.

The ITC is a 35 year old association of 70 forest owning tribes and Alaska Native organizations that collectively manage more than 90% of the 18 million acres of timberland and woodland that are under BIA trust management. Our vision and mission are dedicated to improving the management of Indian Country's natural resources. We are proud to announce that with the scholarships we will award this year, we will have been able to provide over $500,000 to help Indian youth pursue college degrees in natural resource fields. We view the establishment of an Indian Youth Service Corps as a vitally important step towards reconnecting future generations with their lands and cultures.

The Public Lands Service Corps Act of 2011 is a welcome initiative that would train and employ idle, unemployed and unengaged youth in natural resource projects intended to address the health and management crisis afflicting America's natural resources. Over the longer term, the Act would encourage youth to pursue careers in administering and managing our collective heritage of America's lands, resources, and waters into the future.

S.896 is especially important for Indian Tribes. A burgeoning young population in Indian Country is facing a profound lack of employment possibilities while cultural foundations are being undermined by a deteriorating natural resource base. By specifically authorizing Indian Youth Service Corps programs that can perform work directly on Indian lands, S.896 focuses the multiple benefits of the Public Lands Service Corps Act on Indian Country with the essential recognition of tribal authority over Indian lands and vital spiritual, economic, and cultural connections to the health of tribal lands and resources.

Through the Indian Youth Service Corps and conservation related projects on Indian land, the bill establishes a path for increased tribal involvement in managing the trust estate under the fiduciary responsibility of the United States.

As we understand the bill,—

- Indian Youth Service Corps (IYSC) organizations must be a "qualified youth or conservation corps" (QYCC), a defined term.
- The tribe may set up its own QYCC or engage an outside nonprofit organization's QYCC, so long as the majority of the participants are Indian youth.
- The tribe must pass a resolution describing its agreement with the QYCC, whether tribal or outside, the tribe or the QYCC must file an application with the Secretary, and the projects on tribal land must be approved by the tribe.
- The IYSC must meet all QYCC requirements, and all IYSC participants must meet national standards, including a maximum (but interruptible) service term of two years.

- Service terms for IYSCs are to be established, presumably within the two-year maximum, in consultation with the affected tribe or the "tribally authorized organization" (Sec. 209(b)(2) of the Youth Conservation Corps Act as amended by S. 896). [NOTE: the term "tribally authorized organization," initially used with regard to IYSCs in earlier iterations of the legislation, has otherwise been replaced in S. 896 with "qualified youth or conservation corps." "Tribally authorized organization" also appears in S. 896 at the tribal preference provision (Sec. 204(d)(3)).]
- In the national award of cooperative agreements to QYCCs or competitive grant awards to tribes, preference may be given to IYSCs in areas where a substantial portion of members are economically, physically, or educationally disadvantaged.
- The Interior Secretary shall set up an IYSC liaison.
- The Secretary may hire former IYSC participants on a non-competitive basis.

We applaud the breadth of "appropriate natural and cultural resources conservation projects" that may be carried out by IYSCs, including continuation of many forestry activities and extending coverage to scientific, cultural, and visitor and interpretation services.

We note that the existing definition of "Indian lands" upon which projects may be conducted does not appear to extend to trust land that is not reservation land. Tribes generally can acquire land within or without their reservations in trust, but those lands, which customarily are not allotments, are not necessarily designated as "reservation" land, which can be a separate step, particularly if the land is outside the tribe's reservation. We suggest you amend S. 896 to have the definition of Indian lands include a more comprehensive description of trust land by inserting a new (B) (and relettering (B) through (E)) as "(B) land title to which is held by (i) the United States in trust for an Indian, an individual of Indian or Alaska Native ancestry who is not a member of a federally recognized Indian tribe, or an Indian tribe, or (ii) an Indian, an individual of Indian or Alaska Native ancestry who is not a member of a federally recognized Indian tribe, or an Indian tribe subject to a restriction by the United States against alienation;". This definition is taken from the National Indian Forest Resources Management Act (PL 101-630, Title II, Section 304(10)).

The ITC appreciates the opportunity to provide this testimony. We hope our comments prove helpful in the Subcommittee's consideration of S. 896 and ultimate enactment of this important legislation.

Sincerely,

JOE DURGLO,
*President.*

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NATIONAL CONGRESS OF AMERICAN INDIANS,
*Washington, DC, May 31, 2011.*

Hon. RON WYDEN,
*Chairman.*

Hon. JOHN BARRASSO,
*Ranking Member, Committee on Energy and Natural Resources, Subcommittee on Public Lands and Forests, SD-304 Dirksen Senate Office Building, U.S. Senate, Washington, DC.*

Re: Statement submitted for the May 18, 2011 Subcommittee hearing record on S. 896, the "Public Lands Service Corps Act of 2011."

DEAR CHAIRMAN WYDEN AND RANKING MEMBER BARRASSO:

The National Congress of American Indians writes to express our support for S. 896, the "Public Lands Service Corps Act of 2011." The Act is a welcome initiative that would train and employ young men and women in natural resource projects to help manage America's natural resources for future generations, and is supported by NCAI resolution ABQ-10-090 (attached).*

The Act's establishment of a national Indian Youth Service Corps (IYSC) and grant program would enable Indian youth to carry out projects on Indian lands that are shaped and determined by Indian tribal governments, and would offer tribes and their young people a wide array of benefits. It would provide tangible rays of hope for Indian youth, too many of whom are exposed to substance abuse, suicide, obesity, educational non-attainment, and unemployment.

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*Document has been retained in subcommittee files.

The IYSC programs would: reconnect tribal youth with their lands and cultural heritage; foster pride in their peoples, lifeways, lands, natural resources, and themselves; and create internship and career opportunities to protect and serve their peoples, governments, lands, economies, and traditions. Tribal natural resource departments would receive assistance for their underfunded and understaffed programs, and train future generations to carry on practices that blend ancestral traditions with modern techniques.

We offer one suggestion to improve the effectiveness of the IYSC program. Sec. 207(a) states that IYSC programs can carry out appropriate natural and cultural resources conservation projects on Indian lands. (emphasis added). While we believe that the emphasis should remain on projects on Indian lands, we note that some natural resources activities undertaken by tribes are on lands adjacent to or near Indian lands, in collaboration and agreement with other governments and affected entities, and may involve cultural resources, sacred sites, treaty rights, and other tribal interests. We ask that IYSC programs be extended to such lands with the agreement of other stakeholders with interests in those lands. As ecosystems often transcend political boundaries and collaboration ever more necessary in the challenging budgetary context, such projects provide holistic and effective approaches to natural resources protection.

Positive collaborations between tribes and others already exist across the country. Tribes in states of Washington and Oregon work regularly with other entities to protect the health of the rivers, estuaries, coastal and inland waters. The Pueblo of Jemez and the Santa Fe National Forest have a memorandum of understanding for collaborative management of aboriginal lands in the forest.

If the IYSC program were extended beyond Indian lands, tribal youth will work on projects under the Tribal Forest Protection Act, which enables tribes to engage in forest restoration of federal public forest lands adjacent to tribal forests. Tribes with small land bases will empower their youth to protect sacred sites and other culturally significant resources located outside reservation boundaries.

Therefore, we ask that IYSC programs be extended to include conservation projects on Indian lands and on other lands in which tribes have treaty protected interests, sacred sites, and natural resources of cultural significance. We understand that this would require the agreement of those with interests in such lands.

We appreciate the opportunity to provide this testimony. We hope our comments prove helpful in the Subcommittee's consideration of S. 896 and ultimate enactment of this important legislation.

Sincerely,

JACQUELINE JOHNSON-PATA,
*Executive Director.*

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STATEMENT OF GREGORY E. CONRAD, EXECUTIVE DIRECTOR, INTERSTATE MINING COMPACT COMMISSION, ON S. 897

My name is Gregory E. Conrad and I serve as Executive Director of the Interstate Mining Compact Commission. I am submitting this statement for the record on behalf of the Interstate Mining Compact Commission (IMCC) and the National Association of Abandoned Mine Land Programs (NAAMLP) regarding a legislative hearing on S. 897, a bill to amend the Surface Mining Control and Reclamation Act of 1977 (SMCRA) to clarify that uncertified States and Indian tribes have the authority to use certain payments for noncoal reclamation projects and for the acid mine drainage set-aside program. Both of the organizations I represent strongly support this critical amendment to SMCRA.

The Interstate Mining Compact Commission (IMCC) is an organization of 24 states located throughout the country that together produce some 95% of the Nation's coal, as well as important hardrock and other noncoal minerals. Each IMCC member state has active mining operations as well as numerous abandoned mine lands within its borders and is responsible for regulating those operations and addressing mining-related environmental issues, including the reclamation of abandoned mines. Over the years, IMCC has worked with the states and others to identify the nature and scope of the abandoned mine land problem, along with potential remediation options.

The NAAMLP is a tax-exempt organization consisting of 30 states and Indian tribes with a history of coal mining and coal mine related hazards. These states and tribes are responsible for 99.5% of the Nation's coal production. All of the states and tribes within the NAAMLP administer abandoned mine land (AML) reclamation programs funded and overseen by the Office of Surface Mining (OSM) pursuant to Title IV of the Surface Mining Control and Reclamation Act (SMCRA, P.L. 95-87).

Mr. Chairman, nationally, abandoned mine lands continue to have significant adverse effects on the environment. Some of the types of environmental impacts that occur at AML sites include subsidence, surface and ground water contamination, erosion, sedimentation, chemical release, and acid mine drainage. Safety hazards associated with abandoned mines account for deaths and/or injuries each year. Abandoned and inactive mines, resulting from mining activities that occurred over the past 150 years, are scattered throughout the United States. The sites are located on private, state and public lands.

Over the years, several studies have been undertaken in an attempt to quantify the hardrock AML cleanup effort. In 1991, IMCC and the Western Governors' Association completed a multi-volume study of inactive and abandoned mines that provided one of the first broad-based scoping efforts of the national problem. Neither this study, nor any subsequent nationwide study, provides a completely reliable and fully accurate on-the-ground inventory of the hardrock AML problem. Both the 1991 study and a recent IMCC compilation of data on hardrock AML sites were based on available data and professional judgment. While the data is seldom comparable between states due to the wide variation in inventory criteria, they do demonstrate that there are large numbers of significant safety and environmental problems associated with inactive and abandoned hardrock mines and that remediation costs are very large.

Across the country, the number of abandoned hardrock mines with extremely hazardous mining-related features has been estimated at several hundred thousand. Many of the states and tribes report the extent of their respective AML problem using a variety of descriptions including mine sites, mine openings, mine features or structures, mine dumps, subsidence prone areas, miles of unreclaimed highwall, miles of polluted waterways, and acres of unreclaimed or disturbed land. Some of the types of numbers that IMCC has seen reported in our Noncoal Mineral Resources Survey and Report and in response to information we have collected for the Government Accountability Office (GAO) and others include the following gross estimated number of abandoned mine sites: Alaska—1,300; Arizona—80,000; California—47,000; Colorado—7,300; Montana—6,000; Nevada—16,000; Utah—17,000 to 20,000; New York—1,800; Virginia—3,000 Washington—3,800; Wyoming—1,700. Nevada reports over 200,000 mine openings; New Mexico reports 15,000 mine hazards or openings; Minnesota reports over 100,000 acres of abandoned mine lands and South Carolina reports over 6,000 acres.

What becomes obvious in any attempt to characterize the hardrock AML problem is that it is pervasive and significant. And although inventory efforts are helpful in attempting to put numbers on the problem, in almost every case, the states are intimately familiar with the highest priority problems within their borders and also know where limited reclamation dollars must immediately be spent to protect public health and safety or protect the environment from significant harm.

Today, state agencies are working on hardrock abandoned mine problems through a variety of limited state and federal funding sources. Various federal agencies, including the U.S. Environmental Protection Agency, Bureau of Land Management, U.S. Forest Service, U.S. Army Corps of Engineers and others have provided some funding for hardrock mine remediation projects. These state/federal partnerships have been instrumental in assisting the states with our hardrock AML work and, as states take on a larger role for hardrock AML cleanups into the future, we will continue to coordinate with our federal partners. However, most of these existing federal grants are project-specific and do not provide consistent funding. For states with coal mining, the most consistent source of AML funding has been the Title IV grants under the Surface Mining Control and Reclamation Act (SMCRA). Section 409 of SMCRA allows states to use these grants at high priority non-coal AML sites. The funding is generally limited to safeguarding hazards to public safety (e.g., closing mine openings) at hardrock sites.

In December 2006, Congress significantly amended the SMCRA AML program to, among other things, distribute funds to states in an amount equal to that previously allocated under SMCRA but never appropriated. However, while Section 409 was not changed or amended in any way, the Interior Department, through both a Soliticor's Opinion (M-37014) and final rule (73 Fed. Reg. 67576), has now interpreted SMCRA to prohibit this enhanced funding from being used for noncoal projects. This is a significant blow to states such as New Mexico, Utah and Colorado that have previously used SMCRA AML funds to address many of the more serious hardrock AML problems within their borders. In fact, some of the noncoal AML projects previously undertaken by these states have been recognized by OSM for their excellence pursuant to the agency's national AML awards program.

S. 897 would remedy the Interior Department's unfortunate interpretation of the 2006 Amendments and as such we strongly support the bill. That interpretation not

only disregards the fact that section 409 was left unamended by Congress, it is also inconsistent with assurances repeatedly given to the states and tribes by OSM during the consideration of the legislation that noncoal work could continue to be undertaken with these AML funds. The interpretation would also have the unacceptable result of requiring states and tribes to devote funds to lower priority coal sites while leaving dangerous noncoal sites unaddressed. While OSM will argue that this may impact the amount of funding available to uncertified states to address high priority coal problems, Congress did not seem overly concerned with this result but rather deferred to its original framework for allowing both high priority coal and noncoal sites to be addressed.

In its final rule implementing the 2006 amendments to SMCRA (at 73 Fed. Reg. 67576, et seq.), OSM continued to abide by its argument that "prior balance replacement" funds (i.e the unappropriated state and tribal share balances in the AML Trust Fund) are fundamentally distinct from section 402(g) moneys distributed from the Fund. This, according to OSM, is due to the fact that these prior balance replacement funds are paid from the U.S. Treasury and have not been allocated under section 402(g)(1). This is a distinction of convenience for the Interior Department's interpretation of the 2006 Amendments and has no basis in reason or law. The fact is, these funds were originally allocated under section 402(g)(1), are due and owing pursuant to the operation of section 402(g)(1), and did not change their "color" simply because they are paid from a different source. Without the operation of section 402(g)(1) in the first place, there would be no unappropriated (i.e. "prior") state and tribal share balances. The primary reason that Congress appears to have provided a new source for paying these balances is to preserve a balance in the AML Trust Fund to 1) generate continuing interest for the UMW Combined Benefit Trust Fund and 2) to insure that there was a reserve of funding left after fee collection terminates in 2021 to address any residual high priority historic coal problems. There was never an intent to condition or restrict the previously approved mechanisms and procedures that states and tribes were using to apply these moneys to high priority coal and noncoal problems. To change the rules based on such a justification is inappropriate and inconsistent with law.

The urgency of advancing this legislation has been heightened, Mr. Chairman, by statements in OSM's proposed budget for Fiscal Year 2012. Therein, OSM is proposing to further restrict the ability of states to expend AML funds on noncoal reclamation projects. This will apparently occur as part of a legislative proposal that the Administration supposedly intends to pursue in the 112th Congress. While the primary focus of that proposal will be the elimination of future AML funding for states and tribes that are certified under Title IV of SMCRA (which we adamantly oppose), OSM is also proposing to establish a hardrock AML reclamation fee in order to "hold each industry [coal and noncoal] responsible for the actions of its predecessors." We are uncertain exactly what OSM has in mind with respect to this aspect of the legislative proposal, but we suspect it has to do with clarifying the very issue that is the subject of S. 897. And while there may be merit for a hardrock AML reclamation fee, the potential for enacting this fee in the near future is highly unlikely. In the meantime, we are losing valuable time and resources by failing to authorize the use of unappropriated state and tribal share balances to address what even OSM has characterized as "a legacy of abandoned mine sites that create environmental hazards." It should be kept in mind, in this regard, that the availability of these funds for noncoal reclamation work will expire after FY 2014 when the last of the unappropriated state/tribal share funds will have been distributed.

For the same reasons that Congress needs to clarify this misinterpretation for noncoal AML work, it should also do so for the acid mine drainage (AMD) set aside program. Section 402(g)(6) has, since 1990, allowed a state or tribe to set aside a portion of its AML grant in a special AMD abatement account to address this pervasive problem. OSM's recent policy (and now regulatory) determination is denying the states the option to set aside moneys from that portion of its grant funding that comes from "prior balance replacement funds" each year to mitigate the effects of AMD on waters within their borders. AMD has ravaged many streams throughout the country, but especially in Appalachia. Given their long-term nature, these problems are technologically challenging to address and, more importantly, are very expensive. The states need the ability to set aside as much funding as possible to deal with these problems over the long term. Congress clearly understood the magnitude of this challenge given the fact that it increased the amount of money that states could set aside for this purpose from 10 to 30 percent in the 2006 Amendments. We therefore strongly support the inclusion of language in S. 897 that will correct the current policy interpretation by Interior and allow the use of unappropriated state and tribal share balances ("prior balance replacement funds") for the AMD set aside, similar to the use of these balances for noncoal work.

Over the past 30 years, tens of thousands of acres of abandoned mine lands have been reclaimed, thousands of mine openings have been closed, and safeguards for people, property and the environment have been put in place. There are numerous success stories from around the country where the states' AML programs have saved lives and significantly improved the environment. Suffice it to say that the AML Trust Fund, and the work of the states pursuant to the distribution of monies from the Fund, have played an important role in achieving the goals and objectives set forth by Congress when SMCRA was first enacted—including protecting public health and safety, enhancing the environment, providing employment, and adding to the economies of communities impacted by past coal and noncoal mining. Passage of S. 897 will further these congressional goals and objectives.

In support of our position on S. 897, we also request that you include for the record the attached resolution (No. 07-8)* adopted by the Western Governors that urges the continued use of funds collected or distributed under Title IV of SMCRA for the reclamation of high priority, hard-rock abandoned mines. This resolution is in support of the Western Governors' policy statements B.4 and B.5.

Thank you for the opportunity to present our views on S. 897. We welcome the opportunity to work with you to complete the legislative process and see this bill become law.

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STATEMENT OF JOHN BEMIS, SECRETARY, NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT, ON S. 897

Thank you for the opportunity to present a statement on this important topic.

We appreciate the efforts of Chairman Bingaman and this Committee to propose legislation that will clarify the intent of Congress under Title IV, the Abandoned Mine Land (AML) program, of the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

The State of New Mexico strongly supports S. 897. This bill will make only minor changes to SMCRA to correct a misinterpretation of SMCRA by the Office of Surface Mining of the Department of the Interior. S. 897 will return New Mexico and other states to their longstanding role under SMCRA of directing abandoned mine land grant funds to the highest priority needs at either coal or non-coal abandoned mines.

New Mexico has a long and distinguished history of both coal and hard rock mining. Centuries of mining have left a legacy of thousands of mine openings and other mine hazards that pose serious threats to public health and safety. We estimate that there are more than 15,000 unreclaimed mine hazards across New Mexico. Expanding populations and increasing recreational uses are increasing the exposure to abandoned mine dangers. An example of the AML problem is the numerous abandoned uranium mines located primarily in areas of Native American habitation in northwestern New Mexico.

The primary funding source for AML projects in New Mexico has been Title IV of SMCRA. SMCRA includes provisions for the safeguarding of abandoned coal mines and high priority non-coal mines. Funding from the fees collected on coal production has helped New Mexico address some of our most hazardous abandoned mines. Since the inception of the SMCRA AML program, New Mexico has addressed approximately 4,000 mine features and reclaimed over 700 acres of mine-disturbed land.

Section 409 of SMCRA (30 U.S.C. 1239) allows the States to use AML funds to address high priority non-coal abandoned mines as well as coal mines. While New Mexico still has abandoned coal mines that need reclamation, well over 90% of New Mexico's 15,000 mine hazards are located at abandoned hard rock mines. In the past few decades, all of the fatalities associated with abandoned mines in New Mexico have occurred at non-coal mines; sadly, another fatality occurred last year at an abandoned non-coal mine in New Mexico. With our SMCRA grants, New Mexico has balanced the need to reclaim abandoned coal mines with the need to address the significant and immediate health and safety threats posed by numerous non-coal mines. In the 6 years prior to the 2006 amendments, New Mexico's $1.5 million annual grant was roughly split between coal (55%) and non-coal (45%) projects.

In December 2006, Congress passed the Tax Relief and Health Care Act of 2006 which included a re-authorization of the AML fee on current coal production and other amendments to the SMCRA Title IV program. One of the major changes was the distribution to the States and Tribes of "state share" funds that had been previously allocated to the States under SMCRA, but had never been appropriated by

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*Document has been retained in subcommittee files.

Congress. For New Mexico, this amounts to approximately $20 million in additional AML funds distributed over a 7 year period, and presents a tremendous opportunity to address many of the high priority coal and non-coal abandoned mine threats.

Under SMCRA, the "state share" funds were available for use by the States at abandoned coal mines and, under Section 409, also at high priority abandoned non-coal mines. In the 2006 legislation, Congress did not amend Section 409. However, the Interior Department issued an opinion in December 2007 prohibiting the additional AML funds from being used at non-coal abandoned mine projects. The Office of Surface Mining followed with a rule, adopted on November 14, 2008, which codified the Interior Department's interpretation.

The new interpretation flies in the face of Congressional intent. Had the funds been appropriated to the State when they were originally allocated to the State, there would have been no question that these funds could be used for either coal or non-coal projects. Congress did not amend Section 409 of SMCRA in the 2006 amendments. However, the Interior Department has latched onto Congress' use of a new funding source to distribute the previously allocated funds to claim that the intent changed.

Since the beginning of the AML program, New Mexico, Utah and Colorado have used the SMCRA funds to reclaim abandoned coal mines while also addressing the significant health and safety threats posed by numerous non-coal mines. With these funds, New Mexico successfully completed a number of innovative projects that were recognized by OSM. In the Cerrillos Hills between Santa Fe and Albuquerque, we closed dozens of non-coal mines along trails in a park and protected park visitors from mine hazards while showcasing the mining history. This project received a national award from OSM. New Mexico also received the highest national award from OSM for the Real de Delores project in the Ortiz Mountains which safeguarded mine openings within one of the oldest gold mining districts in America.

The impact of the Interior Department's interpretation is significant. While New Mexico's annual AML grant increased to over $4 million, three million can only be spent on coal projects only and the remainder can be spent on either coal or non-coal projects. As a result, needed projects at dangerous abandoned hard rock mines have been delayed and funds diverted to lower priority abandoned coal mines.

This loss of flexibility also comes at a particularly significant time for New Mexico. For the past several years, the State has been using a variety of funding sources to conduct an inventory of abandoned uranium mines, many of which are located in areas occupied by Native Americans in northwestern New Mexico. The impacts of these uranium mines on the nearby residents, particularly the Navajo people, have received national attention and have been the subject of hearings before the House Oversight and Government Reform Committee. New Mexico is working cooperatively with the Navajo Nation and the U.S. EPA to coordinate work on abandoned uranium mines in areas near the Navajo Indian Reservation. With the new AML money available, we have a unique opportunity to finally address some of these sites which have caused great harm to the Navajo communities. With the Interior Department's restrictions, our options become much more limited, because the money for non-coal projects is much more limited. We hope you will prevent that reduction in funds for eliminating hazardous non-coal risks.

S. 897 will allow New Mexico and other western states to address some of the highest priority threats to public health and safety from non-coal mines while continuing to address the inventory of priority coal mines. Allowing more funds to be spent on non-coal mines may also result in more jobs. Our experience has been that non-coal AML projects are much more likely to attract partners and additional funding thus increasing the size of the project and the number of jobs generated. The uranium mine assessment project mentioned above is an example. New Mexico began the project with limited SMCRA funds and has attracted private, state and other federal funds to more than triple the size of the project.

This legislation has broad support in New Mexico from the mining industry, the environmental community and public officials. At the 2010 New Mexico Legislative Session, both houses of the New Mexico Legislature passed Memorials that requested the Congress to expedite legislation to allow uncertified states to use SMCRA funds on non-coal abandoned mine reclamation. Both Memorials passed all Committees and full chambers without a single dissenting vote.

Mr. Chairman and members of the Committee, we thank you for this opportunity to present New Mexico's position on S. 897. We urge the Committee to correct the misinterpretation of SMCRA and restore the flexibility needed by the States. We look forward to working with the Committee in the future.

STATEMENT OF JON J. INDALL, COUNSEL, THE URANIUM PRODUCERS OF NEW MEXICO, ON S. 897

Senator Bingaman has introduced S. 897 to request that Congress amend the Surface Mining Control and Reclamation Act of 1977 ("SMCRA") to clarify that the allocated funding for SMCRA can be used by non-certified states for non-coal reclamation projects. This amendment is critical for New Mexico to begin remediating abandoned mines and also to help create new jobs in the process.

New Mexico has a long and notable history of both coal and hard rock mining. When the Atomic Energy Commission ("AEC") created the Uranium Procurement Program in the 1950's, many companies in New Mexico answered the call for uranium to fuel the federal government's defense needs for nuclear weapons. A uranium mining industry was created almost over night. New Mexico became the largest uranium producing state in the nation, with over 380 million pounds produced for the nuclear weapons program and subsequently for nuclear power reactors. Today, the uranium industry in New Mexico is reemerging to once again help meet our country's increasing demands—this time to provide the uranium that will be essential to growing a nuclear energy supply in the United States.

The Uranium Procurement Program initiated by the AEC was very successful and resulted in the operation of numerous mines throughout New Mexico, mainly in Cibola and McKinley Counties. Unlike today, there were few standards and no mine closure requirements. As the Procurement Program met its production goals in the mid-1960's, most of the small operators gave way to the larger companies and the small company and individuals' mine sites were abandoned with little or no thought to reclamation. These uranium sites, along with a number of other hard rock abandoned mines, make up a legacy of abandoned hard rock mines in New Mexico. Since these mines were created to fulfill an urgent national defense priority, the federal government has a responsibility to assist in reclaiming the abandoned mines in New Mexico and other western states.

The Uranium Producers of New Mexico ("UPNM") has interest in S. 897 because its group of five uranium exploration and development companies are working to permit uranium mining and milling operations in New Mexico in the next two to four years. Current members of "UPNM" include: Laramide Resources Ltd., Neutron Energy, Inc., Rio Grande Resources Corporation, Strathmore Resources (U.S.) Ltd., and Uranium Resources, Inc. While none of these companies have ever mined in New Mexico, they recognize that the abandoned mines from mining activity that took place between the 1950's and 1970's are a concern of many citizens in the state. These companies have, therefore, advocated for the remediation of New Mexico's legacy mines.

The UPNM has worked closely with the Mining and Minerals Division ("MMD") of the New Mexico Energy, Minerals and Natural Resources Department on various state projects related to SMCRA. The MMD has identified a total of 166 abandoned uranium mines over which the agency has jurisdiction in New Mexico. In cooperation with MMD, UPNM funded the surveying of the first 21 of these sites located on state, federal and private lands. The MMD has since contracted the surveying of an additional 128 sites.

The purpose of surveying the abandoned mines is to allow the MMD to prioritize these sites for reclamation. Currently, 149 of the 166 sites have now been surveyed. If the SMCRA funding is made available for non-coal projects, the MMD can complete the surveying of the remaining 17 sites and begin addressing the clean-up at the surveyed sites determined to be of highest priority. This would not only mean the creation of shovel-ready jobs but also the beginning of a resolution to a fifty-year legacy left behind in New Mexico—a legacy that is the result of the federal government's call for uranium production for its nuclear defense needs dating back to the 1960's.

The primary source of funding for Abandoned Mine Land ("AML") projects in New Mexico has come from SMCRA. Under this program, New Mexico has successfully addressed approximately 4,000 mine features and reclaimed over 700 acres of mine-disturbed lands. New Mexico has successfully balanced the use of its SMCRA funds to accomplish reclamation on both coal and non-coal reclamation sites. The state needs to continue this important work, and the additional federal funding that would be made available by the enactment of S. 897 would allow the state to do so.

In December 2006, Congress amended SMCRA to allow the distribution of reclamation funds to states in an amount equal to that previously authorized to the states under SMCRA. Despite the uncontroverted fact that Congress did not amend the ability of states to use these funds for non-coal, hard rock mines, the Department of the Interior ("DOI") made such a determination. The passage of S. 897 is

now necessary to once again amend SMCRA to clarify that the appropriated funding can be used for non-coal reclamation sites.

Although the many stakeholders in New Mexico do not always agree on hard-rock mining issues, there is overwhelming agreement that New Mexico needs the SMCRA funding to help address the legacy of abandoned mines in our state. The New Mexico State Senate and House of Representatives passed memorials last year urging the New Mexico congressional delegation to collaborate to do what is necessary to amend SMCRA. The New Mexico Mining Association and the Association of Commerce and Industry have also written letters to the delegation supporting the amendment. The McKinley County Commission also passed a resolution in support of amending SMCRA. These memorials, letters and the resolution are attached for your review and the record.

The UPNM appreciates the opportunity to present this statement in support of S. 897 and would also appreciate a recommendation from this Subcommittee to move the legislation forward.

Thank you.

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ASSOCIATION OF COMMERCE AND INDUSTRY,
*Albuquerque, NM, March 15, 2010.*

Hon. JEFF BINGAMAN,
*U.S. Senate, 703 Hart Senate Office Bldg., Washington, DC.*

DEAR SENATOR BINGAMAN:

Subject: Amending the Surface Mining Control and Reclamation Act of 1977

An opportunity exists for New Mexico to resolve many of the legacy issues from the uranium-mining era that spanned the 1950s to the 1970s. Through an amendment to the Surface Mining Control and Reclamation Act of 1977 (SMCRA), New Mexico would be able to use monies for non-coal reclamation projects and dedicate those funds to clean-up of abandoned uranium mines. This clean-up would also help create shovel-ready jobs in New Mexico.

The Association of Commerce and Industry of New Mexico (ACI) supports the proposed federal legislation and encourages you and all the members of our delegation in Washington to seek passage of the SMCRA amendment.

ACI also supports the return of the uranium industry in New Mexico. Amending SMCRA could bring renewed production, which would provide the state with a reliable source of revenue and help relieve New Mexicans from future tax burdens.

The members of ACI hope you agree to lend your support and influence to this effort.

Sincerely yours,

DR. BEVERLEE J. MCCLURE,
*President & CEO.*

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STATE OF MISSOURI,
DEPARTMENT OF NATURAL RESOURCES,
*May 31, 2011.*

Hon. RON WYDEN,
*Chairman, Public Lands and Forests Subcommittee, Senate Energy and Natural Resources Committee, Room SD-304, Washington, DC.*

DEAR MR. CHAIRMAN:

I am writing in support of S. 897, a bill that would amend Title 1V of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) to clarify that uncertified states and Indian tribes have the authority to use certain payments under Title IV for noncoal reclamation projects and for the acid mine drainage (AMD) set-aside program under SMCRA. As you know, Title IV of SMCRA was amended in 2006 to, among other things, distribute funds to states and tribes in an amount equal to that previously allocated under SMCRA but never appropriated. Following enactment of these amendments, the Interior Department, through both a Solicitor's Opinion (M-37014) and a final rule (73 Fed. Reg. 67576), interpreted these amendments to prohibit this enhanced funding from being used for noncoal projects and the acid mine drainage set-aside program.

S. 897 would rectify the Interior Department's inappropriate interpretation of the 2006 Amendments to align with congressional intent and as such, we strongly endorse and support the bill. For further explanation and justification of our position, we refer you to the statement submitted by the Interstate Mining Compact Commission and the National Association of Abandoned Mine Land Programs for the record

of your Subcommittee's May 18th legislative hearing on S. 897. Given that the funds addressed by this proposed clarification of the 2006 Amendments will only be available for noncoal AML reclamation projects and for the AMD set-aside program for three more fiscal years, we urge expeditious action on S. 897.

Thank you for your leadership on this important legislation. If you require additional information, please do not hesitate to contact me at (573) 751-4041.

Sincerely,

MIKE LARSEN, DIRECTOR,
*Missouri Land Reclamation Program.*

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NEW MEXICO MINING ASSOCIATION,
*Santa Fe, NM, January 27, 2010.*

Hon. HARRY TEAGUE,
*U.S. Congressman, 1505 Longworth House Office Building, Washington, DC.*

Subject: Amending the Surface Mining Control and Reclamation Act of 1977

DEAR REPRESENTATIVE TEAGUE:

An opportunity exists for New Mexico citizens to resolve many of the legacy issues from the uranium-mining era that spanned four decades. Through an amendment to the Surface Mining Control and Reclamation Act of 1977 (SMCRA), New Mexico will be able to use monies for non-coal reclamation projects and dedicate those funds to cleanup of uranium mines.

The New Mexico Mining Association supports the proposed federal legislation and encourages you and all the members of our delegation in Washington to seek passage of the amendment.

I would add that the companies wishing to conduct operations in New Mexico did not create the legacy concerns. However, these mining companies have shown a commitment to addressing the cleanup and are working with all affected stakeholders to find solutions to resolve this issue.

The members of the New Mexico Mining Association hope you agree to lend your support and influence to this effort.

Sincerely,

MIKE BOWEN,
*Executive Director.*

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